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**HOUSE BILL NO. 642**  
**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the Governor  
on April 13, 2026)

(Patron Prior to Substitute—Delegate Krizek)

A *BILL to amend and reenact* §§ 2.2-2818, 2.2-2905, 2.2-3114, 2.2-3711, as it is currently 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, 3.2-5145.1, 3.2-5145.2:1, 3.2-5145.4, 4.1-103, 4.1-352, 4.1-600, 4.1-601, 4.1-603, 4.1-604, 4.1-606, 4.1-607, 4.1-614, 4.1-621, 4.1-1100, 4.1-1101, 4.1-1108, 4.1-1121, 4.1-1402, 4.1-1500, 4.1-1501, 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, 16.1-273, 16.1-278.9, 18.2-46.1, 18.2-247, 18.2-248, 18.2-248.01, 18.2-251, 18.2-251.03, 18.2-251.1:1, 18.2-251.1:2, 18.2-251.1:3, 18.2-252, 18.2-254, 18.2-255, 18.2-255.1, 18.2-255.2, 18.2-258, 18.2-258.02, 18.2-258.1, 18.2-265.1, 18.2-265.2, 18.2-265.3, 18.2-287.2, 18.2-308.012, 18.2-371.2, 18.2-460, 18.2-474.1, 19.2-66, 19.2-81, 19.2-81.1, 19.2-83.1, 19.2-188.1, 19.2-303.01, 19.2-386.22 through 19.2-386.25, 19.2-389, as it is currently effective and as it shall become effective, 19.2-389.3, 19.2-392.02, 19.2-392.6 and 19.2-392.12:1, as they 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, 54.1-2903, 54.1-3401, 54.1-3443, 58.1-301, and 59.1-200 of the Code of Virginia; to amend the Code of Virginia by adding in Chapter 6 of Title 4.1 sections numbered 4.1-629 and 4.1-630, by adding in Title 4.1 a chapter numbered 7, consisting of sections numbered 4.1-700 and 4.1-701, by adding in Title 4.1 a chapter numbered 10, consisting of sections 4.1-1000 through 4.1-1007, by adding sections numbered 4.1-1102 through 4.1-1105, 4.1-1106, 4.1-1106.1, 4.1-1111, 4.1-1113, 4.1-1114, 4.1-1115, 4.1-1117, 4.1-1118, and 4.1-1119, by adding in Title 4.1 a chapter numbered 12, consisting of sections numbered 4.1-1200 through 4.1-1206, by adding in Chapter 13 of Title 4.1 sections numbered 4.1-1300, 4.1-1301, and 4.1-1303 through 4.1-1309, by adding a section numbered 4.1-1602.1, by adding in Title 4.1 a chapter numbered 17, consisting of sections numbered 4.1-1700 through 4.1-1704, by adding in Article 2 of Chapter 1 of Title 6.2 a section numbered 6.2-108, and by adding in Chapter 44 of Title 54.1 a section numbered 54.1-4426; and to repeal Article 4 (§§ 3.2-4122 through 3.2-4126) of Chapter 41.1 of Title 3.2 and §§ 3.2-5145.4:1, 4.1-611, 4.1-1101.1, 4.1-1105.1, 18.2-248.1, and 18.2-251.1 of the Code of Virginia, relating to cannabis control; retail market; penalties.

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

1. That §§ 2.2-2818, 2.2-2905, 2.2-3114, 2.2-3711, as it is currently 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, 3.2-5145.1, 3.2-5145.2:1, 3.2-5145.4, 4.1-103, 4.1-352, 4.1-600, 4.1-601, 4.1-603, 4.1-604, 4.1-606, 4.1-607, 4.1-614, 4.1-621, 4.1-1100, 4.1-1101, 4.1-1108, 4.1-1121, 4.1-1402, 4.1-1500, 4.1-1501, 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, 16.1-273, 16.1-278.9, 18.2-46.1, 18.2-247, 18.2-248, 18.2-248.01, 18.2-251, 18.2-251.03, 18.2-251.1:1, 18.2-251.1:2, 18.2-251.1:3, 18.2-252, 18.2-254, 18.2-255, 18.2-255.1, 18.2-255.2, 18.2-258, 18.2-258.02, 18.2-258.1, 18.2-265.1, 18.2-265.2, 18.2-265.3, 18.2-287.2, 18.2-308.012, 18.2-371.2, 18.2-460, 18.2-474.1, 19.2-66, 19.2-81, 19.2-81.1, 19.2-83.1, 19.2-188.1, 19.2-303.01, 19.2-386.22 through 19.2-386.25, 19.2-389, as it is currently effective and as it shall become effective, 19.2-389.3, 19.2-392.02, 19.2-392.6 and 19.2-392.12:1, as they 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, 54.1-2903, 54.1-3401, 54.1-3443, 58.1-301, and 59.1-200 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 6 of Title 4.1 sections numbered 4.1-629 and 4.1-630, by adding in Title 4.1 a chapter numbered 7, consisting of sections numbered 4.1-700 and 4.1-701, by adding in Title 4.1 a chapter numbered 10, consisting of sections 4.1-1000 through 4.1-1007, by adding sections numbered 4.1-1102 through 4.1-1105, 4.1-1106, 4.1-1106.1, 4.1-1111, 4.1-1113, 4.1-1114, 4.1-1115, 4.1-1117, 4.1-1118, and 4.1-1119, by adding in Title 4.1 a chapter numbered 12, consisting of sections numbered 4.1-1200 through 4.1-1206, by adding in Chapter 13 of Title 4.1 sections numbered 4.1-1300, 4.1-1301, and 4.1-1303 through 4.1-1309, by adding a section numbered 4.1-1602.1, by adding in Title 4.1 a chapter numbered 17, consisting of sections numbered 4.1-1700 through 4.1-1704, by adding in Article 2 of Chapter 1 of Title 6.2 a section numbered 6.2-108, and by adding in Chapter 44 of Title 54.1 a section numbered 54.1-4426 as follows:

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

A. The Department of Human Resource Management shall establish a plan, subject to the approval of the Governor, for providing health insurance coverage, including chiropractic treatment, hospitalization, medical, surgical, and major medical coverage, for state employees and retired state employees with the Commonwealth paying the cost thereof to the extent of the coverage included in such plan. The same plan shall be offered to all part-time state employees, but the total cost shall be paid by such part-time employees.

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60 The Department of Human Resource Management shall administer this section. The plan chosen shall  
61 provide means whereby coverage for the families or dependents of state employees may be purchased. Except  
62 for part-time employees, the Commonwealth may pay all or a portion of the cost thereof, and for such portion  
63 as the Commonwealth does not pay, the employee, including a part-time employee, may purchase the  
64 coverage by paying the additional cost over the cost of coverage for an employee.

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

66 B. The plan shall:

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

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

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

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

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

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

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

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

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

120 4. Include coverage for early intervention services. For purposes of this section, "early intervention  
121 services" means medically necessary speech and language therapy, occupational therapy, physical therapy

122 and assistive technology services and devices for dependents from birth to age three who are certified by the  
 123 Department of Behavioral Health and Developmental Services as eligible for services under Part H of the  
 124 Individuals with Disabilities Education Act (20 U.S.C. § 1471 et seq.). Medically necessary early intervention  
 125 services for the population certified by the Department of Behavioral Health and Developmental Services  
 126 shall mean those services designed to help an individual attain or retain the capability to function age-  
 127 appropriately within his environment, and shall include services that enhance functional ability without  
 128 effecting a cure.

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

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

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

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

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

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

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

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

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

165 13. Permit any individual covered under the plan direct access to the health care services of a participating  
 166 specialist (i) authorized to provide services under the plan and (ii) selected by the covered individual. The  
 167 plan shall have a procedure by which an individual who has an ongoing special condition may, after  
 168 consultation with the primary care physician, receive a referral to a specialist for such condition who shall be  
 169 responsible for and capable of providing and coordinating the individual's primary and specialty care related  
 170 to the initial specialty care referral. If such an individual's care would most appropriately be coordinated by  
 171 such a specialist, the plan shall refer the individual to a specialist. For the purposes of this subdivision,  
 172 "special condition" means a condition or disease that is (i) life-threatening, degenerative, or disabling and (ii)  
 173 requires specialized medical care over a prolonged period of time. Within the treatment period authorized by  
 174 the referral, such specialist shall be permitted to treat the individual without a further referral from the  
 175 individual's primary care provider and may authorize such referrals, procedures, tests, and other medical  
 176 services related to the initial referral as the individual's primary care provider would otherwise be permitted  
 177 to provide or authorize. The plan shall have a procedure by which an individual who has an ongoing special  
 178 condition that requires ongoing care from a specialist may receive a standing referral to such specialist for the  
 179 treatment of the special condition. If the primary care provider, in consultation with the plan and the  
 180 specialist, if any, determines that such a standing referral is appropriate, the plan or issuer shall make such a  
 181 referral to a specialist. Nothing contained herein shall prohibit the plan from requiring a participating  
 182 specialist to provide written notification to the covered individual's primary care physician of any visit to

183 such specialist. Such notification may include a description of the health care services rendered at the time of  
184 the visit.

185 14. Include provisions allowing employees to continue receiving health care services for a period of up to  
186 90 days from the date of the primary care physician's notice of termination from any of the plan's provider  
187 panels. The plan shall notify any provider at least 90 days prior to the date of termination of the provider,  
188 except when the provider is terminated for cause.

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

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

199 Notwithstanding the provisions of this subdivision, any provider shall be permitted to continue rendering  
200 health services to any covered employee who is determined to be terminally ill (as defined under §  
201 1861(dd)(3)(A) of the Social Security Act) at the time of a provider's termination of participation, except  
202 when a provider is terminated for cause. Such treatment shall, at the covered employee's option, continue for  
203 the remainder of the employee's life for care directly related to the treatment of the terminal illness.

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

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

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

213 For purposes of this subdivision:

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

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

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

223 "NCI" means the National Cancer Institute.

224 "NIH" means the National Institutes of Health.

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

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

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

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

235 a. The National Cancer Institute;

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

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

238 d. The federal Department of Veterans Affairs; or

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

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

243 Coverage under this subdivision shall apply only if:

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

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

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

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

256 17. Include coverage for biologically based mental illness.

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

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

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

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

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

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

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

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

306 C. Claims incurred during a fiscal year but not reported during that fiscal year shall be paid from such

307 funds as shall be appropriated by law. Appropriations, premiums, and other payments shall be deposited in  
308 the employee health insurance fund, from which payments for claims, premiums, cost containment programs,  
309 and administrative expenses shall be withdrawn from time to time. The funds of the health insurance fund  
310 shall be deemed separate and independent trust funds, shall be segregated from all other funds of the  
311 Commonwealth, and shall be invested and administered solely in the interests of the employees and their  
312 beneficiaries. Neither the General Assembly nor any public officer, employee, or agency shall use or  
313 authorize the use of such trust funds for any purpose other than as provided in law for benefits, refunds, and  
314 administrative expenses, including ~~but not limited to~~ legislative oversight of the health insurance fund.

315 D. For the purposes of this section:

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

322 "Standard reference compendia" means:

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

326 "State employee" means state employee as defined in § 51.1-124.3; employee as defined in § 51.1-201;  
327 the Governor, Lieutenant Governor, and Attorney General; judge as defined in § 51.1-301 and judges, clerks,  
328 and deputy clerks of regional juvenile and domestic relations, county juvenile and domestic relations, and  
329 district courts of the Commonwealth; interns and residents employed by the School of Medicine and Hospital  
330 of the University of Virginia, and interns, residents, and employees of the Virginia Commonwealth  
331 University Health System Authority as provided in § 23.1-2415; and employees of the Virginia Alcoholic  
332 Beverage Control Authority as provided in § 4.1-101.05 *and the Virginia Cannabis Control Authority as*  
333 *provided in § 4.1-623.*

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

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

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

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

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

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

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

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

368 I. Any plan established in accordance with this section requiring preauthorization prior to rendering

369 medical treatment shall have personnel available to provide authorization at all times when such  
370 preauthorization is required.

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

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

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

380 The Ombudsman shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

430 R. The plan established by the Department of Human Resource Management pursuant to this section shall

431 provide that coverage under such plan for an incapacitated child enrolled under a participating state  
432 employee's coverage shall be valid without regard to whether such child lives with the covered employee as a  
433 member of the employee's household so long as the child is dependent upon the employee for more than half  
434 of the child's financial support and the child is receiving residential support services.

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

438 S. The Department of Human Resource Management shall report annually, by November 30 of each year,  
439 on cost and utilization information for each of the mandated benefits set forth in subsection B, including any  
440 mandated benefit made applicable, pursuant to subdivision B 22, to any plan established pursuant to this  
441 section. The report shall be in the same detail and form as required of reports submitted pursuant to  
442 § 38.2-3419.1, with such additional information as is required to determine the financial impact, including the  
443 costs and benefits, of the particular mandated benefit.

444 **§ 2.2-2905. Certain officers and employees exempt from chapter.**

445 The provisions of this chapter shall not apply to:

- 446 1. Officers and employees for whom the Constitution specifically directs the manner of selection;
- 447 2. Officers and employees of the Supreme Court and the Court of Appeals;
- 448 3. Officers appointed by the Governor, whether confirmation by the General Assembly or by either house  
449 thereof is required or not;
- 450 4. Officers elected by popular vote or by the General Assembly or either house thereof;
- 451 5. Members of boards and commissions however selected;
- 452 6. Judges, referees, receivers, arbiters, masters and commissioners in chancery, commissioners of  
453 accounts, and any other persons appointed by any court to exercise judicial functions, and jurors and notaries  
454 public;
- 455 7. Officers and employees of the General Assembly and persons employed to conduct temporary or  
456 special inquiries, investigations, or examinations on its behalf;
- 457 8. The presidents and teaching and research staffs of state educational institutions;
- 458 9. Commissioned officers and enlisted personnel of the National Guard;
- 459 10. Student employees at institutions of higher education and patient or inmate help in other state  
460 institutions;
- 461 11. Upon general or special authorization of the Governor, laborers, temporary employees, and employees  
462 compensated on an hourly or daily basis;
- 463 12. County, city, town, and district officers, deputies, assistants, and employees;
- 464 13. The employees of the Virginia Workers' Compensation Commission;
- 465 14. The officers and employees of the Virginia Retirement System;
- 466 15. Employees whose positions are identified by the State Council of Higher Education and the boards of  
467 the Virginia Museum of Fine Arts, The Science Museum of Virginia, the Jamestown-Yorktown Foundation,  
468 the Frontier Culture Museum of Virginia, the Virginia Museum of Natural History, the New College Institute,  
469 the Southern Virginia Higher Education Center, and The Library of Virginia, and approved by the Director of  
470 the Department of Human Resource Management as requiring specialized and professional training;
- 471 16. Employees of the Virginia Lottery;
- 472 17. Employees of the Department for the Blind and Vision Impaired's rehabilitative manufacturing and  
473 service industries who have a human resources classification of industry worker;
- 474 18. Employees of the Virginia Commonwealth University Health System Authority;
- 475 19. Employees of the University of Virginia Medical Center. Any changes in compensation plans for such  
476 employees shall be subject to the review and approval of the Board of Visitors of the University of Virginia.  
477 The University of Virginia shall ensure that its procedures for hiring University of Virginia Medical Center  
478 personnel are based on merit and fitness. Such employees shall remain subject to the provisions of the State  
479 Grievance Procedure (§ 2.2-3000 et seq.);
- 480 20. In executive branch agencies the employee who has accepted serving in the capacity of chief deputy,  
481 or equivalent, and the employee who has accepted serving in the capacity of a confidential assistant for policy  
482 or administration. An employee serving in either one of these two positions shall be deemed to serve on an  
483 employment-at-will basis. An agency may not exceed two employees who serve in this exempt capacity;
- 484 21. Employees of Virginia Correctional Enterprises. Such employees shall remain subject to the  
485 provisions of the State Grievance Procedure (§ 2.2-3000 et seq.);
- 486 22. Officers and employees of the Virginia Port Authority;
- 487 23. Employees of the Commonwealth Savers Plan;
- 488 24. Directors of state facilities operated by the Department of Behavioral Health and Developmental  
489 Services employed or reemployed by the Commissioner after July 1, 1999, under a contract pursuant to  
490 § 37.2-707. Such employees shall remain subject to the provisions of the State Grievance Procedure  
491 (§ 2.2-3000 et seq.);
- 492 25. Employees of the Virginia Foundation for Healthy Youth. Such employees shall be treated as state

493 employees for purposes of participation in the Virginia Retirement System, health insurance, and all other  
 494 employee benefits offered by the Commonwealth to its classified employees;

495 26. Employees of the Virginia Indigent Defense Commission;

496 27. Any chief of a campus police department that has been designated by the governing body of a public  
 497 institution of higher education as exempt, pursuant to § 23.1-809;

498 28. The Chief Executive Officer, agents, officers, and employees of the Virginia Alcoholic Beverage  
 499 Control Authority; ~~and~~

500 29. *The Chief Executive Officer, agents, officers, and employees of the Virginia Cannabis Control*  
 501 *Authority; and*

502 30. Officers and employees of the Fort Monroe Authority.

503 **§ 2.2-3114. Disclosure by state officers and employees.**

504 A. In accordance with the requirements set forth in § 2.2-3118.2, the Governor, Lieutenant Governor,  
 505 Attorney General, Justices of the Supreme Court, judges of the Court of Appeals, judges of any circuit court,  
 506 judges and substitute judges of any district court, members of the State Corporation Commission, members of  
 507 the Virginia Workers' Compensation Commission, members of the Commonwealth Transportation Board,  
 508 members of the Board of Trustees of the Virginia Retirement System, members of the Board of Directors of  
 509 the Virginia Alcoholic Beverage Control Authority, *members of the Board of Directors of the Virginia*  
 510 *Cannabis Control Authority*, members of the board of directors of the Commonwealth of Virginia Innovation  
 511 Partnership Authority, members of the Board of the Commonwealth Savers Plan, and members of the  
 512 Virginia Lottery Board and other persons occupying such offices or positions of trust or employment in state  
 513 government, including members of the governing bodies of authorities, as may be designated by the  
 514 Governor, or officers or employees of the legislative branch, as may be designated by the Joint Rules  
 515 Committee of the General Assembly, shall file with the Council, as a condition to assuming office or  
 516 employment, a disclosure statement of their personal interests and such other information as is required on  
 517 the form prescribed by the Council pursuant to § 2.2-3117 and thereafter shall file such a statement annually  
 518 on or before February 1.

519 B. In accordance with the requirements set forth in § 2.2-3118.2, nonsalaried citizen members of all policy  
 520 and supervisory boards, commissions, and councils in the executive branch of state government, other than  
 521 the members of the Commonwealth Transportation Board, members of the Board of Trustees of the Virginia  
 522 Retirement System, members of the board of directors of the Commonwealth of Virginia Innovation  
 523 Partnership Authority, members of the Board of the Commonwealth Savers Plan, and members of the  
 524 Virginia Lottery Board, shall file with the Council, as a condition to assuming office, a disclosure form of  
 525 their personal interests and such other information as is required on the form prescribed by the Council  
 526 pursuant to § 2.2-3118 and thereafter shall file such form annually on or before February 1. Nonsalaried  
 527 citizen members of other boards, commissions, and councils, including advisory boards and authorities, may  
 528 be required to file a disclosure form if so designated by the Governor, in which case the form shall be that  
 529 prescribed by the Council pursuant to § 2.2-3118.

530 C. The disclosure forms required by subsections A and B shall be made available by the Council at least  
 531 30 days prior to the filing deadline. Disclosure forms shall be filed electronically with the Council in  
 532 accordance with the standards approved by it pursuant to § 30-356. All forms shall be maintained as public  
 533 records for five years in the office of the Council. Such forms shall be made public no later than six weeks  
 534 after the filing deadline.

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

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

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

555 and file the required declaration by the end of the next business day.

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

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

569 **§ 2.2-3711. (Effective until July 1, 2026) Closed meetings authorized for certain limited purposes.**

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

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

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

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

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

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

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

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

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

609 9. Discussion or consideration by governing boards of public institutions of higher education of matters  
610 relating to gifts, bequests and fund-raising activities, and of grants and contracts for services or work to be  
611 performed by such institution. However, the terms and conditions of any such gifts, bequests, grants, and  
612 contracts made by a foreign government, a foreign legal entity, or a foreign person and accepted by a public  
613 institution of higher education in the Commonwealth shall be subject to public disclosure upon written  
614 request to the appropriate board of visitors. For the purpose of this subdivision, (i) "foreign government"  
615 means any government other than the United States government or the government of a state or a political  
616 subdivision thereof, (ii) "foreign legal entity" means any legal entity (a) created under the laws of the United

617 States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned by  
 618 foreign governments or foreign persons or if a majority of the membership of any such entity is composed of  
 619 foreign persons or foreign legal entities or (b) created under the laws of a foreign government, and (iii)  
 620 "foreign person" means any individual who is not a citizen or national of the United States or a trust territory  
 621 or protectorate thereof.

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

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

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

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

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

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

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

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

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

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

660 20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of  
 661 any local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of  
 662 a trust established by one or more local public bodies to invest funds for postemployment benefits other than  
 663 pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of  
 664 visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the Board of the Commonwealth  
 665 Savers Plan, acting pursuant to § 23.1-706, regarding the acquisition, holding or disposition of a security or  
 666 other ownership interest in an entity, where such security or ownership interest is not traded on a  
 667 governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential  
 668 analyses prepared for the board of visitors of the University of Virginia, prepared by the retirement system, or  
 669 a local finance board or board of trustees, or the Commonwealth Savers Plan or provided to the retirement  
 670 system, a local finance board or board of trustees, or the Commonwealth Savers Plan under a promise of  
 671 confidentiality, of the future value of such ownership interest or the future financial performance of the  
 672 entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held, or disposed  
 673 of by the retirement system, a local finance board or board of trustees, the board of visitors of the University  
 674 of Virginia, or the Commonwealth Savers Plan. Nothing in this subdivision shall be construed to prevent the  
 675 disclosure of information relating to the identity of any investment held, the amount invested or the present  
 676 value of such investment.

677 21. Those portions of meetings in which individual child death cases are discussed by the State Child  
 678 Fatality Review Team established pursuant to § 32.1-283.1, those portions of meetings in which individual

679 child death cases are discussed by a regional or local child fatality review team established pursuant to  
680 § 32.1-283.2, those portions of meetings in which individual death cases are discussed by family violence  
681 fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in which individual  
682 adult death cases are discussed by the state Adult Fatality Review Team established pursuant to § 32.1-283.5,  
683 those portions of meetings in which individual adult death cases are discussed by a local or regional adult  
684 fatality review team established pursuant to § 32.1-283.6, those portions of meetings in which individual  
685 death cases are discussed by overdose fatality review teams established pursuant to § 32.1-283.7, those  
686 portions of meetings in which individual maternal death cases are discussed by the Maternal Mortality  
687 Review Team pursuant to § 32.1-283.8, and those portions of meetings in which individual death cases of  
688 persons with developmental disabilities are discussed by the Developmental Disabilities Mortality Review  
689 Committee established pursuant to § 37.2-314.1.

690 22. Those portions of meetings of the board of visitors of the University of Virginia or Old Dominion  
691 University, as the case may be, and those portions of meetings of any persons to whom management  
692 responsibilities for the University of Virginia Medical Center or the Eastern Virginia Health Sciences Center  
693 at Old Dominion University, as the case may be, have been delegated, in which there is discussed proprietary,  
694 business-related information pertaining to the operations of the University of Virginia Medical Center or the  
695 Eastern Virginia Health Sciences Center at Old Dominion University, as the case may be, including business  
696 development or marketing strategies and activities with existing or future joint venturers, partners, or other  
697 parties with whom the University of Virginia Medical Center or the Eastern Virginia Health Sciences Center  
698 at Old Dominion University, as the case may be, has formed, or forms, any arrangement for the delivery of  
699 health care, if disclosure of such information would adversely affect the competitive position of the  
700 University of Virginia Medical Center or the Eastern Virginia Health Sciences Center at Old Dominion  
701 University, as the case may be.

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

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

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

718 26. Discussion or consideration, by the former Wireless Carrier E-911 Cost Recovery Subcommittee  
719 created pursuant to former § 56-484.15, of trade secrets submitted by CMRS providers, as defined in  
720 § 56-484.12, related to the provision of wireless E-911 service.

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

727 28. Discussion or consideration of information subject to the exclusion in subdivision 11 of § 2.2-3705.6  
728 by a responsible public entity or an affected locality or public entity, as those terms are defined in  
729 § 33.2-1800, or any independent review panel appointed to review information and advise the responsible  
730 public entity concerning such records.

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

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

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

739 32. Discussion or consideration of confidential proprietary information and trade secrets developed and  
740 held by a local public body providing certain telecommunication services or cable television services and

741 subject to the exclusion in subdivision 18 of § 2.2-3705.6. However, the exemption provided by this  
742 subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).  
743 33. Discussion or consideration by a local authority created in accordance with the Virginia Wireless  
744 Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary information and trade secrets  
745 subject to the exclusion in subdivision 19 of § 2.2-3705.6.  
746 34. Discussion or consideration by the State Board of Elections or local electoral boards of voting security  
747 matters made confidential pursuant to § 24.2-410.2 or 24.2-625.1.  
748 35. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee  
749 created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of criminal investigative files.  
750 36. Discussion or consideration by the Brown v. Board of Education Scholarship Committee of  
751 information or confidential matters subject to the exclusion in subdivision A 3 of § 2.2-3705.4, and meetings  
752 of the Committee to deliberate concerning the annual maximum scholarship award, review and consider  
753 scholarship applications and requests for scholarship award renewal, and cancel, rescind, or recover  
754 scholarship awards.  
755 37. Discussion or consideration by the Virginia Port Authority of information subject to the exclusion in  
756 subdivision 1 of § 2.2-3705.6 related to certain proprietary information gathered by or for the Virginia Port  
757 Authority.  
758 38. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting  
759 pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26, by  
760 any local retirement system, acting pursuant to § 51.1-803, by the Board of the Commonwealth Savers Plan  
761 acting pursuant to § 23.1-706, or by the Commonwealth Savers Plan's Investment Advisory Committee  
762 appointed pursuant to § 23.1-702 of information subject to the exclusion in subdivision 24 of § 2.2-3705.7.  
763 39. Discussion or consideration of information subject to the exclusion in subdivision 3 of § 2.2-3705.6  
764 related to economic development.  
765 40. Discussion or consideration by the Board of Education of information relating to the denial,  
766 suspension, or revocation of teacher licenses subject to the exclusion in subdivision 11 of § 2.2-3705.3.  
767 41. Those portions of meetings of the Virginia Military Advisory Council or any commission created by  
768 executive order for the purpose of studying and making recommendations regarding preventing closure or  
769 realignment of federal military and national security installations and facilities located in Virginia and  
770 relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a  
771 local governing body, during which there is discussion of information subject to the exclusion in subdivision  
772 8 of § 2.2-3705.2.  
773 42. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of  
774 information subject to the exclusion in subdivision 28 of § 2.2-3705.7 related to personally identifiable  
775 information of donors.  
776 43. Discussion or consideration by the Virginia Tobacco Region Revitalization Commission of  
777 information subject to the exclusion in subdivision 23 of § 2.2-3705.6 related to certain information contained  
778 in grant applications.  
779 44. Discussion or consideration by the board of directors of the Commercial Space Flight Authority of  
780 information subject to the exclusion in subdivision 24 of § 2.2-3705.6 related to rate structures or charges for  
781 the use of projects of, the sale of products of, or services rendered by the Authority and certain proprietary  
782 information of a private entity provided to the Authority.  
783 45. Discussion or consideration of personal and proprietary information related to the resource  
784 management plan program and subject to the exclusion in (i) subdivision 25 of § 2.2-3705.6 or (ii) subsection  
785 E of § 10.1-104.7. This exclusion shall not apply to the discussion or consideration of records that contain  
786 information that has been certified for release by the person who is the subject of the information or  
787 transformed into a statistical or aggregate form that does not allow identification of the person who supplied,  
788 or is the subject of, the information.  
789 46. Discussion or consideration by the Board of Directors of the Virginia Alcoholic Beverage Control  
790 Authority *or the Board of Directors of the Virginia Cannabis Control Authority* of information subject to the  
791 exclusion in subdivision 1 of § 2.2-3705.3 related to investigations of applicants for licenses and permits and  
792 of licensees and permittees.  
793 47. Discussion or consideration of grant, loan, or investment application records subject to the exclusion  
794 in subdivision 28 of § 2.2-3705.6 for a grant, loan, or investment pursuant to Article 11 (§ 2.2-2351 et seq.)  
795 of Chapter 22.  
796 48. Discussion or development of grant proposals by a regional council established pursuant to Article 26  
797 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth and Opportunity  
798 Board.  
799 49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault response team  
800 established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses involving a  
801 child by a child sexual abuse response team established pursuant to § 15.2-1627.5, (iii) individual cases  
802 involving abuse, neglect, or exploitation of adults as defined in § 63.2-1603 pursuant to §§ 15.2-1627.5 and

803 63.2-1605, or (iv) individual human trafficking cases by any human trafficking response team established  
804 pursuant to § 15.2-1627.6.

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

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

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

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

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

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

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

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

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

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

843 **§ 2.2-3711. (Effective July 1, 2026) Closed meetings authorized for certain limited purposes.**

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

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

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

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

- 865 4. The protection of the privacy of individuals in personal matters not related to public business.
- 866 5. Discussion concerning a prospective business or industry or the expansion of an existing business or
- 867 industry where no previous announcement has been made of the business' or industry's interest in locating or
- 868 expanding its facilities in the community.
- 869 6. Discussion or consideration of the investment of public funds where competition or bargaining is
- 870 involved, where, if made public initially, the financial interest of the governmental unit would be adversely
- 871 affected.
- 872 7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or
- 873 probable litigation, where such consultation or briefing in open meeting would adversely affect the
- 874 negotiating or litigating posture of the public body. For the purposes of this subdivision, "probable litigation"
- 875 means litigation that has been specifically threatened or on which the public body or its legal counsel has a
- 876 reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall
- 877 be construed to permit the closure of a meeting merely because an attorney representing the public body is in
- 878 attendance or is consulted on a matter.
- 879 8. Consultation with legal counsel employed or retained by a public body regarding specific legal matters
- 880 requiring the provision of legal advice by such counsel. Nothing in this subdivision shall be construed to
- 881 permit the closure of a meeting merely because an attorney representing the public body is in attendance or is
- 882 consulted on a matter.
- 883 9. Discussion or consideration by governing boards of public institutions of higher education of matters
- 884 relating to gifts, bequests and fund-raising activities, and of grants and contracts for services or work to be
- 885 performed by such institution. However, the terms and conditions of any such gifts, bequests, grants, and
- 886 contracts made by a foreign government, a foreign legal entity, or a foreign person and accepted by a public
- 887 institution of higher education in the Commonwealth shall be subject to public disclosure upon written
- 888 request to the appropriate board of visitors. For the purpose of this subdivision, (i) "foreign government"
- 889 means any government other than the United States government or the government of a state or a political
- 890 subdivision thereof, (ii) "foreign legal entity" means any legal entity (a) created under the laws of the United
- 891 States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned by
- 892 foreign governments or foreign persons or if a majority of the membership of any such entity is composed of
- 893 foreign persons or foreign legal entities or (b) created under the laws of a foreign government, and (iii)
- 894 "foreign person" means any individual who is not a citizen or national of the United States or a trust territory
- 895 or protectorate thereof.
- 896 10. Discussion or consideration by the boards of trustees of the Virginia Museum of Fine Arts, the
- 897 Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, the Fort Monroe Authority, and
- 898 The Science Museum of Virginia of matters relating to specific gifts, bequests, and grants from private
- 899 sources.
- 900 11. Discussion or consideration of honorary degrees or special awards.
- 901 12. Discussion or consideration of tests, examinations, or other information used, administered, or
- 902 prepared by a public body and subject to the exclusion in subdivision 4 of § 2.2-3705.1.
- 903 13. Discussion, consideration, or review by the appropriate House or Senate committees of possible
- 904 disciplinary action against a member arising out of the possible inadequacy of the disclosure statement filed
- 905 by the member, provided that the member may request in writing that the committee meeting not be
- 906 conducted in a closed meeting.
- 907 14. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to
- 908 consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing body in
- 909 open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the
- 910 governing body or the establishment of the terms, conditions and provisions of the siting agreement, or both.
- 911 All discussions with the applicant or its representatives may be conducted in a closed meeting.
- 912 15. Discussion by the Governor and any economic advisory board reviewing forecasts of economic
- 913 activity and estimating general and nongeneral fund revenues.
- 914 16. Discussion or consideration of medical and mental health records subject to the exclusion in
- 915 subdivision 1 of § 2.2-3705.5.
- 916 17. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to
- 917 subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and
- 918 discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game
- 919 information and studies or investigations excluded from disclosure under subdivision 6 of § 2.2-3705.3 and
- 920 subdivision 11 of § 2.2-3705.7.
- 921 18. Those portions of meetings in which the State Board of Local and Regional Jails discusses or discloses
- 922 the identity of, or information tending to identify, any prisoner who (i) provides information about crimes or
- 923 criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the apprehension
- 924 of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders other extraordinary
- 925 services, the disclosure of which is likely to jeopardize the prisoner's life or safety.
- 926 19. Discussion of plans to protect public safety as it relates to terrorist activity or specific cybersecurity

927 threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement or emergency  
928 service officials concerning actions taken to respond to such matters or a related threat to public safety;  
929 discussion of information subject to the exclusion in subdivision 2 or 14 of § 2.2-3705.2, where discussion in  
930 an open meeting would jeopardize the safety of any person or the security of any facility, building, structure,  
931 information technology system, or software program; or discussion of reports or plans related to the security  
932 of any governmental facility, building or structure, or the safety of persons using such facility, building or  
933 structure.

934 20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of  
935 any local retirement system, acting pursuant to § 51.1-803, or by a local finance board or board of trustees of  
936 a trust established by one or more local public bodies to invest funds for postemployment benefits other than  
937 pensions, acting pursuant to Article 8 (§ 15.2-1544 et seq.) of Chapter 15 of Title 15.2, or by the board of  
938 visitors of the University of Virginia, acting pursuant to § 23.1-2210, or by the Board of the Commonwealth  
939 Savers Plan, acting pursuant to § 23.1-706, regarding the acquisition, holding or disposition of a security or  
940 other ownership interest in an entity, where such security or ownership interest is not traded on a  
941 governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential  
942 analyses prepared for the board of visitors of the University of Virginia, prepared by the retirement system, or  
943 a local finance board or board of trustees, or the Commonwealth Savers Plan or provided to the retirement  
944 system, a local finance board or board of trustees, or the Commonwealth Savers Plan under a promise of  
945 confidentiality, of the future value of such ownership interest or the future financial performance of the  
946 entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held, or disposed  
947 of by the retirement system, a local finance board or board of trustees, the board of visitors of the University  
948 of Virginia, or the Commonwealth Savers Plan. Nothing in this subdivision shall be construed to prevent the  
949 disclosure of information relating to the identity of any investment held, the amount invested or the present  
950 value of such investment.

951 21. Those portions of meetings in which individual child death cases are discussed by the State Child  
952 Fatality Review Team established pursuant to § 32.1-283.1, those portions of meetings in which individual  
953 child death cases are discussed by a regional or local child fatality review team established pursuant to  
954 § 32.1-283.2, those portions of meetings in which individual death cases are discussed by family violence  
955 fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in which individual  
956 adult death cases are discussed by the state Adult Fatality Review Team established pursuant to § 32.1-283.5,  
957 those portions of meetings in which individual adult death cases are discussed by a local or regional adult  
958 fatality review team established pursuant to § 32.1-283.6, those portions of meetings in which individual  
959 death cases are discussed by overdose fatality review teams established pursuant to § 32.1-283.7, those  
960 portions of meetings in which individual maternal death cases are discussed by the Maternal Mortality  
961 Review Team pursuant to § 32.1-283.8, and those portions of meetings in which individual death cases of  
962 persons with developmental disabilities are discussed by the Developmental Disabilities Mortality Review  
963 Committee established pursuant to § 37.2-314.1.

964 22. Those portions of meetings of the board of visitors of the University of Virginia or Old Dominion  
965 University, as the case may be, and those portions of meetings of any persons to whom management  
966 responsibilities for the University of Virginia Medical Center or the Eastern Virginia Health Sciences Center  
967 at Old Dominion University, as the case may be, have been delegated, in which there is discussed proprietary,  
968 business-related information pertaining to the operations of the University of Virginia Medical Center or the  
969 Eastern Virginia Health Sciences Center at Old Dominion University, as the case may be, including business  
970 development or marketing strategies and activities with existing or future joint venturers, partners, or other  
971 parties with whom the University of Virginia Medical Center or the Eastern Virginia Health Sciences Center  
972 at Old Dominion University, as the case may be, has formed, or forms, any arrangement for the delivery of  
973 health care, if disclosure of such information would adversely affect the competitive position of the  
974 University of Virginia Medical Center or the Eastern Virginia Health Sciences Center at Old Dominion  
975 University, as the case may be.

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

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

988 25. Meetings or portions of meetings of the Board of the Commonwealth Savers Plan wherein personal

989 information, as defined in § 2.2-3801, which has been provided to the Board or its employees by or on behalf  
 990 of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or  
 991 savings trust account agreements pursuant to Chapter 7 (§ 23.1-700 et seq.) of Title 23.1 is discussed.

992 26. Discussion or consideration, by the former Wireless Carrier E-911 Cost Recovery Subcommittee  
 993 created pursuant to former § 56-484.15, of trade secrets submitted by CMRS providers, as defined in  
 994 § 56-484.12, related to the provision of wireless E-911 service.

995 27. Those portions of disciplinary proceedings by any regulatory board within the Department of  
 996 Professional and Occupational Regulation, Department of Health Professions, or the Board of Accountancy  
 997 conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach a decision or  
 998 meetings of health regulatory boards or conference committees of such boards to consider settlement  
 999 proposals in pending disciplinary actions or modifications to previously issued board orders as requested by  
 1000 either of the parties.

1001 28. Discussion or consideration of information subject to the exclusion in subdivision 11 of § 2.2-3705.6  
 1002 by a responsible public entity or an affected locality or public entity, as those terms are defined in  
 1003 § 33.2-1800, or any independent review panel appointed to review information and advise the responsible  
 1004 public entity concerning such records.

1005 29. Discussion of the award of a public contract involving the expenditure of public funds, including  
 1006 interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in  
 1007 an open session would adversely affect the bargaining position or negotiating strategy of the public body.

1008 30. Discussion or consideration of grant or loan application information subject to the exclusion in  
 1009 subdivision 17 of § 2.2-3705.6 by the Commonwealth Health Research Board.

1010 31. Discussion or consideration by the Commitment Review Committee of information subject to the  
 1011 exclusion in subdivision 5 of § 2.2-3705.2 relating to individuals subject to commitment as sexually violent  
 1012 predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

1013 32. Discussion or consideration of confidential proprietary information and trade secrets developed and  
 1014 held by a local public body providing certain telecommunication services or cable television services and  
 1015 subject to the exclusion in subdivision 18 of § 2.2-3705.6. However, the exemption provided by this  
 1016 subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).

1017 33. Discussion or consideration by a local authority created in accordance with the Virginia Wireless  
 1018 Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary information and trade secrets  
 1019 subject to the exclusion in subdivision 19 of § 2.2-3705.6.

1020 34. Discussion or consideration by the State Board of Elections or local electoral boards of voting security  
 1021 matters made confidential pursuant to § 24.2-410.2 or 24.2-625.1 and review by the State Board of Elections  
 1022 of complaints related to the personal use of campaign funds pursuant to § 24.2-948.7.

1023 35. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee  
 1024 created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of criminal investigative files.

1025 36. Discussion or consideration by the Brown v. Board of Education Scholarship Committee of  
 1026 information or confidential matters subject to the exclusion in subdivision A 3 of § 2.2-3705.4, and meetings  
 1027 of the Committee to deliberate concerning the annual maximum scholarship award, review and consider  
 1028 scholarship applications and requests for scholarship award renewal, and cancel, rescind, or recover  
 1029 scholarship awards.

1030 37. Discussion or consideration by the Virginia Port Authority of information subject to the exclusion in  
 1031 subdivision 1 of § 2.2-3705.6 related to certain proprietary information gathered by or for the Virginia Port  
 1032 Authority.

1033 38. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting  
 1034 pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26, by  
 1035 any local retirement system, acting pursuant to § 51.1-803, by the Board of the Commonwealth Savers Plan  
 1036 acting pursuant to § 23.1-706, or by the Commonwealth Savers Plan's Investment Advisory Committee  
 1037 appointed pursuant to § 23.1-702 of information subject to the exclusion in subdivision 24 of § 2.2-3705.7.

1038 39. Discussion or consideration of information subject to the exclusion in subdivision 3 of § 2.2-3705.6  
 1039 related to economic development.

1040 40. Discussion or consideration by the Board of Education of information relating to the denial,  
 1041 suspension, or revocation of teacher licenses subject to the exclusion in subdivision 11 of § 2.2-3705.3.

1042 41. Those portions of meetings of the Virginia Military Advisory Council or any commission created by  
 1043 executive order for the purpose of studying and making recommendations regarding preventing closure or  
 1044 realignment of federal military and national security installations and facilities located in Virginia and  
 1045 relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a  
 1046 local governing body, during which there is discussion of information subject to the exclusion in subdivision  
 1047 8 of § 2.2-3705.2.

1048 42. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of  
 1049 information subject to the exclusion in subdivision 28 of § 2.2-3705.7 related to personally identifiable  
 1050 information of donors.

1051 43. Discussion or consideration by the Virginia Tobacco Region Revitalization Commission of  
1052 information subject to the exclusion in subdivision 23 of § 2.2-3705.6 related to certain information contained  
1053 in grant applications.

1054 44. Discussion or consideration by the board of directors of the Commercial Space Flight Authority of  
1055 information subject to the exclusion in subdivision 24 of § 2.2-3705.6 related to rate structures or charges for  
1056 the use of projects of, the sale of products of, or services rendered by the Authority and certain proprietary  
1057 information of a private entity provided to the Authority.

1058 45. Discussion or consideration of personal and proprietary information related to the resource  
1059 management plan program and subject to the exclusion in (i) subdivision 25 of § 2.2-3705.6 or (ii) subsection  
1060 E of § 10.1-104.7. This exclusion shall not apply to the discussion or consideration of records that contain  
1061 information that has been certified for release by the person who is the subject of the information or  
1062 transformed into a statistical or aggregate form that does not allow identification of the person who supplied,  
1063 or is the subject of, the information.

1064 46. Discussion or consideration by the Board of Directors of the Virginia Alcoholic Beverage Control  
1065 Authority *or the Board of Directors of the Virginia Cannabis Control Authority* of information subject to the  
1066 exclusion in subdivision 1 of § 2.2-3705.3 related to investigations of applicants for licenses and permits and  
1067 of licensees and permittees.

1068 47. Discussion or consideration of grant, loan, or investment application records subject to the exclusion  
1069 in subdivision 28 of § 2.2-3705.6 for a grant, loan, or investment pursuant to Article 11 (§ 2.2-2351 et seq.)  
1070 of Chapter 22.

1071 48. Discussion or development of grant proposals by a regional council established pursuant to Article 26  
1072 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth and Opportunity  
1073 Board.

1074 49. Discussion or consideration of (i) individual sexual assault cases by a sexual assault response team  
1075 established pursuant to § 15.2-1627.4, (ii) individual child abuse or neglect cases or sex offenses involving a  
1076 child by a child sexual abuse response team established pursuant to § 15.2-1627.5, (iii) individual cases  
1077 involving abuse, neglect, or exploitation of adults as defined in § 63.2-1603 pursuant to §§ 15.2-1627.5 and  
1078 63.2-1605, or (iv) individual human trafficking cases by any human trafficking response team established  
1079 pursuant to § 15.2-1627.6.

1080 50. Discussion or consideration by the Board of the Virginia Economic Development Partnership  
1081 Authority, the Joint Legislative Audit and Review Commission, or any subcommittees thereof, of the portions  
1082 of the strategic plan, marketing plan, or operational plan exempt from disclosure pursuant to subdivision 33  
1083 of § 2.2-3705.7.

1084 51. Those portions of meetings of the subcommittee of the Board of the Virginia Economic Development  
1085 Partnership Authority established pursuant to subsection F of § 2.2-2237.3 to review and discuss information  
1086 received from the Virginia Employment Commission pursuant to subdivision C 2 of § 60.2-114 and the  
1087 Department of Workforce Development and Advancement pursuant to subsection B of § 2.2-2040.

1088 52. Discussion or consideration by the Commonwealth of Virginia Innovation Partnership Authority (the  
1089 Authority), an advisory committee of the Authority, or any other entity designated by the Authority, of  
1090 information subject to the exclusion in subdivision 35 of § 2.2-3705.7.

1091 53. Deliberations of the Virginia Lottery Board conducted pursuant to § 58.1-4105 regarding the denial or  
1092 revocation of a license of a casino gaming operator, or the refusal to issue, suspension of, or revocation of  
1093 any license or permit related to casino gaming, and discussion, consideration, or review of matters related to  
1094 investigations excluded from mandatory disclosure under subdivision 1 of § 2.2-3705.3.

1095 54. Deliberations of the Virginia Lottery Board in an appeal conducted pursuant to § 58.1-4007 regarding  
1096 the denial of, revocation of, suspension of, or refusal to renew any license or permit related to sports betting  
1097 and any discussion, consideration, or review of matters related to investigations excluded from mandatory  
1098 disclosure under subdivision 1 of § 2.2-3705.3.

1099 55. Meetings or portions of meetings of the Board of Criminal Justice Services or the Department of  
1100 Criminal Justice Services concerning the decertification of an identifiable law-enforcement or jail officer.

1101 B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed  
1102 meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting  
1103 and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that  
1104 shall have its substance reasonably identified in the open meeting.

1105 C. Public officers improperly selected due to the failure of the public body to comply with the other  
1106 provisions of this section shall be de facto officers and, as such, their official actions are valid until they  
1107 obtain notice of the legal defect in their election.

1108 D. Nothing in this section shall be construed to prevent the holding of conferences between two or more  
1109 public bodies, or their representatives, but these conferences shall be subject to the same procedures for  
1110 holding closed meetings as are applicable to any other public body.

1111 E. This section shall not be construed to (i) require the disclosure of any contract between the Department  
1112 of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§ 54.1-2515 et seq.)

1113 of Title 54.1 or (ii) require the board of directors of any authority created pursuant to the Industrial  
 1114 Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered to issue industrial  
 1115 revenue bonds by general or special law, to identify a business or industry to which subdivision A 5 applies.  
 1116 However, such business or industry shall be identified as a matter of public record at least 30 days prior to the  
 1117 actual date of the board's authorization of the sale or issuance of such bonds.

1118 **§ 2.2-3802. Systems to which chapter inapplicable.**

1119 The provisions of this chapter shall not apply to personal information systems:

- 1120 1. Maintained by any court of the Commonwealth;
- 1121 2. Which may exist in publications of general circulation;
- 1122 3. Contained in the Criminal Justice Information System as defined in §§ 9.1-126 through 9.1-137 or in  
 1123 the Sex Offender and Crimes Against Minors Registry maintained by the Department of State Police pursuant  
 1124 to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, except to the extent that information is required to be posted on  
 1125 the Internet pursuant to § 9.1-913;
- 1126 4. Contained in the Virginia Juvenile Justice Information System as defined in §§ 16.1-222 through  
 1127 16.1-225;
- 1128 5. Maintained by agencies concerning persons required by law to be licensed in the Commonwealth to  
 1129 engage in the practice of any profession, in which case the names and addresses of persons applying for or  
 1130 possessing the license may be disseminated upon written request to a person engaged in the profession or  
 1131 business of offering professional educational materials or courses for the sole purpose of providing the  
 1132 licensees or applicants for licenses with informational materials relating solely to available professional  
 1133 educational materials or courses, provided the disseminating agency is reasonably assured that the use of the  
 1134 information will be so limited;
- 1135 6. Maintained by the Parole Board, the Crime Commission, the Judicial Inquiry and Review Commission,  
 1136 the Virginia Racing Commission, the Virginia Criminal Sentencing Commission, ~~and~~ the Virginia Alcoholic  
 1137 Beverage Control Authority, *and the Virginia Cannabis Control Authority*;
- 1138 7. Maintained by any of the following and that deal with investigations and intelligence gathering related  
 1139 to criminal activity:
  - 1140 a. The Department of State Police;
  - 1141 b. The police department of the Chesapeake Bay Bridge and Tunnel Commission;
  - 1142 c. Police departments of cities, counties, and towns;
  - 1143 d. Sheriff's departments of counties and cities;
  - 1144 e. Campus police departments of public institutions of higher education as established by Article 3  
 1145 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1; and
  - 1146 f. The Division of Capitol Police.
- 1147 8. Maintained by local departments of social services regarding alleged cases of child abuse or neglect  
 1148 while such cases are also subject to an ongoing criminal prosecution;
- 1149 9. Maintained by the Virginia Port Authority as provided in § 62.1-132.4 or 62.1-134.1;
- 1150 10. Maintained by the Virginia Tourism Authority in connection with or as a result of the promotion of  
 1151 travel or tourism in the Commonwealth, in which case names and addresses of persons requesting  
 1152 information on those subjects may be disseminated upon written request to a person engaged in the business  
 1153 of providing travel services or distributing travel information, provided the Virginia Tourism Authority is  
 1154 reasonably assured that the use of the information will be so limited;
- 1155 11. Maintained by the Division of Consolidated Laboratory Services of the Department of General  
 1156 Services and the Department of Forensic Science, which deal with scientific investigations relating to  
 1157 criminal activity or suspected criminal activity, except to the extent that § 9.1-1104 may apply;
- 1158 12. Maintained by the Department of Corrections or the Office of the State Inspector General that deal  
 1159 with investigations and intelligence gathering by persons acting under the provisions of Chapter 3.2  
 1160 (§ 2.2-307 et seq.);
- 1161 13. Maintained by (i) the Office of the State Inspector General or internal audit departments of state  
 1162 agencies or institutions that deal with communications and investigations relating to the Fraud, Waste and  
 1163 Abuse Hotline or (ii) an auditor appointed by the local governing body of any county, city, or town or a  
 1164 school board that deals with local investigations required by § 15.2-2511.2;
- 1165 14. Maintained by the Department of Social Services or any local department of social services relating to  
 1166 public assistance fraud investigations;
- 1167 15. Maintained by the Department of Social Services related to child welfare or public assistance  
 1168 programs when requests for personal information are made to the Department of Social Services. Requests  
 1169 for information from these systems shall be made to the appropriate local department of social services that is  
 1170 the custodian of that record. Notwithstanding the language in this section, an individual shall not be  
 1171 prohibited from obtaining information from the central registry in accordance with the provisions of  
 1172 § 63.2-1515; and
- 1173 16. Maintained by the Department for Aging and Rehabilitative Services related to adult services, adult  
 1174 protective services, or auxiliary grants when requests for personal information are made to the Department for

1175 Aging and Rehabilitative Services. Requests for information from these systems shall be made to the  
1176 appropriate local department of social services that is the custodian of that record.

1177 **§ 2.2-4024. Hearing officers.**

1178 A. In all formal hearings conducted in accordance with § 2.2-4020, the hearing shall be presided over by a  
1179 hearing officer selected from a list prepared by the Executive Secretary of the Supreme Court and maintained  
1180 in the Office of the Executive Secretary of the Supreme Court. Parties to informal fact-finding proceedings  
1181 conducted pursuant to § 2.2-4019 may agree at the outset of the proceeding to have a hearing officer preside  
1182 at the proceeding, such agreement to be revoked only by mutual consent. The Executive Secretary may  
1183 promulgate rules necessary for the administration of the hearing officer system and shall have the authority to  
1184 establish the number of hearing officers necessary to preside over administrative hearings in the  
1185 Commonwealth.

1186 Prior to being included on the list, all hearing officers shall meet the following minimum standards:

1187 1. Active membership in good standing in the Virginia State Bar;

1188 2. Active practice of law for at least five years; and

1189 3. Completion of a course of training approved by the Executive Secretary of the Supreme Court. In order  
1190 to comply with the demonstrated requirements of the agency requesting a hearing officer, the Executive  
1191 Secretary may require additional training before a hearing officer shall be assigned to a proceeding before  
1192 that agency.

1193 B. On request from the head of an agency, the Executive Secretary shall name a hearing officer from the  
1194 list, selected on a rotation system administered by the Executive Secretary. Lists reflecting geographic  
1195 preference and specialized training or knowledge shall be maintained by the Executive Secretary if an agency  
1196 demonstrates the need.

1197 C. A hearing officer appointed in accordance with this section shall be subject to disqualification as  
1198 provided in § 2.2-4024.1. If the hearing officer denies a petition for disqualification pursuant to § 2.2-4024.1,  
1199 the petitioning party may request reconsideration of the denial by filing a written request with the Executive  
1200 Secretary along with an affidavit, prior to the taking of evidence at a hearing, stating with particularity the  
1201 grounds upon which it is claimed that a fair and impartial hearing cannot be accorded, or the applicable rule  
1202 of practice requiring disqualification.

1203 The issue shall be determined not less than 10 days prior to the hearing by the Executive Secretary.

1204 D. Any hearing officer empowered by the agency to provide a recommendation or conclusion in a case  
1205 decision matter shall render that recommendation or conclusion as follows:

1206 1. If the agency's written regulations or procedures require the hearing officer to render a recommendation  
1207 or conclusion within a specified time period, the hearing officer shall render the recommendation or  
1208 conclusion on or before the expiration of the specified period; and

1209 2. In all other cases, the hearing officer shall render the recommendation or conclusion within 90 days  
1210 from the date of the case decision proceeding or from a later date agreed to by the named party and the  
1211 agency.

1212 If the hearing officer does not render a decision within the time required by this subsection, then the  
1213 agency or the named party to the case decision may provide written notice to the hearing officer and the  
1214 Executive Secretary of the Supreme Court that a decision is due. If no decision is made within 30 days from  
1215 receipt by the hearing officer of the notice, then the Executive Secretary of the Supreme Court shall remove  
1216 the hearing officer from the hearing officer list and report the hearing officer to the Virginia State Bar for  
1217 possible disciplinary action, unless good cause is shown for the delay.

1218 E. The Executive Secretary shall remove hearing officers from the list, upon a showing of cause after  
1219 written notice and an opportunity for a hearing. When there is a failure by a hearing officer to render a  
1220 decision as required by subsection D, the burden shall be on the hearing officer to show good cause for the  
1221 delay. Decisions to remove a hearing officer may be reviewed by a request to the Executive Secretary for  
1222 reconsideration, followed by judicial review in accordance with this chapter.

1223 F. This section shall not apply to hearings conducted by (i) any commission or board where all of the  
1224 members, or a quorum, are present; (ii) the Virginia Alcoholic Beverage Control Authority, *the Virginia*  
1225 *Cannabis Control Authority*, the Virginia Workers' Compensation Commission, the State Corporation  
1226 Commission, the Virginia Employment Commission, the Department of Motor Vehicles under Title 46.2  
1227 (§ 46.2-100 et seq.), § 58.1-2409, or Chapter 27 (§ 58.1-2700 et seq.) of Title 58.1, or the Motor Vehicle  
1228 Dealer Board under Chapter 15 (§ 46.2-1500 et seq.) of Title 46.2; or (iii) any panel of a health regulatory  
1229 board convened pursuant to § 54.1-2400, including any panel having members of a relevant advisory board to  
1230 the Board of Medicine. All employees hired after July 1, 1986, pursuant to §§ 65.2-201 and 65.2-203 by the  
1231 Virginia Workers' Compensation Commission to conduct hearings pursuant to its basic laws shall meet the  
1232 minimum qualifications set forth in subsection A. Agency employees who are not licensed to practice law in  
1233 the Commonwealth, and are presiding as hearing officers in proceedings pursuant to clause (ii) shall  
1234 participate in periodic training courses.

1235 G. Notwithstanding the exemptions of subsection A of § 2.2-4002, this article shall apply to hearing  
1236 officers conducting hearings of the kind described in § 2.2-4020 for the Department of Wildlife Resources,

1237 the Virginia Housing Development Authority, the Milk Commission, and the Virginia Resources Authority  
1238 pursuant to their basic laws.

1239 **§ 3.2-4112. Definitions.**

1240 As used in this chapter, unless the context requires a different meaning:

1241 "Cannabis sativa product" means a product made from any part of the plant *Cannabis sativa* with a  
1242 concentration of tetrahydrocannabinol that is greater than that allowed by federal law.

1243 "Edible hemp product" means any hemp product that is or includes an industrial hemp extract, as defined  
1244 in § 3.2-5145.1, and that is intended to be consumed orally.

1245 "Federally licensed hemp producer" means a person who holds a hemp producer license issued by the  
1246 U.S. Department of Agriculture pursuant to 7 C.F.R. Part 990.

1247 "Grow" means to plant, cultivate, or harvest a plant or crop.

1248 "Grower" means any person registered pursuant to subsection A of § 3.2-4115 to grow industrial hemp.

1249 "Handle" means to temporarily possess industrial hemp grown in compliance with state or federal law that  
1250 (i) has not been processed and (ii) was not grown by and will not be processed by the person temporarily  
1251 possessing it.

1252 "Handler" means any person who is registered pursuant to subsection A of § 3.2-4115 to handle industrial  
1253 hemp. "Handler" does not include a retail establishment that sells or offers for sale a hemp product.

1254 "Handler's storage site" means the location at which a handler stores or intends to store the industrial  
1255 hemp he handles.

1256 "Hemp product" means a product, including any raw materials from industrial hemp that are used for or  
1257 added to a food or beverage, that (i) contains industrial hemp and has completed all stages of processing  
1258 needed for the product and (ii) when offered for retail sale (a) contains a total tetrahydrocannabinol  
1259 concentration of no greater than 0.3 percent and (b) contains either no more than two milligrams of total  
1260 tetrahydrocannabinol per package or an amount of cannabidiol that is no less than 25 times greater than the  
1261 amount of total tetrahydrocannabinol per package the same as that term is defined in § 4.1-600.

1262 "Hemp product intended for smoking" means any hemp product intended to be consumed by inhalation.

1263 "Industrial hemp" means any part of the plant *Cannabis sativa*, including seeds thereof, whether growing  
1264 or not, with a concentration of tetrahydrocannabinol that is no greater than that allowed by federal law.

1265 "Industrial hemp" includes an industrial hemp extract that has not completed all stages of processing needed  
1266 to convert the extract into a hemp product.

1267 "Process" means to convert industrial hemp into a hemp product.

1268 "Processor" means a person registered pursuant to subsection A of § 3.2-4115 to process industrial hemp.

1269 "Process site" means the location at which a processor processes or intends to process industrial hemp.

1270 "Production field" means the land or area on which a grower or a federally licensed hemp producer is  
1271 growing or intends to grow industrial hemp.

1272 "Regulated hemp product" means a hemp product intended for smoking or an edible hemp product.

1273 "Tetrahydrocannabinol" means any naturally occurring or synthetic tetrahydrocannabinol, including its  
1274 salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is  
1275 possible within the specific chemical designation and any preparation, mixture, or substance containing, or  
1276 mixed or infused with, any detectable amount of tetrahydrocannabinol. For the purposes of this definition,  
1277 "isomer" means the optical, position, and geometric isomers the same as that term is defined in § 4.1-600.

1278 "Topical hemp product" means a hemp product that (i) is intended to be rubbed, poured, sprinkled, or  
1279 sprayed on or otherwise applied to the human body or any part thereof and (ii) is not intended to be consumed  
1280 orally or by inhalation.

1281 "Total tetrahydrocannabinol" means the sum, after the application of any necessary conversion factor, of  
1282 the percentage by weight of tetrahydrocannabinol and the percentage by weight of tetrahydrocannabinolic  
1283 acid the same as that term is defined in § 4.1-600.

1284 **§ 3.2-4113. Production of industrial hemp lawful.**

1285 A. It is lawful for a grower, his agent, or a federally licensed hemp producer to grow, a handler or his  
1286 agent to handle, or a processor or his agent to process industrial hemp in the Commonwealth for any lawful  
1287 purpose. No federally licensed hemp producer or grower or his agent shall be prosecuted under Chapter 11  
1288 (§ 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  
1289 possession or growing of industrial hemp or any *Cannabis sativa* with a tetrahydrocannabinol concentration  
1290 that does not exceed the total tetrahydrocannabinol concentration percentage established in federal  
1291 regulations applicable to negligent violations located at 7 C.F.R. § 990.6(b)(3). No handler or his agent or  
1292 processor or his agent shall be prosecuted under Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1 or § ~~18.2-247~~,  
1293 18.2-248, 18.2-248.01, ~~18.2-248.1~~, or 18.2-250 or issued a summons or judgment for the possession,  
1294 handling, or processing of industrial hemp. In any complaint, information, or indictment, and in any action or  
1295 proceeding brought for the enforcement of any provision of *Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1*,  
1296 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  
1297 not be necessary to negate any exception, excuse, proviso, or exemption contained in this article or the Drug  
1298 Control Act, and the burden of proof of any such exception, excuse, proviso, or exemption shall be on the

1299 defendant.

1300 B. Nothing in this article shall be construed to authorize any person to violate any federal law or  
1301 regulation.

1302 C. No person shall be prosecuted under Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1 or § ~~18.2-247,~~  
1303 18.2-248, 18.2-248.01, ~~18.2-248.1,~~ or 18.2-250 for the involuntary growth of industrial hemp through the  
1304 inadvertent natural spread of seeds or pollen as a result of proximity to a production field, handler's storage  
1305 site, or process site.

1306 **§ 3.2-4116. Registration conditions.**

1307 A. A person who is not a federally licensed hemp producer shall obtain a registration pursuant to  
1308 subsection A of § 3.2-4115 prior to growing, handling, or processing any industrial hemp in the  
1309 Commonwealth.

1310 B. A person issued a registration pursuant to subsection A of § 3.2-4115 shall:

1311 1. Maintain records that reflect compliance with this article;

1312 2. Retain all industrial hemp growing, handling, or processing records for at least three years;

1313 3. Allow his production field, handler's storage site, or process site to be inspected by and at the discretion  
1314 of the Commissioner or his designee, the Department of State Police, or the chief law-enforcement officer of  
1315 the locality in which the production field, or handler's storage site, or process site exists;

1316 4. Allow the Commissioner or his designee to monitor and test the grower's, handler's, or processor's  
1317 industrial hemp for compliance with tetrahydrocannabinol levels and for other appropriate purposes  
1318 established pursuant to § 3.2-4114, at the cost of the grower, handler, or processor; and

1319 5. If required by the Commissioner, destroy, at the cost of the grower, handler, or processor and in a  
1320 manner approved of and verified by the Commissioner, any Cannabis sativa that the grower grows, the  
1321 handler handles, or the processor processes that has been tested and, following any re-sampling and retesting  
1322 as authorized pursuant to the provisions of § 3.2-4114.2, is found to have a concentration of  
1323 tetrahydrocannabinol that is greater than that allowed by federal law, or any Cannabis sativa product that the  
1324 processor produces.

1325 C. A processor shall not sell industrial hemp or a substance containing an industrial hemp extract, as  
1326 defined in § 3.2-5145.1, to a person if the processor knows or has reason to know that such person will use  
1327 the industrial hemp or substance containing an industrial hemp extract in a substance that (i) contains a total  
1328 tetrahydrocannabinol concentration that is greater than 0.3 percent or (ii) contains more than two milligrams  
1329 of total tetrahydrocannabinol per package ~~and does not contain an amount of cannabidiol that is at least 25~~  
1330 ~~times greater than the amount of total tetrahydrocannabinol per package.~~

1331 **§ 3.2-4126. Civil penalties.**

1332 A. The Commissioner may, in accordance with the Administrative Process Act (§ 2.2-4000 et seq.), deny  
1333 the application for a regulated hemp product retail facility registration or suspend or revoke the regulated  
1334 hemp product retail facility registration of any person that violates a provision of this article.

1335 B. Any person that (i) offers for sale or sells at retail a regulated hemp product without first obtaining a  
1336 registration to do so from the Commissioner in accordance with § 3.2-4122, (ii) continues to offer for sale or  
1337 sell at retail a regulated hemp product after revocation or suspension of such registration, (iii) offers for sale  
1338 or sells at retail a substance intended for human consumption, orally or by inhalation, that (a) contains a total  
1339 tetrahydrocannabinol concentration that is greater than 0.3 percent or (b) contains more than two milligrams  
1340 of total tetrahydrocannabinol per package ~~and does not contain an amount of cannabidiol that is at least 25~~  
1341 ~~times greater than the amount of total tetrahydrocannabinol per package,~~ (iv) offers for sale or sells at retail a  
1342 regulated hemp product in violation of § 3.2-4123, or (v) offers for sale or sells at retail a substance intended  
1343 for human consumption, orally or by inhalation, that is advertised or labeled as containing an industrial  
1344 hemp-derived cannabinoid without a regulated hemp product retail facility registration is, in addition to any  
1345 other penalties provided, subject to a civil penalty not to exceed \$10,000 for each day a violation occurs.  
1346 Such penalty shall be collected by the Commissioner and the proceeds shall be payable to the State Treasurer  
1347 for remittance to the Department.

1348 **§ 3.2-5145.1. Definitions.**

1349 As used in this article, unless the context requires a different meaning:

1350 "Food" means any article that is intended for human consumption and introduction into commerce,  
1351 whether the article is simple, mixed, or compound, and all substances or ingredients used in the preparation  
1352 thereof. "Food" does not mean drug as defined in § 54.1-3401.

1353 "Industrial hemp" means a Cannabis sativa plant that has a concentration of tetrahydrocannabinol that is  
1354 no greater than that allowed by federal law.

1355 "Industrial hemp extract" means an extract (i) of industrial hemp, (ii) that is intended for human  
1356 consumption, and (iii) except as otherwise provided in subsection M of § 54.1-3442.6, when offered for retail  
1357 sale, that (a) contains a total tetrahydrocannabinol concentration that is no greater than 0.3 percent and (b)  
1358 contains ~~either~~ no more than two milligrams of total tetrahydrocannabinol per package ~~or an amount of~~  
1359 ~~cannabidiol that is no less than 25 times greater than the amount of total tetrahydrocannabinol per package.~~

1360 "Industrial hemp extract" is not a hemp seed-derived ingredient that is approved by the U.S. Food and Drug

1361 Administration or is the subject of a generally recognized as safe notice for which the U.S. Food and Drug  
1362 Administration had no questions.

1363 "Tetrahydrocannabinol" means the same as that term is defined in § ~~3.2-4112~~ 4.1-600.

1364 "Total tetrahydrocannabinol" means the same as that term is defined in § ~~3.2-4112~~ 4.1-600.

1365 **§ 3.2-5145.2:1. Sellers or manufacturers of industrial hemp extract; penalties.**

1366 A. Any person who manufactures, sells, or offers for sale an industrial hemp extract or food containing an  
1367 industrial hemp extract shall be subject to the requirements of this chapter and regulations adopted pursuant  
1368 to this chapter.

1369 B. Any person who (i) manufactures, sells, or offers for sale an industrial hemp extract or food containing  
1370 an industrial hemp extract without first obtaining a permit to do so from the Commissioner pursuant to  
1371 § 3.2-5100, unless exempt from a permit pursuant to subdivision C 6 of § 3.2-5130; (ii) continues to  
1372 manufacture, sell, or offer for sale an industrial hemp extract or food containing an industrial hemp extract  
1373 after revocation or suspension of such permit; (iii) fails to disclose on a form prescribed by the Commissioner  
1374 that he intends to manufacture, sell, or offer for sale a substance intended to be consumed orally that contains  
1375 an industrial hemp-derived cannabinoid; (iv) sells or offers for sale at retail a food that (a) contains a total  
1376 tetrahydrocannabinol concentration that is greater than 0.3 percent or (b) contains more than two milligrams  
1377 of total tetrahydrocannabinol per package ~~and does not contain an amount of cannabidiol that is at least 25~~  
1378 ~~times greater than the amount of total tetrahydrocannabinol per package;~~ (v) manufactures, offers for sale, or  
1379 sells in violation of this chapter or a regulation adopted pursuant to this chapter a substance intended to be  
1380 consumed orally that is advertised or labeled as containing an industrial hemp-derived cannabinoid; or (vi)  
1381 otherwise violates any provision of this chapter or a regulation adopted pursuant to this chapter, in addition to  
1382 any other penalties provided, is subject to a civil penalty not to exceed \$10,000 for each day a violation  
1383 occurs. Such penalty shall be collected by the Commissioner and the proceeds shall be payable to the State  
1384 Treasurer for remittance to the Department.

1385 C. Any person who (i) manufactures, sells, or offers for sale an industrial hemp extract or food containing  
1386 an industrial hemp extract without first obtaining a permit to do so from the Commissioner pursuant to  
1387 § 3.2-5100, unless exempt from a permit pursuant to subdivision C 6 of § 3.2-5130; (ii) continues to  
1388 manufacture, sell, or offer for sale an industrial hemp extract or food containing an industrial hemp extract  
1389 after revocation or suspension of such permit; (iii) fails to disclose on a form prescribed by the Commissioner  
1390 that he intends to manufacture, sell, or offer for sale a substance intended to be consumed orally that contains  
1391 an industrial hemp-derived cannabinoid; (iv) manufactures, offers for sale, or sells in violation of this chapter  
1392 or a regulation adopted pursuant to this chapter a substance intended to be consumed orally that is advertised  
1393 or labeled as containing an industrial hemp-derived cannabinoid; or (v) otherwise violates any provision of  
1394 this chapter or a regulation adopted pursuant to this chapter, in addition to any other penalties provided, is  
1395 guilty of a Class 1 misdemeanor. Each day in which a violation occurs shall constitute a separate offense.

1396 D. The Commissioner may, in accordance with the Administrative Process Act (§ 2.2-4000 et seq.), deny,  
1397 suspend, or revoke a permit issued pursuant to § 3.2-5100 if the permitted entity is found to have violated  
1398 subdivision A 69, 70, 71, 72, 73, or 74 of § 59.1-200 by a court of competent jurisdiction.

1399 E. This section shall not apply to products that are (i) approved for marketing by the U.S. Food and Drug  
1400 Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) dispensed pursuant to  
1401 Article 4.2 (§ 54.1-3442.5 et seq.) of Chapter 34 of Title 54.1.

1402 **§ 3.2-5145.4. Industrial hemp extract requirements.**

1403 A. An industrial hemp extract shall (i) be produced from industrial hemp grown in compliance with  
1404 applicable law and (ii) when offered for retail sale, (a) contain a total tetrahydrocannabinol concentration of  
1405 no greater than 0.3 percent and (b) contain ~~either~~ no more than two milligrams of total tetrahydrocannabinol  
1406 per package ~~or an amount of cannabidiol that is no less than 25 times greater than the amount of total~~  
1407 ~~tetrahydrocannabinol per package.~~

1408 B. In addition to the requirements of this chapter, an industrial hemp extract or food containing an  
1409 industrial hemp extract shall comply with regulations adopted by the Board pursuant to § 3.2-5145.5.

1410 **§ 4.1-103. General powers of Board.**

1411 The Board shall have the power to:

- 1412 1. Sue and be sued, implead and be impleaded, and complain and defend in all courts;
- 1413 2. Adopt, use, and alter at will a common seal;
- 1414 3. Fix, alter, charge, and collect rates, rentals, fees, and other charges for the use of property of, the sale of  
1415 products of, or services rendered by the Authority at rates to be determined by the Authority for the purpose  
1416 of providing for the payment of the expenses of the Authority;
- 1417 4. Make and enter into all contracts and agreements necessary or incidental to the performance of its  
1418 duties, the furtherance of its purposes, and the execution of its powers under this subtitle, including  
1419 agreements with any person or federal agency;
- 1420 5. Employ, at its discretion, consultants, researchers, architects, engineers, accountants, financial experts,  
1421 investment bankers, superintendents, managers, and such other employees and special agents as may be  
1422 necessary and fix their compensation to be payable from funds made available to the Authority. Legal

1423 services for the Authority shall be provided by the Attorney General in accordance with Chapter 5 (§ 2.2-500  
1424 et seq.) of Title 2.2;

1425 6. Receive and accept from any federal or private agency, foundation, corporation, association, or person  
1426 grants or other aid to be expended in accomplishing the objectives of the Authority, and receive and accept  
1427 from the Commonwealth or any state and any municipality, county, or other political subdivision thereof or  
1428 from any other source aid or contributions of either money, property, or other things of value, to be held,  
1429 used, and applied only for the purposes for which such grants and contributions may be made. All federal  
1430 moneys accepted under this section shall be accepted and expended by the Authority upon such terms and  
1431 conditions as are prescribed by the United States and as are consistent with state law, and all state moneys  
1432 accepted under this section shall be expended by the Authority upon such terms and conditions as are  
1433 prescribed by the Commonwealth;

1434 7. Adopt, alter, and repeal bylaws, rules, and regulations governing the manner in which its business shall  
1435 be transacted and the manner in which the powers of the Authority shall be exercised and its duties  
1436 performed. The Board may delegate or assign any duty or task to be performed by the Authority to any  
1437 officer or employee of the Authority. The Board shall remain responsible for the performance of any such  
1438 duties or tasks. Any delegation pursuant to this subdivision shall, where appropriate, be accompanied by  
1439 written guidelines for the exercise of the duties or tasks delegated. Where appropriate, the guidelines shall  
1440 require that the Board receive summaries of actions taken. Such delegation or assignment shall not relieve the  
1441 Board of the responsibility to ensure faithful performance of the duties and tasks;

1442 8. Conduct or engage in any lawful business, activity, effort, or project consistent with the Authority's  
1443 purposes or necessary or convenient to exercise its powers;

1444 9. Develop policies and procedures generally applicable to the procurement of goods, services, and  
1445 construction, based upon competitive principles;

1446 10. Develop policies and procedures consistent with Article 4 (§ 2.2-4347 et seq.) of Chapter 43 of Title  
1447 2.2;

1448 11. Buy, import and sell alcoholic beverages other than beer and wine not produced by farm wineries, and  
1449 to have alcoholic beverages other than beer and wine not produced by farm wineries in its possession for sale;

1450 12. Buy and sell any mixers;

1451 13. Buy and sell products licensed by the Virginia Tourism Corporation that are within international  
1452 trademark classes 16 (paper goods and printer matters), 18 (leather goods), 21 (housewares and glass), and 25  
1453 (clothing);

1454 14. Control the possession, sale, transportation, and delivery of alcoholic beverages;

1455 15. Determine, subject to § 4.1-121, the localities within which government stores shall be established or  
1456 operated and the location of such stores;

1457 16. Maintain warehouses for alcoholic beverages and control the storage and delivery of alcoholic  
1458 beverages to and from such warehouses;

1459 17. Acquire, purchase, hold, use, lease, or otherwise dispose of any property, real, personal or mixed,  
1460 tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes of the  
1461 Authority; lease as lessee any property, real, personal or mixed, tangible or intangible, or any interest therein,  
1462 at such annual rental and on such terms and conditions as may be determined by the Board; lease as lessor to  
1463 any person any property, real, personal or mixed, tangible or intangible, or any interest therein, at any time  
1464 acquired by the Authority, whether wholly or partially completed, at such annual rental and on such terms  
1465 and conditions as may be determined by the Board; sell, transfer, or convey any property, real, personal or  
1466 mixed, tangible or intangible, or any interest therein, at any time acquired or held by the Authority on such  
1467 terms and conditions as may be determined by the Board; and occupy and improve any land or building  
1468 required for the purposes of this subtitle;

1469 18. Purchase, lease, or acquire the use of, by any manner, any plant or equipment that may be considered  
1470 necessary or useful in carrying into effect the purposes of this subtitle, including rectifying, blending, and  
1471 processing plants. The Board may purchase, build, lease, and operate distilleries and manufacture alcoholic  
1472 beverages;

1473 19. Determine the nature, form and capacity of all containers used for holding alcoholic beverages to be  
1474 kept or sold under this subtitle, and prescribe the form and content of all labels and seals to be placed thereon;  
1475 however, no container sold in or shipped into the Commonwealth shall include powdered or crystalline  
1476 alcohol;

1477 20. Appoint every agent and employee required for its operations; require any or all of them to give bonds  
1478 payable to the Commonwealth in such penalty as shall be fixed by the Board; and engage the services of  
1479 experts and professionals;

1480 21. Hold and conduct hearings; issue subpoenas requiring the attendance of witnesses and the production  
1481 of records, memoranda, papers and other documents before the Board or any agent of the Board; and  
1482 administer oaths and take testimony thereunder. The Board may authorize any Board member or agent of the  
1483 Board to hold and conduct hearings, issue subpoenas, administer oaths and take testimony thereunder, and  
1484 decide cases, subject to final decision by the Board, on application of any party aggrieved. The Board may

1485 enter into consent agreements and may request and accept from any applicant or licensee a consent agreement  
1486 in lieu of proceedings on (i) objections to the issuance of a license or (ii) disciplinary action. Any such  
1487 consent agreement shall include findings of fact and may include an admission or a finding of a violation. A  
1488 consent agreement shall not be considered a case decision of the Board and shall not be subject to judicial  
1489 review under the provisions of the Administrative Process Act (§ 2.2-4000 et seq.), but may be considered by  
1490 the Board in future disciplinary proceedings;

1491 22. Make a reasonable charge for preparing and furnishing statistical information and compilations to  
1492 persons other than (i) officials, including court and police officials, of the Commonwealth and of its  
1493 subdivisions if the information requested is for official use and (ii) persons who have a personal or legal  
1494 interest in obtaining the information requested if such information is not to be used for commercial or trade  
1495 purposes;

1496 23. Promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) and  
1497 § 4.1-111;

1498 24. Grant, suspend, and revoke licenses for the manufacture, bottling, distribution, importation, and sale  
1499 of alcoholic beverages;

1500 25. Assess and collect civil penalties and civil charges for violations of this subtitle and Board regulations;

1501 26. Maintain actions to enjoin common nuisances as defined in § 4.1-317;

1502 27. Establish minimum food sale requirements for all retail licensees;

1503 28. Review and approve any proposed legislative or regulatory changes suggested by the Chief Executive  
1504 Officer as the Board deems appropriate;

1505 29. Report quarterly to the Secretary of Public Safety and Homeland Security on the law-enforcement  
1506 activities undertaken to enforce the provisions of this subtitle;

1507 30. Establish and collect fees for all permits set forth in this subtitle, including fees associated with  
1508 applications for such permits;

1509 31. Impose a requirement that a mixed beverage casino licensee pursuant to subdivision A 14 of  
1510 § 4.1-206.3 pay for any cost incurred by the Board to enforce such license in excess of the applicable state  
1511 license fee; and

1512 32. *Conduct outreach to all licensees and businesses selling liquid nicotine or nicotine vapor products to  
1513 inform and educate such licensees and businesses on the Cannabis Control Act (§ 4.1-600 et seq.) and laws  
1514 and regulations related to the illegal cultivation, processing, sale, and distribution of marijuana and  
1515 marijuana products; and*

1516 33. Do all acts necessary or advisable to carry out the purposes of this subtitle.

1517 **§ 4.1-352. Certificate of forensic scientist as evidence; requiring forensic scientist to appear.**

1518 The certificate of any forensic scientist employed by the Commonwealth on behalf of the Board or the  
1519 Department of Forensic Science, when signed by him, shall be *admissible as evidence in all prosecutions for  
1520 violations of this subtitle and all controversies in any judicial proceedings touching the mixture analyzed by  
1521 him of the facts therein stated and of the results of such analysis (i) in any criminal proceeding, provided the  
1522 requirements of subsection A of § 19.2-187.1 have been satisfied and the accused has not objected to the  
1523 admission of the certificate pursuant to subsection B of § 19.2-187.1 or (ii) in any civil proceeding. On  
1524 motion of the accused or any party in interest, the court may require the forensic scientist making the analysis  
1525 to appear as a witness and be subject to cross-examination, provided such motion is made within a reasonable  
1526 time prior to the day on which the case is set for trial.*

1527 **§ 4.1-600. Definitions.**

1528 As used in this subtitle, unless the context requires a different meaning:

1529 "Advertisement" or "advertising" means any written or verbal statement, illustration, or depiction that is  
1530 calculated to induce sales of ~~retail~~ marijuana, ~~retail~~ marijuana products, marijuana plants, or marijuana seeds,  
1531 including any written, printed, graphic, digital, electronic, or other material, billboard, sign, or other outdoor  
1532 display, publication, or radio or television broadcast.

1533 "Authority" means the Virginia Cannabis Control Authority created pursuant to this subtitle.

1534 "Board" means the Board of Directors of the Virginia Cannabis Control Authority.

1535 "Cannabis Control Act" means Subtitle II (§ 4.1-600 et seq.).

1536 "*Canopy*" means the space used by a licensee to produce flowering marijuana plants, including areas  
1537 between plants, pathways, walkways, and empty space between rows that allow for airflow, light, growth,  
1538 access for watering, trimming, and other activities associated with marijuana cultivation. "*Canopy*" does not  
1539 include space used for mother plants, clones, immature or nonflowering plants, processing, drying, curing,  
1540 trimming, storage, offices, hallways, work areas, or other administrative and nonproduction uses. If  
1541 flowering marijuana plants are cultivated using a shelving or other layered system, the surface area of each  
1542 level shall be included for purposes of calculating canopy.

1543 "Child-resistant" means, with respect to packaging or a container, (i) specially designed or constructed to  
1544 be significantly difficult for a typical child ~~under~~ younger than five years of age to open and not to be  
1545 significantly difficult for a typical adult to open and reseal and (ii) for any product intended for more than a  
1546 single use or that contains multiple servings, resealable.

1547 "Cultivation" or "cultivate" means the planting, propagation, growing, harvesting, drying, curing, grading,  
1548 trimming, packaging, or other similar processing manufacturing of marijuana for use or sale. "Cultivation" or  
1549 "cultivate" does not include manufacturing processing or testing.

1550 "Edible hemp product" means any hemp product that is or includes an industrial hemp extract, as defined  
1551 in § 3.2-5145.1, and that is intended to be consumed orally.

1552 "Edible marijuana product" means a marijuana product intended to be consumed orally, including  
1553 marijuana intended to be consumed orally or marijuana concentrate intended to be consumed orally.

1554 "Hemp product" means a product, including any raw materials from industrial hemp that are used for or  
1555 added to a food or beverage, that (i) contains industrial hemp and has completed all stages of processing  
1556 needed for the product and (ii) when offered for retail sale (a) contains a total tetrahydrocannabinol  
1557 concentration of no greater than 0.3 percent and (b) contains either no more than two milligrams of total  
1558 tetrahydrocannabinol per package or an amount of cannabidiol that is no less than 25 times greater than the  
1559 amount of total tetrahydrocannabinol per package.

1560 "Hemp product intended for smoking" means any hemp product intended to be consumed by inhalation.

1561 "Historically economically disadvantaged community" means either (i) a jurisdiction identified by the  
1562 Board utilizing census tract data made available by the United States Census Bureau in which offenses for  
1563 marijuana possession were committed at a rate in excess of 150 percent of the statewide average for  
1564 marijuana possession offenses during the 10-year period of 2009 to 2019 or (ii) a historically underutilized  
1565 business zone as defined in 15 U.S.C. § 657a.

1566 "Immature plant" means a nonflowering marijuana plant that is no taller than eight inches and no wider  
1567 than eight inches, is produced from a cutting, clipping, or seedling, and is growing in a container.

1568 "Impact licensee" means a licensee that meets the criteria set forth in subdivision B 13 of § 4.1-606.

1569 "Industrial hemp" means the same as that term is defined in § 3.2-4112.

1570 "Industrial hemp extract" means the same as that term is defined in § 3.2-5145.1.

1571 "Inhalable marijuana product" means a marijuana product that is intended to be inhaled, including  
1572 marijuana intended to be inhaled or marijuana concentrate intended to be inhaled.

1573 "Licensed" means the holding of a valid license or permit granted by the Authority.

1574 "Licensee" means any person to whom a license or permit has been granted by the Authority.

1575 "Manufacturing" or "manufacture" means the production of marijuana products or the blending, infusing,  
1576 compounding, or other preparation of marijuana and marijuana products, including marijuana extraction or  
1577 preparation by means of chemical synthesis. "Manufacturing" or "manufacture" does not include cultivation  
1578 or testing.

1579 "Marijuana" means any part of a plant of the genus Cannabis, whether growing or not, its seeds or resin;  
1580 and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, its resin,  
1581 or any extract containing one or more cannabinoids. "Marijuana" does not include (i) the mature stalks of  
1582 such plant, fiber produced from such stalk, or oil or cake made from the seed of such plant, unless such  
1583 stalks, fiber, oil, or cake is combined with other parts of plants of the genus Cannabis; (ii) industrial hemp, as  
1584 defined in § 3.2-4112, that is possessed by a person registered pursuant to subsection A of § 3.2-4115 or his  
1585 agent; (iii) industrial hemp, as defined in § 3.2-4112, that is possessed by a person who holds a hemp  
1586 producer license issued by the U.S. Department of Agriculture pursuant to 7 C.F.R. Part 990; (iv) a hemp  
1587 product, as defined in § 3.2-4112; (v) an industrial hemp extract, as defined in § 3.2-5145.1; or (vi) any  
1588 substance containing a tetrahydrocannabinol isomer, ester, ether, salt, or salts of such isomer, ester, or ether  
1589 that has been placed by the Board of Pharmacy into one of the schedules set forth in the Drug Control Act  
1590 (§ 54.1-3400 et seq.) pursuant to § 54.1-3443.

1591 "Marijuana concentrate" means marijuana that has undergone a process to concentrate one or more active  
1592 cannabinoids, thereby increasing the product's potency. Resin from granular trichomes from a marijuana plant  
1593 is a concentrate for purposes of this subtitle.

1594 "Marijuana cultivation facility" means a facility licensed under this subtitle to cultivate, label, and  
1595 package retail marijuana; to purchase or take possession of marijuana plants and seeds from other marijuana  
1596 cultivation facilities; to transfer possession of and sell retail marijuana, immature marijuana plants, and  
1597 marijuana seeds to marijuana wholesalers and retail marijuana stores; to transfer possession of and sell retail  
1598 marijuana, marijuana plants, and marijuana seeds to other marijuana cultivation facilities; to transfer  
1599 possession of and sell retail marijuana to marijuana manufacturing facilities; and to sell immature marijuana  
1600 plants and marijuana seeds to consumers for the purpose of cultivating marijuana at home for personal use by  
1601 the Board to cultivate, label, and package marijuana; to purchase or take possession of marijuana plants and  
1602 seeds from other marijuana cultivation facilities; to transfer possession of and sell marijuana, immature  
1603 marijuana plants, and marijuana seeds to retail marijuana stores; to transfer possession of marijuana,  
1604 immature marijuana plants, and marijuana seeds to marijuana transporters; to transfer possession of and  
1605 sell marijuana, marijuana plants, and marijuana seeds to other marijuana cultivation facilities; to transfer  
1606 possession of and sell marijuana to marijuana processing facilities; and to transport marijuana, immature  
1607 marijuana plants, and marijuana seeds from the marijuana cultivation facility's licensed premises to another  
1608 licensed marijuana establishment.

1609 *"Marijuana delivery operator" means an entity licensed by the Board to take possession of marijuana or*  
 1610 *marijuana products from a retail marijuana store, microbusiness, pharmaceutical processor, or cannabis*  
 1611 *dispensing facility and deliver such marijuana or marijuana products only in person to patients or consumers*  
 1612 *at their residence or business.*

1613 *"Marijuana establishment" means a marijuana cultivation facility, a marijuana microbusiness, marijuana*  
 1614 *delivery operator, marijuana testing facility, a marijuana manufacturing processing facility, a marijuana*  
 1615 *wholesaler transporter, or a retail marijuana store, or pharmaceutical processor or cannabis dispensing*  
 1616 *facility authorized to exercise dual-use privileges pursuant to § 4.1-1602.1.*

1617 *"Marijuana manufacturing facility" means a facility licensed under this subtitle to manufacture, label, and*  
 1618 *package retail marijuana and retail marijuana products; to purchase or take possession of retail marijuana*  
 1619 *from a marijuana cultivation facility or another marijuana manufacturing facility; and to transfer possession*  
 1620 *of and sell retail marijuana and retail marijuana products to marijuana wholesalers, retail marijuana stores, or*  
 1621 *other marijuana manufacturing facilities.*

1622 *"Marijuana paraphernalia" means all equipment, products, and materials of any kind that are either*  
 1623 *designed for use or are intended for use in planting, propagating, cultivating, growing, harvesting,*  
 1624 *manufacturing, compounding, converting, producing, processing, preparing, strength testing, analyzing,*  
 1625 *packaging, repackaging, storing, containing, concealing, ingesting, inhaling, or otherwise introducing into the*  
 1626 *human body marijuana.*

1627 *"Marijuana processing facility" means a facility licensed by the Board to process, label, and package*  
 1628 *marijuana and marijuana products; to purchase or take possession of marijuana from a marijuana*  
 1629 *cultivation facility or another marijuana processing facility; to transfer possession of and sell marijuana and*  
 1630 *marijuana products to retail marijuana stores or other marijuana processing facilities; to transfer possession*  
 1631 *of marijuana and marijuana products to marijuana transporters; and to transport marijuana and marijuana*  
 1632 *products from the marijuana processing facility's licensed premises to another licensed marijuana*  
 1633 *establishment.*

1634 *"Marijuana products" means (i) products that are composed of marijuana and other ingredients and are*  
 1635 *intended for use or consumption, ointments, and tinctures or (ii) marijuana concentrate.*

1636 *"Marijuana testing facility" means a facility licensed under this subtitle to develop, research, or test*  
 1637 *marijuana, marijuana products, and other substances by the Board to develop, research, transport, or test*  
 1638 *marijuana, marijuana products, and other substances.*

1639 *"Marijuana wholesaler transporter" means a facility licensed under this subtitle to purchase or take*  
 1640 *possession of retail marijuana, retail marijuana products, immature marijuana plants, and marijuana seeds*  
 1641 *from a marijuana cultivation facility, a marijuana manufacturing facility, or another marijuana wholesaler and*  
 1642 *to transfer possession and sell or resell retail marijuana, retail marijuana products, immature marijuana plants,*  
 1643 *and marijuana seeds to a marijuana cultivation facility, marijuana manufacturing facility, retail marijuana*  
 1644 *store, or another marijuana wholesaler by the Board to take possession of marijuana, marijuana products,*  
 1645 *immature marijuana plants, and marijuana seeds from a marijuana cultivation facility, a marijuana*  
 1646 *processing facility, a retail marijuana store, a microbusiness, or another marijuana transporter; to transfer*  
 1647 *possession of marijuana, marijuana products, immature marijuana plants, and marijuana seeds to a*  
 1648 *marijuana cultivation facility, marijuana processing facility, retail marijuana store, microbusiness, or*  
 1649 *another marijuana transporter; and to transport marijuana, marijuana products, immature marijuana plants,*  
 1650 *and marijuana seeds from one licensed establishment to another.*

1651 *"Non-retail marijuana" means marijuana that is not cultivated, manufactured, or sold by a licensed*  
 1652 *marijuana establishment.*

1653 *"Non-retail marijuana products" means marijuana products that are not manufactured and sold by a*  
 1654 *licensed marijuana establishment.*

1655 *"Microbusiness" means a facility licensed by the Board to conduct any activities authorized for marijuana*  
 1656 *cultivation facilities, marijuana processing facilities, and retail marijuana stores, as determined by the*  
 1657 *Board.*

1658 *"Outdoor cultivation" means cultivation in an area exposed to natural sunlight and open to environmental*  
 1659 *conditions, including variable temperature, precipitation, and wind.*

1660 *"Place or premises" means the real estate, together with any buildings or other improvements thereon,*  
 1661 *designated in the application for a license as the place at which the cultivation, manufacture processing, sale,*  
 1662 *or testing of retail marijuana or retail marijuana products shall be performed, except that portion of any such*  
 1663 *building or other improvement actually and exclusively used as a private residence.*

1664 *"Principal" means (i) any individual who solely or together with his immediate family members (a) owns*  
 1665 *or controls, directly or indirectly, five percent or more of the pecuniary interest in any entity that is a licensee*  
 1666 *or permittee or (b) has the power to vote or cause the vote of five percent or more of the voting securities or*  
 1667 *other ownership interests of such entity and (ii) any person who manages marijuana establishment*  
 1668 *operations on behalf of a licensee or permittee.*

1669 *"Processing" or "process" means the production of marijuana products or the blending, infusing,*  
 1670 *compounding, or other preparation of marijuana or marijuana products, including marijuana extraction or*

1671 preparation by means of chemical synthesis. "Processing" or "process" does not include cultivation or  
1672 testing.

1673 "Public place" means any place, building, or conveyance to which the public has, or is permitted to have,  
1674 access, including restaurants, soda fountains, hotel dining areas, lobbies and corridors of hotels, and any park,  
1675 place of public resort or amusement, highway, street, lane, or sidewalk adjoining any highway, street, or lane.

1676 "Regulated hemp product" means a hemp product intended for smoking or an edible hemp product.

1677 "Residence" means any building or part of a building or structure where a person resides, but does not  
1678 include any part of a building that is not actually and exclusively used as a private residence, nor any part of a  
1679 hotel or club other than a private guest room thereof.

1680 "Retail marijuana" means marijuana that is cultivated, manufactured, or sold by a licensed marijuana  
1681 establishment.

1682 "Retail marijuana products" means marijuana products that are manufactured and sold by a licensed  
1683 marijuana establishment.

1684 "Retail marijuana store" means a facility licensed under this subtitle to purchase or take possession of  
1685 retail marijuana, retail marijuana products, immature marijuana plants, or marijuana seeds from a marijuana  
1686 cultivation facility, marijuana manufacturing facility, or marijuana wholesaler and to sell retail marijuana,  
1687 retail marijuana products, immature marijuana plants, or marijuana seeds to consumers by the Board to  
1688 purchase or take possession of marijuana, marijuana products, immature marijuana plants, or marijuana  
1689 seeds from a marijuana cultivation facility or marijuana processing facility; to take possession of marijuana,  
1690 marijuana products, immature marijuana plants, or marijuana seeds from a marijuana transporter; to sell  
1691 marijuana, marijuana products, marijuana paraphernalia, immature marijuana plants, or marijuana seeds to  
1692 consumers on premises approved by the Board; to deliver marijuana, marijuana products, marijuana  
1693 paraphernalia, immature marijuana plants, or marijuana seeds only in person to consumers; to transfer  
1694 possession of marijuana, marijuana products, marijuana paraphernalia, immature marijuana plants, or  
1695 marijuana seeds to marijuana delivery operators; and to transport marijuana, marijuana products,  
1696 marijuana paraphernalia, immature marijuana plants, and marijuana seeds from the retail marijuana store's  
1697 licensed premises to another retail marijuana store.

1698 "Security" means the same as that term is defined in § 13.1-501. If the Board finds that any obligation,  
1699 stock, or other equity interest creates control of or voice in the management operations of an entity in the  
1700 manner of a security, then such interest shall be considered a security.

1701 "Sale" and "sell" includes soliciting or receiving an order for; keeping, offering, or exposing for sale;  
1702 peddling, exchanging, or bartering; or delivering otherwise other than gratuitously, by any means; retail  
1703 marijuana or retail marijuana products.

1704 "Secure agricultural greenhouse" means an enclosed structure that has transparent walls and roofing and  
1705 is used for controlled-environment agriculture.

1706 "Special agent" means an employee, agent, or contractor of the Virginia Cannabis Control Authority  
1707 whom the Board has designated as a law-enforcement officer pursuant to this subtitle.

1708 "Testing" or "test" means the research and analysis of marijuana, marijuana products, or other substances  
1709 for contaminants, safety, or potency. "Testing" or "test" does not include cultivation or manufacturing  
1710 processing.

1711 "Tetrahydrocannabinol" means the same as that term is defined in § 3.2-4112 any naturally occurring or  
1712 synthetic tetrahydrocannabinol, including its salts, isomers, and salts of isomers whenever the existence of  
1713 such salts, isomers, and salts of isomers is possible within the specific chemical designation and any  
1714 preparation, mixture, or substance containing, or mixed or infused with, any detectable amount of  
1715 tetrahydrocannabinol. For the purposes of this definition, "isomer" means the optical, position, and  
1716 geometric isomers.

1717 "Topical hemp product" means a hemp product that (i) is intended to be rubbed, poured, sprinkled, or  
1718 sprayed on or otherwise applied to the human body or any part thereof and (ii) is not intended to be  
1719 consumed orally or by inhalation.

1720 "Topical marijuana product" means a marijuana product that is intended to be applied topically to the  
1721 skin.

1722 "Total tetrahydrocannabinol" means the same as that term is defined in § 3.2-4112 sum, after the  
1723 application of any necessary conversion factor, of the percentage by weight of tetrahydrocannabinol and the  
1724 percentage by weight of tetrahydrocannabinolic acid.

1725 **§ 4.1-601. Virginia Cannabis Control Authority created; statement of purpose.**

1726 A. The General Assembly has determined that there exists in the Commonwealth a need to control the  
1727 possession, sale, transportation, distribution, and delivery of retail marijuana and retail, marijuana products,  
1728 and regulated hemp products in the Commonwealth. Further, the General Assembly determines that the  
1729 creation of an authority for this purpose is in the public interest, serves a public purpose, and will promote the  
1730 health, safety, welfare, convenience, and prosperity of the people of the Commonwealth. To achieve this  
1731 objective, there is hereby created an independent political subdivision of the Commonwealth, exclusive of the  
1732 legislative, executive, or judicial branches of state government, to be known as the Virginia Cannabis Control

1733 Authority. The Authority's exercise of powers and duties conferred by this subtitle shall be deemed the  
1734 performance of an essential governmental function and a matter of public necessity for which public moneys  
1735 may be spent.

1736 B. The Board of Directors of the Authority is vested with control of the possession, sale, transportation,  
1737 distribution, and delivery of ~~retail~~ marijuana ~~and retail~~, marijuana products, *and regulated hemp products* in  
1738 the Commonwealth, with plenary power to prescribe and enforce regulations and conditions under which  
1739 ~~retail~~ marijuana ~~and retail~~, marijuana products, *and regulated hemp products* are possessed, sold, transported,  
1740 distributed, and delivered, so as to prevent any corrupt, incompetent, dishonest, or unprincipled practices and  
1741 to promote the health, safety, welfare, convenience, and prosperity of the people of the Commonwealth. The  
1742 exercise of the powers granted by this subtitle shall be in all respects for the benefit of the citizens of the  
1743 Commonwealth and for the promotion of their safety, health, welfare, and convenience. No part of the assets  
1744 or net earnings of the Authority shall inure to the benefit of, or be distributable to, any private individual,  
1745 except that reasonable compensation may be paid for services rendered to or for the Authority affecting one  
1746 or more of its purposes, and benefits may be conferred that are in conformity with said purposes, and no  
1747 private individual shall be entitled to share in the distribution of any of the corporate assets on dissolution of  
1748 the Authority.

1749 **§ 4.1-603. Cannabis Public Health Advisory Council; purpose; membership; quorum; meetings;**  
1750 **compensation and expenses; duties.**

1751 A. The Cannabis Public Health Advisory Council (the Advisory Council) is established as an advisory  
1752 council to the Board. The purpose of the Advisory Council is to assess and monitor public health issues,  
1753 trends, and impacts related to marijuana and marijuana legalization and make recommendations regarding  
1754 health warnings; ~~retail~~; marijuana ~~and retail~~, marijuana products, *and regulated hemp products* safety and  
1755 product composition; and public health awareness, programming, and related resource needs.

1756 B. The Advisory Council shall have a total membership of 21 members that shall consist of 14  
1757 nonlegislative citizen members and seven ex officio members. Nonlegislative citizen members of the Council  
1758 shall be citizens of the Commonwealth and shall reflect the racial, ethnic, gender, and geographic diversity of  
1759 the Commonwealth. Nonlegislative citizen members shall be appointed as follows: four to be appointed by  
1760 the Senate Committee on Rules, one of whom shall be a representative from the Virginia Foundation for  
1761 Healthy Youth, one of whom shall be a representative from the Virginia Chapter of the American Academy  
1762 of Pediatrics, one of whom shall be a representative from the Medical Society of Virginia, and one of whom  
1763 shall be a representative from the Virginia Pharmacists Association; six to be appointed by the Speaker of the  
1764 House of Delegates, one of whom shall be a representative from a community services board, one of whom  
1765 shall be a person or health care provider with expertise in substance use disorder treatment and recovery, one  
1766 of whom shall be a person or health care provider with expertise in substance use disorder prevention, one of  
1767 whom shall be a person with experience in disability rights advocacy, one of whom shall be a person with  
1768 experience in veterans health care, and one of whom shall be a person with a social or health equity  
1769 background; and four to be appointed by the Governor, subject to confirmation by the General Assembly, one  
1770 of whom shall be a representative of a local health district, one of whom shall be a person who is part of the  
1771 cannabis industry, one of whom shall be an academic researcher knowledgeable about cannabis, and one of  
1772 whom shall be a registered medical cannabis patient.

1773 The Secretary of Health and Human Resources, the Commissioner of Health, the Commissioner of  
1774 Behavioral Health and Developmental Services, the Commissioner of Agriculture and Consumer Services,  
1775 the Director of the Department of Health Professions, the Director of the Department of Forensic Science,  
1776 and the Chief Executive Officer of the Virginia Cannabis Control Authority, or their designees, shall serve ex  
1777 officio with voting privileges. Ex officio members of the Advisory Council shall serve terms coincident with  
1778 their terms of office.

1779 After the initial staggering of terms, nonlegislative citizen members shall be appointed for a term of four  
1780 years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms.  
1781 Vacancies shall be filled in the same manner as the original appointments. All members may be reappointed.

1782 ~~The Advisory Council shall be chaired by the Secretary of Health and Human Resources or his designee.~~  
1783 The Advisory Council shall select a ~~vice-chairman~~ *chair and vice-chair* from among its membership. A  
1784 majority of the members shall constitute a quorum *unless the Advisory Council adopts a policy by the*  
1785 *affirmative vote of a majority of the Advisory Council members that allows for a lesser number of members to*  
1786 *constitute a quorum, which shall be no less than nine members.* The Advisory Council shall meet at least two  
1787 times each year and shall meet at the call of the ~~chairman~~ *or chair*, whenever the majority of the members so  
1788 request, *or upon the Board's submission of regulations to the Advisory Council for approval.*

1789 The Advisory Council shall have the authority to create subgroups with additional stakeholders, experts,  
1790 and state agency representatives.

1791 C. Members shall receive no compensation for the performance of their duties but shall be reimbursed for  
1792 all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813  
1793 and 2.2-2825.

1794 D. The Advisory Council shall have the following duties, in addition to duties that may be necessary to

1795 fulfill its purpose as described in subsection A:

1796 1. To review multi-agency efforts to support collaboration and a unified approach on public health  
1797 responses related to marijuana and marijuana legalization in the Commonwealth and to develop  
1798 recommendations as necessary.

1799 2. To monitor changes in drug use data related to marijuana and marijuana legalization in the  
1800 Commonwealth and the science and medical information relevant to the potential health risks associated with  
1801 such drug use, and make appropriate recommendations to the Department of Health and the Board.

1802 3. ~~Submit~~ *To review and approve Board regulations related to public health pursuant to subsection F of*  
1803 *§ 4.1-606. The Advisory Council shall approve or deny such regulations within 30 calendar days of the*  
1804 *Board's submission of the regulations to the Advisory Council. If the Advisory Council fails to approve or*  
1805 *deny a regulation within 30 calendar days, the Advisory Council shall request a 30-day extension to review*  
1806 *the regulations from the Board or provide a written explanation to the Board on why the Advisory Council*  
1807 *failed to approve or deny the regulation within 30 calendar days. If the Advisory Council fails to approve or*  
1808 *deny a regulation within 30 calendar days and does not request an extension, the Board may adopt such*  
1809 *regulation without approval by the Advisory Council.*

1810 4. *To submit* an annual report to the Governor and the General Assembly for publication as a report  
1811 document as provided in the procedures of the Division of Legislative Automated Systems for the processing  
1812 of legislative documents and reports. The ~~chairman~~ *chair* shall submit to the Governor and the General  
1813 Assembly an annual executive summary of the interim activity and work of the Advisory Council no later  
1814 than the first day of each regular session of the General Assembly. The executive summary shall be submitted  
1815 as a report document as provided in the procedures of the Division of Legislative Automated Systems for the  
1816 processing of legislative documents and reports and shall be posted on the General Assembly's website.

1817 **§ 4.1-604. Powers and duties of the Board.**

1818 The Board shall have the following powers and duties:

1819 1. Promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) and  
1820 § 4.1-606;

1821 2. Control the possession, sale, transportation, and delivery of marijuana ~~and~~, marijuana products, *and*  
1822 *regulated hemp products;*

1823 3. Grant, suspend, restrict, revoke, or refuse to grant or renew any license ~~or~~, permit, *or registration* issued  
1824 or authorized pursuant to this subtitle;

1825 4. Determine the nature, form, and capacity of all containers used for holding marijuana products *or*  
1826 *regulated hemp products* to be kept or sold and prescribe the form and content of all labels and seals to be  
1827 placed thereon;

1828 5. Maintain actions to enjoin common nuisances as defined in § 4.1-1113;

1829 6. Establish standards and implement an online course for employees of retail marijuana stores *and*  
1830 *microbusinesses* that trains employees on how to educate consumers on the potential risks of marijuana use;

1831 7. Establish a plan to develop and disseminate to retail marijuana store *and microbusinesses* licensees a  
1832 pamphlet or similar document regarding the potential risks of marijuana use to be prominently displayed and  
1833 made available to consumers;

1834 8. Establish a position for a Cannabis ~~Social Equity~~ *Impact Business* Liaison who shall lead the Cannabis  
1835 *Impact Business Equity and Diversity* Support Team and liaise with the Director of Diversity, Equity, and  
1836 Inclusion on matters related to ~~diversity, equity, and inclusion standards~~ *impact licensee participation* in the  
1837 marijuana industry;

1838 9. Establish a Cannabis ~~Impact Business Equity and Diversity~~ Support Team, which shall (i) develop  
1839 requirements for the creation and submission of diversity, equity, and inclusion plans by persons who wish to  
1840 possess a license in more than one license category pursuant to subsection C of § 4.1-805, which may include  
1841 a requirement that the licensee participate in social equity apprenticeship plan, and an approval process and  
1842 requirements for implementation of such plans; (ii) be responsible for conducting an analysis of potential  
1843 barriers to entry for ~~small, women-owned, and minority-owned businesses and veteran-owned businesses~~  
1844 interested in participating in the marijuana industry and recommending strategies to effectively mitigate such  
1845 potential barriers; (iii) provide assistance with business planning for potential marijuana establishment  
1846 licensees; (iv) spread awareness of business opportunities related to the marijuana marketplace in ~~areas~~  
1847 ~~disproportionately impacted by marijuana prohibition and enforcement;~~ (v) provide technical assistance in  
1848 navigating the administrative process to potential marijuana establishment licensees; and (vi) conduct other  
1849 outreach initiatives in ~~areas disproportionately impacted by marijuana prohibition and enforcement~~ as  
1850 necessary;

1851 10. Establish a position for an individual with professional experience in a health related field who shall  
1852 staff the Cannabis Public Health Advisory Council, established pursuant to § 4.1-603, liaise with the Office  
1853 of the Secretary of Health and Human Resources and relevant health and human services agencies and  
1854 organizations, and perform other duties as needed;

1855 11. Establish and implement a plan, in coordination with the Cannabis ~~Social Equity~~ *Impact Business*  
1856 *Liaison and the Director of Diversity, Equity, and Inclusion*, to promote and encourage participation in the

1857 marijuana industry by people from *historically economically disadvantaged* communities ~~that have been~~  
 1858 ~~disproportionately impacted by marijuana prohibition and enforcement~~ and to positively impact those  
 1859 communities;

1860 12. Sue and be sued, implead and be impleaded, and complain and defend in all courts;

1861 13. Adopt, use, and alter at will a common seal;

1862 14. Fix, alter, charge, and collect rates, rentals, fees, and other charges for the use of property of, the sale  
 1863 of products of, or services rendered by the Authority at rates to be determined by the Authority for the  
 1864 purpose of providing for the payment of the expenses of the Authority;

1865 15. Make and enter into all contracts and agreements necessary or incidental to the performance of its  
 1866 duties, the furtherance of its purposes, and the execution of its powers under this subtitle, including  
 1867 agreements with any person or federal agency;

1868 16. Employ, at its discretion, consultants, researchers, architects, engineers, accountants, financial experts,  
 1869 investment bankers, superintendents, managers, and such other employees and special agents as may be  
 1870 necessary and fix their compensation to be payable from funds made available to the Authority. Legal  
 1871 services for the Authority shall be provided by the Attorney General in accordance with Chapter 5 (§ 2.2-500  
 1872 et seq.) of Title 2.2; *however, if, in the opinion of the Attorney General, it is impracticable or uneconomical*  
 1873 *for such legal services to be rendered by him or one of his assistants, the Authority may employ special*  
 1874 *counsel to represent it and provide such legal services;*

1875 17. Receive and accept from any federal or private agency, foundation, corporation, association, or person  
 1876 grants or other aid to be expended in accomplishing the objectives of the Authority, and receive and accept  
 1877 from the Commonwealth or any state and any municipality, county, or other political subdivision thereof or  
 1878 from any other source aid or contributions of either money, property, or other things of value, to be held,  
 1879 used, and applied only for the purposes for which such grants and contributions may be made. All federal  
 1880 moneys accepted under this section shall be accepted and expended by the Authority upon such terms and  
 1881 conditions as are prescribed by the United States and as are consistent with state law, and all state moneys  
 1882 accepted under this section shall be expended by the Authority upon such terms and conditions as are  
 1883 prescribed by the Commonwealth;

1884 18. Adopt, alter, and repeal bylaws, rules, and regulations governing the manner in which its business  
 1885 shall be transacted and the manner in which the powers of the Authority shall be exercised and its duties  
 1886 performed. The Board may delegate or assign any duty or task to be performed by the Authority to any  
 1887 officer or employee of the Authority. The Board shall remain responsible for the performance of any such  
 1888 duties or tasks. Any delegation pursuant to this subdivision shall, where appropriate, be accompanied by  
 1889 written guidelines for the exercise of the duties or tasks delegated. Where appropriate, the guidelines shall  
 1890 require that the Board receive summaries of actions taken. Such delegation or assignment shall not relieve the  
 1891 Board of the responsibility to ensure faithful performance of the duties and tasks;

1892 19. Conduct or engage in any lawful business, activity, effort, or project consistent with the Authority's  
 1893 purposes or necessary or convenient to exercise its powers;

1894 20. Develop policies and procedures generally applicable to the procurement of goods, services, and  
 1895 construction, based upon competitive principles;

1896 21. Develop policies and procedures consistent with Article 4 (§ 2.2-4347 et seq.) of Chapter 43 of Title  
 1897 2.2;

1898 22. Acquire, purchase, hold, use, lease, or otherwise dispose of any property, real, personal or mixed,  
 1899 tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes of the  
 1900 Authority; lease as lessee any property, real, personal or mixed, tangible or intangible, or any interest therein,  
 1901 at such annual rental and on such terms and conditions as may be determined by the Board; lease as lessor to  
 1902 any person any property, real, personal or mixed, tangible or intangible, or any interest therein, at any time  
 1903 acquired by the Authority, whether wholly or partially completed, at such annual rental and on such terms  
 1904 and conditions as may be determined by the Board; sell, transfer, or convey any property, real, personal or  
 1905 mixed, tangible or intangible, or any interest therein, at any time acquired or held by the Authority on such  
 1906 terms and conditions as may be determined by the Board; and occupy and improve any land or building  
 1907 required for the purposes of this subtitle;

1908 23. Purchase, lease, or acquire the use of, by any manner, any plant or equipment that may be considered  
 1909 necessary or useful in carrying into effect the purposes of this subtitle, including rectifying, blending, and  
 1910 processing plants;

1911 24. Appoint every agent and employee required for its operations, require any or all of them to give bonds  
 1912 payable to the Commonwealth in such penalty as shall be fixed by the Board, and engage the services of  
 1913 experts and professionals;

1914 25. Hold and conduct hearings, issue subpoenas requiring the attendance of witnesses and the production  
 1915 of records, memoranda, papers, and other documents before the Board or any agent of the Board, and  
 1916 administer oaths and take testimony thereunder. The Board may authorize any Board member or agent of the  
 1917 Board to hold and conduct hearings, issue subpoenas, administer oaths and take testimony thereunder, and  
 1918 decide cases, subject to final decision by the Board, on application of any party aggrieved. The Board may

1919 enter into consent agreements and may request and accept from any applicant, licensee, or permittee a  
1920 consent agreement in lieu of proceedings on (i) objections to the issuance of a license or permit or (ii)  
1921 disciplinary action. Any such consent agreement (a) shall include findings of fact and provisions regarding  
1922 whether the terms of the consent agreement are confidential and (b) may include an admission or a finding of  
1923 a violation. A consent agreement shall not be considered a case decision of the Board and shall not be subject  
1924 to judicial review under the provisions of the Administrative Process Act (§ 2.2-4000 et seq.), but may be  
1925 considered by the Board in future disciplinary proceedings;

1926 26. Make a reasonable charge for preparing and furnishing statistical information and compilations to  
1927 persons other than (i) officials, including court and police officials, of the Commonwealth and of its  
1928 subdivisions if the information requested is for official use and (ii) persons who have a personal or legal  
1929 interest in obtaining the information requested if such information is not to be used for commercial or trade  
1930 purposes;

1931 27. Take appropriate disciplinary action and assess and collect civil penalties and civil charges for  
1932 violations of this subtitle and Board regulations;

1933 28. Review and approve any proposed legislative or regulatory changes suggested by the Chief Executive  
1934 Officer as the Board deems appropriate;

1935 29. Report quarterly to the Secretary of Public Safety and Homeland Security on the law-enforcement  
1936 activities undertaken to enforce the provisions of this subtitle;

1937 30. Establish and collect fees for all *licenses and permits* set forth in this subtitle, including fees  
1938 associated with applications for such *licenses and permits*;

1939 31. Develop and make available on its website guidance documents regarding compliance and safe  
1940 practices for persons who cultivate marijuana at home for personal use, which shall include information  
1941 regarding cultivation practices that promote personal and public safety, including child protection, and  
1942 discourage practices that create a nuisance;

1943 32. Develop and make available on its website a resource that provides information regarding (i)  
1944 responsible marijuana consumption; (ii) health risks and other dangers associated with marijuana  
1945 consumption, including inability to operate a motor vehicle and other types of transportation and equipment;  
1946 and (iii) ancillary effects of marijuana consumption, including ineligibility for certain employment  
1947 opportunities. The Board shall require that the web address for such resource be included on the label of all  
1948 ~~retail marijuana and retail marijuana product products~~ as provided in § ~~4.1-1402~~ 4.1-1405; ~~and~~

1949 33. *Access during business hours any facility governed by this subtitle and any business that offers for*  
1950 *sale or sells at retail a substance intended for human consumption, orally or by inhalation, that is advertised*  
1951 *or labeled as containing a cannabinoid for the purpose of conducting an inspection or securing samples to*  
1952 *identify potential violations of this subtitle;*

1953 34. *Conduct training and provide educational resources to the public on the application process for*  
1954 *licenses;*

1955 35. *Develop and provide consumer education that (i) highlights the ways purchasing marijuana and*  
1956 *marijuana products from or cultivated and processed by licensees supports farmers, small business, and*  
1957 *community reinvestment; (ii) educates consumers on how to recognize licensed retail marijuana stores and*  
1958 *microbusinesses; and (iii) informs consumers about responsible marijuana consumption and health risks and*  
1959 *other dangers associated with marijuana consumption.*

1960 36. *Maintain a public registry available online of information for all licensees that includes a searchable*  
1961 *directory of licenses by license type and impact licensee designation;*

1962 37. *Develop policies and procedures generally applicable to the audit of ownership and financial*  
1963 *relationships across all licenses on a schedule established by the Board. The audits shall be conducted by an*  
1964 *independent certified public accountant and the costs of such audits shall be borne by the licensee;*

1965 38. *Beginning on July 1, 2028, and each July 1 thereafter, issue an annual report on the performance and*  
1966 *health of the retail marijuana market in the Commonwealth, including information related to: (i) sales and*  
1967 *tax revenue, including information on sales and tax revenue broken down by marijuana and marijuana*  
1968 *product category; (ii) the distribution of tax revenue, including programs funded by marijuana tax revenue;*  
1969 *(iii) the total number of licenses issued and the number of licensees actively operating in the Commonwealth;*  
1970 *(iv) license denials and disciplinary actions taken; (v) the number of jobs created in the marijuana industry,*  
1971 *including information on the number of people employed by specific license type; (vi) average wholesale and*  
1972 *retail prices of different types of marijuana and marijuana products; (vii) licenses issued to or renewed for*  
1973 *persons identified in subdivision B 13 of § 4.1-606 and performance metrics for such licensees; (viii) license*  
1974 *fees waived or reduced pursuant to § 4.1-606; (ix) an anonymized summary of the compliance findings from*  
1975 *any audit of ownership and financial relationships across all licenses conducted pursuant to the policies and*  
1976 *procedures of subdivision 37; (x) whether licensees with substantial market share of any category of*  
1977 *licensure have an impact on the goals of (a) inclusion of microbusiness and impact licensees in the market,*  
1978 *(b) maintaining adequate supplies of marijuana, and (c) prevention of dominant marketplace participation in*  
1979 *the marijuana industry; (xi) the potential expansion or contraction of the marijuana market in the*  
1980 *Commonwealth, which may include information related to any increase in retail marijuana sales and activity*

1981 *in the illicit marijuana market; (xii) a comparison of estimated sales in the illicit marijuana market to sales in*  
 1982 *the retail marijuana market; (xiii) information on the viability of marijuana establishments in the*  
 1983 *Commonwealth; (xiv) the feasibility of requiring pharmaceutical processors and cannabis dispensing*  
 1984 *facilities issued a permit by the Board pursuant to the provisions of Chapter 16 (§ 4.1-1600 et seq.) to offer*  
 1985 *for sale a certain amount or percentage of marijuana and marijuana products cultivated or processed by*  
 1986 *microbusinesses and impact licensees, including a proposed timeline for when such requirement may go into*  
 1987 *effect; (xv) public education initiatives, including public awareness campaigns regarding driving under the*  
 1988 *influence, underage consumption and youth awareness, and health risks; (xvi) community engagement*  
 1989 *initiatives; (xvii) efforts made pursuant to subdivisions 8, 9, 11, and 32; and (xviii) any recommendations,*  
 1990 *including recommendations for statutory or regulatory changes, to strengthen the Commonwealth's retail*  
 1991 *marijuana market;*

1992 39. Investigate the ownership and control interests of all licensees, including a review of the licensee's or  
 1993 applicant's management and brand-licensing agreements;

1994 40. Coordinate with the Department of Criminal Justice Services to ensure the exchange of any  
 1995 information necessary to comply with the reporting requirements of the Community Policing Reporting  
 1996 Database established pursuant to § 52-30.3; and

1997 41. Do all acts necessary or advisable to carry out the purposes of this subtitle.

1998 **§ 4.1-606. Regulations of the Board.**

1999 A. The Board ~~may~~ shall promulgate reasonable regulations, not inconsistent with this subtitle or the  
 2000 general laws of the Commonwealth, that it deems necessary to carry out the provisions of this subtitle and to  
 2001 prevent the illegal cultivation, ~~manufacture~~ processing, transportation, distribution, sale, and testing of  
 2002 marijuana ~~and~~ marijuana products, ~~and regulated hemp products~~. The Board may amend or repeal such  
 2003 regulations. ~~Such~~ Except as otherwise provided by law, such regulations shall be promulgated, amended, or  
 2004 repealed in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) and shall have the effect of  
 2005 law.

2006 B. The Board ~~shall~~ may promulgate regulations that:

2007 1. Govern the outdoor cultivation of marijuana by a marijuana cultivation facility licensee, including  
 2008 security requirements to include lighting, physical security, and alarm requirements, provided that such  
 2009 requirements do not prohibit the cultivation of marijuana outdoors or in a greenhouse;

2010 2. Establish requirements for (i) securely transporting marijuana between marijuana establishments *and*  
 2011 *(ii) securely delivering marijuana or marijuana products from retail marijuana stores or microbusinesses*  
 2012 *only in person to consumers, which shall include requirements for age verification, delivery radius, and*  
 2013 *recordkeeping;*

2014 3. Establish sanitary standards for ~~retail~~ marijuana product *and regulated hemp product* preparation;

2015 4. Establish a testing program for ~~retail~~ marijuana ~~and retail~~, marijuana products, *and regulated hemp*  
 2016 *products* pursuant to Chapter 14 (§ 4.1-1400 et seq.);

2017 5. Establish an application process for licensure as a marijuana establishment pursuant to this subtitle in a  
 2018 way that, when possible, prevents disparate impacts on historically *economically* disadvantaged communities;

2019 6. Establish requirements for health and safety warning labels to be placed on ~~retail~~ marijuana ~~and retail~~  
 2020 marijuana products to be sold or offered for sale by a licensee to a consumer *and on regulated hemp products*  
 2021 *to be sold or offered for sale by a person* in accordance with the provisions of this subtitle;

2022 7. Establish a maximum tetrahydrocannabinol level for ~~retail~~ marijuana products, which shall not exceed  
 2023 (i) ~~five~~ 10 milligrams per serving for edible marijuana products and where practicable an equivalent amount  
 2024 for other marijuana products or (ii) ~~50~~ 100 milligrams per package for edible marijuana products and where  
 2025 practicable an equivalent amount for other marijuana products. Such regulations may include other product  
 2026 and dispensing limitations on tetrahydrocannabinol;

2027 8. Establish requirements for the form, content, and retention of all records and accounts by all licensees  
 2028 *and by any person selling a regulated hemp product;*

2029 9. Provide alternative methods for licensees to maintain and store business records that are subject to  
 2030 Board inspection, including methods for Board-approved electronic and offsite storage;

2031 10. Establish (i) criteria by which to evaluate new licensees based on the density of retail marijuana stores  
 2032 in the community and (ii) metrics that have similarly shown an association with negative community-level  
 2033 health outcomes or health disparities. In promulgating such regulations, the Board shall coordinate with the  
 2034 Cannabis Public Health Advisory Council established pursuant to § 4.1-603;

2035 11. Require retail licensees to file an appeal from any hearing decision rendered by a hearing officer  
 2036 within 30 days of the date the notice of the decision is sent. The notice shall be sent to the licensee at the  
 2037 address on record with the Board by certified mail, return receipt requested, and by regular mail;

2038 12. Prescribe the schedule of proration for refunded license fees to licensees who qualify pursuant to  
 2039 ~~subsection C of § 4.1-1002~~ Board regulation;

2040 13. Establish ~~criteria~~ a process by which to ~~evaluate social equity~~ identify impact license applicants,  
 2041 which shall be an applicant ~~who has lived or been domiciled for at least 12 months in the Commonwealth and~~  
 2042 ~~is either (i) an applicant with that has~~ at least ~~66~~ 51 percent ownership *and direct control* by a person or

2043 persons who (i) have resided (a) between the years 1999 and 2025 in a jurisdiction that, after utilizing census  
 2044 tract data made available by the United States Census Bureau, is determined to have been disproportionately  
 2045 policed for marijuana crimes or (b) for at least three of the past five years in a historically economically  
 2046 disadvantaged community and (ii) meet one or more of the following six criteria: (1) have been convicted of  
 2047 or adjudicated delinquent for any ~~misdemeanor~~ violation of § 18.2-248.1, former § 18.2-250.1, or subsection  
 2048 A of § 18.2-265.3 as it relates to marijuana or any substantially similar offense under the laws of another  
 2049 jurisdiction; (ii) an applicant with at least 66 percent ownership by a person or persons who is (2) are the  
 2050 parent, child, sibling, or spouse of a person who has been convicted of or adjudicated delinquent for any  
 2051 ~~misdemeanor~~ violation of § 18.2-248.1, former § 18.2-250.1, or subsection A of § 18.2-265.3 as it relates to  
 2052 marijuana or any substantially similar offense under the laws of another jurisdiction; (iii) an applicant with at  
 2053 least 66 percent ownership by a person or persons who have resided for at least three of the past five years in  
 2054 a jurisdiction that is determined by the Board after utilizing census tract data made available by the United  
 2055 States Census Bureau to have been disproportionately policed for marijuana crimes; (iv) an applicant with at  
 2056 least 66 percent ownership by a person or persons who have resided for at least three of the last five years in a  
 2057 jurisdiction determined by the Board after utilizing census tract data made available by the United States  
 2058 Census Bureau to be economically distressed; or (v) an applicant with at least 66 percent ownership by a  
 2059 person or persons who graduated from a historically black college or university located in the Commonwealth  
 2060 (3) have attended for at least five years a public elementary or secondary school located in a historically  
 2061 economically disadvantaged community; (4) have received a Federal Pell Grant or attended for at least two  
 2062 years a college or university at which at least 30 percent of the students, on average, are eligible for a  
 2063 Federal Pell Grant; (5) are veterans of the Armed Forces of the United States; or (6) have qualified for  
 2064 financial assistance or relief from the U.S. Department of Agriculture as a distressed farmer in the last five  
 2065 years;

2066 14. For the purposes of establishing criteria by which to evaluate social equity license applicants, establish  
 2067 standards by which to determine (i) which jurisdictions have been disproportionately policed for marijuana  
 2068 crimes and (ii) which jurisdictions are economically distressed;

2069 ~~15. Establish~~ For impact license applicants, establish standards and requirements for (i) ~~any~~ a preference  
 2070 in the licensing process for qualified social equity applicants; (ii) what percentage of application or license  
 2071 fees are waived for a qualified social equity applicant, and to promote participation by impact licensees with  
 2072 an inability to pay standard application and license fees; (iii) a grant or low-interest business loan program  
 2073 for qualified social equity applicants programs; (iv) a waiver of any requirements to show proof of funds or  
 2074 current possession and control of the proposed licensed premises at the time of application; and (v) to the  
 2075 extent practicable, the proportional distribution of licenses among the applicants set forth in subdivision 13.  
 2076 If at any time the Board determines that an impact license was obtained on the basis of a fraudulent financial  
 2077 transaction or predatory operating agreement, the Board shall immediately begin revocation proceedings  
 2078 and require the original impact licensee and any other true parties of interest to repay to the Commonwealth  
 2079 the full value of any and all application or licensing fees that were waived;

2080 ~~16. 15.~~ Establish guidelines, in addition to requirements set forth in this subtitle, for the personal  
 2081 cultivation of marijuana that promote personal and public safety, including child protection, and discourage  
 2082 personal cultivation practices that create a nuisance, including a nuisance caused by odor;

2083 ~~17. 16.~~ Establish reasonable time, place, and manner restrictions on outdoor advertising of ~~retail~~ marijuana  
 2084 or retail, marijuana products, and regulated hemp products, not inconsistent with the provisions of this  
 2085 chapter; so that such advertising displaces the illicit market and notifies the public of the location of  
 2086 marijuana establishments. Such regulations shall be promulgated in accordance with § 4.1-1404 4.1-1402,  
 2087 unless otherwise directed;

2088 ~~18. 17.~~ Establish restrictions on the number of licenses that a person may be granted to operate a  
 2089 marijuana establishment in single locality or region; and

2090 ~~19. Establish~~ restrictions on pharmaceutical processors and industrial hemp processors that have been  
 2091 granted a license in more than one license category pursuant to subsection C of § 4.1-805 that ensure all  
 2092 licensees have an equal and meaningful opportunity to participate in the market. Such regulations may limit  
 2093 the amount of products cultivated or manufactured by the pharmaceutical processor or industrial hemp  
 2094 processor that such processor may offer for sale in its retail marijuana stores.

2095 ~~C. The Board may promulgate regulations that:~~

2096 ~~1. Limit~~ 18. Establish the operating processes for impact licensees and microbusinesses, including  
 2097 cooperative agreements with other licensees related to space, equipment, cultivation, processing, and selling  
 2098 marijuana. No more than one license authorizing outdoor cultivation may be exercised on any given parcel of  
 2099 land, or on parcels that are contiguous and under common ownership or control to said parcel;

2100 19. Establish an approval process for the Board to approve or deny ownership, financing, management,  
 2101 and brand-licensing agreements and establish an investigation process for determining whether a financial  
 2102 arrangement between a licensee and another party is commercially reasonable or constitutes undue  
 2103 influence, including the consideration of factors such as price-setting authority, shelf-space control,  
 2104 financing dependency, or shared personnel. Such regulations shall presume the permissibility of (i) passive

2105 *investments resulting in less than a 10 percent equity interest in a licensee, unless the Board determines such*  
 2106 *investment otherwise results in undue influence, and (ii) management services agreements or brand licensing*  
 2107 *agreements that do not result in actual or contractual rights to control the management or operations of a*  
 2108 *licensee; and*

2109 *20. Establish procedures governing ownership disclosure and prior written approval of the Board for the*  
 2110 *assignment, sale, or transfer of any license or any change in ownership or control and background*  
 2111 *investigations of transferees. Such regulations shall (i) require that ownership interests be traced through all*  
 2112 *intermediary entities to the ultimate beneficial owners and (ii) include provisions specifying that a change of*  
 2113 *control occurs upon the (a) acquisition of 25 percent or more of equity or voting power, (b) execution of any*  
 2114 *instrument conferring appointment or removal rights over managers, or (c) cumulative transfers totaling 25*  
 2115 *percent or more within any 24-month period;*

2116 *21. Set the number of licenses issued by type or class to operate a marijuana establishment in order to*  
 2117 *ensure that there is a sufficient supply of marijuana to meet demand, provide market stability, avoid market*  
 2118 *dominance, ensure a competitive market that considers small business opportunities and concerns, and limit*  
 2119 *the sale of unregulated marijuana; however, the number of licenses issued before January 1, 2029, shall not*  
 2120 *exceed the following limits:*

2121 *a. Retail marijuana stores, 400 200; and*

2122 *b. Marijuana wholesalers, 25;*

2123 *c. Marijuana manufacturing facilities, 60; and*

2124 *d. Marijuana cultivation facilities, 450 Tier V marijuana cultivation facilities, 5.*

2125 *In determining the number of licenses issued pursuant to this subdivision, the Board shall not consider any*  
 2126 *license granted pursuant to subsection C of § 4.1-805 to (i) a pharmaceutical processor that has been issued a*  
 2127 *permit by the Board of Pharmacy pursuant to Article 4.2 (§ 54.1-3442.5 et seq.) of the Drug Control Act or*  
 2128 *(ii) an industrial hemp processor registered with the Commissioner of Agriculture and Consumer Services*  
 2129 *pursuant to Chapter 41.1 (§ 3.2-4112 et seq.) of Title 3.2.*

2130 *Beginning January 1, 2029, the Board shall determine the number of retail marijuana store and tier V*  
 2131 *marijuana cultivation facility licenses that the Authority will issue. If the Board makes an additional number*  
 2132 *of those licenses available, the number of licenses available to impact licensee applicants shall be equal to or*  
 2133 *greater than the number of licenses available to all other applicants.*

2134 *The Board may issue as many licenses as it deems necessary for any other license type not specified in*  
 2135 *this subdivision. If the Board does limit the number of licenses available for any other license type not*  
 2136 *specified in this subdivision, the number of licenses available to impact licensee applicants shall be equal to*  
 2137 *or greater than the number of licenses available to all other applicants.*

2138 *2. 22. Prescribe any requirements deemed appropriate for the administration of taxes under §§ 4.1-1003*  
 2139 *and 4.1-1004 § 4.1-1001, including method of filing a return, information required on a return, and form of*  
 2140 *payment.*

2141 *3. 23. Limit the allowable square footage of a retail marijuana store, which shall not exceed 1,500 2,500*  
 2142 *square feet of retail floor space.*

2143 *4. Allow certain persons to be granted or have interest in a license in more than one of the following*  
 2144 *license categories: marijuana cultivation facility license, marijuana manufacturing facility license, marijuana*  
 2145 *wholesaler license, or retail marijuana store license. Such regulations shall be drawn narrowly to limit vertical*  
 2146 *integration to small businesses and ensure that all licensees have an equal and meaningful opportunity to*  
 2147 *participate in the market.*

2148 *24. Ensure that marijuana establishment licenses are, as possible and practicable, issued evenly among*  
 2149 *all areas of the Commonwealth;*

2150 *25. Establish additional market-concentration thresholds, including regional or statewide market-share*  
 2151 *and Herfindahl-Hirschman Index (HHI) benchmarks and policies and procedures for denying or*  
 2152 *conditioning the issuance of licenses or approval of transfers of licenses that would create undue market*  
 2153 *concentration; and*

2154 *26. Develop and maintain a seed-to-sale tracking system that tracks marijuana from either the seed or*  
 2155 *immature plant stage until the marijuana or marijuana product is sold, dispensed, or destroyed.*

2156 *D. Board regulations shall be uniform in their application, except those relating to hours of sale for*  
 2157 *licensees.*

2158 *E. Courts shall take judicial notice of Board regulations.*

2159 *F. The Board shall consult with the Cannabis Public Health Advisory Council in promulgating any*  
 2160 *regulations relating to public health, including regulations promulgated pursuant to subdivision B 3, 4, 6, 7,*  
 2161 *10, or 16 15, and, except as otherwise provided in § 4.1-603, shall not promulgate any such regulation that*  
 2162 *has not been approved by a majority of the members of the Cannabis Public Health Advisory Council.*

2163 *G. With regard to regulations governing licensees that have been issued a permit by the Board of*  
 2164 *Pharmacy to operate as a pharmaceutical processor or cannabis dispensing facility pursuant to Article 4.2*  
 2165 *(§ 54.1-3442.5 et seq.) of the Drug Control Act, the Board shall make reasonable efforts (i) to align such*  
 2166 *regulations with any applicable regulations promulgated by the Board of Pharmacy that establish health,*

2167 safety, and security requirements for pharmaceutical processors and cannabis dispensing facilities and (ii) to  
 2168 deem in compliance with applicable regulations promulgated pursuant to this subtitle such pharmaceutical  
 2169 processors and cannabis dispensing facilities that have been found to be in compliance with regulations  
 2170 promulgated by the Board of Pharmacy that mirror or are more extensive in scope than similar regulations  
 2171 promulgated pursuant to this subtitle.

2172 H. The Board's power to regulate shall be broadly construed.

2173 **§ 4.1-607. Board membership; terms; compensation.**

2174 A. The Authority shall be governed by a Board of Directors, which shall consist of ~~five~~ seven citizens at  
 2175 large appointed by the Governor and confirmed by the affirmative vote of a majority of those voting in each  
 2176 house of the General Assembly. Each appointee shall (i) have been a resident of the Commonwealth for a  
 2177 period of at least three years next preceding his appointment, and his continued residency shall be a condition  
 2178 of his tenure in office; (ii) hold, at a minimum, a baccalaureate degree in business or a related field of study;  
 2179 and (iii) possess a minimum of seven years of demonstrated experience or expertise in the direct  
 2180 management, supervision, or control of a business or legal affairs. *Members shall be appointed in a manner*  
 2181 *that ensures expertise among the Board members in health, law, agriculture, finance, and law enforcement*  
 2182 *and at least one member shall be actively engaged in agricultural production.* Appointees shall reflect the  
 2183 racial, ethnic, gender, and geographic diversity of the Commonwealth. Appointees shall be subject to a  
 2184 background check in accordance with § 4.1-609.

2185 B. After the initial staggering of terms, members shall be appointed for a term of five years. All members  
 2186 shall serve until their successors are appointed. Any appointment to fill a vacancy shall be for the unexpired  
 2187 term. No member appointed by the Governor shall be eligible to serve more than two consecutive terms;  
 2188 however, a member appointed to fill a vacancy may serve two additional consecutive terms. Members of the  
 2189 Board may be removed from office by the Governor for cause, including the improper use of its police  
 2190 powers, malfeasance, misfeasance, incompetence, misconduct, neglect of duty, absenteeism, conflict of  
 2191 interests, failure to carry out the policies of the Commonwealth as established in the Constitution or by the  
 2192 General Assembly, or refusal to carry out a lawful directive of the Governor.

2193 C. The Governor shall appoint the ~~chairman~~ *chair* and ~~vice-chairman~~ *vice-chair* of the Board from among  
 2194 the membership of the Board. The Board may elect other subordinate officers, who need not be members of  
 2195 the Board. The Board may also form committees and advisory councils, which may include representatives  
 2196 who are not members of the Board, to undertake more extensive study and discussion of the issues before the  
 2197 Board. A majority of the Board shall constitute a quorum for the transaction of the Authority's business, and  
 2198 no vacancy in the membership shall impair the right of a quorum to exercise the rights and perform all duties  
 2199 of the Authority.

2200 D. The Board shall meet at least every 60 days for the transaction of its business. Special meetings may be  
 2201 held at any time upon the call of the chairman of the Board or the Chief Executive Officer or upon the written  
 2202 request of a majority of the Board members.

2203 E. Members of the Board shall receive annually such salary, compensation, and reimbursement of  
 2204 expenses for the performance of their official duties as set forth in the general appropriation act for members  
 2205 of the House of Delegates when the General Assembly is not in session, except that the ~~chairman~~ *chair* of the  
 2206 Board shall receive annually such salary, compensation, and reimbursement of expenses for the performance  
 2207 of his official duties as set forth in the general appropriation act for a member of the Senate of Virginia when  
 2208 the General Assembly is not in session.

2209 F. The provisions of the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.) shall  
 2210 apply to the members of the Board, the Chief Executive Officer of the Authority, and the employees of the  
 2211 Authority.

2212 **§ 4.1-614. Disposition of moneys collected by the Board.**

2213 A. All moneys collected by the Board shall be paid directly and promptly into the state treasury, or shall  
 2214 be deposited to the credit of the State Treasurer in a state depository, without any deductions on account of  
 2215 salaries, fees, costs, charges, expenses, refunds, or claims of any description whatever, as required by  
 2216 § 2.2-1802.

2217 All moneys so paid into the state treasury, less the net profits determined pursuant to subsection C, shall  
 2218 be set aside as and constitute an Enterprise Fund; ~~subject to appropriation~~, for the payment of (i) the salaries  
 2219 and remuneration of the members, agents, and employees of the Board and (ii) all costs and expenses  
 2220 incurred in the administration *and enforcement* of this subtitle.

2221 B. The net profits derived under the provisions of this subtitle shall be transferred by the Comptroller to  
 2222 the general fund of the state treasury quarterly, within 50 days after the close of each quarter or as otherwise  
 2223 provided in the appropriation act. As allowed by the Governor, the Board may deduct from the net profits  
 2224 quarterly a sum for the creation of a reserve fund not exceeding the sum of \$2.5 million in connection with  
 2225 the administration of this subtitle and to provide for the depreciation on the buildings, plants, and equipment  
 2226 owned, held, or operated by the Board. After accounting for the Authority's expenses as provided in  
 2227 subsection A, net profits shall be appropriated in the general appropriation act as follows:

2228 ~~1. Forty percent to pre-kindergarten programs for at-risk three-year-olds and four-year-olds;~~

2229 2. Thirty percent to the Cannabis Equity Reinvestment Fund established pursuant to § 2.2-2499.8;  
 2230 3. Twenty-five percent to the Department of Behavioral Health and Developmental Services, which shall  
 2231 distribute such appropriated funds to community services boards for the purpose of administering substance  
 2232 use disorder prevention and treatment programs; and

2233 4. Five percent to public health programs, including public awareness campaigns that are designed to  
 2234 prevent drugged driving, discourage consumption by persons younger than 21 years of age, and inform the  
 2235 public of other potential risks for purposes such as early childhood education, behavioral health, public  
 2236 health awareness, prevention, treatment, and recovery services, workforce development, reentry, indigent  
 2237 criminal defense, and targeted reinvestment in historically disadvantaged communities.

2238 C. As used in this section, "net profits" means the total of all moneys collected by the Board, less local  
 2239 marijuana tax revenues collected under *subsection B of § 4.1-1004* and distributed pursuant to § 4.1-614  
 2240 § 4.1-1001 and all costs, expenses, and charges authorized by this section.

2241 D. All local tax revenues collected under *subsection B of § 4.1-1004* 4.1-1001 shall be paid into the state  
 2242 treasury as provided in subsection A and credited to a special fund, which is hereby created on the  
 2243 Comptroller's books under the name "Collections of Local Marijuana Taxes." The revenues shall be credited  
 2244 to the account of the locality in which they were collected. If revenues were collected from a marijuana  
 2245 establishment located in more than one locality by reason of the boundary line or lines passing through the  
 2246 marijuana establishment, tax revenues shall be distributed pro rata among the localities. The Authority shall  
 2247 provide to the Comptroller any records and assistance necessary for the Comptroller to determine the locality  
 2248 to which tax revenues are attributable.

2249 On a quarterly basis, the Comptroller shall draw his warrant on the Treasurer of Virginia in the proper  
 2250 amount in favor of each locality entitled to the return of its tax revenues, and such payments shall be charged  
 2251 to the account of each such locality under the special fund created by this section. If errors are made in any  
 2252 such payment, or adjustments are otherwise necessary, whether attributable to refunds to taxpayers, or to  
 2253 some other fact, the errors shall be corrected and adjustments made in the payments for the next quarter.

2254 **§ 4.1-621. Certain information not to be made public.**

2255 Neither the Board nor its employees shall divulge any information regarding (i) financial reports or  
 2256 records required pursuant to this subtitle; (ii) the purchase orders and invoices for ~~retail~~ marijuana or ~~retail~~  
 2257 marijuana products filed with the Board by marijuana ~~wholesaler~~ licensees; (iii) taxes collected from,  
 2258 refunded to, or adjusted for any person; or (iv) information contained in the seed-to-sale tracking system  
 2259 maintained by the Board pursuant to § 4.1-614. The provisions of § 58.1-3 shall apply, mutatis mutandis, to  
 2260 taxes collected pursuant to this subtitle and to purchase orders and invoices for ~~retail~~ marijuana or ~~retail~~  
 2261 marijuana products filed with the Board by marijuana ~~wholesaler~~ licensees.

2262 Nothing contained in this section shall prohibit the use or release of such information or documents by the  
 2263 Board to any governmental or law-enforcement agency, or when considering the granting, denial, revocation,  
 2264 or suspension of a license or permit, or the assessment of any penalty against a licensee or permittee, nor shall  
 2265 this section prohibit the Board or its employees from compiling and disseminating to any member of the  
 2266 public aggregate statistical information pertaining to (a) tax collection, as long as such information does not  
 2267 reveal or disclose tax collection from any identified licensee; (b) the total amount of ~~retail~~ marijuana or ~~retail~~  
 2268 marijuana products sales in the Commonwealth by marijuana ~~wholesaler~~ licensees collectively; or (c) the  
 2269 total amount of purchases or sales submitted by licensees, provided that such information does not identify  
 2270 the licensee.

2271 **§ 4.1-629. Local ordinances or resolutions regulating marijuana or marijuana products.**

2272 A. No county, city, or town shall, except as provided in § 4.1-630, adopt any ordinance or resolution that  
 2273 regulates or prohibits the cultivation, processing, possession, sale, distribution, handling, transportation,  
 2274 consumption, use, advertising, or dispensing of marijuana or marijuana products in the Commonwealth.

2275 B. However, the governing body of any county, city, or town may adopt an ordinance that prohibits in its  
 2276 local public parks, playgrounds, public streets, or any sidewalk adjoining any public street the acts described  
 2277 in § 4.1-1108 or the acts described in § 4.1-1109 and may provide a penalty for violation thereof.

2278 C. The governing body of any county, city, or town may adopt an ordinance that decreases the minimum  
 2279 distance requirements as promulgated in Board regulations (i) between retail marijuana stores and  
 2280 microbusinesses or (ii) between a retail marijuana store or microbusiness and any hospital; public, private,  
 2281 or parochial school or institution of higher education; or child day program.

2282 D. Except as provided in this section, nothing in this subtitle shall be construed to supersede or limit the  
 2283 authority of a locality to adopt and enforce local ordinances to regulate businesses licensed pursuant to this  
 2284 subtitle, including local zoning and land use requirements and business license requirements.

2285 E. Except as provided in this section, all local acts, including charter provisions and ordinances of  
 2286 counties, cities, and towns, inconsistent with any of the provisions of this subtitle, are repealed to the extent  
 2287 of such inconsistency.

2288 **§ 4.1-630. Local ordinances regulating time of sale of marijuana and marijuana products.**

2289 The governing body of each county may adopt ordinances effective in that portion of such county not  
 2290 embraced within the corporate limits of any incorporated town, and the governing body of each city and town

2291 *may adopt ordinances effective in such city or town, fixing hours during which marijuana and marijuana*  
 2292 *products may be sold. Such governing bodies shall provide for fines and other penalties for violations of any*  
 2293 *such ordinances, which shall be enforced as if the violations were Class 1 misdemeanors with a right of*  
 2294 *appeal pursuant to § 16.1-106.*

2295 *A copy of any ordinance adopted pursuant to this section shall be certified by the clerk of the governing*  
 2296 *body adopting it and transmitted to the Board.*

2297 *On and after the effective date of any ordinance adopted pursuant to this section, no marijuana store shall*  
 2298 *sell marijuana or marijuana products during the hours limited by the ordinance.*

#### 2299 CHAPTER 7.

#### 2300 ADMINISTRATION OF LICENSES; GENERAL PROVISIONS.

2301 **§ 4.1-700. Board to establish regulations for the administration of licenses.**

2302 *A. The Board shall promulgate regulations for the administration of licenses or permits for the following*  
 2303 *marijuana establishments:*

2304 *1. Marijuana cultivation facility;*

2305 *2. Marijuana processing facility;*

2306 *3. Retail marijuana store;*

2307 *4. Microbusiness;*

2308 *5. Marijuana transporter;*

2309 *6. Marijuana delivery operator;*

2310 *7. Marijuana testing facility; and*

2311 *8. Pharmaceutical processor or cannabis dispensing facility authorized to exercise dual-use privileges.*

2312 *B. Such regulations, at a minimum, shall establish (i) the scope of authority and permissible activities for*  
 2313 *each marijuana establishment; (ii) an application process for licensure as a marijuana establishment; (iii)*  
 2314 *limitations on the number of licenses a person may possess or hold interest in; (iv) conditions under which*  
 2315 *the Board shall or may refuse to grant, suspend, or revoke licenses or permits; (v) procedures for the*  
 2316 *suspension or revocation of licenses, including summary suspensions; (vi) a schedule of civil penalties for*  
 2317 *violations of this subtitle; (vii) procedures for the disposition of marijuana or marijuana products owned by*  
 2318 *or in the possession of any licensee upon suspension or revocation of a license; (viii) procedures and*  
 2319 *requirements for the assignment, sale, transfer, or change of any license; (ix) possession, security, and*  
 2320 *sanitary requirements for licensed premises; (x) sales requirements and restrictions; (xi) recordkeeping and*  
 2321 *tracking requirements; (xii) allowances for temporary permits in certain instances; and (xiii) application and*  
 2322 *annual fees on state licenses, including renewal application and state license fees, and procedures for*  
 2323 *refunds of state license fees.*

2324 *C. Such regulations shall ensure that, at a minimum, (i) a separate license is required for each separate*  
 2325 *place of business; (ii) any assignment, sale, transfer, or change made without Board approval is void and*  
 2326 *shall constitute grounds for immediate suspension or revocation; (iii) the privilege of any licensee shall*  
 2327 *extend to such licensee and to all agents or employees of such licensee for the purpose of operating under*  
 2328 *such license; and (iv) the licensee may be held liable for any violation of this subtitle or any Board regulation*  
 2329 *committed by such agents or employees in connection with their employment.*

2330 **§ 4.1-701. Board to establish regulations for marijuana testing and other health and safety**  
 2331 **requirements and labeling, packaging, and product registration requirements.**

2332 *A. The Board shall establish a testing program for marijuana and marijuana products and labeling,*  
 2333 *packaging, and product registration requirements for marijuana and marijuana products. Except as*  
 2334 *otherwise provided in this subtitle or otherwise provided by law, the testing program shall require a licensee,*  
 2335 *prior to selling or distributing marijuana or a marijuana product to a consumer or to another licensee, to*  
 2336 *submit a representative sample of the marijuana or marijuana product, not to exceed an amount of the total*  
 2337 *harvest or batch as established by the Board, to a licensed marijuana testing facility for testing to ensure that*  
 2338 *the marijuana or marijuana product does not exceed the maximum level of allowable contamination for any*  
 2339 *contaminant that is injurious to health and for which testing is required and to ensure correct labeling.*

2340 *B. The Board shall adopt regulations that, at a minimum, (i) establish a testing program pursuant to this*  
 2341 *section; (ii) establish acceptable testing and research practices, including regulations relating to testing*  
 2342 *practices, methods, and standards; quality control analysis; equipment certification and calibration;*  
 2343 *marijuana testing facility recordkeeping, documentation, and business practices; disposal of used, unused,*  
 2344 *and waste marijuana and marijuana products; and reporting of test results; (iii) identify the types of*  
 2345 *contaminants that are injurious to health for which marijuana and marijuana products shall be tested under*  
 2346 *this subtitle; (iv) establish the maximum level of allowable contamination for each contaminant; (v) establish*  
 2347 *health and safety requirements for marijuana and marijuana products; (vi) establishing labeling and*  
 2348 *packaging requirements for marijuana and marijuana products pursuant to this section; and (vii) establish*  
 2349 *product registration requirements for marijuana and marijuana products pursuant to this section.*

2350 *C. Such regulations related to labeling and packaging requirements shall include a requirement that*  
 2351 *marijuana and marijuana products sold or offered for sale by a licensee to a consumer include a warning*  
 2352 *statement about impaired driving, use while pregnant, and any other requirements established by the Board.*

## CHAPTER 10.

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

**§ 4.1-1000. Labor peace agreements.**

A. For purposes of this section:

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

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

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

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

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

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

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

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

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

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

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

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

**§ 4.1-1001. Marijuana taxes; exceptions.**

A. A tax is levied on the sale in the Commonwealth of any marijuana or marijuana products at the rate of six percent before July 1, 2029, and at the rate of eight percent on and after July 1, 2029. Subject to the provisions of subsection C, the tax shall be in addition to any tax imposed under the Virginia Retail Sales and Use Tax Act (§ 58.1-600 et seq.) or any other provision of federal, state, or local law. The tax shall not apply to any sale:

1. From a marijuana establishment to another marijuana establishment.

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

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

4. Of a hemp product.

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

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

2415 subsection A in its taxable measure.

2416 C. The provisions of Chapter 6 (§ 58.1-600 et seq.) of Title 58.1 shall apply to all sales taxable under  
2417 subsection A, mutatis mutandis.

2418 D. All revenues remitted to the Authority under this subsection shall be disposed of as provided in  
2419 § 4.1-614.

2420 **§ 4.1-1002. Tax returns and payments; commissions; interest.**

2421 A. For any sale taxable under § 4.1-1001, the seller shall be liable for collecting any taxes due. All taxes  
2422 collected by a seller shall be deemed to be held in trust for the Commonwealth. The buyer shall not be liable  
2423 for collecting or remitting the taxes or filing a return.

2424 B. On or before the tenth day of each month, any person liable for a tax due under § 4.1-1001 shall file a  
2425 return under oath with the Authority and pay any taxes due. Upon written application by a person filing a  
2426 return, the Authority may, if it determines good cause exists, grant an extension to the end of the calendar  
2427 month in which the tax is due, or for a period not exceeding 30 days. Any extension shall toll the accrual of  
2428 any interest or penalties under § 4.1-1005.

2429 C. The Authority may accept payment by any commercially acceptable means, including cash, checks,  
2430 credit cards, debit cards, and electronic funds transfers, for any taxes, interest, or penalties due under this  
2431 subtitle. The Board may assess a service charge for the use of a credit or debit card.

2432 D. Upon request, the Authority may collect and maintain a record of a person's credit card, debit card, or  
2433 automated clearinghouse transfer information and use such information for future payments of taxes,  
2434 interest, or penalties due under this subtitle. The Authority may assess a service charge for any payments  
2435 made under this subsection. The Authority may procure the services of a third-party vendor for the secure  
2436 storage of information collected pursuant to this subsection.

2437 E. If any person liable for tax under § 4.1-1001 sells out his business or stock of goods or quits the  
2438 business, such person shall make a final return and payment within 15 days after the date of selling or  
2439 quitting the business. Such person's successors or assigns, if any, shall withhold sufficient of the purchase  
2440 money to cover the amount of such taxes, interest, and penalties due and unpaid until such former owner  
2441 produces a receipt from the Authority showing payment or a certificate stating that no taxes, penalties, or  
2442 interest are due. If the buyer of a business or stock of goods fails to withhold the purchase money as provided  
2443 in this subsection, such buyer shall be liable for the payment of the taxes, interest, and penalties due and  
2444 unpaid on account of the operation of the business by any former owner.

2445 F. When any person fails to timely pay the full amount of tax due under § 4.1-1001, interest at a rate  
2446 determined in accordance with § 58.1-15 shall accrue on the tax until it is paid. Any taxes due under  
2447 § 4.1-1001 shall, if applicable, be subject to penalties as provided in §§ 4.1-1205 and 4.1-1206.

2448 **§ 4.1-1003. Bonds.**

2449 The Authority may, when deemed necessary and advisable to do so in order to secure the collection of the  
2450 taxes levied under § 4.1-1001, require any person subject to such tax to file a bond, with such surety as it  
2451 determines is necessary to secure the payment of any tax, penalty, or interest due or that may become due  
2452 from such person. In lieu of such bond, securities approved by the Authority may be deposited with the State  
2453 Treasurer, which securities shall be kept in the custody of the State Treasurer, and shall be sold by the State  
2454 Treasurer at the request of the Authority at public or private sale if it becomes necessary to do so in order to  
2455 recover any tax, interest, or penalty due the Commonwealth. Upon any such sale, the surplus, if any, above  
2456 the amounts due shall be returned to the person who deposited the securities.

2457 **§ 4.1-1004. Refunds.**

2458 In the event purchases are returned to the seller by the buyer after a tax imposed under § 4.1-1001 has  
2459 been collected or charged to the account of the buyer, the seller shall be entitled to a refund of the amount of  
2460 tax so collected or charged in the manner prescribed by the Authority. The amount of tax so refunded to the  
2461 seller shall not, however, include the tax paid upon any amount retained by the seller after such return of  
2462 merchandise. In case the tax has not been remitted by the seller, the seller may deduct the same in submitting  
2463 his return.

2464 **§ 4.1-1005. Statute of limitations; civil remedies for collecting past-due taxes, interest, and penalties.**

2465 A. The taxes imposed under § 4.1-1001 shall be assessed within three years from the date on which such  
2466 taxes became due and payable. In the case of a false or fraudulent return with intent to defraud the  
2467 Commonwealth, or a failure to file a return, the taxes may be assessed, or a proceeding in court for the  
2468 collection of such taxes may be begun without assessment, at any time within six years from such date. The  
2469 Authority shall not examine any person's records beyond the three-year period of limitations unless it has  
2470 reasonable evidence of fraud or reasonable cause to believe that such person was required by law to file a  
2471 return and failed to do so.

2472 B. If any person fails to file a return as required by this section, or files a return that is false or  
2473 fraudulent, the Authority may make an estimate for the taxable period of the taxable sales of such person and  
2474 assess the tax, plus any applicable interest and penalties. The Authority shall give such person 10 days'  
2475 notice requiring such person to provide any records as it may require relating to the business of such person  
2476 for the taxable period. The Authority may require such person or the agents and employees of such person to

2477 give testimony or to answer interrogatories under oath administered by the Authority respecting taxable  
 2478 sales, the filing of the return, and any other relevant information. If any person fails to file a required return,  
 2479 refuses to provide required records, or refuses to answer interrogatories from the Authority, the Authority  
 2480 may make an estimated assessment based upon the information available to it and issue a memorandum of  
 2481 lien under subsection C for the collection of any taxes, interest, or penalties. The estimated assessment shall  
 2482 be deemed prima facie correct.

2483 C. 1. If the Authority assesses taxes, interest, or penalties on a person and such person does not pay  
 2484 within 30 days after the due date, taking into account any extensions granted by the Authority, the Authority  
 2485 may file a memorandum of lien in the circuit court clerk's office of the county or city in which the person's  
 2486 place of business is located or in which the person resides. If the person has no place of business or residence  
 2487 within the Commonwealth, the memorandum may be filed in the Circuit Court of the City of Richmond. A  
 2488 copy of the memorandum may also be filed in the clerk's office of all counties and cities in which the person  
 2489 owns real estate. Such memorandum shall be recorded in the judgment docket book and shall have the effect  
 2490 of a judgment in favor of the Commonwealth, to be enforced as provided in Article 19 (§ 8.01-196 et seq.) of  
 2491 Chapter 3 of Title 8.01, except that a writ of fieri facias may issue at any time after the memorandum is filed.  
 2492 The lien on real estate shall become effective at the time the memorandum is filed in the jurisdiction in which  
 2493 the real estate is located. No memorandum of lien shall be filed unless the person is first given 10 or more  
 2494 days' prior notice of intent to file a lien; however, in those instances where the Authority determines that the  
 2495 collection of any tax, penalties, or interest required to be paid pursuant to law will be jeopardized by the  
 2496 provision of such notice, notification may be provided to the person concurrent with the filing of the  
 2497 memorandum of lien. Such notice shall be given to the person at his last known address.

2498 2. Recordation of a memorandum of lien under this subsection shall not affect a person's right to appeal  
 2499 under § 4.1-1006.

2500 3. If after filing a memorandum of lien the Authority determines that it is in the best interest of the  
 2501 Commonwealth, it may place padlocks on the doors of any business enterprise that is delinquent in filing or  
 2502 paying any tax owed to the Commonwealth. The Authority shall also post notices of distraint on each of the  
 2503 doors so padlocked. If, after three business days, the tax deficiency has not been satisfied or satisfactory  
 2504 arrangements for payment have not been made, the Authority may cause a writ of fieri facias to be issued. It  
 2505 shall be a Class 1 misdemeanor for anyone to enter the padlocked premises without prior approval of the  
 2506 Authority. In the event that the person against whom the distraint has been applied subsequently appeals  
 2507 under § 4.1-1006, the person shall have the right to post bond equaling the amount of liability in lieu of  
 2508 payment until the appeal is resolved.

2509 4. A person may petition the Authority after a memorandum of lien has been filed under this subsection if  
 2510 the person alleges an error in the filing of the lien. The Authority shall make a determination on such petition  
 2511 within 14 days. If the Authority determines that the filing was erroneous, it shall issue a certificate of release  
 2512 of the lien within seven days after such determination is made.

2513 **§ 4.1-1006. Appeals.**

2514 Any person aggrieved by a refusal of the Board to issue any license or permit, the suspension or  
 2515 revocation of a license or permit, the imposition of a fine, or any other penalty may seek review of such  
 2516 action in accordance with Board regulations and Article 3 (§ 2.2-4018 et seq.) of the Administrative Process  
 2517 Act in the Circuit Court of the City of Richmond. Further appeals shall also be in accordance with Article 5  
 2518 (§ 2.2-4025 et seq.) of the Administrative Process Act.

2519 **§ 4.1-1007. Injunction.**

2520 The Authority may apply to the appropriate circuit court for an injunction against any person who has  
 2521 violated or may violate any provision of this chapter or any regulation or final decision of the Board. The  
 2522 order granting or refusing such injunction shall be subject to appeal as in other cases in equity.

2523 **§ 4.1-1100. Possession, etc., of marijuana and marijuana products by persons 21 years of age or  
 2524 older lawful; penalties.**

2525 A. Except as otherwise provided in this subtitle and notwithstanding any other provision of law, a person  
 2526 21 years of age or older may lawfully possess on his person or in any public place not more than ~~one ounce~~  
 2527 two ounces of marijuana or an equivalent amount of marijuana product as determined by regulation  
 2528 promulgated by the Board.

2529 B. Any person who possesses on his person or in any public place marijuana or marijuana products in  
 2530 excess of the amounts set forth in subsection A is subject to a civil penalty of no more than \$25 except as  
 2531 otherwise provided in this section. The penalty for any violations of this section by an adult shall be  
 2532 prepayable according to the procedures in § 16.1-69.40:2.

2533 C. With the exception of possession by a person in his residence or possession by a licensee in the course  
 2534 of his duties related to such licensee's marijuana establishment, any person who possesses on his person or in  
 2535 any public place (i) more than four ounces but not more than one pound of marijuana or an equivalent amount  
 2536 of marijuana product as determined by regulation promulgated by the Board is guilty of a Class 3  
 2537 misdemeanor and, for a second or subsequent offense, a Class 2 misdemeanor and (ii) more than one pound  
 2538 of marijuana or an equivalent amount of marijuana product as determined by regulation promulgated by the

2539 Board is guilty of a felony punishable by a term of imprisonment of not less than one year nor more than 10  
 2540 years and a fine of not more than \$250,000, or both.

2541 D. The provisions of this section shall not apply to members of federal, state, county, city, or town  
 2542 law-enforcement agencies, jail officers, or correctional officers, as defined in § 53.1-1, certified as handlers of  
 2543 dogs trained in the detection of controlled substances when possession of marijuana is necessary for the  
 2544 performance of their duties.

2545 **§ 4.1-1101. Home cultivation of marijuana for personal use; penalties.**

2546 A. ~~Notwithstanding the provisions of subdivision (e) of § 18.2-248.1,~~ A person 21 years of age or older  
 2547 may cultivate up to four marijuana plants for personal use at their place of residence; however, at no point  
 2548 shall a household contain more than four marijuana plants. For purposes of this section, a "household" means  
 2549 those individuals, whether related or not, who live in the same house or other place of residence.

2550 A person may only cultivate marijuana plants pursuant to this section at such person's main place of  
 2551 residence.

2552 A violation of this subsection shall be punishable as follows:

2553 1. For possession of more than four marijuana plants but no more than 10 marijuana plants, (i) a civil  
 2554 penalty of \$250 for a first offense, (ii) a Class 3 misdemeanor for a second offense, and (iii) a Class 2  
 2555 misdemeanor for a third and any subsequent offense;

2556 2. For possession of more than 10 but no more than 49 marijuana plants, a Class 1 misdemeanor;

2557 3. For possession of more than 49 but no more than 100 marijuana plants, a Class 6 felony; and

2558 4. For possession of more than 100 marijuana plants, a felony punishable by a term of imprisonment of  
 2559 not less than one year nor more than 10 years or a fine of not more than \$250,000, or both.

2560 B. A person who cultivates marijuana for personal use pursuant to this section shall:

2561 1. Ensure that no marijuana plant is visible from a public way without the use of aircraft, binoculars, or  
 2562 other optical aids;

2563 2. Take precautions to prevent unauthorized access by persons younger than 21 years of age; and

2564 3. Attach to each marijuana plant a legible tag that includes the person's name, driver's license or  
 2565 identification number, and a notation that the marijuana plant is being grown for personal use as authorized  
 2566 under this section.

2567 Any person who violates this subsection is subject to a civil penalty of no more than \$25. The penalty for  
 2568 any violations of this section by an adult shall be prepayable according to the procedures in § 16.1-69.40:2.

2569 ~~C. A person shall not manufacture marijuana concentrate from home-cultivated marijuana. The owner of a  
 2570 property or parcel or tract of land may not intentionally or knowingly allow another person to manufacture  
 2571 marijuana concentrate from home-cultivated marijuana within or on that property or land.~~

2572 **§ 4.1-1102. Illegal cultivation or processing of marijuana or marijuana products; conspiracy; penalties.**

2573 A. *Except as otherwise provided in § 4.1-1101, it is unlawful for any person who is not licensed to  
 2574 cultivate or process marijuana or marijuana products in the Commonwealth. A violation of this section with  
 2575 respect to processing marijuana or marijuana products in the Commonwealth is punishable as a Class 6  
 2576 felony. A violation of this section with respect to cultivating marijuana or marijuana products in the  
 2577 Commonwealth is punishable as follows:*

2578 1. *Cultivation of less than 10 plants is punishable as a Class 3 misdemeanor for a first offense and a Class  
 2579 2 misdemeanor for a second or subsequent offense;*

2580 2. *Cultivation of 10 or more plants but less than 50 plants is punishable as a Class 1 misdemeanor for a  
 2581 first offense and a Class 6 felony for a second or subsequent offense;*

2582 3. *Cultivation of 50 or more plants but less than 100 plants is punishable as a Class 5 felony for a first  
 2583 offense and a Class 4 felony for a second or subsequent offense; and*

2584 4. *Cultivation of 100 plants or more is punishable as a Class 4 felony for a first offense and a Class 3  
 2585 felony for a second or subsequent offense.*

2586 B. *Any person who conspires to commit any offense defined in this section may be punished by  
 2587 imprisonment or fine or both, which shall not be less than the minimum punishment nor exceed the maximum  
 2588 punishment prescribed for the offense, the commission of which was the object of the conspiracy.*

2589 **§ 4.1-1103. Illegal sale of marijuana or marijuana products in general; penalties.**

2590 A. *For the purposes of this section, "adult sharing" means transferring marijuana between persons who  
 2591 are 21 years of age or older without remuneration. "Adult sharing" does not include instances in which (i)  
 2592 marijuana is given away contemporaneously with another reciprocal transaction between the same parties;  
 2593 (ii) a gift of marijuana is offered or advertised in conjunction with an offer for the sale of goods or services;  
 2594 or (iii) a gift of marijuana is contingent upon a separate reciprocal transaction for goods or services.*

2595 B. *Except as authorized by this chapter or provided in subsection C, it is unlawful for any person who is  
 2596 not licensed to sell, give, or distribute or possess with intent to sell, give, or distribute marijuana or  
 2597 marijuana products. Any person who violates this section with respect to:*

2598 1. *Less than five pounds of marijuana or an equivalent amount of marijuana products is guilty of (i) a  
 2599 Class 2 misdemeanor for a first offense; (ii) a Class 1 misdemeanor for a second offense; and (iii) a Class 6  
 2600 felony for a third or subsequent offense;*

2601 2. Five pounds or more of marijuana or an equivalent amount of marijuana products but less than 25  
 2602 pounds is guilty of (i) a Class 6 felony for a first offense and (ii) a Class 5 felony for a second or subsequent  
 2603 offense;

2604 3. Twenty-five pounds or more of marijuana or an equivalent amount of marijuana products but less than  
 2605 50 pounds is guilty of (i) a Class 5 felony for a first offense and (ii) a Class 4 felony for a second or  
 2606 subsequent offense; and

2607 3. Fifty pounds or more of marijuana or an equivalent amount of marijuana products is guilty of (i) a  
 2608 Class 4 felony for a first offense and (ii) a Class 3 felony for a second or subsequent offense.

2609 C. No civil or criminal penalty may be imposed for adult sharing of an amount of marijuana that does not  
 2610 exceed two ounces or of an equivalent amount of marijuana products.

2611 **§ 4.1-1103.1. Prohibiting the sale, cultivation, or processing of marijuana on or near certain**  
 2612 **properties; penalty.**

2613 A. Except as authorized by this chapter, it is unlawful for any person without a license to cultivate,  
 2614 process, sell, or distribute or possess with intent to sell, give, or distribute marijuana or marijuana products  
 2615 while:

2616 1. Upon the property, including buildings and grounds, of any public or private elementary or secondary  
 2617 school, any institution of higher education, or any clearly marked licensed child day center as defined in  
 2618 § 22.1-289.02;

2619 2. Upon public property or any property open to public use within 1,000 feet of the property described in  
 2620 subdivision 1;

2621 3. On any school bus as defined in § 46.2-100;

2622 4. Upon a designated school bus stop, or upon either public property or any property open to public use  
 2623 that is within 1,000 feet of such school bus stop, during the time when school children are waiting to be  
 2624 picked up and transported to or are being dropped off from school or a school-sponsored activity;

2625 5. Upon the property, including buildings and grounds, of any publicly owned or publicly operated  
 2626 recreation or community center facility or any public library; or

2627 6. Upon the property of any state facility as defined in § 37.2-100 or upon public property or property  
 2628 open to public use within 1,000 feet of such an institution.

2629 It is a violation of the provisions of this section if the person possessed the marijuana or marijuana  
 2630 products on the property described in subdivisions 1 through 6, regardless of where the person intended to  
 2631 sell, give, or distribute the marijuana or marijuana products.

2632 B. Violation of this section shall constitute a separate and distinct offense. Any person violating the  
 2633 provisions of this section is guilty of a Class 1 misdemeanor.

2634 C. If a person commits an act violating the provisions of this section, and the same act also violates  
 2635 another provision of law that provides for penalties greater than those provided for by this section, then  
 2636 nothing in this section shall prohibit or bar any prosecution or proceeding under that other provision of law  
 2637 or the imposition of any penalties provided for thereby.

2638 **§ 4.1-1104. Persons to whom marijuana or marijuana products may not be sold; proof of legal age;**  
 2639 **penalties.**

2640 A. No person shall, except as otherwise permitted under Chapter 16 (§ 4.1-1600 et seq.), sell, give, or  
 2641 distribute any marijuana, marijuana products, or marijuana paraphernalia to any individual when at the  
 2642 time of such sale he knows or has reason to believe that the individual to whom the sale is made is (i)  
 2643 younger than 21 years of age or (ii) intoxicated. Any person convicted of a violation of this subsection is  
 2644 guilty of a Class 1 misdemeanor. Upon conviction of a violation of this subsection by a licensee, the Authority  
 2645 shall revoke any license of such licensee that was issued by the Authority.

2646 B. Any person who sells, except as otherwise permitted under Chapter 16 (§ 4.1-1600 et seq.), any  
 2647 marijuana, marijuana products, or marijuana paraphernalia to an individual who is younger than 21 years  
 2648 of age and at the time of the sale does not require the individual to present bona fide evidence of legal age  
 2649 indicating that the individual is 21 years of age or older is guilty of a violation of this subsection. Bona fide  
 2650 evidence of legal age is limited to any evidence that is or reasonably appears to be an unexpired driver's  
 2651 license issued by any state of the United States or the District of Columbia, military identification card,  
 2652 United States passport or foreign government visa, unexpired special identification card issued by the  
 2653 Department of Motor Vehicles, or any other valid government-issued identification card bearing the  
 2654 individual's photograph, signature, height, weight, and date of birth, or which bears a photograph that  
 2655 reasonably appears to match the appearance of the purchaser. A student identification card shall not  
 2656 constitute bona fide evidence of legal age for purposes of this subsection. Any person convicted of a violation  
 2657 of this subsection is guilty of a Class 3 misdemeanor.

2658 C. No person shall be convicted of both subsections A and B for the same sale.

2659 **§ 4.1-1105. Purchasing of marijuana or marijuana products unlawful in certain cases; venue;**  
 2660 **exceptions; penalties; forfeiture; deferred proceedings; treatment and education programs and services.**

2661 A. No person to whom marijuana or marijuana products may not lawfully be sold under § 4.1-1104 shall  
 2662 consume, purchase, or possess, or attempt to consume, purchase, or possess, any marijuana or marijuana

2663 products, except by any federal, state, or local law-enforcement officer or his agent when possession of  
2664 marijuana or marijuana products is necessary in the performance of his duties. Such person may be  
2665 prosecuted either in the county or city in which the marijuana or marijuana products were possessed or  
2666 consumed or in the county or city in which the person exhibits evidence of physical indicia of consumption of  
2667 marijuana or marijuana products.

2668 B. No person younger than 21 years of age shall use or attempt to use any (i) altered, fictitious, facsimile,  
2669 or simulated license to operate a motor vehicle; (ii) altered, fictitious, facsimile, or simulated document,  
2670 including a birth certificate or student identification card; or (iii) motor vehicle driver's license or other  
2671 document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or the comparable law of another  
2672 jurisdiction, birth certificate, or student identification card of another person in order to establish a false  
2673 identification or false age for himself to consume, purchase, or attempt to consume or purchase marijuana or  
2674 marijuana products.

2675 C. Any person found guilty of a violation of this section is guilty of a Class 1 misdemeanor, and upon  
2676 conviction (i) such person shall be ordered to pay a mandatory minimum fine of \$500 or ordered to perform  
2677 a mandatory minimum of 50 hours of community service as a condition of probation supervision and (ii) the  
2678 license to operate a motor vehicle in the Commonwealth of any such person age 18 or older shall be  
2679 suspended for a period of not less than six months and not more than one year; the license to operate a motor  
2680 vehicle in the Commonwealth of any juvenile shall be handled in accordance with the provisions of  
2681 § 16.1-278.9. The court, in its discretion and upon a demonstration of hardship, may authorize an adult  
2682 convicted of a violation of this section the use of a restricted license to operate a motor vehicle in accordance  
2683 with the provisions of subsection E of § 18.2-271.1 or when referred to a local community-based probation  
2684 services agency established pursuant to Article 9 (§ 9.1-173 et seq.) of Chapter 1 of Title 9.1. During the  
2685 period of license suspension, the court may require an adult who is issued a restricted license under the  
2686 provisions of this subsection to be (a) monitored by an alcohol safety action program or (b) supervised by a  
2687 local community-based probation services agency established pursuant to Article 9 (§ 9.1-173 et seq.) of  
2688 Chapter 1 of Title 9.1, if one has been established for the locality. The alcohol safety action program or local  
2689 community-based probation services agency shall report to the court any violation of the terms of the  
2690 restricted license, the required alcohol safety action program monitoring or local community-based  
2691 probation services and any condition related thereto or any failure to remain drug or alcohol-free during the  
2692 suspension period.

2693 D. Any marijuana or marijuana product purchased or possessed in violation of this section shall be  
2694 deemed contraband and forfeited to the Commonwealth in accordance with § 4.1-1303.

2695 E. Any retail marijuana store or microbusiness licensee who in good faith promptly notifies the Board or  
2696 any state or local law-enforcement agency of a violation or suspected violation of this section shall be  
2697 accorded immunity from an administrative penalty for a violation of § 4.1-1104.

2698 F. When any adult who has not previously been convicted of underage consumption, purchase, or  
2699 possession of marijuana or marijuana products in the Commonwealth or any other state or the United States  
2700 is before the court, the court may, upon entry of a plea of guilty or not guilty, if the facts found by the court  
2701 would justify a finding of guilt of a violation of subsection A, without entering a judgment of guilt and with  
2702 the consent of the accused, defer further proceedings and place him on probation subject to appropriate  
2703 conditions. Such conditions may include the imposition of the license suspension and restricted license  
2704 provisions in subsection C. However, in all such deferred proceedings, the court shall require the accused to  
2705 enter a treatment or education program or both, if available, that in the opinion of the court best suits the  
2706 needs of the accused. If the accused is placed on local community-based probation, the program or services  
2707 shall be located in any of the judicial districts served by the local community-based probation services  
2708 agency or in any judicial district ordered by the court when the placement is with an alcohol safety action  
2709 program. The services shall be provided by (i) a program licensed by the Department of Behavioral Health  
2710 and Developmental Services or (ii) a program or services made available through a community-based  
2711 probation services agency established pursuant to Article 9 (§ 9.1-173 et seq.) of Chapter 1 of Title 9.1, if one  
2712 has been established for the locality. When an offender is ordered to a local community-based probation  
2713 services rather than the alcohol safety action program, the local community-based probation services agency  
2714 shall be responsible for providing for services or referring the offender to education or treatment services as  
2715 a condition of probation.

2716 Upon violation of a condition, the court may enter an adjudication of guilt and proceed as otherwise  
2717 provided. Upon fulfillment of the conditions, the court shall discharge the person and dismiss the proceedings  
2718 against him without an adjudication of guilt. A discharge and dismissal hereunder shall be treated as a  
2719 conviction for the purpose of applying this section in any subsequent proceedings.

2720 When any juvenile is found to have committed a violation of subsection A, the disposition of the case shall  
2721 be handled according to the provisions of Article 9 (§ 16.1-278 et seq.) of Chapter 11 of Title 16.1.

2722 **§ 4.1-1106. Purchasing marijuana or marijuana products for one to whom they may not be sold;**  
2723 **penalties; forfeiture.**

2724 A. Any person who purchases marijuana or marijuana products for another person and at the time of such

2725 purchase knows or has reason to believe that the person for whom the marijuana or marijuana products were  
2726 purchased was intoxicated is guilty of a Class 1 misdemeanor.

2727 B. Any person who purchases for, or otherwise gives, provides, or assists in the provision of marijuana or  
2728 marijuana products to, another person when he knows or has reason to know that such person is younger  
2729 than 21 years of age, except by any federal, state, or local law-enforcement officer when possession of  
2730 marijuana or marijuana products is necessary in the performance of his duties, is guilty of a Class 1  
2731 misdemeanor.

2732 C. Any marijuana or marijuana products purchased in violation of this section shall be deemed  
2733 contraband and forfeited to the Commonwealth in accordance with § 4.1-1303.

2734 **§ 4.1-1106.1. Selling, etc. without decal; false decal; civil penalty.**

2735 A. No person shall engage in the sale of marijuana or marijuana products or marketing or labeling  
2736 products as marijuana or marijuana products without a decal issued by the Board and prominently  
2737 displayed. A person violating this subsection is subject to a civil penalty of \$10,000 per day for each day that  
2738 such decal is not displayed in violation of this requirement.

2739 B. It is unlawful for any person to create or display a falsified decal that purports such person to be  
2740 licensed by the Board to engage in the sale of marijuana or marijuana products or market or label products  
2741 as marijuana or marijuana products. Any person who violates this subsection is subject to a civil penalty of  
2742 \$10,000 for each falsified decal such person created or \$10,000 per day for each day that such falsified decal  
2743 is displayed, or both.

2744 C. The provisions of this section shall not preclude prosecution under any other statute.

2745 **§ 4.1-1108. Consuming marijuana or marijuana products, or offering to another, in public place;  
2746 penalty.**

2747 A. No person shall consume marijuana or a marijuana product or offer marijuana or a marijuana product  
2748 to another, whether accepted or not, at or in any public place.

2749 B. Any person who violates this section is subject to a civil penalty of no more than \$25 for a first offense.  
2750 A person who is convicted under this section of a second offense is subject to a \$25 civil penalty and shall be  
2751 ordered to enter a substance abuse treatment or education program or both, if available, that in the opinion of  
2752 the court best suits the needs of the accused. A person convicted under this section of a third or subsequent  
2753 offense is guilty of a Class 4 misdemeanor.

2754 **§ 4.1-1111. Transporting marijuana or marijuana products into the Commonwealth; penalty.**

2755 Any person who transports into the Commonwealth by any means with intent to sell or distribute 50  
2756 pounds or more of marijuana or an equivalent amount of marijuana products is guilty of a Class 2 felony. A  
2757 violation of this section shall constitute a separate and distinct felony.

2758 **§ 4.1-1113. Maintaining common nuisances; penalties.**

2759 A. All houses, boathouses, buildings, club or fraternity or lodge rooms, boats, cars, and places of every  
2760 description where marijuana or marijuana products are manufactured, processed, stored, sold, dispensed,  
2761 given away, or used contrary to law, by any scheme or device whatsoever, shall be deemed common  
2762 nuisances.

2763 No person shall maintain, aid, abet, or knowingly associate with others in maintaining a common  
2764 nuisance.

2765 Any person convicted of a violation of this subsection is guilty of a Class 1 misdemeanor.

2766 B. In addition, after due notice and an opportunity to be heard on the part of any owner or lessor not  
2767 involved in the original offense, by a proceeding analogous to that provided in § 4.1-1303 and upon proof of  
2768 guilty knowledge, judgment may be given that such house, boathouse, building, boat, car, or other place, or  
2769 any room or part thereof, be closed. The court may, upon the owner or lessor giving bond in the penalty of  
2770 not less than \$500 and with security to be approved by the court, conditioned that the premises shall not be  
2771 used for unlawful purposes, or in violation of the provisions of this subtitle for a period of five years, turn the  
2772 same over to its owner or lessor, or proceeding may be had in equity as provided in § 4.1-1300.

2773 C. In a proceeding under this section, judgment shall not be entered against the owner, lessor, or  
2774 lienholder of the property unless it is proved that he (i) knew of the unlawful use of the property and (ii) had  
2775 the right, because of such unlawful use, to enter and repossess the property.

2776 **§ 4.1-1114. Maintaining a fortified drug house; penalty.**

2777 Any office, store, shop, restaurant, dance hall, theater, poolroom, clubhouse, storehouse, warehouse,  
2778 dwelling house, apartment, or building or structure of any kind that is (i) substantially altered from its  
2779 original status by means of reinforcement with the intent to impede, deter, or delay lawful entry by a law-  
2780 enforcement officer into such structure; (ii) being used for the purpose of illegally manufacturing,  
2781 processing, or distributing marijuana; and (iii) the object of a valid search warrant shall be considered a  
2782 fortified drug house. Any person who maintains or operates a fortified drug house is guilty of a Class 5  
2783 felony.

2784 **§ 4.1-1115. Disobeying subpoena; hindering conduct of hearing; penalty.**

2785 No person shall (i) fail or refuse to obey any subpoena issued by the Board, any Board member, or any  
2786 agent authorized by the Board to issue such subpoena or (ii) hinder the orderly conduct and decorum of any

2787 *hearing held and conducted by the Board, any Board member, or any agent authorized by the Board to hold*  
 2788 *and conduct such hearing.*

2789 *Any person convicted of a violation of this section is guilty of a Class 1 misdemeanor.*

2790 **§ 4.1-1117. Delivery of marijuana or marijuana products to prisoners; penalty.**

2791 *No person shall deliver, or cause to be delivered, to any prisoner in any state, local, or regional*  
 2792 *correctional facility or any person committed to the Department of Juvenile Justice in any juvenile*  
 2793 *correctional center any marijuana or marijuana products.*

2794 *Any person convicted of a violation of this section is guilty of a Class 1 misdemeanor.*

2795 **§ 4.1-1118. Separation of plant resin by butane extraction; penalty.**

2796 *A. No person shall separate plant resin by butane extraction or another method that utilizes a substance*  
 2797 *with a flashpoint below 100 degrees Fahrenheit in any public place, motor vehicle, or within the curtilage of*  
 2798 *any residential structure.*

2799 *B. Any person convicted of a violation of this section is guilty of a Class 1 misdemeanor.*

2800 **§ 4.1-1119. Attempts; aiding or abetting; penalty.**

2801 *No person shall attempt to do any of the things prohibited by this subtitle or to aid or abet another in*  
 2802 *doing, or attempting to do, any of the things prohibited by this subtitle.*

2803 *On an indictment, information, or warrant for the violation of this subtitle, the jury or the court may find*  
 2804 *the defendant guilty of an attempt, or being an accessory, and the punishment shall be the same as if the*  
 2805 *defendant were solely guilty of such violation.*

2806 **§ 4.1-1121. Issuance of summonses for certain offenses; civil penalties.**

2807 *Any violation under this subtitle that is subject to a civil penalty is a civil offense and, except in the case*  
 2808 *of a violation alleged to have been committed by a juvenile, in which case the juvenile shall be proceeded*  
 2809 *against pursuant to § 16.1-260, shall be charged by summons. A summons for a violation under this subtitle*  
 2810 *that is subject to a civil penalty may be executed by a law-enforcement officer when such violation is*  
 2811 *observed by such officer. The summons used by a law-enforcement officer pursuant to this section shall be in*  
 2812 *a form the same as the uniform summons for motor vehicle law violations as prescribed pursuant to*  
 2813 *§ 46.2-388. Any civil penalties collected pursuant to this subtitle shall be deposited into the Drug Offender*  
 2814 *Assessment and Treatment Fund established pursuant to § 18.2-251.02.*

#### CHAPTER 12.

#### PROHIBITED PRACTICES BY LICENSEES.

2817 **§ 4.1-1200. Illegal cultivation, etc., of marijuana or marijuana products by licensees; penalty.**

2818 *A. No licensee or any agent or employee of such licensee shall:*

2819 *1. Cultivate, process, transport, sell, or test any marijuana or marijuana products other than that which*  
 2820 *such license or this subtitle authorizes him to cultivate, process, transport, sell, or test;*

2821 *2. Sell marijuana or marijuana products to any person other than a person to whom such license or this*  
 2822 *subtitle authorizes him to sell;*

2823 *3. Cultivate, process, transport, sell, or test marijuana or marijuana products that such license or this*  
 2824 *subtitle authorizes him to sell, but in any place or in any manner other than such license or this subtitle*  
 2825 *authorizes him to cultivate, process, transport, sell, or test;*

2826 *4. Cultivate, process, transport, sell, or test any marijuana or marijuana products when forbidden by this*  
 2827 *subtitle;*

2828 *5. Keep or allow to be kept on the licensed premises any marijuana or marijuana products other than that*  
 2829 *which he is authorized to cultivate, process, transport, sell, or test by such license or by this subtitle;*

2830 *6. Keep any marijuana or marijuana product other than in the container in which it was purchased by*  
 2831 *him; or*

2832 *7. Allow a person younger than 21 years of age to be employed by or volunteer for such licensee.*

2833 *B. Any person convicted of a violation of this section is guilty of a Class 1 misdemeanor and the Authority*  
 2834 *shall revoke any license of such licensee that was issued by the Authority. No license shall be reissued to a*  
 2835 *person convicted of a violation of this section or for the licensed premises where any such violation of this*  
 2836 *section occurred for a period of at least 10 years.*

2837 **§ 4.1-1201. Prohibited acts by employees of licensees; civil penalty.**

2838 *A. In addition to the provisions of § 4.1-1200, no licensee, or his agent or employee shall use or consume*  
 2839 *any marijuana or marijuana products (i) on the licensed premises or (ii) while on duty and in a position that*  
 2840 *is involved in the selling of marijuana or marijuana products to consumers.*

2841 *B. No licensee or his agent or employee shall make any gift of any marijuana or marijuana products.*

2842 *C. Any person convicted of a violation of this section shall be subject to a civil penalty in an amount not to*  
 2843 *exceed \$500. Upon a second or subsequent violation of this section, (i) if the person convicted is licensee, the*  
 2844 *Board shall revoke any license held by the licensee and (ii) if the person convicted is an agent of the licensee*  
 2845 *or employee, the Board shall require the licensee to terminate such agent or employee's employment. Any*  
 2846 *such licensee, agent, or employee convicted of a second or subsequent violation of this section shall be*  
 2847 *prohibited from obtaining any marijuana establishment license and employment at a marijuana*  
 2848 *establishment.*

2849 § 4.1-1202. *Sale of; purchase for resale; marijuana or marijuana products from a person without a*  
 2850 *license; penalty.*

2851 *No retail marijuana store licensee shall purchase for resale or sell any marijuana, marijuana products,*  
 2852 *immature marijuana plants, or marijuana seeds purchased from anyone other than a marijuana cultivation*  
 2853 *facility or marijuana processing facility.*

2854 *Any person convicted of a violation of this section is guilty of a Class 1 misdemeanor.*

2855 § 4.1-1203. *Prohibiting transfer of marijuana or marijuana products by certain licensees; penalty.*

2856 *A. No licensed marijuana establishment shall transfer any marijuana or marijuana products from one*  
 2857 *licensed place of business to another licensed place of business unless (i) such licensed marijuana*  
 2858 *establishment is authorized to transfer marijuana or marijuana products from one licensed place of business*  
 2859 *to another licensed place of business and the transfer is completed by the licensee or an employee of the*  
 2860 *licensee or (ii) such transfer is completed by a marijuana transporter licensee.*

2861 *B. Any person convicted of a violation of this section is guilty of a Class 1 misdemeanor.*

2862 § 4.1-1204. *Illegal advertising materials; civil penalty.*

2863 *No person subject to the jurisdiction of the Board shall induce, attempt to induce, or consent to any*  
 2864 *licensee selling, renting, lending, buying for, or giving to any person any advertising materials or*  
 2865 *decorations under circumstances prohibited by this title or Board regulations.*

2866 *Any person found by the Board to have violated this section shall be subject to a civil penalty as*  
 2867 *authorized by Board regulation.*

2868 § 4.1-1205. *Failure of licensee to pay tax or to deliver, keep, and preserve records and accounts or to*  
 2869 *allow examination and inspection; penalty.*

2870 *A. No licensee shall fail or refuse to (i) pay any tax provided for in § 4.1-1001; (ii) deliver, keep, and*  
 2871 *preserve such records, invoices, and accounts as are required by Board regulation; or (iii) allow such*  
 2872 *records, invoices, and accounts or his place of business to be examined and inspected in accordance with*  
 2873 *Board regulation. Any person convicted of a violation of this subsection is guilty of a Class 1 misdemeanor.*

2874 *B. After reasonable notice to a licensee that failed to make a return or pay taxes due, the Authority shall*  
 2875 *revoke any license of such licensee that was issued by the Authority.*

2876 § 4.1-1206. *Nonpayment of marijuana tax; penalties.*

2877 *A. No person shall make a sale taxable under § 4.1-1001 without paying all applicable taxes due. No*  
 2878 *retail marijuana store or microbusiness licensee shall purchase, receive, transport, store, or sell any*  
 2879 *marijuana or marijuana products on which such retailer has reason to know such tax has not been paid and*  
 2880 *may not be paid. Any person convicted of a violation of this subsection is guilty of a Class 1 misdemeanor.*

2881 *B. Any person who fails to file a return required for a tax due under § 4.1-1001 is subject to a civil*  
 2882 *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*  
 2883 *than 30 days, with an additional five percent for each additional 30 days, or fraction thereof, during which*  
 2884 *the failure continues. Such civil penalty shall not exceed 25 percent in the aggregate. In addition to any civil*  
 2885 *penalty imposed pursuant to this subsection, if the failure to file such return is for more than 90 days, the*  
 2886 *Authority shall revoke any license of such licensee that was issued by the Authority for a period of three*  
 2887 *years.*

2888 *C. In the case of a false or fraudulent return, where willful intent exists to defraud the Commonwealth of*  
 2889 *any tax due on marijuana or marijuana products, a civil penalty of 50 percent of the amount of the proper tax*  
 2890 *due shall be assessed. Such penalty shall be in addition to any penalty imposed under subsection B. It shall*  
 2891 *be prima facie evidence of willful intent to defraud the Commonwealth when any person reports its taxable*  
 2892 *sales to the Authority at 50 percent or less of the actual amount. In addition to any civil penalty imposed*  
 2893 *pursuant to this subsection, the Authority shall revoke any license of such licensee that was issued by the*  
 2894 *Authority for a period of three years.*

2895 *D. If any check tendered for any amount due under § 4.1-1001 or this section is not paid by the bank on*  
 2896 *which it is drawn, and the person that tendered the check fails to pay the Authority the amount due within five*  
 2897 *days after the Authority gives it notice that such check was returned unpaid, the person that tendered the*  
 2898 *check is guilty of a violation of § 18.2-182.1 and the Authority shall revoke any license of such licensee that*  
 2899 *was issued by the Authority for a period of three years.*

2900 *E. All penalties shall be payable to the Authority and if not so paid shall be collectible in the same manner*  
 2901 *as if they were a part of the tax imposed.*

2902 § 4.1-1300. *Enjoining nuisances.*

2903 *A. In addition to the penalties imposed by § 4.1-1113, the Board, its agents, the attorney for the*  
 2904 *Commonwealth, or any citizen of the county, city, or town where a common nuisance as defined in § 4.1-1113*  
 2905 *exists may maintain a suit in equity in the name of the Commonwealth to enjoin the common nuisance.*

2906 *B. The courts of equity shall have jurisdiction, and in every case where the bill charges, on the knowledge*  
 2907 *or belief of the complainant, and is sworn to by two reputable citizens, that marijuana or marijuana products*  
 2908 *are cultivated, processed, stored, sold, dispensed, given away, or used in such house, building, or other place*  
 2909 *described in § 4.1-1113 contrary to the laws of the Commonwealth, an injunction shall be granted as soon as*  
 2910 *the bill is presented to the court. The injunction shall enjoin and restrain the owners and tenants and their*

2911 agents and employees, and any person connected with such house, building, or other place, and all persons  
2912 whomsoever from cultivating, processing, storing, selling, dispensing, giving away, or using marijuana or  
2913 marijuana products on such premises. The injunction shall also restrain all persons from removing any  
2914 marijuana or marijuana products then on such premises until the further order of the court. If the court is  
2915 satisfied that the material allegations of the bill are true, although the premises complained of may not then  
2916 be unlawfully used, it shall continue the injunction against such place for a period of time as the court deems  
2917 proper. The injunction may be dissolved if a proper case is shown for dissolution.

2918 **§ 4.1-1301. Contraband marijuana or marijuana products and other articles subject to forfeiture.**

2919 A. All apparatus and materials for the cultivation or processing of marijuana or marijuana products, all  
2920 marijuana or marijuana products and materials used in their manufacture or processing, and all containers  
2921 in which marijuana or marijuana products may be found that are kept, stored, possessed, or in any manner  
2922 used in violation of the provisions of this subtitle, and any dangerous weapons as described in § 18.2-308  
2923 that may be used or that may be found upon the person, or in any vehicle that such person is using, to aid  
2924 such person in the unlawful cultivation, manufacture, processing, transportation, or sale of marijuana or  
2925 marijuana products, or found in the possession of such person, or any horse, mule, or other beast of burden  
2926 or any wagon, automobile, truck, or vehicle of any nature whatsoever that is found in the immediate vicinity  
2927 of any place where marijuana or marijuana products are being unlawfully manufactured or processed and  
2928 where such animal or vehicle is being used to aid in the unlawful manufacture or processing, shall be deemed  
2929 contraband and shall be forfeited to the Commonwealth.

2930 B. Proceedings for the confiscation of the property in subsection A shall be in accordance with § 4.1-1303  
2931 for all such property except motor vehicles, which proceedings shall be in accordance with Chapter 22.1  
2932 (§ 19.2-386.1 et seq.) of Title 19.2.

2933 **§ 4.1-1303. Confiscation proceedings; disposition of forfeited articles.**

2934 A. All proceedings for the confiscation of articles, except motor vehicles, declared contraband and  
2935 forfeited to the Commonwealth under this subtitle shall be as provided in this section.

2936 B. Whenever any article declared contraband under the provisions of this subtitle and required to be  
2937 forfeited to the Commonwealth has been seized, with or without a warrant, by any officer charged with the  
2938 enforcement of this subtitle, he shall produce the contraband article and any person in whose possession it  
2939 was found. In those cases where no person is found in possession of such articles, the return shall so state  
2940 and a copy of the warrant shall be posted on the door of the buildings or room where the articles were found,  
2941 or if there is no door, then in any conspicuous place upon the premises.

2942 In case of seizure of any item for any offense involving its forfeiture where it is impracticable to remove  
2943 such item to a place of safe storage from the place where seized, the seizing officer may destroy such item  
2944 only as necessary to prevent use of all or any part thereof. The destruction shall be in the presence of at least  
2945 one credible witness, and such witness shall join the officer in a sworn report of the seizure and destruction  
2946 to be made to the Board. The report shall set forth the grounds of the claim of forfeiture, the reasons for  
2947 seizure and destruction, an estimate of the fair cash value of the item destroyed, and the materials remaining  
2948 after such destruction. The report shall include a statement that, from facts within their own knowledge, the  
2949 seizing officer and witness have no doubt whatever that the item was set up for use, or had been used in the  
2950 unlawful cultivation, processing, or manufacture of marijuana, and that it was impracticable to remove such  
2951 apparatus to a place of safe storage.

2952 In case of seizure of any quantity of marijuana or marijuana products for any offense involving forfeiture  
2953 of the same, the seizing officer may destroy them to prevent the use of all or any part thereof for the purpose  
2954 of unlawful cultivation, processing, or manufacture of marijuana or marijuana products or any other  
2955 violation of this subtitle. The destruction shall be in the presence of at least one credible witness, and such  
2956 witness shall join the officer in a sworn report of the seizure and destruction to be made to the Board. The  
2957 report shall set forth the grounds of the claim of forfeiture, the reasons for seizure and destruction, and a  
2958 statement that, from facts within their own knowledge, the seizing officer and witness have no doubt whatever  
2959 that the marijuana or marijuana products were intended for use in the unlawful cultivation, processing, or  
2960 manufacture of marijuana or marijuana products or were intended for use in violation of this subtitle.

2961 C. Upon the return of the warrant as provided in this section, the court shall fix a time not less than 10  
2962 days, unless waived by the accused in writing, and not more than 30 days thereafter, for the hearing on such  
2963 return to determine whether or not the articles seized, or any part thereof, were used or in any manner kept,  
2964 stored, or possessed in violation of this subtitle.

2965 At such hearing, if no claimant appears, the court shall declare the articles seized forfeited to the  
2966 Commonwealth and, if such articles are not necessary as evidence in any pending prosecution, shall turn  
2967 them over to the Board. Any person claiming an interest in any of the articles seized may appear at the  
2968 hearing and file a written claim setting forth particularly the character and extent of his interest. The court  
2969 shall certify the warrant and the articles seized along with any claim filed to the circuit court to hear and  
2970 determine the validity of such claim.

2971 If the evidence warrants, the court shall enter a judgment of forfeiture and order the articles seized to be  
2972 turned over to the Board. Action under this section and the forfeiture of any articles hereunder shall not be a

2973 bar to any prosecution under any other provision of this subtitle.

2974 D. Any articles forfeited to the Commonwealth and turned over to the Board in accordance with this  
2975 section shall be destroyed or sold by the Board as it deems proper. The net proceeds from such sales shall be  
2976 paid into the Literary Fund.

2977 If the Board believes that any foodstuffs forfeited to the Commonwealth and turned over to the Board in  
2978 accordance with this section are usable, should not be destroyed, and cannot be sold, or whose sale would be  
2979 impractical, it may give such foodstuffs to any institution in the Commonwealth and shall prefer a gift to the  
2980 local jail or other local correctional facility in the jurisdiction where seizure took place. A record shall be  
2981 made showing the nature of the foodstuffs and amount given, to whom given, and the date when given and  
2982 shall be kept in the offices of the Board.

2983 **§ 4.1-1304. Contraband marijuana or marijuana products.**

2984 Failure to maintain on a conveyance or vehicle a permit or other indicia of permission issued by the  
2985 Board authorizing the transportation of marijuana or marijuana products within the Commonwealth when  
2986 other Board regulations applicable to such transportation have been complied with shall not be cause for  
2987 deeming such marijuana or marijuana products contraband.

2988 **§ 4.1-1305. Punishment for violations of title or regulations; bond.**

2989 A. Any person convicted of a misdemeanor under the provisions of this subtitle without specification as to  
2990 the class of offense or penalty, or convicted of violating any other provision thereof, or convicted of violating  
2991 any Board regulation is guilty of a Class 1 misdemeanor.

2992 B. In addition to the penalties imposed by this subtitle for violations, any court before whom any person is  
2993 convicted of a violation of any provision of this subtitle may require such defendant to execute bond based  
2994 upon his ability to pay, with approved security, in the penalty of not more than \$1,000, with the condition that  
2995 the defendant will not violate any of the provisions of this subtitle for the term of one year. If any such bond is  
2996 required and is not given, the defendant shall be committed to jail until it is given, or until he is discharged  
2997 by the court, provided that he shall not be confined for a period longer than six months. If any such bond  
2998 required by a court is not given during the term of the court by which conviction is had, it may be given  
2999 before any judge or before the clerk of such court.

3000 C. The provisions of this subtitle shall not prevent the Board from suspending, revoking, or refusing to  
3001 continue the license of any person convicted of a violation of any provision of this subtitle.

3002 D. No court shall hear such a case unless the respective attorney for the Commonwealth or his assistant  
3003 has been notified that such a case is pending.

3004 **§ 4.1-1306. Witness not excused from testifying because of self-incrimination.**

3005 No person shall be excused from testifying or from producing books, papers, correspondence,  
3006 memoranda, or other records for the Commonwealth as to any offense alleged to have been committed by  
3007 another under this subtitle by reason of his testimony or other evidence tending to incriminate himself, but  
3008 the testimony given and evidence so produced by such person on behalf of the Commonwealth when called  
3009 for by the trial judge or court trying the case, or by the attorney for the Commonwealth, or when summoned  
3010 by the Commonwealth and sworn as a witness by the court or the clerk and sent before the grand jury, shall  
3011 be in no case used against him nor shall he be prosecuted as to the offense as to which he testifies.

3012 **§ 4.1-1307. Previous convictions.**

3013 In any indictment, information, or warrant charging any person with a violation of any provision of this  
3014 subtitle, it may be alleged and evidence may be introduced at the trial of such person to prove that such  
3015 person has been previously convicted of a violation of this subtitle.

3016 **§ 4.1-1308. Label on sealed container prima facie evidence of marijuana content.**

3017 In any prosecution for violations of this subtitle, where a sealed container is labeled as containing  
3018 marijuana or marijuana products, such labeling shall be prima facie evidence of the marijuana content of the  
3019 container. Nothing shall preclude the introduction of other relevant evidence to establish the marijuana  
3020 content of a container, whether sealed or not.

3021 **§ 4.1-1309. No recovery for marijuana or marijuana products illegally sold.**

3022 No action to recover the price of any marijuana or marijuana products sold in contravention of this  
3023 subtitle may be maintained.

3024 **§ 4.1-1402. Outdoor advertising restrictions; limitations; variances.**

3025 A. No outdoor advertising regarding marijuana, marijuana products, or any substance containing a  
3026 synthetic tetrahydrocannabinol or synthetic derivative of tetrahydrocannabinol shall be placed within 500  
3027 linear feet on the same side of the road, and parallel to such road, measured from the nearest edge of the sign  
3028 face upon which the advertisement is placed to the nearest edge of a building or structure located on the real  
3029 property of (i) a church, synagogue, mosque, or other place of religious worship; (ii) a public, private, or  
3030 parochial school or an institution of higher education; (iii) a public or private playground or similar  
3031 recreational facility; (iv) a substance use disorder treatment center; or (v) a dwelling used for residential use.

3032 B. However, (i) if there is no building or structure on a playground or similar recreational facility, the  
3033 measurement shall be from the nearest edge of the sign face upon which the advertisement is placed to the  
3034 property line of such playground or similar recreational facility and (ii) if a public or private school providing

3035 grades K through 12 education is located across the road from a sign, the measurement shall be from the  
 3036 nearest edge of the sign face upon which the advertisement is placed to the nearest edge of a building or  
 3037 structure located on such real property across the road.

3038 C. If, at the time the advertisement was displayed, the advertisement was more than 500 feet from (i) a  
 3039 church, synagogue, mosque, or other place of religious worship; (ii) a public, private, or parochial school or  
 3040 an institution of higher education; (iii) a public or private playground or similar recreational facility; (iv) a  
 3041 substance use disorder treatment center; or (v) a dwelling used for residential use, but the circumstances  
 3042 change such that the advertiser would otherwise be in violation of subsection A, the Board shall permit the  
 3043 advertisement to remain as displayed for the remainder of the term of any written advertising contract, but in  
 3044 no event more than one year from the date of the change in circumstances.

3045 D. The Board may grant a permit authorizing a variance from the distance requirements of this section  
 3046 upon a finding that the placement of the advertisement on a sign will not unduly expose children to  
 3047 advertising regarding marijuana, marijuana products, or any substance containing a synthetic  
 3048 tetrahydrocannabinol or synthetic derivative of tetrahydrocannabinol.

3049 E. The distance and zoning restrictions contained in this section shall not apply to any sign that is included  
 3050 in the Integrated Directional Sign Program administered by the Virginia Department of Transportation or its  
 3051 agents.

3052 F. *Any outdoor signs placed on the property of a marijuana establishment shall not (i) display imagery of*  
 3053 *marijuana or the use of marijuana or (ii) target or appeal particularly to persons younger than 21 years of*  
 3054 *age, including by use of cartoons.*

3055 G. Nothing in this section shall be construed to authorize billboard signs containing outdoor advertising  
 3056 regarding marijuana, marijuana products, or any substance containing a synthetic tetrahydrocannabinol or  
 3057 synthetic derivative of tetrahydrocannabinol on property zoned agricultural or residential, or on any unzoned  
 3058 property. Nor shall this section be construed to authorize the erection of new billboard signs containing  
 3059 outdoor advertising that would be prohibited under state law or local ordinance.

3060 ~~G. H.~~ All lawfully erected outdoor signs regarding marijuana, marijuana products, or any substance  
 3061 containing a synthetic tetrahydrocannabinol or synthetic derivative of tetrahydrocannabinol shall comply with  
 3062 the provisions of this subtitle, Board regulations, and Chapter 12 (§ 33.2-1200 et seq.) of Title 33.2 and  
 3063 regulations adopted pursuant thereto by the Commonwealth Transportation Board. Further, any outdoor  
 3064 directional sign regarding marijuana, marijuana products, or any substance containing a synthetic  
 3065 tetrahydrocannabinol or synthetic derivative of tetrahydrocannabinol that is located or to be located on  
 3066 highway rights of way shall also be governed by and comply with the Integrated Directional Sign Program  
 3067 administered by the Virginia Department of Transportation or its agents.

3068 **§ 4.1-1500. Definitions.**

3069 As used in this chapter, unless the context requires a different meaning:

3070 "CDFI" means a community development financial institution that provides credit and financial services  
 3071 for underserved communities.

3072 "Fund" means the Virginia Cannabis Equity Business Loan Fund established in § 4.1-1501.

3073 "Funding" means loans *and grants* made from the Fund.

3074 "Program" means the Virginia Cannabis Equity Business Loan Program established in § 4.1-1502.

3075 ~~"Social equity qualified cannabis licensee" means a person or business who meets the criteria in § 4.1-606~~  
 3076 ~~to qualify as a social equity applicant and who either holds or is in the final stages of acquiring, as determined~~  
 3077 ~~by the Board, a license to operate a marijuana establishment.~~

3078 **§ 4.1-1501. Virginia Cannabis Equity Business Loan Fund.**

3079 There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia  
 3080 Cannabis Equity Business Loan Fund, referred to in this section as "the Fund." The Fund shall be established  
 3081 on the books of the Comptroller. All funds appropriated for such purpose and any gifts, donations, grants,  
 3082 bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Fund.  
 3083 Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining  
 3084 in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but  
 3085 shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of providing *grants,*  
 3086 *low-interest and loans, zero-interest loans, conditional loans, and other supports and services* to ~~social equity~~  
 3087 ~~qualified cannabis~~ *impact* licensees in order to foster business ownership and economic growth within  
 3088 communities that have been the most disproportionately impacted by the former prohibition of cannabis.  
 3089 Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by  
 3090 the Comptroller upon written request signed by the Chief Executive Officer of the Authority.

3091 **§ 4.1-1502. Program requirements; guidelines for management of the Fund; selection of CDFI.**

3092 A. The Authority shall establish a Program to provide loans, *grants, and other supports and services* to  
 3093 ~~qualified social equity cannabis~~ *impact* licensees for the purpose of promoting business ownership and  
 3094 economic growth by communities that have been disproportionately impacted by the prohibition of cannabis.  
 3095 ~~The~~ *For the purposes of issuing loans, the Authority shall* may select and work in collaboration with a CDFI  
 3096 ~~to assist in administering the Program and carrying out the purposes of the Fund. The~~ *If the Authority utilizes*

3097 *a CDFI for issuing loans, the CDFI selected by the Authority shall have (i) a statewide presence in Virginia,*  
 3098 *(ii) experience in business lending, (iii) a proven track record of working with disadvantaged communities,*  
 3099 *and (iv) the capability to dedicate sufficient staff to manage the Program. Working with the selected CDFI,*  
 3100 *the Authority shall establish monitoring and accountability mechanisms for businesses impact licensees*  
 3101 *receiving funding and shall report annually the number of businesses funded; the geographic distribution of*  
 3102 *the businesses; the costs of the Program; and the outcomes, including the number and types of jobs created.*

3103 B. The Program shall:

3104 1. Identify ~~social equity qualified cannabis~~ *impact licensees* who are in need of capital *or other supports*  
 3105 *and services* for the start-up of a cannabis business properly licensed pursuant to the provisions of this  
 3106 subtitle;

3107 2. Provide loans, *grants, and other supports and services* for the purposes described in subsection A *and*  
 3108 *§ 4.1-1501;*

3109 3. Provide technical assistance; and

3110 4. Bring together community partners to sustain the Program.

3111 **§ 4.1-1600. Definitions.**

3112 As used in this chapter, unless the context requires a different meaning:

3113 "Botanical cannabis" means cannabis that is composed wholly of usable cannabis from the same parts of  
 3114 the same chemovar of cannabis plant.

3115 "Cannabis dispensing facility" means a *dual-use* facility that (i) has obtained a permit from the Board  
 3116 pursuant to § 4.1-1602; (ii) is owned, at least in part, by a pharmaceutical processor; ~~and~~ (iii) dispenses  
 3117 cannabis products produced by a pharmaceutical processor to a patient, his registered agent, or, if such patient  
 3118 is a minor or a vulnerable adult as defined in § 18.2-369, such patient's parent or legal guardian; *and (iv) has*  
 3119 *been verified by the Board pursuant to § 4.1-1602.1 to hold and exercise all privileges to operate as a retail*  
 3120 *marijuana store on the premises of the cannabis dispensing facility.*

3121 "Cannabis oil" means any formulation of processed Cannabis plant extract, which may include industrial  
 3122 hemp extracts, including isolates and distillates, acquired by a pharmaceutical processor pursuant to  
 3123 § 4.1-1602, or a dilution of the resin of the Cannabis plant that contains, except as otherwise provided in this  
 3124 chapter, no more than 10 milligrams of tetrahydrocannabinol per dose. "Cannabis oil" does not include  
 3125 industrial hemp, as defined in § 3.2-4112, that is grown, handled, or processed in compliance with state or  
 3126 federal law, unless it has been grown and processed in the Commonwealth by a registered industrial hemp  
 3127 processor and acquired and formulated by a pharmaceutical processor.

3128 "Cannabis product" means a product that (i) is formulated with cannabis oil or botanical cannabis; (ii) is  
 3129 produced by a pharmaceutical processor and sold by a pharmaceutical processor or cannabis dispensing  
 3130 facility; (iii) is registered with the Board; (iv) contains, except as otherwise provided in this chapter, no more  
 3131 than 10 milligrams of tetrahydrocannabinol per dose; and (v) is compliant with testing requirements.

3132 "Designated caregiver facility" means any hospice or hospice facility licensed pursuant to § 32.1-162.3, or  
 3133 home care organization as defined in § 32.1-162.7 that provides pharmaceutical services or home health  
 3134 services, private provider licensed by the Department of Behavioral Health and Developmental Services  
 3135 pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2, assisted living facility licensed pursuant  
 3136 to § 63.2-1701, or adult day center licensed pursuant to § 63.2-1701.

3137 "Dispense" means the same as that term is defined in § 54.1-3300.

3138 "Pharmaceutical processor" means a *dual-use* facility that (i) has obtained a permit from the Board  
 3139 pursuant to § 4.1-1602 ~~and~~; (ii) cultivates Cannabis plants intended ~~only~~ for the production of cannabis oil,  
 3140 botanical cannabis, and usable cannabis, produces cannabis products, and dispenses cannabis products to a  
 3141 patient pursuant to a written certification, his registered agent, or, if such patient is a minor or a vulnerable  
 3142 adult as defined in § 18.2-369, such patient's parent or legal guardian; *and (iii) has been verified by the Board*  
 3143 *pursuant to § 4.1-1602.1 to hold and exercise all privileges to operate as a marijuana cultivation facility,*  
 3144 *marijuana processing facility, and retail marijuana store.*

3145 "Pharmacist" means the same as that term is defined in § 54.1-3300.

3146 "Pharmacy intern" means the same as that term is defined in § 54.1-3300.

3147 "Pharmacy technician" means the same as that term is defined in § 54.1-3300.

3148 "Pharmacy technician trainee" means the same as that term is defined in § 54.1-3300.

3149 "Practitioner" means a practitioner of medicine or osteopathy licensed by the Board of Medicine, a  
 3150 physician assistant licensed by the Board of Medicine, or an advanced practice registered nurse jointly  
 3151 licensed by the Boards of Nursing and Medicine.

3152 "Registered agent" means an individual designated by a patient who has been issued a written  
 3153 certification, or, if such patient is a minor or a vulnerable adult as defined in § 18.2-369, designated by such  
 3154 patient's parent or legal guardian, and registered with the Board pursuant to subsection F of § 4.1-1601.

3155 "Usable cannabis" means any cannabis plant material, including seeds, but not (i) resin that has been  
 3156 extracted from any part of the cannabis plant, its seeds, or its resin; (ii) the mature stalks, fiber produced from  
 3157 the stalks, or any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks;  
 3158 or (iii) oil or cake made from the seeds of the plant.

**3159 § 4.1-1601. Certification for use of cannabis for treatment.**

**3160** A. A practitioner in the course of his professional practice may issue a written certification for the use of  
**3161** cannabis products for treatment or to alleviate the symptoms of any diagnosed condition or disease  
**3162** determined by the practitioner to benefit from such use. The practitioner shall use his professional judgment  
**3163** to determine the manner and frequency of patient care and evaluation and may employ the use of  
**3164** telemedicine, provided that the use of telemedicine includes the delivery of patient care through real-time  
**3165** interactive audiovisual technology. No practitioner may issue a written certification while such practitioner is  
**3166** on the premises of a pharmaceutical processor or cannabis dispensing facility. A pharmaceutical processor  
**3167** shall not endorse or promote any practitioner who issues certifications to patients. If a practitioner determines  
**3168** it is consistent with the standard of care to dispense botanical cannabis to a minor, the written certification  
**3169** shall specifically authorize such dispensing. If not specifically included on the initial written certification,  
**3170** authorization for botanical cannabis may be communicated verbally or in writing to the pharmacist at the  
**3171** time of dispensing. A practitioner who issues written certifications shall not directly or indirectly accept,  
**3172** solicit, or receive anything of value from a pharmaceutical processor, cannabis dispensing facility, or any  
**3173** person associated with a pharmaceutical processor, cannabis dispensing facility, or provider of paraphernalia,  
**3174** excluding information on products or educational materials on the benefits and risks of cannabis products.

**3175** B. The written certification shall be on a form provided by the Authority. Such written certification shall  
**3176** contain the name, address, and telephone number of the practitioner, the name and address of the patient  
**3177** issued the written certification, the date on which the written certification was made, and the signature or  
**3178** authentic electronic signature of the practitioner. Such written certification issued pursuant to subsection A  
**3179** shall expire one year after its issuance unless the practitioner provides in such written certification an earlier  
**3180** expiration. A written certification shall not be issued to a patient by more than one practitioner during any  
**3181** given time period.

**3182** C. No practitioner shall be prosecuted under *Chapter 11 (§ 4.1-1100 et seq.)* or § 18.2-248 ~~or 18.2-248.1~~  
**3183** for the issuance of a certification for the use of cannabis products for the treatment or to alleviate the  
**3184** symptoms of a patient's diagnosed condition or disease pursuant to a written certification issued pursuant to  
**3185** subsection A. Nothing in this section shall preclude a practitioner's professional licensing board from  
**3186** sanctioning the practitioner for failing to properly evaluate or treat a patient's medical condition or otherwise  
**3187** violating the applicable standard of care for evaluating or treating medical conditions.

**3188** D. A practitioner who issues a written certification to a patient pursuant to this section (i) shall hold  
**3189** sufficient education and training to exercise appropriate professional judgment in the certification of patients;  
**3190** (ii) shall not offer a discount or any other thing of value to a patient or a patient's parent, guardian, or  
**3191** registered agent that is contingent on or encourages the person's decision to use a particular pharmaceutical  
**3192** processor or cannabis product; (iii) shall not issue a certification to himself or his family members,  
**3193** employees, or coworkers; (iv) shall not provide product samples containing cannabis other than those  
**3194** approved by the U.S. Food and Drug Administration; and (v) shall not accept compensation from a  
**3195** pharmaceutical processor or cannabis dispensing facility. The Board shall not limit the number of patients to  
**3196** whom a practitioner may issue a written certification. The Board may report information to the applicable  
**3197** licensing board on unusual patterns of certifications issued by a practitioner.

**3198** E. No patient shall be required to physically present the written certification after the initial dispensing by  
**3199** any pharmaceutical processor or cannabis dispensing facility under each written certification, provided that  
**3200** the pharmaceutical processor or cannabis dispensing facility maintains an electronic copy of the written  
**3201** certification. Pharmaceutical processors and cannabis dispensing facilities shall electronically transmit on a  
**3202** monthly basis all new written certifications received by the pharmaceutical processor or cannabis dispensing  
**3203** facility to the Authority.

**3204** F. A patient, or, if such patient is a minor or a vulnerable adult as defined in § 18.2-369, such patient's  
**3205** parent or legal guardian, may designate an individual to act as his registered agent for the purposes of  
**3206** receiving cannabis products pursuant to a valid written certification. Such designated individual shall register  
**3207** with the Board unless the individual's name listed on the patient's written certification. An individual may, on  
**3208** the basis of medical need and in the discretion of the patient's registered practitioner, be listed on the patient's  
**3209** written certification upon the patient's request. The Board may set a limit on the number of patients for whom  
**3210** any individual is authorized to act as a registered agent.

**3211** G. Upon delivery of a cannabis product by a pharmaceutical processor or cannabis dispensing facility to a  
**3212** designated caregiver facility, any employee or contractor of a designated caregiver facility who is licensed or  
**3213** registered by a health regulatory board and who is authorized to possess, distribute, or administer medications  
**3214** may accept delivery of the cannabis product on behalf of a patient or resident for subsequent delivery to the  
**3215** patient or resident and may assist in the administration of the cannabis product to the patient or resident as  
**3216** necessary.

**3217** H. Information obtained under the patient certification or agent registration process shall be confidential  
**3218** and shall not be subject to the disclosure provisions of the Virginia Freedom of Information Act (§ 2.2-3700  
**3219** et seq.). However, reasonable access to registry information shall be provided to (i) the Chairmen of the  
**3220** House and Senate Committees for Courts of Justice, (ii) state and federal agencies or local law enforcement

3221 for the purpose of investigating or prosecuting a specific individual for a specific violation of law, (iii)  
3222 licensed practitioners or pharmacists, or their agents, for the purpose of providing patient care and drug  
3223 therapy management and monitoring of drugs obtained by a patient, (iv) a pharmaceutical processor or  
3224 cannabis dispensing facility involved in the treatment of a patient, or (v) a patient's registered agent, but only  
3225 with respect to information related to such patient.

3226 **§ 4.1-1602. Permit to operate pharmaceutical processor or cannabis dispensing facility.**

3227 A. No person shall operate a pharmaceutical processor or a cannabis dispensing facility without first  
3228 obtaining a permit from the Board. The application for such permit shall be made on a form provided by the  
3229 Authority and signed by a pharmacist who will be in full and actual charge of the pharmaceutical processor's  
3230 dispensing area or cannabis dispensing facility. The Board shall establish an application fee and other general  
3231 requirements for such application. *Effective May 1, 2027, no previously issued permit shall remain valid*  
3232 *unless the pharmaceutical processor has received dual-use verification from the Board pursuant to*  
3233 *§ 4.1-1602.1.*

3234 B. Each permit shall expire annually on a date determined by the Board in regulation. The number of  
3235 permits that the Board may issue or renew in any year is limited to one *permit in each health service area*  
3236 *established by the Board of Health, which shall govern the operations of the* pharmaceutical processor and up  
3237 to five cannabis dispensing facilities ~~for~~ in each health service area established by the Board of Health.  
3238 Permits shall be displayed in a conspicuous place on the premises of the pharmaceutical processor and  
3239 cannabis dispensing facility.

3240 C. The Board shall adopt regulations establishing health, safety, and security requirements for  
3241 pharmaceutical processors and cannabis dispensing facilities. Such regulations shall include requirements for  
3242 (i) physical standards; (ii) location restrictions; (iii) security systems and controls; (iv) minimum equipment  
3243 and resources; (v) recordkeeping; (vi) labeling and packaging; (vii) routine inspections no more frequently  
3244 than once annually; (viii) processes for safely and securely dispensing and delivering in person cannabis  
3245 products to a patient, his registered agent, or, if such patient is a minor or a vulnerable adult as defined in  
3246 § 18.2-369, such patient's parent or legal guardian; (ix) dosage limitations for cannabis products that provide  
3247 that each dispensed dose of a cannabis product not exceed 10 milligrams of total tetrahydrocannabinol,  
3248 except as permitted under § 4.1-1603.2; (x) a process for the wholesale distribution of and the transfer of  
3249 usable cannabis, botanical cannabis, cannabis oil, and cannabis products between pharmaceutical processors,  
3250 between a pharmaceutical processor and a cannabis dispensing facility, and between cannabis dispensing  
3251 facilities; (xi) an allowance for the sale of devices for administration of dispensed cannabis products and  
3252 hemp-based CBD products that meet the applicable standards set forth in state and federal law, including the  
3253 laboratory testing standards set forth in subsection N; (xii) an allowance for the use and distribution of inert  
3254 product samples containing no cannabinoids for patient demonstration exclusively at the pharmaceutical  
3255 processor or cannabis dispensing facility, and not for further distribution or sale, without the need for a  
3256 written certification; (xiii) a process for acquiring industrial hemp extracts and formulating such extracts into  
3257 cannabis products; and (xiv) an allowance for the advertising and promotion of the pharmaceutical  
3258 processor's products and operations, which shall not limit the pharmaceutical processor from the provision of  
3259 educational material to practitioners who issue written certifications and patients. The Board shall also adopt  
3260 regulations for pharmaceutical processors that include requirements for (a) processes for safely and securely  
3261 cultivating cannabis plants intended for producing cannabis products, (b) the disposal of agricultural waste,  
3262 and (c) a process for registering cannabis products.

3263 D. The Board shall require pharmaceutical processors, after processing and before dispensing any  
3264 cannabis products, to make a sample available from each batch of cannabis product for testing by an  
3265 independent laboratory that is located in *the* Commonwealth and meets Board requirements. ~~A valid sample~~  
3266 ~~size for testing shall be determined by each laboratory and may vary due to sample matrix, analytical method,~~  
3267 ~~and laboratory-specific procedures. A minimum sample size of 0.5 percent of individual units for dispensing~~  
3268 ~~or distribution from each homogenized batch of cannabis oil is required to achieve a representative cannabis~~  
3269 ~~oil sample for analysis. A minimum sample size, to be determined by the certified testing laboratory, from~~  
3270 ~~each batch of botanical cannabis is required to achieve a representative botanical cannabis sample for~~  
3271 ~~analysis. Botanical cannabis products shall only be tested for the following: total cannabidiol (CBD); total~~  
3272 ~~tetrahydrocannabinol (THC); terpenes; pesticide chemical residue, heavy metals, mycotoxins, moisture, and~~  
3273 ~~microbiological contaminants. Testing thresholds shall be consistent with generally accepted cannabis~~  
3274 ~~industry thresholds. The pharmaceutical processor may remediate botanical cannabis or cannabis oil that fails~~  
3275 ~~any quality testing standard except pesticides. Following remediation, all remediated botanical cannabis or~~  
3276 ~~cannabis oil shall be subject to laboratory testing, which shall not be more stringent than initial testing prior~~  
3277 ~~to remediation. Remediated botanical cannabis or cannabis oil that passes such quality testing may be~~  
3278 ~~packaged and labeled. If a batch of botanical cannabis fails retesting after remediation, it shall be considered~~  
3279 ~~usable cannabis and may be processed into cannabis oil. Stability testing shall not be required for any~~  
3280 ~~cannabis product with an expiration date assigned by the pharmaceutical processor of 12 months or less from~~  
3281 ~~the date of the cannabis product registration approval. Stability testing required for assignment of an~~  
3282 ~~expiration date longer than 12 months shall be limited to microbial testing, on a pass/fail basis, and potency~~

3283 testing, on a 15 percent deviation basis, of total THC and total CBD. No cannabis product shall have an  
3284 expiration date longer than 12 months from the date of the cannabis product registration approval unless  
3285 supported by stability testing. Regulations promulgated pursuant to § 4.1-701 related to the testing of  
3286 marijuana and marijuana products shall apply mutatis mutandis to the testing of all cannabis products.

3287 E. A laboratory testing samples for a pharmaceutical processor shall obtain a controlled substances  
3288 registration certificate pursuant to § 54.1-3423 and shall comply with quality standards established by the  
3289 Board of Pharmacy in regulation.

3290 F. Every pharmaceutical processor's dispensing area or cannabis dispensing facility shall be under the  
3291 personal supervision of a licensed pharmacist on the premises of the pharmaceutical processor or cannabis  
3292 dispensing facility unless all cannabis products are contained in a vault or other similar container to which  
3293 only the pharmacist has access controls. The pharmaceutical processor shall ensure that security measures are  
3294 adequate to protect the cannabis from diversion at all times, and the pharmacist-in-charge shall have  
3295 concurrent responsibility for preventing diversion from the dispensing area.

3296 Every pharmaceutical processor shall designate a person who shall have oversight of the cultivation and  
3297 production areas of the pharmaceutical processor and shall provide such information to the Board. The Board  
3298 shall direct all communications related to enforcement of requirements related to cultivation and production  
3299 of cannabis and cannabis products by the pharmaceutical processor to such designated person.

3300 G. The Board shall require the material owners of an applicant for a pharmaceutical processor or cannabis  
3301 dispensing facility permit to submit to fingerprinting and provide personal descriptive information to be  
3302 forwarded along with his fingerprints through the Central Criminal Records Exchange to the Federal Bureau  
3303 of Investigation for the purpose of obtaining criminal history record information regarding the applicant's  
3304 material owners. The cost of fingerprinting and the criminal history record search shall be paid by the  
3305 applicant. The Central Criminal Records Exchange shall forward the results of the criminal history  
3306 background check to the Board or its designee, which shall be a governmental entity.

3307 H. A pharmaceutical processor shall maintain evidence of criminal background checks for all employees  
3308 and delivery agents of the pharmaceutical processor. Criminal background checks of employees and delivery  
3309 agents may be conducted by any service sufficient to disclose any federal and state criminal convictions.

3310 I. In addition to other employees authorized by the Board, a pharmaceutical processor may employ  
3311 individuals who may have less than one year of experience (i) to perform cultivation-related duties under the  
3312 supervision of an individual who has received a degree in a field related to the cultivation of plants or a  
3313 certification recognized by the Board or who has at least one year of experience cultivating plants, (ii) to  
3314 perform extraction-related duties under the supervision of an individual who has a degree in chemistry or  
3315 pharmacology or at least one year of experience extracting chemicals from plants, (iii) to perform duties at  
3316 the pharmaceutical processor and cannabis dispensing facility upon certification as a pharmacy technician,  
3317 and (iv) to serve as pharmacy technician trainees.

3318 J. A pharmaceutical processor to whom a permit has been issued by the Board may (i) establish up to five  
3319 cannabis dispensing facilities, subject to the permit requirement set forth in subsection B, for the dispensing  
3320 of cannabis products that have been cultivated and produced on the premises of a pharmaceutical processor  
3321 permitted by the Board and (ii) establish, if authorized by the Board, one additional location at which the  
3322 pharmaceutical processor may cultivate cannabis plants. *Notwithstanding any other provision of law, a  
3323 pharmaceutical processor shall cultivate cannabis only indoors, which may include a secure agricultural  
3324 greenhouse, with a canopy that does not exceed 70,000 square feet in the aggregate across all cultivation  
3325 conducted by the pharmaceutical processor, including cultivation authorized under this chapter and for  
3326 purposes of a pharmaceutical processor's operations as a marijuana cultivation facility, regardless of  
3327 whether such canopy is utilized on the premises of the pharmaceutical processor or collectively on the  
3328 premises of the pharmaceutical processor and the additional cultivation location.* Each cannabis dispensing  
3329 facility and the additional cultivation location shall be located within the same health service area as the  
3330 pharmaceutical processor.

3331 K. No person who has been convicted of a felony under the laws of the Commonwealth or another  
3332 jurisdiction within the last five years shall be employed by or act as an agent of a pharmaceutical processor or  
3333 cannabis dispensing facility.

3334 L. Every pharmaceutical processor or cannabis dispensing facility shall adopt policies for pre-employment  
3335 drug screening and regular, ongoing, random drug screening of employees.

3336 M. A pharmacist at the pharmaceutical processor's dispensing area and the cannabis dispensing facility  
3337 shall determine the number of pharmacy interns, pharmacy technicians, and pharmacy technician trainees  
3338 who can be safely and competently supervised at one time; however, no pharmacist shall supervise more than  
3339 six persons performing the duties of a pharmacy technician at one time in the pharmaceutical processor's  
3340 dispensing area or cannabis dispensing facility.

3341 N. A pharmaceutical processor may acquire from a registered industrial hemp handler or processor  
3342 industrial hemp extracts that (i) are grown and processed in Virginia in compliance with state or federal law,  
3343 and (ii) notwithstanding the tetrahydrocannabinol limits set forth in the definition of "industrial hemp extract"  
3344 in § 3.2-5145.1, contain a total tetrahydrocannabinol concentration of no greater than 0.3 percent. A

3345 pharmaceutical processor may process and formulate such extracts into an allowable dosage of cannabis  
 3346 product. Industrial hemp extracts acquired and formulated by a pharmaceutical processor are subject to the  
 3347 same third-party testing requirements that may apply to cannabis plant extract. Testing shall be performed by  
 3348 a laboratory located in Virginia and in compliance with state law governing the testing of cannabis products.  
 3349 The industrial hemp handler or processor shall provide such third-party testing results to the pharmaceutical  
 3350 processor before industrial hemp extracts may be acquired.

3351 ~~O. Product labels for all cannabis products and botanical cannabis shall be complete, accurate, easily~~  
 3352 ~~discernable, and uniform among different products and brands. Pharmaceutical processors shall affix to all~~  
 3353 ~~cannabis products and botanical cannabis a label, which shall also be accessible on the pharmaceutical~~  
 3354 ~~processor's website, that includes:~~

- 3355 1. ~~The product name;~~
- 3356 2. ~~All active and inactive ingredients, including cannabinoids, terpenes, additives, preservatives,~~  
 3357 ~~flavorings, sweeteners, and carrier oils;~~
- 3358 3. ~~The total percentage and milligrams of tetrahydrocannabinol and cannabidiol included in the product~~  
 3359 ~~and the number of milligrams of tetrahydrocannabinol and cannabidiol in each serving;~~
- 3360 4. ~~The amount of product that constitutes a single serving and the amount recommended for use by the~~  
 3361 ~~practitioner or dispensing pharmacist;~~
- 3362 5. ~~Information regarding the product's purpose and detailed usage directions;~~
- 3363 6. ~~Child and safety warnings in a conspicuous font; and~~
- 3364 7. ~~Such other information required by the Board.~~

3365 ~~P.~~ A pharmaceutical processor or cannabis dispensing facility shall maintain an adequate supply of  
 3366 cannabis products that (i) contain cannabidiol as their primary cannabinoid and (ii) have low levels of or no  
 3367 tetrahydrocannabinol.

3368 ~~Q.~~ ~~P.~~ With the exception of § 2.2-4031, neither the provisions of the Administrative Process Act  
 3369 (§ 2.2-4000 et seq.) nor public participation guidelines adopted pursuant thereto shall apply to the adoption of  
 3370 any regulation pursuant to this section. Prior to adopting any regulation pursuant to this section, the Board  
 3371 shall publish a notice of opportunity to comment in the Virginia Register of Regulations and post the action  
 3372 on the Virginia Regulatory Town Hall. Such notice of opportunity to comment shall contain (i) a summary of  
 3373 the proposed regulation; (ii) the text of the proposed regulation; and (iii) the name, address, and telephone  
 3374 number of the agency contact person responsible for receiving public comments. Such notice shall be made at  
 3375 least 60 days in advance of the last date prescribed in such notice for submittals of public comment. The  
 3376 legislative review provisions of subsections A and B of § 2.2-4014 shall apply to the promulgation or final  
 3377 adoption process for regulations pursuant to this section. The Board shall consider and keep on file all public  
 3378 comments received for any regulation adopted pursuant to this section.

3379 **§ 4.1-1602.1. Dual-use privileges.**

3380 *A. As used in this section, "interest" means a direct or indirect equity ownership interest, a partial equity*  
 3381 *ownership interest, or any other financial or economic interest representing at least 10 percent or more of*  
 3382 *the ownership, voting power, or economic value of an entity, including being an investor, partner, member,*  
 3383 *officer, or director or serving in any other management position.*

3384 *B. Upon application to the Board, payment of a one-time conversion fee by a pharmaceutical processor,*  
 3385 *and verification by the Board that the applicable requirements are met, a pharmaceutical processor and its*  
 3386 *cannabis dispensing facilities may exercise dual-use privileges as set forth in this chapter.*

3387 *C. In addition to the provisions of this chapter, unless otherwise provided by law or regulation, a*  
 3388 *pharmaceutical processor authorized to exercise dual-use privileges shall hold the privileges of and be*  
 3389 *subject to all laws and regulations applicable to a marijuana cultivation facility, marijuana processing*  
 3390 *facility, and retail marijuana store and a cannabis dispensing facility shall hold the privileges of and be*  
 3391 *subject to all laws and regulations applicable to a retail marijuana store.*

3392 *D. Notwithstanding the provisions of subsection C or any other provisions of law, (i) any location*  
 3393 *restrictions set forth in Board regulations or by local ordinance pursuant to § 4.1-629 shall not apply to any*  
 3394 *pharmaceutical processor or cannabis dispensing facility authorized to exercise dual-use privileges and*  
 3395 *operating on December 1, 2026, and (ii) the provisions of subdivision B 23 of § 4.1-606 shall not apply to*  
 3396 *any pharmaceutical processor or cannabis dispensing facility authorized to exercise dual-use privileges and*  
 3397 *any such pharmaceutical processor or cannabis dispensing facility may operate with a retail floor space*  
 3398 *exceeding 2,500 square feet if the premises was approved by the Board prior to January 1, 2026, provided*  
 3399 *that the Board shall not approve any future premises modifications that would increase such retail floor*  
 3400 *space from the square footage previously approved.*

3401 *E. Notwithstanding any other provision of law, no person that has been granted or holds an interest in a*  
 3402 *pharmaceutical processor permit pursuant to this chapter shall be issued or hold interest in any other*  
 3403 *marijuana establishment license, except for the cannabis dispensing facility permits allowed pursuant to*  
 3404 *§ 4.1-1602.*

3405 **§ 4.1-1603. Dispensing cannabis products; report.**

3406 A. A pharmaceutical processor or cannabis dispensing facility shall dispense or deliver cannabis products

3407 only in person to (i) a patient who is a Virginia resident or temporarily resides in Virginia and has been issued  
 3408 a valid written certification; (ii) such patient's registered agent; or (iii) if such patient is a minor or a  
 3409 vulnerable adult as defined in § 18.2-369, such patient's parent or legal guardian who is a Virginia resident or  
 3410 temporarily resides in Virginia. *A pharmaceutical processor or cannabis dispensing facility may dispense or*  
 3411 *deliver, either by employee or marijuana delivery operator, cannabis products to such patient or such*  
 3412 *patient's registered agent, parent, or legal guardian at any residence, including a temporary residence, or*  
 3413 *business. Notwithstanding the foregoing, a pharmaceutical processor or cannabis dispensing facility shall*  
 3414 *not dispense or deliver cannabis products to (a) any military base, child day center, school, or correctional*  
 3415 *facility; (b) the State Capitol; (c) marine terminal under the supervision of the Virginia Port Authority; or (d)*  
 3416 *any public gathering places, including sporting events, festivals, fairs, races, concerts, and terminals of*  
 3417 *public transportation companies. A companion may accompany a patient into a pharmaceutical processor's*  
 3418 *dispensing area or cannabis dispensing facility. Prior to the initial dispensing of cannabis products pursuant to*  
 3419 *each written certification, a pharmacist or pharmacy technician employed by the pharmaceutical processor or*  
 3420 *cannabis dispensing facility shall make and maintain, on site or remotely by electronic means, for two years a*  
 3421 *paper or electronic copy of the written certification that provides an exact image of the document that is*  
 3422 *clearly legible; shall view, in person or by audiovisual means, a current photo identification of the patient,*  
 3423 *registered agent, parent, or legal guardian; and shall verify current board registration of the corresponding*  
 3424 *registered agent if applicable. Thereafter, an initial dispensing may be delivered to the patient, registered*  
 3425 *agent, parent, legal guardian, or designated caregiver facility. Prior to any subsequent dispensing of cannabis*  
 3426 *products pursuant to each written certification, an employee or ~~delivery agent~~ marijuana delivery operator*  
 3427 *shall view a current photo identification of the patient, registered agent, parent, or legal guardian and the*  
 3428 *current board registration issued to the registered agent if applicable. No pharmaceutical processor or*  
 3429 *cannabis dispensing facility shall dispense more than a 90-day supply, as determined by the dispensing*  
 3430 *pharmacist or certifying practitioner, for any patient during any 90-day period. A pharmaceutical processor or*  
 3431 *cannabis dispensing facility may dispense less than a 90-day supply of a cannabis product for any patient*  
 3432 *during any 90-day period; however, a pharmaceutical processor or cannabis dispensing facility may dispense*  
 3433 *more than one cannabis product to a patient at one time. No more than four ounces of botanical cannabis shall*  
 3434 *be dispensed for each 30-day period for which botanical cannabis is dispensed. In determining the*  
 3435 *appropriate amount of a cannabis product to be dispensed to a patient, a pharmaceutical processor or cannabis*  
 3436 *dispensing facility shall consider all cannabis products dispensed to the patient and adjust the amount*  
 3437 *dispensed accordingly.*

3438 B. A pharmaceutical processor or cannabis dispensing facility shall dispense only cannabis products  
 3439 produced on the premises of a pharmaceutical processor permitted by the Board or cannabis products that  
 3440 have been formulated with extracts from industrial hemp acquired by a pharmaceutical processor from a  
 3441 registered industrial hemp handler or processor pursuant to § 4.1-1602. A pharmaceutical processor may  
 3442 begin cultivation upon being issued a permit by the Board.

3443 C. The Board shall report annually by December 1 to the Chairmen of the House Committee on General  
 3444 Laws and the Senate Committee on Rehabilitation and Social Services on the operation of pharmaceutical  
 3445 processors and cannabis dispensing facilities issued a permit by the Board.

3446 D. The concentration of total tetrahydrocannabinol in any cannabis product on site may be up to 15  
 3447 percent greater than or less than the level of total tetrahydrocannabinol listed in the approved cannabis  
 3448 product registration. A pharmaceutical processor and cannabis dispensing facility shall ensure that such  
 3449 concentration in any cannabis product on site is within such range. A pharmaceutical processor producing  
 3450 cannabis products shall establish a stability testing schedule of cannabis products that have an expiration date  
 3451 of longer than 12 months.

3452 E. *All transportation or delivery of usable cannabis, botanical cannabis, cannabis oil, or cannabis*  
 3453 *products, whether by an employee or marijuana delivery operator, shall comply with the provisions of this*  
 3454 *subtitle and Board regulations, including those related to background checks, proof of identification, vehicle*  
 3455 *security, GPS tracking, secure communications, and recordkeeping. The Board may suspend or revoke the*  
 3456 *privileges of any employee or the license of any marijuana delivery operator to transport or deliver usable*  
 3457 *cannabis, cannabis oil, or cannabis products for failure of such employee or marijuana delivery operator to*  
 3458 *comply with the provisions of this subtitle or Board regulations.*

3459 **§ 4.1-1603.1. Packaging and labeling; corrections.**

3460 A. Pharmaceutical processors shall comply with all packaging and labeling requirements set forth in this  
 3461 article and Board regulations. *Product labels for all cannabis products and botanical cannabis shall be*  
 3462 *complete, accurate, easily discernible, and uniform among different products and brands. Pharmaceutical*  
 3463 *processors shall affix to all cannabis products and botanical cannabis a label, which shall also be accessible*  
 3464 *on the pharmaceutical processor's website. Regulations promulgated pursuant to § 4.1-701 related to the*  
 3465 *packaging and labeling of marijuana or marijuana products shall apply mutatis mutandis to the labeling and*  
 3466 *packaging of all cannabis products and botanical cannabis.*

3467 B. ~~No cannabis product shall be packaged in a container or wrapper that bears, or is otherwise labeled to~~  
 3468 ~~bear the trademark, trade name, famous mark as defined in 15 U.S.C. § 1125, or other identifying mark,~~

3469 imprint, or device, or any likeness thereof, of a manufacturer, processor, packer, or distributor of a product  
 3470 intended for human consumption other than the manufacturer, processor, packer, or distributor that did in fact  
 3471 so manufacture, process, pack, or distribute such cannabis product.

3472 C. Pharmaceutical processors may correct typographical errors made on cannabis product labels and any  
 3473 documents generated as the result of a wholesale transaction.

3474 **§ 4.1-1603.2. Cannabis product registration.**

3475 A. A pharmaceutical processor shall register with the Board each cannabis product it manufactures.  
 3476 Applications for cannabis product registration shall be submitted to the Board on a form prescribed by the  
 3477 Board. *Regulations promulgated pursuant to § 4.1-701 related to the product registration of marijuana and*  
 3478 *marijuana products shall apply mutatis mutandis to the registration of such cannabis products.*

3479 B. An application for cannabis product registration shall include:

3480 1. The total tetrahydrocannabinol and total cannabidiol in such cannabis product, based on laboratory  
 3481 testing results for the cannabis product formulation;

3482 2. A product name;

3483 3. A proposed product package; and

3484 4. A proposed product label, which shall not be required to contain an expiration date at the time of  
 3485 application.

3486 C. The Board shall register all cannabis products that meet testing, labeling, and packaging standards after  
 3487 an application for registration is submitted. If the cannabis product fails to meet such standards or the  
 3488 application was deficient, the Board shall notify the applicant of the specific reasons for such failure or  
 3489 deficiency.

3490 D. Within two business days of the Board's approval or deemed approval of any cannabis product  
 3491 registration, the Board shall enter the cannabis product's national drug code number into the Prescription  
 3492 Monitoring Program.

3493 E. The following cannabis product deviations from an approved cannabis product registration shall be  
 3494 permitted without any requirement for a new cannabis product registration or notice to the Board:

3495 1. A deviation in the concentration of total tetrahydrocannabinol (THC) or total cannabidiol (CBD) in a  
 3496 cannabis product or dose thereof of up to 15 percent greater than or less than the concentration of total  
 3497 tetrahydrocannabinol or total cannabidiol, either or both, listed in the approved cannabis product registration;  
 3498 however, for a cannabis product with five milligrams or less of total THC or total CBD per dose, the total  
 3499 THC or total CBD concentration shall be within 0.5 milligrams of the single dose total THC or total CBD  
 3500 concentrations approved for that cannabis product;

3501 2. A variation in packaging, provided that the packaging is substantially similar to the approved packaging  
 3502 and otherwise complies with applicable packaging requirements;

3503 3. A deviation in labeling, including a variation made in accordance with § 54.1-3442.7-1, that reflects  
 3504 allowable deviations in total THC or total CBD or that makes a minor text, font, design, or similar  
 3505 modification, provided that the labeling is substantially similar to the approved labeling and otherwise  
 3506 complies with applicable labeling requirements; and

3507 4. Any other insignificant changes.

3508 F. A pharmaceutical processor may submit a request to modify an existing cannabis product registration in  
 3509 the event of a cannabis product deviation that is not set forth in subsection E. Upon receipt, the Board shall  
 3510 respond to such request. The Board may grant or deny the request, propose a reasonable revision, or require  
 3511 the pharmaceutical processor to provide additional information.

3512 **§ 4.1-1604. Criminal liability; exceptions.**

3513 No agent or employee of a pharmaceutical processor or cannabis dispensing facility shall be prosecuted  
 3514 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  
 3515 marijuana or for possession, manufacture, or distribution of cannabis products, subject to any civil penalty,  
 3516 denied any right or privilege, or subject to any disciplinary action by a professional licensing board if such  
 3517 agent or employee (i) possessed or manufactured such marijuana for the purposes of producing cannabis  
 3518 products in accordance with the provisions of this chapter and Board regulations or (ii) possessed,  
 3519 manufactured, or distributed such cannabis products that are consistent with generally accepted cannabis  
 3520 industry standards in accordance with the provisions of this chapter and Board regulations.

3521 **CHAPTER 17.**

3522 **REGULATED HEMP PRODUCTS.**

3523 **§ 4.1-1700. Regulated hemp product retail facility registration; fee.**

3524 A. No person shall offer for sale or sell at retail (i) a regulated hemp product or (ii) a substance intended  
 3525 for human consumption, orally or by inhalation, that is advertised or labeled as containing an industrial  
 3526 hemp-derived cannabinoid without a regulated hemp product retail facility registration.

3527 B. A nonrefundable annual registration fee of \$1,000 shall be required with each application for a  
 3528 regulated hemp product retail facility registration.

3529 C. Each registration issued pursuant to this section shall be valid for a period of one year from the date of  
 3530 issuance and may be renewed in successive years. Each annual renewal shall require the payment of the

3531 *nonrefundable annual registration fee prescribed in subsection B.*

3532 *D. A regulated hemp product retail facility registration shall be required for each location that offers for*  
3533 *sale or sells at retail regulated hemp products.*

3534 *E. Any person seeking a regulated hemp product retail facility registration shall apply to the Board on a*  
3535 *form provided by the Authority. At a minimum, the application shall include:*

3536 *1. The name and mailing address of the applicant;*

3537 *2. The physical address of the facility from which the applicant intends to offer for sale or sell at retail a*  
3538 *regulated hemp product. A registration shall authorize the offering for sale or sale of regulated hemp*  
3539 *products only at the location specified in the registration;*

3540 *3. Written consent allowing the Authority or its designee to enter the location from which the regulated*  
3541 *hemp product is offered for sale or sold to ensure compliance with the requirements of this article;*

3542 *4. If the applicant intends to offer for sale or sell an edible hemp product, a copy of the permit issued by*  
3543 *the Commissioner of Agriculture and Consumer Services pursuant to § 3.2-5100;*

3544 *5. Any other information required by the Board; and*

3545 *6. The payment of a nonrefundable application fee.*

3546 *F. This section shall not apply to products that are (i) approved for marketing by the U.S. Food and Drug*  
3547 *Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) dispensed pursuant to*  
3548 *Article 4.2 (§ 54.1-3442.5 et seq.) of the Drug Control Act.*

3549 **§ 4.1-1701. Product packaging, labeling, and testing.**

3550 *A. No person shall offer for sale or sell at retail a regulated hemp product unless the product is:*

3551 *1. Contained in child-resistant packaging, as defined in § 4.1-600, if the product contains*  
3552 *tetrahydrocannabinol;*

3553 *2. Equipped with a label that states, in English and in a font no less than 1/16 of an inch, (i) all*  
3554 *ingredients contained in the substance; (ii) the amount of such substance that constitutes a single serving;*  
3555 *(iii) the total percentage and milligrams of all tetrahydrocannabinols included in the substance and the total*  
3556 *number of milligrams of all tetrahydrocannabinols that are contained in each serving; and (iv) if the*  
3557 *substance contains tetrahydrocannabinol, that the product may not be sold to persons younger than 21 years*  
3558 *of age; and*

3559 *3. Accompanied by a certificate of analysis, produced by an independent laboratory that is accredited*  
3560 *pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a third-party*  
3561 *accrediting body, that states the total tetrahydrocannabinol concentration of the substance or the total*  
3562 *tetrahydrocannabinol concentration of the batch from which the substance originates. The certificate of*  
3563 *accreditation to standard ISO/IEC 17025 issued by the third-party accrediting body to the independent*  
3564 *laboratory shall be available for review at the location at which the regulated hemp product is offered for*  
3565 *sale or sold.*

3566 *This subsection shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug*  
3567 *Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit*  
3568 *any conduct permitted under Article 4.2 (§ 54.1-3442.5 et seq.) of Chapter 34 of Title 54.1.*

3569 *B. No person shall offer for sale or sell a regulated hemp product that depicts or is in the shape of a*  
3570 *human, animal, vehicle, or fruit.*

3571 *C. No person shall offer for sale or sell a regulated hemp product that, without authorization, bears, is*  
3572 *packaged in a container or wrapper that bears, or is otherwise labeled to bear the trademark, trade name,*  
3573 *famous mark as defined in 15 U.S.C. § 1125, or other identifying mark, imprint, or device, or any likeness*  
3574 *thereof, of a manufacturer, processor, packer, or distributor of a product intended for human consumption*  
3575 *other than the manufacturer, processor, packer, or distributor that did in fact so manufacture, process, pack,*  
3576 *or distribute such substance.*

3577 **§ 4.1-1702. Topical hemp products; civil penalty.**

3578 *A. A topical hemp product that is offered for sale or sold at retail must bear a label stating that the*  
3579 *product is not intended for human consumption.*

3580 *B. A person that offers for sale or sells at retail a topical hemp product that does not bear a label stating*  
3581 *that the product is not intended for human consumption is subject to a civil penalty not to exceed \$500 for*  
3582 *each day a violation occurs. Such penalty shall be collected by the Authority and the proceeds shall be*  
3583 *payable to the State Treasurer for remittance to the Board.*

3584 *C. Notwithstanding the provisions of subsection A, a person may offer for sale or sell a topical hemp*  
3585 *product that does not bear a label stating that the product is not intended for human consumption if that*  
3586 *person provides, upon request by the Authority, documentation that the topical hemp product was*  
3587 *manufactured prior to July 1, 2023.*

3588 *D. This section shall not apply to products that are (i) approved for marketing by the U.S. Food and Drug*  
3589 *Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) dispensed pursuant to*  
3590 *Article 4.2 (§ 54.1-3442.5 et seq.) of Chapter 34 of Title 54.1.*

3591 **§ 4.1-1703. Authority to have access to retail facilities.**

3592 *A. The Authority or its designee shall have access during business hours to a registered regulated hemp*

3593 product retail facility and to a business that offers for sale or sells at retail a substance intended for human  
 3594 consumption, orally or by inhalation, that is advertised or labeled as containing a cannabinoid for the  
 3595 purpose of:

3596 1. Inspecting to determine if any of the provisions of this chapter are being violated; and

3597 2. Securing samples of any regulated hemp product or substance intended for human consumption, orally  
 3598 or by inhalation, that is advertised or labeled as containing a cannabinoid. It shall be the duty of the  
 3599 Authority or its designee to make or cause to be made examinations or laboratory analysis of samples  
 3600 secured under the provisions of this section to determine whether any provision of this chapter is being  
 3601 violated.

3602 B. This section shall not apply to products that are (i) approved for marketing by the U.S. Food and Drug  
 3603 Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) dispensed pursuant to  
 3604 Article 4.2 (§ 54.1-3442.5 et seq.) of Chapter 34 of Title 54.1.

3605 **§ 4.1-1704. Civil penalties.**

3606 A. The Board may, in accordance with the Administrative Process Act (§ 2.2-4000 et seq.), deny the  
 3607 application for a regulated hemp product retail facility registration or suspend or revoke the regulated hemp  
 3608 product retail facility registration of any person that (i) violates a provision of this chapter or (ii) has  
 3609 repeatedly violated any provisions of this subtitle by, without displaying a decal as required pursuant to  
 3610 § 4.1-1106.1, engaging in the illegal sale of marijuana or marijuana products on the registered premises of  
 3611 such facility or marketing or labeling products as marijuana or marijuana products.

3612 B. Any person that (i) offers for sale or sells at retail a regulated hemp product without first obtaining a  
 3613 registration to do so from the Board in accordance with § 4.1-1700; (ii) continues to offer for sale or sell at  
 3614 retail a regulated hemp product after revocation or suspension of such registration; (iii) offers for sale or  
 3615 sells at retail a substance intended for human consumption, orally or by inhalation, that (a) contains a total  
 3616 tetrahydrocannabinol concentration that is greater than 0.3 percent or (b) contains more than two milligrams  
 3617 of total tetrahydrocannabinol per package; (iv) offers for sale or sells at retail a regulated hemp product in  
 3618 violation of § 4.1-1701; (v) offers for sale or sells at retail a substance intended for human consumption,  
 3619 orally or by inhalation, that is advertised or labeled as containing an industrial hemp-derived cannabinoid  
 3620 without a regulated hemp product retail facility registration; or (vi) has repeatedly violated any provisions of  
 3621 the Cannabis Control Act (§ 4.1-600 et seq.) by, without displaying a decal as required pursuant to  
 3622 § 4.1-1106.1, engaging in the illegal sale of marijuana or marijuana products on the registered premises of  
 3623 such facility or marketing or labeling products as marijuana or marijuana products is, in addition to any  
 3624 other penalties provided, subject to a civil penalty not to exceed \$10,000 for each day a violation occurs.  
 3625 Such penalty shall be collected by the Authority and the proceeds shall be payable to the State Treasurer for  
 3626 remittance to the Board.

3627 C. Notwithstanding any other provision of law, prior to assessing a civil penalty for a first violation  
 3628 related solely to labeling, packaging, batch coding, ingredient declaration, manufacturer identification, or  
 3629 any other labeling requirements that are not related to potency or the tetrahydrocannabinol concentration of  
 3630 the industrial hemp extract or food containing an industrial hemp extract, the Board shall issue a written  
 3631 notice of the violation and provide the person not fewer than 15 business days to correct such violation. If the  
 3632 violation is corrected within the prescribed cure period and the industrial hemp extract or food containing an  
 3633 industrial hemp extract does not exceed the tetrahydrocannabinol concentration limits established in clause  
 3634 (iii) of subsection B, no civil penalty shall be assessed for such first violation.

3635 D. Notwithstanding any other provision of this law, for a violation related solely to labeling or packaging  
 3636 controlled by the manufacturer of an industrial hemp extract or food containing an industrial hemp extract,  
 3637 the Board shall not assess a civil penalty against a person who sells or offers for sale such industrial hemp  
 3638 extract or food containing an industrial hemp extract alleged to be in violation for a first violation unless  
 3639 such person has actual knowledge of the violation and continues to sell such product or offer such product  
 3640 for sale after receiving written notice from the Board.

3641 E. For any violations that are technical in nature and do not involve an industrial hemp extract or food  
 3642 containing an industrial hemp extract that (i) exceeds the total tetrahydrocannabinol concentration limit; (ii)  
 3643 exceeds the two milligram tetrahydrocannabinol per package limit; or (iii) does not have the required child-  
 3644 resistant packaging, civil penalties shall not be assessed on the basis of individual items contained within a  
 3645 package or the number of identical packages of the same product, but may be assessed per package for  
 3646 different products or per inspection event.

3647 **§ 5.1-13. Operation of aircraft while under influence of intoxicating liquors or drugs; reckless**  
 3648 **operation.**

3649 Any person who ~~shall operate~~ operates any aircraft within the airspace over, above, or upon the lands or  
 3650 waters of ~~this~~ the Commonwealth, while under the influence of intoxicating liquor or of any narcotic or  
 3651 marijuana or any habit-forming drugs ~~shall be~~ is guilty of a felony and shall be confined in a state  
 3652 correctional facility not less than one nor more than five years, or, in the discretion of the court or jury trying  
 3653 the case, be confined in jail not exceeding ~~twelve~~ 12 months and fined not exceeding \$500, or both such fine  
 3654 and imprisonment.

3655 Any person who ~~shall operate~~ *operates* any aircraft within the airspace over, above, or upon the lands or  
 3656 waters of ~~this the~~ Commonwealth carelessly or heedlessly in willful or wanton disregard of the rights or  
 3657 safety of others, or without due caution and circumspection and in a manner so as to endanger any person or  
 3658 property, ~~shall be~~ *is* guilty of a misdemeanor.

3659 **§ 6.2-108. Financial services for licensed marijuana establishments.**

3660 A. As used in this section:

3661 "Business associate" means a person that provides goods or services to, or receives goods or services  
 3662 from, a licensed marijuana establishment in connection with lawful marijuana-related activities.

3663 "Financial service" includes deposit accounts, loans, lines of credit, payment processing, funds  
 3664 transmission, cash management services, and other services customarily provided by a bank or credit union  
 3665 in the ordinary course of business.

3666 "Licensed" and "marijuana establishment" have the same meanings as provided in § 4.1-600.

3667 B. A bank or credit union may provide financial services to a licensed marijuana establishment or its  
 3668 business associates, subject to applicable state and federal law.

3669 C. A bank or credit union that provides a financial service to a licensed marijuana establishment, and the  
 3670 officers, directors, and employees of that bank or credit union, shall not be held liable pursuant to any state  
 3671 law or regulation solely for providing such a financial service or for further investing any income derived  
 3672 from such a financial service.

3673 D. Nothing in this section shall require a bank or credit union to provide financial services to a licensed  
 3674 marijuana establishment.

3675 E. No agency or political subdivision of the Commonwealth shall penalize, prohibit, or take adverse  
 3676 supervisory or regulatory action against a bank or credit union solely because the bank or credit union  
 3677 provides financial services to a licensed marijuana establishment.

3678 F. A bank or credit union, and its officers, directors, and employees, shall not be subject to criminal  
 3679 prosecution, civil liability, or administrative sanction under the laws of the Commonwealth solely for  
 3680 providing financial services to a licensed marijuana establishment in compliance with this section.

3681 G. The legal interest of a bank or credit union in collateral for a loan or other financial service provided  
 3682 to a licensed marijuana establishment shall not be subject to civil or criminal forfeiture under the laws of the  
 3683 Commonwealth solely because the collateral is associated with a licensed marijuana establishment.

3684 H. Proceeds derived from a transaction involving a licensed marijuana establishment shall not be  
 3685 considered proceeds of unlawful activity under the laws of the Commonwealth solely because the transaction  
 3686 involves a licensed marijuana establishment.

3687 I. The protections provided by this section apply where a bank or credit union has exercised reasonable  
 3688 due diligence to confirm that the marijuana establishment is duly licensed and operating in compliance with  
 3689 applicable Virginia law.

3690 J. The protections of this section extend to financial services provided to a business associate of a licensed  
 3691 marijuana establishment where such services are provided in connection with lawful marijuana-related  
 3692 activities.

3693 K. Nothing in this section shall be construed to prohibit the Commission from performing its supervisory  
 3694 duties pursuant to Chapters 8 (§ 6.2-800 et seq.) and 13 (§ 6.2-1300 et seq.) or taking any such action as it  
 3695 deems necessary to protect depositors and the public interest.

3696 **§ 9.1-1101. Powers and duties of the Department.**

3697 A. It shall be the responsibility of the Department to provide forensic laboratory services upon request of  
 3698 the Superintendent of State Police; the Chief Medical Examiner, the Assistant Chief Medical Examiners, and  
 3699 local medical examiners; any attorney for the Commonwealth; any chief of police, sheriff, or sergeant  
 3700 responsible for law enforcement in the jurisdiction served by him; any local fire department; the head of any  
 3701 private police department that has been designated as a criminal justice agency by the Department of  
 3702 Criminal Justice Services as defined by § 9.1-101; or any state agency in any criminal matter. The  
 3703 Department shall provide such services to any federal investigatory agency within available resources.

3704 B. The Department shall:

3705 1. Provide forensic laboratory services to all law-enforcement agencies throughout the Commonwealth  
 3706 and provide laboratory services, research, and scientific investigations for agencies of the Commonwealth as  
 3707 needed;

3708 2. Establish and maintain a DNA testing program in accordance with Article 1.1 (§ 19.2-310.2 et seq.) of  
 3709 Chapter 18 of Title 19.2 to determine identification characteristics specific to an individual; ~~and~~

3710 3. Test the accuracy of equipment used to test the blood alcohol content of breath at least once every six  
 3711 months. Only equipment found to be accurate shall be used to test the blood alcohol content of breath; *and*

3712 4. Determine the proper methods for detecting the concentration of tetrahydrocannabinol (THC) in  
 3713 substances for the purposes of Chapters 11 (§ 4.1-1100 et seq.) and 12 (§ 4.1-1200 et seq.) of Title 4.1 and  
 3714 § 54.1-3401. The testing methodology shall use post-decarboxylation testing or other equivalent method and  
 3715 shall consider the potential conversion of tetrahydrocannabinol acid (THC-A) into THC.

3716 C. The Department shall have the power and duty to:

3717 1. Receive, administer, and expend all funds and other assistance available for carrying out the purposes  
3718 of this chapter;

3719 2. Make and enter into all contracts and agreements necessary or incidental to the performance of its  
3720 duties and execution of its powers under this chapter including, but not limited to, contracts with the United  
3721 States, units of general local government or combinations thereof in Virginia or other states, and with  
3722 agencies and departments of the Commonwealth; and

3723 3. Perform such other acts as may be necessary or convenient for the effective performance of its duties.

3724 D. The Director may appoint and employ a deputy director and such other personnel as are needed to  
3725 carry out the duties and responsibilities conferred by this chapter.

3726 **§ 15.2-912.4. Regulation of tobacco and hemp product retail sale locations.**

3727 Any locality may by ordinance regulate the retail sale locations of retail tobacco products, as such term is  
3728 defined in § 18.2-371.2, or hemp products intended for smoking, as such term is defined in § ~~3.2-411.2~~  
3729 ~~4.1-600~~, for any such retail sale location and may prohibit a retail sale location on property within 1,000  
3730 linear feet of a child day center as defined in § 22.1-289.02 or a public, private, or parochial school. An  
3731 ordinance adopted pursuant to this section shall not affect (i) a licensee holding a valid license under  
3732 § 4.1-206.3 or (ii) any retail sale location of retail tobacco products or hemp products intended for smoking  
3733 operating before July 1, 2024.

3734 **§ 16.1-69.40:1. Traffic infractions within authority of traffic violations clerk; schedule of fines;  
3735 prepayment of local ordinances.**

3736 A. The Supreme Court shall by rule, which may from time to time be amended, supplemented or repealed,  
3737 but which shall be uniform in its application throughout the Commonwealth, designate the traffic infractions  
3738 for which a pretrial waiver of appearance, plea of guilty and fine payment may be accepted. Such designated  
3739 infractions shall include violations of §§ 46.2-830.1, 46.2-878.2 and 46.2-1242 or any parallel local  
3740 ordinances. Notwithstanding any rule of the Supreme Court, a person charged with a traffic offense that is  
3741 listed as prepayable in the Uniform Fine Schedule may prepay his fines and costs without court appearance  
3742 whether or not he was involved in an accident. The prepayable fine amount for a violation of § 46.2-878.2  
3743 shall be \$200 plus an amount per mile-per-hour in excess of posted speed limits, as authorized in  
3744 § 46.2-878.3.

3745 Such infractions shall not include:

3746 1. Indictable offenses;

3747 2. [Repealed.]

3748 3. Operation of a motor vehicle while under the influence of intoxicating liquor, *marijuana*, or a narcotic  
3749 or habit-producing drug, or permitting another person, who is under the influence of intoxicating liquor,  
3750 *marijuana*, or a narcotic or habit-producing drug, to operate a motor vehicle owned by the defendant or in his  
3751 custody or control;

3752 4. Reckless driving;

3753 5. Leaving the scene of an accident;

3754 6. Driving while under suspension or revocation of driving privileges;

3755 7. Driving without being licensed to drive.

3756 8. [Repealed.]

3757 B. An appearance may be made in person or in writing by mail to a clerk of court or in person before a  
3758 magistrate, prior to any date fixed for trial in court. Any person so appearing may enter a waiver of trial and a  
3759 plea of guilty and pay the fine and any civil penalties established for the offense charged, with costs. He shall,  
3760 prior to the plea, waiver, and payment, be informed of his right to stand trial, that his signature to a plea of  
3761 guilty will have the same force and effect as a judgment of court, and that the record of conviction will be  
3762 sent to the Commissioner of the Department of Motor Vehicles.

3763 C. The Supreme Court, upon the recommendation of the Committee on District Courts, shall establish a  
3764 schedule, within the limits prescribed by law, of the amounts of fines and any civil penalties to be imposed,  
3765 designating each infraction specifically. The schedule, which may from time to time be amended,  
3766 supplemented or repealed, shall be uniform in its application throughout the Commonwealth. Such schedule  
3767 shall not be construed or interpreted so as to limit the discretion of any trial judge trying individual cases at  
3768 the time fixed for trial. The rule of the Supreme Court establishing the schedule shall be prominently posted  
3769 in the place where the fines are paid. Fines and costs shall be paid in accordance with the provisions of this  
3770 Code or any rules or regulations promulgated thereunder.

3771 D. Fines imposed under local traffic infraction ordinances that do not parallel provisions of state law and  
3772 fulfill the criteria set out in subsection A may be prepayable in the manner set forth in subsection B if such  
3773 ordinances appear in a schedule entered by order of the local circuit courts. The chief judge of each circuit  
3774 may establish a schedule of the fines, within the limits prescribed by local ordinances, to be imposed for  
3775 prepayment of local ordinances designating each offense specifically. Upon the entry of such order it shall be  
3776 forwarded within 10 days to the Supreme Court of Virginia by the clerk of the local circuit court. The  
3777 schedule, which from time to time may be amended, supplemented or repealed, shall be uniform in its  
3778 application throughout the circuit. Such schedule shall not be construed or interpreted so as to limit the

3779 discretion of any trial judge trying individual cases at the time fixed for trial. This schedule shall be  
3780 prominently posted in the place where fines are paid. Fines and costs shall be paid in accordance with the  
3781 provisions of this Code or any rules or regulations promulgated thereunder.

3782 **§ 16.1-260. Intake; petition; investigation.**

3783 A. All matters alleged to be within the jurisdiction of the court shall be commenced by the filing of a  
3784 petition, except as provided in subsection H and in § 16.1-259. The form and content of the petition shall be  
3785 as provided in § 16.1-262. No individual shall be required to obtain support services from the Department of  
3786 Social Services prior to filing a petition seeking support for a child. Complaints, requests, and the processing  
3787 of petitions to initiate a case shall be the responsibility of the intake officer. However, (i) the attorney for the  
3788 Commonwealth of the city or county may file a petition on his own motion with the clerk; (ii) designated  
3789 nonattorney employees of the Department of Social Services may complete, sign, and file petitions and  
3790 motions relating to the establishment, modification, or enforcement of support on forms approved by the  
3791 Supreme Court of Virginia with the clerk; (iii) designated nonattorney employees of a local department of  
3792 social services may complete, sign, and file with the clerk, on forms approved by the Supreme Court of  
3793 Virginia, petitions for foster care review, petitions for permanency planning hearings, petitions to establish  
3794 paternity, motions to establish or modify support, motions to amend or review an order, and motions for a  
3795 rule to show cause; and (iv) any attorney may file petitions on behalf of his client with the clerk except  
3796 petitions alleging that the subject of the petition is a child alleged to be in need of services, in need of  
3797 supervision, or delinquent. Complaints alleging abuse or neglect of a child shall be referred initially to the  
3798 local department of social services in accordance with the provisions of Chapter 15 (§ 63.2-1500 et seq.) of  
3799 Title 63.2. Motions and other subsequent pleadings in a case shall be filed directly with the clerk. The intake  
3800 officer or clerk with whom the petition or motion is filed shall inquire whether the petitioner is receiving  
3801 child support services or public assistance. No individual who is receiving support services or public  
3802 assistance shall be denied the right to file a petition or motion to establish, modify, or enforce an order for  
3803 support of a child. If the petitioner is seeking or receiving child support services or public assistance, the  
3804 clerk, upon issuance of process, shall forward a copy of the petition or motion, together with notice of the  
3805 court date, to the Division of Child Support Enforcement. If a petitioner is seeking to establish child support,  
3806 the intake officer shall provide the petitioner information on the possible availability of medical assistance  
3807 through the Family Access to Medical Insurance Security (FAMIS) plan or other government-sponsored  
3808 coverage through the Department of Medical Assistance Services.

3809 B. The appearance of a child before an intake officer may be by (i) personal appearance before the intake  
3810 officer or (ii) use of two-way electronic video and audio communication. If two-way electronic video and  
3811 audio communication is used, an intake officer may exercise all powers conferred by law. All  
3812 communications and proceedings shall be conducted in the same manner as if the appearance were in person,  
3813 and any documents filed may be transmitted by facsimile process. The facsimile may be served or executed  
3814 by the officer or person to whom sent, and returned in the same manner, and with the same force, effect,  
3815 authority, and liability as an original document. All signatures thereon shall be treated as original signatures.  
3816 Any two-way electronic video and audio communication system used for an appearance shall meet the  
3817 standards as set forth in subsection B of § 19.2-3.1.

3818 When the court service unit of any court receives a complaint alleging facts which may be sufficient to  
3819 invoke the jurisdiction of the court pursuant to § 16.1-241, the unit, through an intake officer, may proceed  
3820 informally to make such adjustment as is practicable without the filing of a petition or may authorize a  
3821 petition to be filed by any complainant having sufficient knowledge of the matter to establish probable cause  
3822 for the issuance of the petition.

3823 An intake officer may proceed informally on a complaint alleging a child is in need of services, in need of  
3824 supervision, or delinquent only if the juvenile (a) is not alleged to have committed a violent juvenile felony or  
3825 (b) has not previously been proceeded against informally or adjudicated delinquent for an offense that would  
3826 be a felony if committed by an adult. A petition alleging that a juvenile committed a violent juvenile felony  
3827 shall be filed with the court. A petition alleging that a juvenile is delinquent for an offense that would be a  
3828 felony if committed by an adult shall be filed with the court if the juvenile had previously been proceeded  
3829 against informally by intake or had been adjudicated delinquent for an offense that would be a felony if  
3830 committed by an adult.

3831 If a juvenile is alleged to be a truant pursuant to a complaint filed in accordance with § 22.1-258 and the  
3832 attendance officer has provided documentation to the intake officer that the relevant school division has  
3833 complied with the provisions of § 22.1-258, then the intake officer shall file a petition with the court. The  
3834 intake officer may defer filing the petition and proceed informally by developing a truancy plan, provided  
3835 that (1) the juvenile has not previously been proceeded against informally or adjudicated in need of  
3836 supervision on more than two occasions for failure to comply with compulsory school attendance as provided  
3837 in § 22.1-254 and (2) the immediately previous informal action or adjudication occurred at least three  
3838 calendar years prior to the current complaint. The juvenile and his parent or parents, guardian, or other person  
3839 standing in loco parentis must agree, in writing, for the development of a truancy plan. The truancy plan may  
3840 include requirements that the juvenile and his parent or parents, guardian, or other person standing in loco

3841 parentis participate in such programs, cooperate in such treatment, or be subject to such conditions and  
 3842 limitations as necessary to ensure the juvenile's compliance with compulsory school attendance as provided  
 3843 in § 22.1-254. The intake officer may refer the juvenile to the appropriate public agency for the purpose of  
 3844 developing a truancy plan using an interagency interdisciplinary team approach. The team may include  
 3845 qualified personnel who are reasonably available from the appropriate department of social services,  
 3846 community services board, local school division, court service unit, and other appropriate and available  
 3847 public and private agencies and may be the family assessment and planning team established pursuant to  
 3848 § 2.2-5207. If at the end of the deferral period the juvenile has not successfully completed the truancy plan or  
 3849 the truancy program, then the intake officer shall file the petition.

3850 Whenever informal action is taken as provided in this subsection on a complaint alleging that a child is in  
 3851 need of services, in need of supervision, or delinquent, the intake officer shall (A) develop a plan for the  
 3852 juvenile, which may include restitution, the performance of community service, or on a complaint alleging  
 3853 that a child has committed a delinquent act other than an act that would be a felony or a Class 1 misdemeanor  
 3854 if committed by an adult and with the consent of the juvenile's parent or legal guardian, referral to a youth  
 3855 justice diversion program established pursuant to § 16.1-309.11, based upon community resources and the  
 3856 circumstances which resulted in the complaint, (B) create an official record of the action taken by the intake  
 3857 officer and file such record in the juvenile's case file, and (C) advise the juvenile and the juvenile's parent,  
 3858 guardian, or other person standing in loco parentis and the complainant that any subsequent complaint  
 3859 alleging that the child is in need of supervision or delinquent based upon facts which may be sufficient to  
 3860 invoke the jurisdiction of the court pursuant to § 16.1-241, or in the case of a referral to a youth justice  
 3861 diversion program established pursuant to § 16.1-309.11, that any subsequent report from the youth justice  
 3862 diversion program alleging that the juvenile failed to comply with the youth justice diversion program's  
 3863 sentence within 180 days of the sentencing date, may result in the filing of a petition with the court.

3864 C. The intake officer shall accept and file a petition in which it is alleged that (i) the custody, visitation, or  
 3865 support of a child is the subject of controversy or requires determination, (ii) a person has deserted,  
 3866 abandoned, or failed to provide support for any person in violation of law, (iii) a child or such child's parent,  
 3867 guardian, legal custodian, or other person standing in loco parentis is entitled to treatment, rehabilitation, or  
 3868 other services which are required by law, (iv) family abuse has occurred and a protective order is being  
 3869 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  
 3870 occurred, a protective order is being sought pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10, and either  
 3871 the alleged victim or the respondent is a juvenile. If any such complainant does not file a petition, the intake  
 3872 officer may file it. In cases in which a child is alleged to be abused, neglected, in need of services, in need of  
 3873 supervision, or delinquent, if the intake officer believes that probable cause does not exist, or that the  
 3874 authorization of a petition will not be in the best interest of the family or juvenile or that the matter may be  
 3875 effectively dealt with by some agency other than the court, he may refuse to authorize the filing of a petition.  
 3876 The intake officer shall provide to a person seeking a protective order pursuant to § 16.1-253.1, 16.1-253.4,  
 3877 or 16.1-279.1 a written explanation of the conditions, procedures and time limits applicable to the issuance of  
 3878 protective orders pursuant to § 16.1-253.1, 16.1-253.4, or 16.1-279.1. If the person is seeking a protective  
 3879 order pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10, the intake officer shall provide a written  
 3880 explanation of the conditions, procedures, and time limits applicable to the issuance of protective orders  
 3881 pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10.

3882 D. Prior to the filing of any petition alleging that a child is in need of supervision, the matter shall be  
 3883 reviewed by an intake officer who shall determine whether the petitioner and the child alleged to be in need  
 3884 of supervision have utilized or attempted to utilize treatment and services available in the community and  
 3885 have exhausted all appropriate nonjudicial remedies which are available to them. When the intake officer  
 3886 determines that the parties have not attempted to utilize available treatment or services or have not exhausted  
 3887 all appropriate nonjudicial remedies which are available, he shall refer the petitioner and the child alleged to  
 3888 be in need of supervision to the appropriate agency, treatment facility, or individual to receive treatment or  
 3889 services, and a petition shall not be filed. Only after the intake officer determines that the parties have made a  
 3890 reasonable effort to utilize available community treatment or services may he permit the petition to be filed.

3891 E. If the intake officer refuses to authorize a petition relating to an offense that if committed by an adult  
 3892 would be punishable as a Class 1 misdemeanor or as a felony, when such refusal is based solely upon a  
 3893 finding that no probable cause exists, the complainant shall be notified in writing at that time of the  
 3894 complainant's right to apply to a magistrate for a warrant. The application for a warrant to the magistrate shall  
 3895 be filed within 10 days of the issuance of the written notification. The written notification shall indicate that  
 3896 the intake officer made a finding that no probable cause exists and shall provide notice that the complainant  
 3897 has 10 days to apply for a warrant to the magistrate. The complainant shall provide the magistrate with a copy  
 3898 of the written notification upon application to the magistrate. If a magistrate determines that probable cause  
 3899 exists, he shall issue a warrant returnable to the juvenile and domestic relations district court. The warrant  
 3900 shall be delivered forthwith to the juvenile court, and the intake officer shall accept and file a petition  
 3901 founded upon the warrant. If the court is closed and the magistrate finds that the criteria for detention or  
 3902 shelter care set forth in § 16.1-248.1 have been satisfied, the juvenile may be detained pursuant to the warrant

3903 issued in accordance with this subsection. If the intake officer refuses to authorize a petition relating to a  
 3904 child in need of services or in need of supervision, a status offense, or a misdemeanor other than Class 1, his  
 3905 decision is final. If the intake officer refuses to authorize a petition relating to an offense that if committed by  
 3906 an adult would be punishable as a Class 1 misdemeanor or as a felony when such refusal is based upon a  
 3907 finding that (i) probable cause exists, but that (ii) the matter is appropriate for diversion, his decision is final  
 3908 and the complainant shall not have a right to apply to a magistrate for a warrant.

3909 Upon delivery to the juvenile court of a warrant issued pursuant to subdivision 2 of § 16.1-256, the intake  
 3910 officer shall accept and file a petition founded upon the warrant.

3911 F. The intake officer shall notify the attorney for the Commonwealth of the filing of any petition which  
 3912 alleges facts of an offense which would be a felony if committed by an adult.

3913 G. Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.), the intake officer shall file a report  
 3914 with the division superintendent of the school division in which any student who is the subject of a petition  
 3915 alleging that such student who is a juvenile has committed an act, wherever committed, which would be a  
 3916 crime if committed by an adult, or that such student who is an adult has committed a crime and is alleged to  
 3917 be within the jurisdiction of the court. The report shall notify the division superintendent of the filing of the  
 3918 petition and the nature of the offense, if the violation involves:

3919 1. A firearm offense pursuant to Article 4 (§ 18.2-279 et seq.), 5 (§ 18.2-288 et seq.), 6 (§ 18.2-299 et  
 3920 seq.), 6.1 (§ 18.2-307.1 et seq.), or 7 (§ 18.2-308.1 et seq.) of Chapter 7 of Title 18.2;

3921 2. Homicide, pursuant to Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;

3922 3. Felonious assault and bodily wounding, pursuant to Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title  
 3923 18.2;

3924 4. Criminal sexual assault, pursuant to Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;

3925 5. Manufacture, sale, gift, distribution or possession of Schedule I or II controlled substances, pursuant to  
 3926 Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;

3927 6. Manufacture, sale or distribution of marijuana pursuant to ~~Article 4 Chapter 11~~ (§ ~~18.2-247 4.1-1100~~ et  
 3928 seq.) of ~~Chapter 7~~ of Title ~~18.2 4.1~~;

3929 7. Arson and related crimes, pursuant to Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2;

3930 8. Burglary and related offenses, pursuant to §§ 18.2-89 through 18.2-93;

3931 9. Robbery pursuant to § 18.2-58;

3932 10. Prohibited criminal street gang activity pursuant to § 18.2-46.2;

3933 11. Recruitment of other juveniles for a criminal street gang activity pursuant to § 18.2-46.3;

3934 12. An act of violence by a mob pursuant to § 18.2-42.1;

3935 13. Abduction of any person pursuant to § 18.2-47 or 18.2-48; or

3936 14. A threat pursuant to § 18.2-60.

3937 The failure to provide information regarding the school in which the student who is the subject of the  
 3938 petition may be enrolled shall not be grounds for refusing to file a petition.

3939 The information provided to a division superintendent pursuant to this section may be disclosed only as  
 3940 provided in § 16.1-305.2.

3941 H. The filing of a petition shall not be necessary:

3942 1. In the case of violations of the traffic laws, including offenses involving bicycles, hitchhiking and other  
 3943 pedestrian offenses, game and fish laws, or a violation of the ordinance of any city regulating surfing or any  
 3944 ordinance establishing curfew violations, animal control violations, or littering violations. In such cases the  
 3945 court may proceed on a summons issued by the officer investigating the violation in the same manner as  
 3946 provided by law for adults. Additionally, an officer investigating a motor vehicle accident may, at the scene  
 3947 of the accident or at any other location where a juvenile who is involved in such an accident may be located,  
 3948 proceed on a summons in lieu of filing a petition.

3949 2. In the case of seeking consent to apply for the issuance of a work permit pursuant to subsection H of  
 3950 § 16.1-241.

3951 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  
 3952 other alcohol-related offense, provided that the juvenile is released to the custody of a parent or legal  
 3953 guardian pending the initial court date. The officer releasing a juvenile to the custody of a parent or legal  
 3954 guardian shall issue a summons to the juvenile and shall also issue a summons requiring the parent or legal  
 3955 guardian to appear before the court with the juvenile. Disposition of the charge shall be in the manner  
 3956 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  
 3957 § 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  
 3958 samples of both blood and breath for chemical analysis pursuant to §§ 18.2-268.1 through 18.2-268.12 or  
 3959 29.1-738.2, the provisions of these sections shall be followed except that the magistrate shall authorize  
 3960 execution of the warrant as a summons. The summons shall be served on a parent or legal guardian and the  
 3961 juvenile, and a copy of the summons shall be forwarded to the court in which the violation is to be tried.  
 3962 When a violation of § 4.1-305 or 4.1-1105 is charged by summons, the juvenile shall be entitled to have the  
 3963 charge referred to intake for consideration of informal proceedings pursuant to subsection B, provided that  
 3964 such right is exercised by written notification to the clerk not later than 10 days prior to trial. At the time such

3965 summons alleging a violation of § 4.1-305 *or* 4.1-1105 is served, the officer shall also serve upon the juvenile  
 3966 written notice of the right to have the charge referred to intake on a form approved by the Supreme Court and  
 3967 make return of such service to the court. If the officer fails to make such service or return, the court shall  
 3968 dismiss the summons without prejudice.

3969 4. In the case of offenses, *other than marijuana-related offenses*, which, if committed by an adult, would  
 3970 be punishable as a Class 3 or Class 4 misdemeanor. In such cases the court may direct that an intake officer  
 3971 proceed as provided in § 16.1-237 on a summons issued by the officer investigating the violation in the same  
 3972 manner as provided by law for adults provided that notice of the summons to appear is mailed by the  
 3973 investigating officer within five days of the issuance of the summons to a parent or legal guardian of the  
 3974 juvenile.

3975 I. Failure to comply with the procedures set forth in this section shall not divest the juvenile court of the  
 3976 jurisdiction granted it in § 16.1-241.

3977 **§ 16.1-273. Court may require investigation of social history and preparation of victim impact**  
 3978 **statement.**

3979 A. When a juvenile and domestic relations district court or circuit court has adjudicated any case  
 3980 involving a child subject to the jurisdiction of the court hereunder, except for a traffic violation, a violation of  
 3981 the game and fish law, or a violation of any city ordinance regulating surfing or establishing curfew  
 3982 violations, the court before final disposition thereof may require an investigation, which (i) shall include a  
 3983 drug screening and (ii) may, and for the purposes of subdivision A 14 or 17 of § 16.1-278.8 shall, include a  
 3984 social history of the physical, mental, and social conditions, including an assessment of any affiliation with a  
 3985 criminal street gang as defined in § 18.2-46.1, and personality of the child and the facts and circumstances  
 3986 surrounding the violation of law. However, in the case of a juvenile adjudicated delinquent on the basis of an  
 3987 act committed on or after January 1, 2000, which would be (a) a felony if committed by an adult, ~~or~~ (b) a  
 3988 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  
 3989 and such offense would be punishable as a Class 1 or Class 2 misdemeanor if committed by an adult, *or* (c) a  
 3990 violation of § 4.1-1105, the court shall order the juvenile to undergo a drug screening. If the drug screening  
 3991 indicates that the juvenile has a substance abuse or dependence problem, an assessment shall be completed by  
 3992 a certified substance abuse counselor as defined in § 54.1-3500 employed by the Department of Juvenile  
 3993 Justice or by a locally operated court services unit or by an individual employed by or currently under  
 3994 contract to such agencies and who is specifically trained to conduct such assessments under the supervision  
 3995 of such counselor.

3996 B. The court also shall, on motion of the attorney for the Commonwealth with the consent of the victim,  
 3997 or may in its discretion, require the preparation of a victim impact statement in accordance with the  
 3998 provisions of § 19.2-299.1 if the court determines that the victim may have suffered significant physical,  
 3999 psychological, or economic injury as a result of the violation of law.

4000 **§ 16.1-278.9. Delinquent children; loss of driving privileges for alcohol, firearm, and drug offenses;**  
 4001 **truancy.**

4002 A. If a court has found facts which would justify a finding that a child at least 13 years of age at the time  
 4003 of the offense is delinquent and such finding involves (i) a violation of § 18.2-266 or of a similar ordinance of  
 4004 any county, city, or town; (ii) a refusal to take a breath test in violation of § 18.2-268.2; (iii) a felony violation  
 4005 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  
 4006 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*  
 4007 *of § 4.1-1105*; (v) the unlawful purchase, possession, or consumption of alcohol in violation of § 4.1-305 or  
 4008 the unlawful drinking or possession of alcoholic beverages in or on public school grounds in violation of  
 4009 § 4.1-309; (vi) public intoxication in violation of § 18.2-388 or a similar ordinance of a county, city, or town;  
 4010 (vii) the unlawful use or possession of a handgun or possession of a "streetsweeper" as defined below; or  
 4011 (viii) a violation of § 18.2-83, the court shall order, in addition to any other penalty that it may impose as  
 4012 provided by law for the offense, that the child be denied a driver's license. In addition to any other penalty  
 4013 authorized by this section, if the offense involves a violation designated under clause (i) and the child was  
 4014 transporting a person 17 years of age or younger, the court shall impose the additional fine and order  
 4015 community service as provided in § 18.2-270. If the offense involves a violation designated under clause (i),  
 4016 (ii), (iii), or (viii), the denial of a driver's license shall be for a period of one year or until the juvenile reaches  
 4017 the age of 17, whichever is longer, for a first such offense or for a period of one year or until the juvenile  
 4018 reaches the age of 18, whichever is longer, for a second or subsequent such offense. If the offense involves a  
 4019 violation designated under clause (iv), (v), or (vi) the denial of driving privileges shall be for a period of six  
 4020 months unless the offense is committed by a child under the age of 16 years and three months, in which case  
 4021 the child's ability to apply for a driver's license shall be delayed for a period of six months following the date  
 4022 he reaches the age of 16 and three months. If the offense involves a first violation designated under clause (v)  
 4023 or (vi), the court shall impose the license sanction and may enter a judgment of guilt or, without entering a  
 4024 judgment of guilt, may defer disposition of the delinquency charge until such time as the court disposes of the  
 4025 case pursuant to subsection F. If the offense involves a violation designated under clause (iii) or (iv), the  
 4026 court shall impose the license sanction and shall dispose of the delinquency charge pursuant to the provisions

4027 of this chapter or § 18.2-251. If the offense involves a violation designated under clause (vii), the denial of  
4028 driving privileges shall be for a period of not less than 30 days, except when the offense involves possession  
4029 of a concealed handgun or a striker 12, commonly called a "streetsweeper," or any semi-automatic folding  
4030 stock shotgun of like kind with a spring tension drum magazine capable of holding 12 shotgun shells, in  
4031 which case the denial of driving privileges shall be for a period of two years unless the offense is committed  
4032 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  
4033 license shall be delayed for a period of two years following the date he reaches the age of 16 and three  
4034 months.

4035 A1. If a court finds that a child at least 13 years of age has failed to comply with school attendance and  
4036 meeting requirements as provided in § 22.1-258, the court shall order the denial of the child's driving  
4037 privileges for a period of not less than 30 days. If such failure to comply involves a child under the age of 16  
4038 years and three months, the child's ability to apply for a driver's license shall be delayed for a period of not  
4039 less than 30 days following the date he reaches the age of 16 and three months.

4040 If the court finds a second or subsequent such offense, it may order the denial of a driver's license for a  
4041 period of one year or until the juvenile reaches the age of 18, whichever is longer, or delay the child's ability  
4042 to apply for a driver's license for a period of one year following the date he reaches the age of 16 and three  
4043 months, as may be appropriate.

4044 A2. If a court finds that a child at least 13 years of age has refused to take a blood test in violation of  
4045 § 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  
4046 the juvenile reaches the age of 17, whichever is longer, for a first such offense or for a period of one year or  
4047 until the juvenile reaches the age of 18, whichever is longer, for a second or subsequent such offense.

4048 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  
4049 provided in subsection A1 or A2 shall be ordered to surrender his driver's license, which shall be held in the  
4050 physical custody of the court during any period of license denial.

4051 C. The court shall report any order issued under this section to the Department of Motor Vehicles, which  
4052 shall preserve a record thereof. The report and the record shall include a statement as to whether the child was  
4053 represented by or waived counsel or whether the order was issued pursuant to subsection A1 or A2.  
4054 Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.) or the provisions of Title 46.2, this record  
4055 shall be available only to all law-enforcement officers, attorneys for the Commonwealth and courts. No other  
4056 record of the proceeding shall be forwarded to the Department of Motor Vehicles unless the proceeding  
4057 results in an adjudication of guilt pursuant to subsection F.

4058 The Department of Motor Vehicles shall refuse to issue a driver's license to any child denied a driver's  
4059 license until such time as is stipulated in the court order or until notification by the court of withdrawal of the  
4060 order of denial under subsection E.

4061 D. If the finding as to the child involves a violation designated under clause (i), (ii), (iii) or (vi) of  
4062 subsection A or a violation designated under subsection A2, the child may be referred to a certified alcohol  
4063 safety action program in accordance with § 18.2-271.1 upon such terms and conditions as the court may set  
4064 forth. If the finding as to such child involves a violation designated under clause (iii), (iv), (v), (vii) or (viii)  
4065 of subsection A, such child may be referred to appropriate rehabilitative or educational services upon such  
4066 terms and conditions as the court may set forth.

4067 The court, in its discretion and upon a demonstration of hardship, may authorize the use of a restricted  
4068 permit to operate a motor vehicle by any child who has a driver's license at the time of the offense or at the  
4069 time of the court's finding as provided in subsection A1 or A2 for any of the purposes set forth in subsection  
4070 E of § 18.2-271.1 or for travel to and from school, except that no restricted license shall be issued for travel to  
4071 and from home and school when school-provided transportation is available and no restricted license shall be  
4072 issued if the finding as to such child involves a violation designated under clause (iii) or (iv) of subsection A,  
4073 or if it involves a second or subsequent violation of any offense designated in subsection A, a second finding  
4074 by the court of failure to comply with school attendance and meeting requirements as provided in subsection  
4075 A1, or a second or subsequent finding by the court of a refusal to take a blood test as provided in subsection  
4076 A2. The issuance of the restricted permit shall be set forth within the court order, a copy of which shall be  
4077 provided to the child, and shall specifically enumerate the restrictions imposed and contain such information  
4078 regarding the child as is reasonably necessary to identify him. The child may operate a motor vehicle under  
4079 the court order in accordance with its terms. Any child who operates a motor vehicle in violation of any  
4080 restrictions imposed pursuant to this section is guilty of a violation of § 46.2-301.

4081 E. Upon petition made at least 90 days after issuance of the order, the court may review and withdraw any  
4082 order of denial of a driver's license if for a first such offense or finding as provided in subsection A1 or A2.  
4083 For a second or subsequent such offense or finding, the order may not be reviewed and withdrawn until one  
4084 year after its issuance.

4085 F. If the finding as to such child involves a first violation designated under clause (vii) of subsection A,  
4086 upon fulfillment of the terms and conditions prescribed by the court and after the child's driver's license has  
4087 been restored, the court shall or, in the event the violation resulted in the injury or death of any person or if  
4088 the finding involves a violation designated under clause (i), (ii), (v), or (vi) of subsection A, may discharge

4089 the child and dismiss the proceedings against him. Discharge and dismissal under these provisions shall be  
 4090 without an adjudication of guilt but a record of the proceeding shall be retained for the purpose of applying  
 4091 this section in subsequent proceedings. Failure of the child to fulfill such terms and conditions shall result in  
 4092 an adjudication of guilt. If the finding as to such child involves a violation designated under clause (iii) or (iv)  
 4093 of subsection A, the charge shall not be dismissed pursuant to this subsection but shall be disposed of  
 4094 pursuant to the provisions of this chapter or § 18.2-251. If the finding as to such child involves a second  
 4095 violation under clause (v), (vi) or (vii) of subsection A, the charge shall not be dismissed pursuant to this  
 4096 subsection but shall be disposed of under § 16.1-278.8.

4097 **§ 18.2-46.1. Definitions.**

4098 As used in this article, unless the context requires a different meaning:

4099 "Act of violence" means those felony offenses described in subsection C of § 17.1-805 or subsection A of  
 4100 § 19.2-297.1.

4101 "Criminal street gang" means any ongoing organization, association, or group of three or more persons,  
 4102 whether formal or informal, (i) which has as one of its primary objectives or activities the commission of one  
 4103 or more criminal activities; (ii) which has an identifiable name or identifying sign or symbol; and (iii) whose  
 4104 members individually or collectively have engaged in the commission of, attempt to commit, conspiracy to  
 4105 commit, or solicitation of two or more predicate criminal acts, at least one of which is an act of violence,  
 4106 provided such acts were not part of a common act or transaction.

4107 "Predicate criminal act" means (i) an act of violence; (ii) any violation of § 18.2-42, 18.2-46.3, 18.2-56.1,  
 4108 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,  
 4109 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,  
 4110 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  
 4111 § 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~~  
 4112 ~~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  
 4113 violation of a local ordinance adopted pursuant to § 15.2-1812.2; or (vi) any substantially similar offense  
 4114 under the laws of another state or territory of the United States, the District of Columbia, or the United States.

4115 **§ 18.2-247. Use of terms "controlled substances," "Schedules I, II, III, IV, V, and VI," "imitation**  
 4116 **controlled substance," and "counterfeit controlled substance" in Title 18.2.**

4117 A. Wherever the terms "controlled substances" and "Schedules I, II, III, IV, V, and VI" are used in Title  
 4118 18.2, such terms refer to those terms as they are used or defined in the Drug Control Act (§ 54.1-3400 et  
 4119 seq.).

4120 B. The term "imitation controlled substance" when used in this article means (i) a counterfeit controlled  
 4121 substance or (ii) a pill, capsule, tablet, or substance in any form whatsoever ~~which~~ *that* is not a controlled  
 4122 substance subject to abuse, and:

4123 1. Which by overall dosage unit appearance, including color, shape, size, marking, and packaging or by  
 4124 representations made, would cause the likelihood that such a pill, capsule, tablet, or substance in any other  
 4125 form whatsoever will be mistaken for a controlled substance unless such substance was introduced into  
 4126 commerce prior to the initial introduction into commerce of the controlled substance which it is alleged to  
 4127 imitate; or

4128 2. Which by express or implied representations purports to act like a controlled substance as a stimulant or  
 4129 depressant of the central nervous system and which is not commonly used or recognized for use in that  
 4130 particular formulation for any purpose other than for such stimulant or depressant effect, unless marketed,  
 4131 promoted, or sold as permitted by the U.S. Food and Drug Administration.

4132 C. In determining whether a pill, capsule, tablet, or substance in any other form whatsoever, is an  
 4133 "imitation controlled substance," there shall be considered, in addition to all other relevant factors,  
 4134 comparisons with accepted methods of marketing for legitimate nonprescription drugs for medicinal purposes  
 4135 rather than for drug abuse or any similar nonmedicinal use, including consideration of the packaging of the  
 4136 drug and its appearance in overall finished dosage form, promotional materials or representations, oral or  
 4137 written, concerning the drug, and the methods of distribution of the drug and where and how it is sold to the  
 4138 public.

4139 D. The term "marijuana" when used in this article means any part of a plant of the genus *Cannabis*,  
 4140 whether growing or not, its seeds or resin; and every compound, manufacture, salt, derivative, mixture, or  
 4141 preparation of such plant, its seeds, its resin, or any extract containing one or more cannabinoids. "Marijuana"  
 4142 does not include (i) the mature stalks of such plant, fiber produced from such stalk, oil or cake made from the  
 4143 seed of such plant, unless such stalks, fiber, oil or cake is combined with other parts of plants of the genus  
 4144 *Cannabis*; (ii) industrial hemp, as defined in § 3.2-4112, that is possessed by a person registered pursuant to  
 4145 subsection A of § 3.2-4115 or his agent; (iii) industrial hemp, as defined in § 3.2-4112, that is possessed by a  
 4146 person who holds a hemp producer license issued by the U.S. Department of Agriculture pursuant to 7 C.F.R.  
 4147 Part 990; (iv) a hemp product, as defined in § 3.2-4112; (v) an industrial hemp extract, as defined in  
 4148 § 3.2-5145.1; or (vi) any substance containing a tetrahydrocannabinol isomer, ester, ether, salt or salts of such  
 4149 isomer, ester, or ether that has been placed by the Board of Pharmacy into one of the schedules set forth in the  
 4150 Drug Control Act (§ 54.1-3400 et seq.) pursuant to § 54.1-3443.

4151 ~~E.~~ The term "counterfeit controlled substance" means a controlled substance that, without authorization,  
 4152 bears, is packaged in a container or wrapper that bears, or is otherwise labeled to bear, the trademark, trade  
 4153 name, or other identifying mark, imprint or device or any likeness thereof, of a drug manufacturer, processor,  
 4154 packer, or distributor other than the manufacturer, processor, packer, or distributor who did in fact so  
 4155 manufacture, process, pack or distribute such drug.

4156 ~~F.~~ *E.* The term "tetrahydrocannabinol" means any naturally occurring or synthetic tetrahydrocannabinol,  
 4157 including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of  
 4158 isomers is possible within the specific chemical designation and any preparation, mixture, or substance  
 4159 containing, or mixed or infused with, any detectable amount of tetrahydrocannabinol. For the purposes of this  
 4160 definition, "isomer" means the optical, position, and geometric isomers.

4161 ~~G.~~ *F.* The term "total tetrahydrocannabinol" means the sum, after the application of any necessary  
 4162 conversion factor, of the percentage by weight of tetrahydrocannabinol and the percentage by weight of  
 4163 tetrahydrocannabinolic acid.

4164 ~~H.~~ *G.* The Department of Forensic Science shall determine the proper methods for detecting the  
 4165 concentration of tetrahydrocannabinol in substances for the purposes of this title, ~~Chapter~~ *Chapters* 11  
 4166 (§ 4.1-1100 et seq.) and 12 (§ 4.1-1200 et seq.) of Title 4.1, and § 54.1-3401. The testing methodology shall  
 4167 use post-decarboxylation testing or other equivalent method and shall consider the potential conversion of  
 4168 tetrahydrocannabinolic acid into tetrahydrocannabinol.

4169 **§ 18.2-248. Manufacturing, selling, giving, distributing, or possessing with intent to manufacture,  
 4170 sell, give, or distribute a controlled substance or an imitation controlled substance prohibited;  
 4171 penalties.**

4172 A. Except as authorized in the Drug Control Act (§ 54.1-3400 et seq.), it ~~shall be~~ *is* unlawful for any  
 4173 person to manufacture, sell, give, distribute, or possess with intent to manufacture, sell, give or distribute a  
 4174 controlled substance or an imitation controlled substance.

4175 B. In determining whether any person intends to manufacture, sell, give or distribute an imitation  
 4176 controlled substance, the court may consider, in addition to all other relevant evidence, whether any  
 4177 distribution or attempted distribution of such pill, capsule, tablet or substance in any other form whatsoever  
 4178 included an exchange of or a demand for money or other property as consideration, and, if so, whether the  
 4179 amount of such consideration was substantially greater than the reasonable value of such pill, capsule, tablet  
 4180 or substance in any other form whatsoever, considering the actual chemical composition of such pill, capsule,  
 4181 tablet or substance in any other form whatsoever and, where applicable, the price at which over-the-counter  
 4182 substances of like chemical composition sell.

4183 C. Except as provided in subsection C1, any person who violates this section with respect to a controlled  
 4184 substance classified in Schedule I or II shall upon conviction be imprisoned for not less than five nor more  
 4185 than 40 years and fined not more than \$500,000. Upon a second conviction of such a violation, and it is  
 4186 alleged in the warrant, indictment, or information that the person has been before convicted of such an  
 4187 offense or of a substantially similar offense in any other jurisdiction, which offense would be a felony if  
 4188 committed in the Commonwealth, and such prior conviction occurred before the date of the offense alleged in  
 4189 the warrant, indictment, or information, any such person may, in the discretion of the court or jury imposing  
 4190 the sentence, be sentenced to imprisonment for life or for any period not less than five years, three years of  
 4191 which shall be a mandatory minimum term of imprisonment to be served consecutively with any other  
 4192 sentence, and he shall be fined not more than \$500,000.

4193 When a person is convicted of a third or subsequent offense under this subsection and it is alleged in the  
 4194 warrant, indictment or information that he has been before convicted of two or more such offenses or of  
 4195 substantially similar offenses in any other jurisdiction which offenses would be felonies if committed in the  
 4196 Commonwealth and such prior convictions occurred before the date of the offense alleged in the warrant,  
 4197 indictment, or information, he shall be sentenced to imprisonment for life or for a period of not less than 10  
 4198 years, 10 years of which shall be a mandatory minimum term of imprisonment to be served consecutively  
 4199 with any other sentence, and he shall be fined not more than \$500,000.

4200 Any person who manufactures, sells, gives, distributes or possesses with the intent to manufacture, sell,  
 4201 give, or distribute the following is guilty of a felony punishable by a fine of not more than \$1 million and  
 4202 imprisonment for five years to life, five years of which shall be a mandatory minimum term of imprisonment  
 4203 to be served consecutively with any other sentence:

- 4204 1. 100 grams or more of a mixture or substance containing a detectable amount of heroin;
- 4205 2. 500 grams or more of a mixture or substance containing a detectable amount of:
  - 4206 a. Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and  
 4207 derivatives of ecgonine or their salts have been removed;
  - 4208 b. Cocaine, its salts, optical and geometric isomers, and salts of isomers;
  - 4209 c. Cocaine base;
  - 4210 d. Ecgonine, its derivatives, their salts, isomers, and salts of isomers; or
  - 4211 e. Any compound, mixture, or preparation that contains any quantity of any of the substances referred to  
 4212 in subdivisions 2a through 2d; or

4213 3. 10 grams or more of methamphetamine, its salts, isomers, or salts of its isomers or 20 grams or more of  
 4214 a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its  
 4215 isomers.

4216 The mandatory minimum term of imprisonment to be imposed for a violation of this subsection shall not  
 4217 be applicable if the court finds that:

4218 a. The person does not have a prior conviction for an offense listed in subsection C of § 17.1-805;

4219 b. The person did not use violence or credible threats of violence or possess a firearm or other dangerous  
 4220 weapon in connection with the offense or induce another participant in the offense to do so;

4221 c. The offense did not result in death or serious bodily injury to any person;

4222 d. The person was not an organizer, leader, manager, or supervisor of others in the offense, and was not  
 4223 engaged in a continuing criminal enterprise as defined in subsection I; and

4224 e. Not later than the time of the sentencing hearing, the person has truthfully provided to the  
 4225 Commonwealth all information and evidence the person has concerning the offense or offenses that were part  
 4226 of the same course of conduct or of a common scheme or plan, but the fact that the person has no relevant or  
 4227 useful other information to provide or that the Commonwealth already is aware of the information shall not  
 4228 preclude a determination by the court that the defendant has complied with this requirement.

4229 C1. Any person who violates this section with respect to the manufacturing of methamphetamine, its salts,  
 4230 isomers, or salts of its isomers or less than 200 grams of a mixture or substance containing a detectable  
 4231 amount of methamphetamine, its salts, isomers, or salts of its isomers shall, upon conviction, be imprisoned  
 4232 for not less than 10 nor more than 40 years and fined not more than \$500,000. Upon a second conviction of  
 4233 such a violation, any such person may, in the discretion of the court or jury imposing the sentence, be  
 4234 sentenced to imprisonment for life or for any period not less than 10 years, and be fined not more than  
 4235 \$500,000. When a person is convicted of a third or subsequent offense under this subsection and it is alleged  
 4236 in the warrant, indictment, or information that he has been previously convicted of two or more such offenses  
 4237 or of substantially similar offenses in any other jurisdiction, which offenses would be felonies if committed in  
 4238 the Commonwealth and such prior convictions occurred before the date of the offense alleged in the warrant,  
 4239 indictment, or information, he shall be sentenced to imprisonment for life or for a period not less than 10  
 4240 years, three years of which shall be a mandatory minimum term of imprisonment to be served consecutively  
 4241 with any other sentence and he shall be fined not more than \$500,000.

4242 Upon conviction, in addition to any other punishment, a person found guilty of this offense shall be  
 4243 ordered by the court to make restitution, as the court deems appropriate, to any innocent property owner  
 4244 whose property is damaged, destroyed, or otherwise rendered unusable as a result of such methamphetamine  
 4245 production. This restitution shall include the person's or his estate's estimated or actual expenses associated  
 4246 with cleanup, removal, or repair of the affected property. If the property that is damaged, destroyed, or  
 4247 otherwise rendered unusable as a result of such methamphetamine production is property owned in whole or  
 4248 in part by the person convicted, the court shall order the person to pay to the Methamphetamine Cleanup  
 4249 Fund authorized in § 18.2-248.04 the reasonable estimated or actual expenses associated with cleanup,  
 4250 removal, or repair of the affected property or, if actual or estimated expenses cannot be determined, the sum  
 4251 of \$10,000. The convicted person shall also pay the cost of certifying that any building that is cleaned up or  
 4252 repaired pursuant to this section is safe for human occupancy according to the guidelines established pursuant  
 4253 to § 32.1-11.7.

4254 D. If such person proves that he gave, distributed or possessed with intent to give or distribute a controlled  
 4255 substance classified in Schedule I or II only as an accommodation to another individual who is not an inmate  
 4256 in a community correctional facility, local correctional facility or state correctional facility as defined in  
 4257 § 53.1-1 or in the custody of an employee thereof, and not with intent to profit thereby from any  
 4258 consideration received or expected nor to induce the recipient or intended recipient of the controlled  
 4259 substance to use or become addicted to or dependent upon such controlled substance, he ~~shall be~~ *is* guilty of a  
 4260 Class 5 felony.

4261 E. If the violation of the provisions of this article consists of the filling by a pharmacist of the prescription  
 4262 of a person authorized under this article to issue the same, which prescription has not been received in writing  
 4263 by the pharmacist prior to the filling thereof, and such written prescription is in fact received by the  
 4264 pharmacist within one week of the time of filling the same, or if such violation consists of a request by such  
 4265 authorized person for the filling by a pharmacist of a prescription which has not been received in writing by  
 4266 the pharmacist and such prescription is, in fact, written at the time of such request and delivered to the  
 4267 pharmacist within one week thereof, either such offense shall constitute a Class 4 misdemeanor.

4268 E1. Any person who violates this section with respect to a controlled substance classified in Schedule III  
 4269 except for an anabolic steroid classified in Schedule III, constituting a violation of § 18.2-248.5, ~~shall be~~ *is*  
 4270 guilty of a Class 5 felony.

4271 E2. Any person who violates this section with respect to a controlled substance classified in Schedule IV  
 4272 ~~shall be~~ *is* guilty of a Class 6 felony.

4273 E3. Any person who proves that he gave, distributed or possessed with the intent to give or distribute a  
 4274 controlled substance classified in Schedule III or IV, except for an anabolic steroid classified in Schedule III,

4275 constituting a violation of § 18.2-248.5, only as an accommodation to another individual who is not an inmate  
 4276 in a community correctional facility, local correctional facility or state correctional facility as defined in  
 4277 § 53.1-1 or in the custody of an employee thereof, and not with the intent to profit thereby from any  
 4278 consideration received or expected nor to induce the recipient or intended recipient of the controlled  
 4279 substance to use or become addicted to or dependent upon such controlled substance, is guilty of a Class 1  
 4280 misdemeanor.

4281 F. Any person who violates this section with respect to a controlled substance classified in Schedule V or  
 4282 Schedule VI or an imitation controlled substance ~~which~~ that imitates a controlled substance classified in  
 4283 Schedule V or Schedule VI, ~~shall be~~ is guilty of a Class 1 misdemeanor.

4284 G. Any person who violates this section with respect to an imitation controlled substance ~~which~~ that  
 4285 imitates a controlled substance classified in Schedule I, II, III, or IV ~~shall be~~ is guilty of a Class 6 felony. In  
 4286 any prosecution brought under this subsection, it is not a defense to a violation of this subsection that the  
 4287 defendant believed the imitation controlled substance to actually be a controlled substance.

4288 H. Any person who manufactures, sells, gives, distributes or possesses with the intent to manufacture, sell,  
 4289 give or distribute the following:

4290 1. 1.0 kilograms or more of a mixture or substance containing a detectable amount of heroin;

4291 2. 5.0 kilograms or more of a mixture or substance containing a detectable amount of:

4292 a. Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and  
 4293 derivatives of ecgonine or their salts have been removed;

4294 b. Cocaine, its salts, optical and geometric isomers, and salts of isomers;

4295 c. Cocaine base;

4296 d. Ecgonine, its derivatives, their salts, isomers, and salts of isomers; or

4297 e. Any compound, mixture, or preparation ~~which~~ that contains any quantity of any of the substances  
 4298 referred to in subdivisions a through d; *or*

4299 3. ~~100 kilograms or more of a mixture or substance containing a detectable amount of marijuana; or~~

4300 4. 100 grams or more of methamphetamine, its salts, isomers, or salts of its isomers or 200 grams or more  
 4301 of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of  
 4302 its isomers ~~shall be~~ is guilty of a felony punishable by a fine of not more than \$1 million and imprisonment  
 4303 for 20 years to life, 20 years of which shall be a mandatory minimum sentence. Such mandatory minimum  
 4304 sentence shall not be applicable if the court finds that (i) the person does not have a prior conviction for an  
 4305 offense listed in subsection C of § 17.1-805; (ii) the person did not use violence or credible threats of  
 4306 violence or possess a firearm or other dangerous weapon in connection with the offense or induce another  
 4307 participant in the offense to do so; (iii) the offense did not result in death or serious bodily injury to any  
 4308 person; (iv) the person was not an organizer, leader, manager, or supervisor of others in the offense, and was  
 4309 not engaged in a continuing criminal enterprise as defined in subsection I ~~of this section~~; and (v) not later  
 4310 than the time of the sentencing hearing, the person has truthfully provided to the Commonwealth all  
 4311 information and evidence the person has concerning the offense or offenses that were part of the same course  
 4312 of conduct or of a common scheme or plan, but the fact that the person has no relevant or useful other  
 4313 information to provide or that the Commonwealth already is aware of the information shall not preclude a  
 4314 determination by the court that the defendant has complied with this requirement.

4315 H1. Any person who was the principal or one of several principal administrators, organizers or leaders of  
 4316 a continuing criminal enterprise ~~shall be~~ is guilty of a felony if (i) the enterprise received at least \$100,000  
 4317 but less than \$250,000 in gross receipts during any 12-month period of its existence from the manufacture,  
 4318 importation, or distribution of heroin or cocaine or ecgonine or methamphetamine or the derivatives, salts,  
 4319 isomers, or salts of isomers thereof ~~or marijuana~~ or (ii) the person engaged in the enterprise to manufacture,  
 4320 sell, give, distribute or possess with the intent to manufacture, sell, give or distribute the following during any  
 4321 12-month period of its existence:

4322 1. At least 1.0 kilograms but less than 5.0 kilograms of a mixture or substance containing a detectable  
 4323 amount of heroin;

4324 2. At least 5.0 kilograms but less than 10 kilograms of a mixture or substance containing a detectable  
 4325 amount of:

4326 a. Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and  
 4327 derivatives of ecgonine or their salts have been removed;

4328 b. Cocaine, its salts, optical and geometric isomers, and salts of isomers;

4329 c. Cocaine base;

4330 d. Ecgonine, its derivatives, their salts, isomers, and salts of isomers; or

4331 e. Any compound, mixture, or preparation ~~which~~ that contains any quantity of any of the substances  
 4332 referred to in subdivisions a through d; *or*

4333 3. ~~At least 100 kilograms but less than 250 kilograms of a mixture or substance containing a detectable~~  
 4334 ~~amount of marijuana; or~~

4335 4. At least 100 grams but less than 250 grams of methamphetamine, its salts, isomers, or salts of its  
 4336 isomers or at least 200 grams but less than 1.0 kilograms of a mixture or substance containing a detectable

4337 amount of methamphetamine, its salts, isomers, or salts of its isomers.

4338 A conviction under this section shall be punishable by a fine of not more than \$1 million and  
4339 imprisonment for 20 years to life, 20 years of which shall be a mandatory minimum sentence.

4340 H2. Any person who was the principal or one of several principal administrators, organizers or leaders of  
4341 a continuing criminal enterprise if (i) the enterprise received \$250,000 or more in gross receipts during any  
4342 12-month period of its existence from the manufacture, importation, or distribution of heroin or cocaine or  
4343 ecgonine or methamphetamine or the derivatives, salts, isomers, or salts of isomers thereof ~~or marijuana~~ or  
4344 (ii) the person engaged in the enterprise to manufacture, sell, give, distribute or possess with the intent to  
4345 manufacture, sell, give or distribute the following during any 12-month period of its existence:

4346 1. At least 5.0 kilograms of a mixture or substance containing a detectable amount of heroin;

4347 2. At least 10 kilograms of a mixture or substance containing a detectable amount of:

4348 a. Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and  
4349 derivatives of ecgonine or their salts have been removed;

4350 b. Cocaine, its salts, optical and geometric isomers, and salts of isomers;

4351 c. Cocaine base;

4352 d. Ecgonine, its derivatives, their salts, isomers, and salts of isomers; or

4353 e. Any compound, mixture, or preparation ~~which~~ *that* contains any quantity of any of the substances  
4354 referred to in subdivisions a through d; *or*

4355 3. ~~At least 250 kilograms of a mixture or substance containing a detectable amount of marijuana; or~~

4356 4. At least 250 grams of methamphetamine, its salts, isomers, or salts of its isomers or at least 1.0  
4357 kilograms of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers,  
4358 or salts of its isomers ~~shall be~~ *is* guilty of a felony punishable by a fine of not more than \$1 million and  
4359 imprisonment for life, which shall be served with no suspension in whole or in part. Such punishment shall be  
4360 made to run consecutively with any other sentence. However, the court may impose a mandatory minimum  
4361 sentence of 40 years if the court finds that the defendant substantially cooperated with law-enforcement  
4362 authorities.

4363 I. For purposes of this section, a person is engaged in a continuing criminal enterprise if (i) he violates any  
4364 provision of this section, the punishment for which is a felony and either (ii) such violation is a part of a  
4365 continuing series of violations of this section which are undertaken by such person in concert with five or  
4366 more other persons with respect to whom such person occupies a position of organizer, a supervisory  
4367 position, or any other position of management, and from which such person obtains substantial income or  
4368 resources or (iii) such violation is committed, with respect to methamphetamine or other controlled substance  
4369 classified in Schedule I or II, for the benefit of, at the direction of, or in association with any criminal street  
4370 gang as defined in § 18.2-46.1.

4371 J. Except as authorized in the Drug Control Act (§ 54.1-3400 et seq.), any person who possesses any two  
4372 or more different substances listed below with the intent to manufacture methamphetamine, methcathinone,  
4373 or amphetamine is guilty of a Class 6 felony: liquefied ammonia gas, ammonium nitrate, ether,  
4374 hypophosphorus acid solutions, hypophosphite salts, hydrochloric acid, iodine crystals or tincture of iodine,  
4375 phenylacetone, phenylacetic acid, red phosphorus, methylamine, methyl formamide, lithium, sodium metal,  
4376 sulfuric acid, sodium hydroxide, potassium dichromate, sodium dichromate, potassium permanganate,  
4377 chromium trioxide, methylbenzene, methamphetamine precursor drugs, trichloroethane, or 2-propanone.

4378 K. The term "methamphetamine precursor drug," when used in this article, means a drug or product  
4379 containing ephedrine, pseudoephedrine, or phenylpropanolamine or any of their salts, optical isomers, or salts  
4380 of optical isomers.

4381 **§ 18.2-248.01. Transporting controlled substances into the Commonwealth; penalty.**

4382 Except as authorized in the Drug Control Act (§ 54.1-3400 et seq.) it is unlawful for any person to  
4383 transport into the Commonwealth by any means with intent to sell or distribute one ounce or more of cocaine,  
4384 coca leaves or any salt, compound, derivative or preparation thereof as described in Schedule II of the Drug  
4385 Control Act or one ounce or more of any other Schedule I or II controlled substance ~~or five or more pounds~~  
4386 ~~of marijuana~~. A violation of this section shall constitute a separate and distinct felony. Upon conviction, the  
4387 person shall be sentenced to not less than five years nor more than 40 years imprisonment, three years of  
4388 which shall be a mandatory minimum term of imprisonment, and a fine not to exceed ~~\$1,000,000~~ *\$1 million*.  
4389 A second or subsequent conviction hereunder shall be punishable by a mandatory minimum term of  
4390 imprisonment of 10 years, which shall be served consecutively with any other sentence.

4391 **§ 18.2-251. Persons charged with first offense may be placed on probation; conditions; substance**  
4392 **abuse screening, assessment treatment and education programs or services; drug tests; costs and fees;**  
4393 **violations; discharge.**

4394 Whenever any person who has not previously been convicted of any criminal offense under this article or  
4395 under any statute of the United States or of any state relating to narcotic drugs, ~~marijuana~~, or stimulant,  
4396 depressant, or hallucinogenic drugs, ~~with the exception of any misdemeanor conviction for possession of~~  
4397 ~~marijuana~~, or has not previously had a proceeding against him for violation of such an offense dismissed as  
4398 provided in this section, ~~except a dismissal of a misdemeanor offense for possession of marijuana~~, pleads

4399 guilty to or enters a plea of not guilty to possession of a controlled substance under § 18.2-250, the court,  
4400 upon such plea if the facts found by the court would justify a finding of guilt, without entering a judgment of  
4401 guilt and with the consent of the accused, may defer further proceedings and place him on probation upon  
4402 terms and conditions. If the court defers further proceedings, at that time the court shall determine whether  
4403 the clerk of court has been provided with the fingerprint identification information or fingerprints of the  
4404 person, taken by a law-enforcement officer pursuant to § 19.2-390, and, if not, shall order that the fingerprints  
4405 and photograph of the person be taken by a law-enforcement officer.

4406 As a term or condition, the court shall require the accused to undergo a substance abuse assessment  
4407 pursuant to § 18.2-251.01 or 19.2-299.2, as appropriate, and enter treatment and/or education program or  
4408 services, if available, such as, in the opinion of the court, may be best suited to the needs of the accused based  
4409 upon consideration of the substance abuse assessment. The program or services may be located in the judicial  
4410 district in which the charge is brought or in any other judicial district as the court may provide. The services  
4411 shall be provided by (i) a program licensed by the Department of Behavioral Health and Developmental  
4412 Services, by a similar program which is made available through the Department of Corrections, (ii) a local  
4413 community-based probation services agency established pursuant to § 9.1-174, or (iii) an ASAP program  
4414 certified by the Commission on VASAP.

4415 The court shall require the person entering such program under the provisions of this section to pay all or  
4416 part of the costs of the program, including the costs of the screening, assessment, testing, and treatment,  
4417 based upon the accused's ability to pay unless the person is determined by the court to be indigent.

4418 As a condition of probation, the court shall require the accused (a) to successfully complete treatment or  
4419 education program or services, (b) to remain drug and alcohol free during the period of probation and submit  
4420 to such tests during that period as may be necessary and appropriate to determine if the accused is drug and  
4421 alcohol free, (c) to make reasonable efforts to secure and maintain employment, and (d) to comply with a  
4422 plan of at least 100 hours of community service for a felony and up to 24 hours of community service for a  
4423 misdemeanor. Such testing shall be conducted by personnel of the supervising probation agency or personnel  
4424 of any program or agency approved by the supervising probation agency.

4425 Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as  
4426 otherwise provided. Upon fulfillment of the terms and conditions, and upon determining that the clerk of  
4427 court has been provided with the fingerprint identification information or fingerprints of such person, the  
4428 court shall discharge the person and dismiss the proceedings against him. Discharge and dismissal under this  
4429 section shall be without adjudication of guilt and is a conviction only for the purposes of applying this section  
4430 in subsequent proceedings.

4431 Notwithstanding any other provision of this section, whenever a court places an individual on probation  
4432 upon terms and conditions pursuant to this section, such action shall be treated as a conviction for purposes of  
4433 § 22.1-315. The provisions of this paragraph shall not be applicable to any offense for which a juvenile has  
4434 had his license suspended or denied pursuant to § 16.1-278.9 for the same offense.

4435 **§ 18.2-251.03. Arrest and prosecution when experiencing or reporting an overdose or act of sexual**  
4436 **violence.**

4437 A. For purposes of this section:

4438 "Act of sexual violence" means an alleged violation of § 18.2-361, 18.2-370, or 18.2-370.1 or the laws  
4439 pertaining to criminal sexual assault pursuant to Article 7 (§ 18.2-61 et seq.) of Chapter 4.

4440 "Overdose" means a life-threatening condition resulting from the consumption or use of a controlled  
4441 substance, alcohol, or any combination of such substances.

4442 B. No individual shall be subject to arrest or prosecution for the unlawful purchase, possession, or  
4443 consumption of alcohol pursuant to § 4.1-305, unlawful purchase, possession, or consumption of marijuana  
4444 pursuant to § ~~4.1-1105.1~~ 4.1-1105, involuntary manslaughter pursuant to § 18.2-36.3, possession of a  
4445 controlled substance pursuant to § 18.2-250, intoxication in public pursuant to § 18.2-388, or possession of  
4446 controlled paraphernalia pursuant to § 54.1-3466 if:

4447 1. Such individual (i) in good faith, seeks or obtains emergency medical attention (a) for himself, if he is  
4448 experiencing an overdose, or (b) for another individual, if such other individual is experiencing an overdose;  
4449 (ii) is experiencing an overdose and another individual, in good faith, seeks or obtains emergency medical  
4450 attention for such individual, by contemporaneously reporting such overdose to a firefighter, as defined in  
4451 § 65.2-102, emergency medical services personnel, as defined in § 32.1-111.1, a law-enforcement officer, as  
4452 defined in § 9.1-101, or an emergency 911 system; or (iii) in good faith, renders emergency care or  
4453 assistance, including cardiopulmonary resuscitation (CPR) or the administration of naloxone or other opioid  
4454 antagonist for overdose reversal, to an individual experiencing an overdose while another individual seeks or  
4455 obtains emergency medical attention in accordance with this subdivision;

4456 2. Such individual remains at the scene of the overdose or at any alternative location to which he or the  
4457 person requiring emergency medical attention has been transported until a law-enforcement officer responds  
4458 to the report of an overdose. If no law-enforcement officer is present at the scene of the overdose or at the  
4459 alternative location, then such individual shall cooperate with law enforcement as otherwise set forth herein;

4460 3. Such individual identifies himself to the law-enforcement officer who responds to the report of the

4461 overdose; and

4462 4. The evidence for the prosecution of an offense enumerated in this subsection was obtained as a result of  
4463 the individual seeking or obtaining emergency medical attention or rendering emergency care or assistance.

4464 C. No individual shall be subject to arrest or prosecution for the unlawful purchase, possession, or  
4465 consumption of alcohol pursuant to § 4.1-305, unlawful purchase, possession, or consumption of marijuana  
4466 pursuant to ~~§ 4.1-1105.1~~ 4.1-1105, possession of a controlled substance pursuant to § 18.2-250, intoxication  
4467 in public pursuant to § 18.2-388, or possession of controlled paraphernalia pursuant to § 54.1-3466 if:

4468 1. Such individual, in good faith, seeks or obtains assistance for himself or another individual from  
4469 emergency medical services personnel, as defined in § 32.1-111.1, a health care provider, as defined in  
4470 § 8.01-581.1, or a law-enforcement officer, as defined in § 9.1-101, and seeks to report an act of sexual  
4471 violence committed against himself or another individual;

4472 2. Such individual identifies himself to the law-enforcement officer who responds to the report of the act  
4473 of sexual violence; and

4474 3. The evidence for the prosecution of an offense enumerated in this subsection was obtained as a result of  
4475 the individual seeking or obtaining medical attention, rendering care or assistance, or reporting to law  
4476 enforcement.

4477 This subsection shall not apply to an individual who is alleged to have committed the act of sexual  
4478 violence.

4479 D. The provisions of this section shall not apply to any person who seeks or obtains emergency medical  
4480 attention for himself or another individual, to a person experiencing an overdose or who has experienced an  
4481 act of sexual violence when another individual seeks or obtains emergency medical attention for him, or to a  
4482 person who renders emergency care or assistance to an individual experiencing an overdose or who has  
4483 experienced an act of sexual violence while another person seeks or obtains emergency medical attention  
4484 during the execution of a search warrant or during the conduct of a lawful search or a lawful arrest.

4485 E. This section does not establish protection from arrest or prosecution for any individual or offense other  
4486 than those listed in subsection B or C. However, any individual immune to arrest or prosecution under this  
4487 section shall not have his bail, probation, furlough, supervised release, suspended sentence, or parole revoked  
4488 for the behavior immune from arrest or prosecution under the provisions of this section.

4489 F. No law-enforcement officer acting in good faith shall be found liable for false arrest if it is later  
4490 determined that the person arrested was immune from prosecution under this section.

4491 **§ 18.2-251.1:1. Possession or distribution of cannabis oil; public schools.**

4492 No school nurse employed by a local school board, person employed by a local health department who is  
4493 assigned to the public school pursuant to an agreement between the local health department and the school  
4494 board, or other person employed by or contracted with a local school board to deliver health-related services  
4495 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  
4496 18.2-255 for the possession or distribution of cannabis oil for storing, dispensing, or administering cannabis  
4497 oil, in accordance with a policy adopted by the local school board, to a student who has been issued a valid  
4498 written certification for the use of cannabis oil in accordance with § 4.1-1601.

4499 **§ 18.2-251.1:2. Possession or distribution of cannabis oil; nursing homes and certified nursing  
4500 facilities; hospice and hospice facilities; assisted living facilities.**

4501 No person employed by a nursing home, hospice, hospice facility, or assisted living facility and  
4502 authorized to possess, distribute, or administer medications to patients or residents shall be prosecuted under  
4503 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  
4504 distribution of cannabis oil for the purposes of storing, dispensing, or administering cannabis oil to a patient  
4505 or resident who has been issued a valid written certification for the use of cannabis oil in accordance with  
4506 § 4.1-1601.

4507 **§ 18.2-251.1:3. Possession or distribution of cannabis oil, or industrial hemp; laboratories;  
4508 Department of Agriculture and Consumer Services, Department of Law employees.**

4509 A. No person employed by an analytical laboratory to retrieve, deliver, or possess cannabis oil or  
4510 industrial hemp samples from a permitted pharmaceutical processor, a registered industrial hemp grower, a  
4511 federally licensed hemp producer, or a registered industrial hemp processor for the purpose of performing  
4512 required testing shall be prosecuted under Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1 or § 18.2-248,  
4513 ~~18.2-248.1~~, 18.2-250, or 18.2-255 for the possession or distribution of cannabis oil or industrial hemp or for  
4514 storing cannabis oil or industrial hemp for testing purposes in accordance with regulations promulgated by  
4515 the Board of Pharmacy of Directors of the Virginia Cannabis Control Authority and the Board of Agriculture  
4516 and Consumer Services.

4517 B. No employee of the Department of Agriculture and Consumer Services or of the Department of Law  
4518 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,  
4519 ~~18.2-248.1~~, or 18.2-250 for the possession or distribution of industrial hemp or any substance containing  
4520 tetrahydrocannabinol when possession of industrial hemp or any substance containing tetrahydrocannabinol  
4521 is necessary in the performance of his duties.

4522 **§ 18.2-252. Suspended sentence conditioned upon substance abuse screening, assessment, testing,**

**4523 and treatment or education.**

4524 The trial judge or court trying the case of any person found guilty of a criminal violation of any law  
4525 concerning the use, in any manner, of drugs, controlled substances, narcotics, ~~marijuana~~, noxious chemical  
4526 substances and like substances shall condition any suspended sentence by first requiring such person to agree  
4527 to undergo a substance abuse screening pursuant to § 18.2-251.01 and to submit to such periodic substance  
4528 abuse testing, to include alcohol testing, as may be directed by the court. Such testing shall be conducted by  
4529 the supervising probation agency or by personnel of any program or agency approved by the supervising  
4530 probation agency. The cost of such testing ordered by the court shall be paid by the Commonwealth and taxed  
4531 as a part of the costs of such proceedings. The judge or court shall order the person, as a condition of any  
4532 suspended sentence, to undergo such treatment or education for substance abuse, if available, as the judge or  
4533 court deems appropriate based upon consideration of the substance abuse assessment. The treatment or  
4534 education shall be provided by a program or agency licensed by the Department of Behavioral Health and  
4535 Developmental Services, by a similar program or services available through the Department of Corrections if  
4536 the court imposes a sentence of one year or more or, if the court imposes a sentence of 12 months or less, by a  
4537 similar program or services available through a local or regional jail, a local community-based probation  
4538 services agency established pursuant to § 9.1-174, or an ASAP program certified by the Commission on  
4539 VASAP.

**4540 § 18.2-254. Commitment of convicted person for treatment for substance abuse.**

4541 A. Whenever any person who has not previously been convicted of any criminal offense under this article  
4542 or under any statute of the United States or of any state relating to narcotic drugs, ~~marijuana~~, or stimulant,  
4543 depressant, or hallucinogenic drugs or has not previously had a proceeding against him for violation of such  
4544 an offense dismissed as provided in § 18.2-251 is found guilty of violating any law concerning the use, in any  
4545 manner, of drugs, controlled substances, narcotics, ~~marijuana~~, noxious chemical substances, and like  
4546 substances, the judge or court shall require such person to undergo a substance abuse screening pursuant to  
4547 § 18.2-251.01 and to submit to such periodic substance abuse testing, to include alcohol testing, as may be  
4548 directed by the court. The cost of such testing ordered by the court shall be paid by the Commonwealth and  
4549 taxed as a part of the costs of the criminal proceedings. The judge or court shall also order the person to  
4550 undergo such treatment or education for substance abuse, if available, as the judge or court deems appropriate  
4551 based upon consideration of the substance abuse assessment. The treatment or education shall be provided by  
4552 a program or agency licensed by the Department of Behavioral Health and Developmental Services or by a  
4553 similar program or services available through the Department of Corrections if the court imposes a sentence  
4554 of one year or more or, if the court imposes a sentence of 12 months or less, by a similar program or services  
4555 available through a local or regional jail, a local community-based probation services agency established  
4556 pursuant to § 9.1-174, or an ASAP program certified by the Commission on VASAP.

4557 B. The court trying the case of any person alleged to have committed any criminal offense designated by  
4558 this article or by the Drug Control Act (§ 54.1-3400 et seq.) or in any other criminal case in which the  
4559 commission of the offense was motivated by or closely related to the use of drugs and determined by the  
4560 court, pursuant to a substance abuse screening and assessment, to be in need of treatment for the use of drugs  
4561 may commit, based upon a consideration of the substance abuse assessment, such person, upon his  
4562 conviction, to any facility for the treatment of persons with substance abuse, licensed by the Department of  
4563 Behavioral Health and Developmental Services, if space is available in such facility, for a period of time not  
4564 in excess of the maximum term of imprisonment specified as the penalty for conviction of such offense or, if  
4565 sentence was determined by a jury, not in excess of the term of imprisonment as set by such jury.  
4566 Confinement under such commitment shall be, in all regards, treated as confinement in a penal institution and  
4567 the person so committed may be convicted of escape if he leaves the place of commitment without authority.  
4568 A charge of escape may be prosecuted in either the jurisdiction where the treatment facility is located or the  
4569 jurisdiction where the person was sentenced to commitment. The court may revoke such commitment at any  
4570 time and transfer the person to an appropriate state or local correctional facility. Upon presentation of a  
4571 certified statement from the director of the treatment facility to the effect that the confined person has  
4572 successfully responded to treatment, the court may release such confined person prior to the termination of  
4573 the period of time for which such person was confined and may suspend the remainder of the term upon such  
4574 conditions as the court may prescribe.

4575 C. The court trying a case in which commission of the criminal offense was related to the defendant's  
4576 habitual abuse of alcohol and in which the court determines, pursuant to a substance abuse screening and  
4577 assessment, that such defendant is in need of treatment, may commit, based upon a consideration of the  
4578 substance abuse assessment, such person, upon his conviction, to any facility for the treatment of persons  
4579 with substance abuse licensed by the Department of Behavioral Health and Developmental Services, if space  
4580 is available in such facility, for a period of time not in excess of the maximum term of imprisonment  
4581 specified as the penalty for conviction. Confinement under such commitment shall be, in all regards, treated  
4582 as confinement in a penal institution and the person so committed may be convicted of escape if he leaves the  
4583 place of commitment without authority. The court may revoke such commitment at any time and transfer the  
4584 person to an appropriate state or local correctional facility. Upon presentation of a certified statement from

4585 the director of the treatment facility to the effect that the confined person has successfully responded to  
 4586 treatment, the court may release such confined person prior to the termination of the period of time for which  
 4587 such person was confined and may suspend the remainder of the term upon such conditions as the court may  
 4588 prescribe.

4589 **§ 18.2-255. Distribution of certain drugs to persons under 18 prohibited; penalty.**

4590 A. Except as authorized in the Drug Control Act, Chapter 34 (§ 54.1-3400 et seq.) of Title 54.1, it shall be  
 4591 *is* unlawful for any person who is at least 18 years of age to knowingly or intentionally (i) distribute any drug  
 4592 classified in Schedule I, II, III, or IV ~~or marijuana~~ to any person under 18 years of age who is at least three  
 4593 years his junior or (ii) cause any person under 18 years of age to assist in such distribution of any drug  
 4594 classified in Schedule I, II, III, or IV ~~or marijuana~~. Any person violating this provision shall upon conviction  
 4595 be imprisoned in a state correctional facility for a period not less than 10 nor more than 50 years, and fined  
 4596 not more than \$100,000. Five years of the sentence imposed for a conviction under this section involving a  
 4597 Schedule I or II controlled substance ~~or one ounce or more of marijuana~~ shall be a mandatory minimum  
 4598 sentence. ~~Two years of the sentence imposed for a conviction under this section involving less than one~~  
 4599 ~~ounce of marijuana shall be a mandatory minimum sentence.~~

4600 B. It shall be *is* unlawful for any person who is at least 18 years of age to knowingly or intentionally (i)  
 4601 distribute any imitation controlled substance to a person under 18 years of age who is at least three years his  
 4602 junior or (ii) cause any person under 18 years of age to assist in such distribution of any imitation controlled  
 4603 substance. Any person violating this provision shall be *is* guilty of a Class 6 felony.

4604 **§ 18.2-255.1. Distribution, sale or display of printed material advertising instruments for use in**  
 4605 **administering controlled substances to minors; penalty.**

4606 It shall be *is* a Class 1 misdemeanor for any person knowingly to sell, distribute, or display for sale to a  
 4607 minor any book, pamphlet, periodical, or other printed matter ~~which~~ *that* he knows advertises for sale any  
 4608 instrument, device, article, or contrivance for advertised use in unlawfully ingesting, smoking, administering,  
 4609 preparing, or growing ~~marijuana~~ or a controlled substance.

4610 **§ 18.2-255.2. Prohibiting the sale or manufacture of drugs on or near certain properties; penalty.**

4611 A. It shall be *is* unlawful for any person to manufacture, sell, or distribute or possess with intent to sell,  
 4612 give, or distribute any controlled substance; *or* imitation controlled substance; ~~or marijuana~~ while:

4613 1. Upon the property, including buildings and grounds, of any public or private elementary or secondary  
 4614 school, any institution of higher education, or any clearly marked licensed child day center as defined in  
 4615 § 22.1-289.02;

4616 2. Upon public property or any property open to public use within 1,000 feet of the property described in  
 4617 subdivision 1;

4618 3. On any school bus as defined in § 46.2-100;

4619 4. Upon a designated school bus stop, or upon either public property or any property open to public use  
 4620 which is within 1,000 feet of such school bus stop, during the time when school children are waiting to be  
 4621 picked up and transported to or are being dropped off from school or a school-sponsored activity;

4622 5. Upon the property, including buildings and grounds, of any publicly owned or publicly operated  
 4623 recreation or community center facility or any public library; or

4624 6. Upon the property of any state facility as defined in § 37.2-100 or upon public property or property  
 4625 open to public use within 1,000 feet of such ~~an institution~~ *facility*. It is a violation of the provisions of this  
 4626 section if the person possessed the controlled substance; *or* imitation controlled substance; ~~or marijuana~~ on  
 4627 the property described in subdivisions 1 through 6, regardless of where the person intended to sell, give, or  
 4628 distribute the controlled substance; *or* imitation controlled substance; ~~or marijuana~~. Nothing in this section  
 4629 shall prohibit the authorized distribution of controlled substances.

4630 B. Violation of this section shall constitute a separate and distinct felony. Any person violating the  
 4631 provisions of this section shall, upon conviction, be imprisoned for a term of not less than one year nor more  
 4632 than five years and fined not more than \$100,000. A second or subsequent conviction hereunder for an  
 4633 offense involving a controlled substance classified in Schedule I, II, or III of the Drug Control Act  
 4634 (§ 54.1-3400 et seq.) ~~or more than one-half ounce of marijuana~~ shall be punished by a mandatory minimum  
 4635 term of imprisonment of one year to be served consecutively with any other sentence. However, if such  
 4636 person proves that he sold such controlled substance ~~or marijuana~~ only as an accommodation to another  
 4637 individual and not with intent to profit thereby from any consideration received or expected nor to induce the  
 4638 recipient or intended recipient of the controlled substance ~~or marijuana~~ to use or become addicted to or  
 4639 dependent upon such controlled substance ~~or marijuana~~, he is guilty of a Class 1 misdemeanor.

4640 C. If a person commits an act violating the provisions of this section, and the same act also violates  
 4641 another provision of law that provides for penalties greater than those provided for by this section, then  
 4642 nothing in this section shall prohibit or bar any prosecution or proceeding under that other provision of law or  
 4643 the imposition of any penalties provided for thereby.

4644 **§ 18.2-258. Certain premises deemed common nuisance; penalty.**

4645 Any office, store, shop, restaurant, dance hall, theater, poolroom, clubhouse, storehouse, warehouse,  
 4646 dwelling house, apartment, building of any kind, vehicle, vessel, boat, or aircraft, which with the knowledge

4647 of the owner, lessor, agent of any such lessor, manager, chief executive officer, operator, or tenant thereof, is  
 4648 frequented by persons under the influence of illegally obtained controlled substances ~~or marijuana~~, as defined  
 4649 in § 54.1-3401, or for the purpose of illegally obtaining possession of, manufacturing, or distributing  
 4650 controlled substances ~~or marijuana~~, or is used for the illegal possession, manufacture, or distribution of  
 4651 controlled substances ~~or marijuana~~ shall be deemed a common nuisance. Any such owner, lessor, agent of  
 4652 any such lessor, manager, chief executive officer, operator, or tenant who knowingly permits, establishes,  
 4653 keeps or maintains such a common nuisance is guilty of a Class 1 misdemeanor and, for a second or  
 4654 subsequent offense, a Class 6 felony.

4655 **§ 18.2-258.02. Maintaining a fortified drug house; penalty.**

4656 Any office, store, shop, restaurant, dance hall, theater, poolroom, clubhouse, storehouse, warehouse,  
 4657 dwelling house, apartment or building or structure of any kind ~~which~~ *that* is (i) substantially altered from its  
 4658 original status by means of reinforcement with the intent to impede, deter or delay lawful entry by a  
 4659 law-enforcement officer into such structure, (ii) being used for the purpose of manufacturing or distributing  
 4660 controlled substances ~~or marijuana~~, and (iii) the object of a valid search warrant, shall be considered a  
 4661 fortified drug house. Any person who maintains or operates a fortified drug house is guilty of a Class 5  
 4662 felony.

4663 **§ 18.2-258.1. Obtaining drugs, procuring administration of controlled substances, etc., by fraud,**  
 4664 **deceit or forgery.**

4665 A. It ~~shall be~~ *is* unlawful for any person to obtain or attempt to obtain any drug or procure or attempt to  
 4666 procure the administration of any controlled substance ~~or marijuana~~: (i) by fraud, deceit, misrepresentation,  
 4667 embezzlement, or subterfuge; (ii) by the forgery or alteration of a prescription or of any written order; (iii) by  
 4668 the concealment of a material fact; or (iv) by the use of a false name or the giving of a false address.

4669 B. It ~~shall be~~ *is* unlawful for any person to furnish false or fraudulent information in or omit any  
 4670 information from, or willfully make a false statement in, any prescription, order, report, record, or other  
 4671 document required by ~~Chapter 34 the Drug Control Act~~ (§ 54.1-3400 et seq.) ~~of Title 54.1.~~

4672 C. It ~~shall be~~ *is* unlawful for any person to use in the course of the manufacture or distribution of a  
 4673 controlled substance ~~or marijuana~~ a license number ~~which~~ *that* is fictitious, revoked, suspended, or issued to  
 4674 another person.

4675 D. It ~~shall be~~ *is* unlawful for any person, for the purpose of obtaining any controlled substance ~~or~~  
 4676 ~~marijuana~~, to falsely assume the title of, or represent himself to be, a manufacturer, wholesaler, pharmacist,  
 4677 physician, dentist, veterinarian, or other authorized person.

4678 E. It ~~shall be~~ *is* unlawful for any person to make or utter any false or forged prescription or false or forged  
 4679 written order.

4680 F. It ~~shall be~~ *is* unlawful for any person to affix any false or forged label to a package or receptacle  
 4681 containing any controlled substance.

4682 G. This section shall not apply to officers and employees of the United States, of this Commonwealth or  
 4683 of a political subdivision of this Commonwealth acting in the course of their employment, who obtain such  
 4684 drugs for investigative, research or analytical purposes, or to the agents or duly authorized representatives of  
 4685 any pharmaceutical manufacturer who obtain such drugs for investigative, research or analytical purposes and  
 4686 who are acting in the course of their employment; provided that such manufacturer is licensed under the  
 4687 provisions of the Federal Food, Drug and Cosmetic Act; and provided further, that such pharmaceutical  
 4688 manufacturer, its agents and duly authorized representatives file with the Board such information as the  
 4689 Board may deem appropriate.

4690 H. Except as otherwise provided in this subsection, any person who shall violate any provision herein  
 4691 ~~shall be~~ *is* guilty of a Class 6 felony.

4692 Whenever any person who has not previously been convicted of any offense under this article or under  
 4693 any statute of the United States or of any state relating to narcotic drugs, ~~marijuana~~, or stimulant, depressant,  
 4694 or hallucinogenic drugs, or has not previously had a proceeding against him for violation of such an offense  
 4695 dismissed, or reduced as provided in this section, pleads guilty to or enters a plea of not guilty to the court for  
 4696 violating this section, upon such plea if the facts found by the court would justify a finding of guilt, the court  
 4697 may place him on probation upon terms and conditions.

4698 As a term or condition, the court shall require the accused to be evaluated and enter a treatment and/or  
 4699 education program, if available, such as, in the opinion of the court, may be best suited to the needs of the  
 4700 accused. This program may be located in the judicial circuit in which the charge is brought or in any other  
 4701 judicial circuit as the court may provide. The services shall be provided by a program certified or licensed by  
 4702 the Department of Behavioral Health and Developmental Services. The court shall require the person entering  
 4703 such program under the provisions of this section to pay all or part of the costs of the program, including the  
 4704 costs of the screening, evaluation, testing and education, based upon the person's ability to pay unless the  
 4705 person is determined by the court to be indigent.

4706 As a condition of supervised probation, the court shall require the accused to remain drug free during the  
 4707 period of probation and submit to such tests during that period as may be necessary and appropriate to  
 4708 determine if the accused is drug free. Such testing may be conducted by the personnel of any screening,

4709 evaluation, and education program to which the person is referred or by the supervising agency.  
 4710 Unless the accused was fingerprinted at the time of arrest, the court shall order the accused to report to the  
 4711 original arresting law-enforcement agency to submit to fingerprinting.

4712 Upon violation of a term or condition, the court may enter an adjudication of guilt upon the felony and  
 4713 proceed as otherwise provided. Upon fulfillment of the terms and conditions of probation, the court shall find  
 4714 the defendant guilty of a Class 1 misdemeanor.

4715 **§ 18.2-265.1. Definition.**

4716 As used in this article, "drug paraphernalia" means all equipment, products, and materials of any kind  
 4717 which are either designed for use or which are intended by the person charged with violating § 18.2-265.3 for  
 4718 use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting,  
 4719 producing, processing, preparing, strength testing, analyzing, packaging, repackaging, storing, containing,  
 4720 concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body ~~marijuana~~ or a  
 4721 controlled substance. "Drug paraphernalia" includes:

4722 1. Kits intended for use or designed for use in planting, propagating, cultivating, growing, or harvesting  
 4723 ~~marijuana~~ or any species of plant which is a controlled substance or from which a controlled substance can be  
 4724 derived;

4725 2. Kits intended for use or designed for use in manufacturing, compounding, converting, producing,  
 4726 processing, or preparing ~~marijuana~~ or controlled substances;

4727 3. Isomerization devices intended for use or designed for use in increasing the potency of ~~marijuana~~ or  
 4728 any species of plant ~~which~~ that is a controlled substance;

4729 4. Testing equipment intended for use or designed for use in identifying or in analyzing the strength or  
 4730 effectiveness of ~~marijuana~~ or controlled substances, other than drug checking products used to determine the  
 4731 presence or concentration of a contaminant that can cause physical harm or death;

4732 5. Scales and balances intended for use or designed for use in weighing or measuring ~~marijuana~~ or  
 4733 controlled substances;

4734 6. Diluents and adulterants, such as quinine hydrochloride, mannitol, or mannite, intended for use or  
 4735 designed for use in cutting controlled substances;

4736 7. ~~Separation gins and sifters intended for use or designed for use in removing twigs and seeds from, or in~~  
 4737 ~~otherwise cleaning or refining, marijuana;~~

4738 8. Blenders, bowls, containers, spoons, and mixing devices intended for use or designed for use in  
 4739 compounding controlled substances;

4740 9. 8. Capsules, balloons, envelopes, and other containers intended for use or designed for use in packaging  
 4741 small quantities of ~~marijuana~~ or controlled substances;

4742 10. 9. Containers and other objects intended for use or designed for use in storing or concealing ~~marijuana~~  
 4743 or controlled substances;

4744 11. 10. Hypodermic syringes, needles, and other objects intended for use or designed for use in  
 4745 parenterally injecting controlled substances into the human body;

4746 12. 11. Objects intended for use or designed for use in ingesting, inhaling, or otherwise introducing  
 4747 ~~marijuana, cocaine, hashish, or hashish oil~~ into the human body, such as:

4748 a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent  
 4749 screens, ~~hashish heads~~, or punctured metal bowls;

4750 b. Water pipes;

4751 c. Carburetion tubes and devices;

4752 d. Smoking and carburetion masks;

4753 e. Roach clips, meaning objects used to hold burning material, ~~such as a marijuana cigarette~~, that has  
 4754 become too small or too short to be held in the hand;

4755 f. Miniature cocaine spoons, and cocaine vials;

4756 g. Chamber pipes;

4757 h. Carburetor pipes;

4758 i. Electric pipes;

4759 j. Air-driven pipes;

4760 k. Chillums;

4761 l. Bongs;

4762 m. Ice pipes or chillers.

4763 **§ 18.2-265.2. Evidence to be considered in cases under this article.**

4764 In determining whether an object is drug paraphernalia, the court may consider, in addition to all other  
 4765 relevant evidence, the following:

4766 1. Constitutionally admissible statements by the accused concerning the use of the object;

4767 2. The proximity of the object to ~~marijuana~~ or controlled substances, which proximity is actually known to  
 4768 the accused;

4769 3. Instructions, oral or written, provided with the object concerning its use;

4770 4. Descriptive materials accompanying the object ~~which~~ that explain or depict its use;

- 4771 5. National and local advertising within the actual knowledge of the accused concerning its use;  
 4772 6. The manner in which the object is displayed for sale;  
 4773 7. Whether the accused is a legitimate supplier of like or related items to the community, such as a  
 4774 licensed distributor or dealer of tobacco products;  
 4775 8. Evidence of the ratio of sales of the objects defined in § 18.2-265.1 to the total sales of the business  
 4776 enterprise;  
 4777 9. The existence and scope of legitimate uses for the object in the community;  
 4778 10. Expert testimony concerning its use or the purpose for which it was designed; *and*  
 4779 11. Relevant evidence of the intent of the accused to deliver it to persons who he knows, or should  
 4780 reasonably know, intend to use the object with an illegal drug. The innocence of an owner, or of anyone in  
 4781 control of the object, as to a direct violation of this article shall not prevent a finding that the object is  
 4782 intended for use or designed for use as drug paraphernalia.

4783 **§ 18.2-265.3. Penalties for sale, etc., of drug paraphernalia.**

4784 A. Any person who sells or possesses with intent to sell drug paraphernalia, knowing, or under  
 4785 circumstances where one reasonably should know, that it is either designed for use or intended by such  
 4786 person for use to illegally plant, propagate, cultivate, grow, harvest, manufacture, compound, convert,  
 4787 produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or  
 4788 otherwise introduce into the human body ~~marijuana~~ or a controlled substance, ~~shall be~~ *is* guilty of a Class 1  
 4789 misdemeanor.

4790 B. Any person ~~eighteen~~ 18 years of age or older who violates subsection A ~~hereof~~ by selling drug  
 4791 paraphernalia to a minor who is at least three years junior to the accused in age ~~shall be~~ *is* guilty of a Class 6  
 4792 felony.

4793 C. Any person ~~eighteen~~ 18 years of age or older who distributes drug paraphernalia to a minor ~~shall be~~ *is*  
 4794 guilty of a Class 1 misdemeanor.

4795 **§ 18.2-287.2. Wearing of body armor while committing a crime; penalty.**

4796 Any person who, while committing a crime of violence as defined in § 18.2-288 (2) or a felony violation  
 4797 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  
 4798 body armor designed to diminish the effect of the impact of a bullet or projectile ~~shall be~~ *is* guilty of a Class 4  
 4799 felony.

4800 **§ 18.2-308.012. Prohibited conduct.**

4801 A. Any person permitted to carry a concealed handgun who is under the influence of alcohol, *marijuana*,  
 4802 or illegal drugs while carrying such handgun in a public place is guilty of a Class 1 misdemeanor. Conviction  
 4803 of any of the following offenses shall be prima facie evidence, subject to rebuttal, that the person is "under  
 4804 the influence" for purposes of this section: manslaughter in violation of § 18.2-36.1, maiming in violation of  
 4805 § 18.2-51.4, driving while intoxicated in violation of § 18.2-266, public intoxication in violation of  
 4806 § 18.2-388, or driving while intoxicated in violation of § 46.2-341.24. Upon such conviction that court shall  
 4807 revoke the person's permit for a concealed handgun and promptly notify the issuing circuit court. A person  
 4808 convicted of a violation of this subsection shall be ineligible to apply for a concealed handgun permit for a  
 4809 period of five years.

4810 B. No person who carries a concealed handgun onto the premises of any restaurant or club as defined in  
 4811 § 4.1-100 for which a license to sell and serve alcoholic beverages for on-premises consumption has been  
 4812 granted by the Virginia Alcoholic Beverage Control Authority under Title 4.1 may consume an alcoholic  
 4813 beverage while on the premises. A person who carries a concealed handgun onto the premises of such a  
 4814 restaurant or club and consumes alcoholic beverages is guilty of a Class 2 misdemeanor. However, nothing in  
 4815 this subsection shall apply to a federal, state, or local law-enforcement officer.

4816 **§ 18.2-371.2. Prohibiting purchase or possession of retail tobacco products and hemp products  
 4817 intended for smoking by a person under 21 years of age or sale of retail tobacco products and hemp  
 4818 products intended for smoking to persons under 21 years of age; civil penalties.**

4819 A. No person shall sell to, distribute to, purchase for, or knowingly permit the purchase by any person  
 4820 younger than 21 years of age, knowing or having reason to believe that such person is younger than 21 years  
 4821 of age, any retail tobacco product or hemp product intended for smoking.

4822 No person shall sell retail tobacco products or hemp products intended for smoking from a vending  
 4823 machine.

4824 B. No person shall sell a retail tobacco product or hemp product intended for smoking to any individual  
 4825 who does not demonstrate, by producing a driver's license or similar photo identification issued by a  
 4826 government agency, that the individual is at least 21 years of age.

4827 Before a retail dealer may sell retail tobacco products, other than cigar and pipe tobacco products as  
 4828 defined in § 58.1-1021.01, to any consumer, the person selling, offering for sale, giving, or furnishing the  
 4829 retail tobacco products shall verify that the consumer is of legal age by examining from any person who  
 4830 appears to be under 30 years of age a government-issued photographic identification that establishes that the  
 4831 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  
 4832 § 59.1-293.12, verifying the identification presented using identification fraud detection software,

4833 technology, or a scanner that confirms the authenticity of such identification.

4834 This subsection shall not apply to mail order or Internet sales, provided that the person offering the retail  
4835 tobacco product or hemp product intended for smoking for sale through mail order or the Internet (i) prior to  
4836 the sale of the retail tobacco product or hemp product intended for smoking verifies that the purchaser is at  
4837 least 21 years of age through a commercially available database that is regularly used by businesses or  
4838 governmental entities for the purpose of age and identity verification and (ii) uses a method of mailing,  
4839 shipping, or delivery that requires the signature of a person at least 21 years of age before the retail tobacco  
4840 product or hemp product intended for smoking will be released to the purchaser.

4841 C. A violation of subsection A or B by an individual or by a separate retail establishment is punishable by  
4842 a civil penalty in the amount of \$500 for a first violation and a civil penalty in the amount of \$2,500 for a  
4843 second or subsequent violation within a three-year period. If applicable, upon a second or subsequent  
4844 violation within a three-year period, the Department of Taxation may suspend or revoke any approved  
4845 license, permit, or registration issued pursuant to subsection C of § 58.1-1021.04:1.

4846 For any violation of this section by an employee of a retail establishment, (i) such penalty shall be  
4847 assessed against the establishment and (ii) an additional penalty of \$100 shall be assessed against the  
4848 employee.

4849 Any attorney for the Commonwealth of the county or city in which an alleged violation occurred may  
4850 bring an action to recover the civil penalty, which shall be paid into the state treasury. Any law-enforcement  
4851 officer may issue a summons for a violation of subsection A or B.

4852 D. 1. Cigarettes and hemp products intended for smoking shall be sold only in sealed packages provided  
4853 by the manufacturer, with the required health warning. The proprietor of every retail establishment that offers  
4854 for sale any retail tobacco product or hemp product intended for smoking shall post in a conspicuous manner  
4855 and place a sign or signs indicating that the sale of retail tobacco products or hemp products intended for  
4856 smoking to any person under 21 years of age is prohibited by law. Any attorney for the county, city, or town  
4857 in which an alleged violation of this subsection occurred may enforce this subsection by civil action to  
4858 recover a civil penalty not to exceed \$500. The civil penalty shall be paid into the local treasury. No filing fee  
4859 or other fee or cost shall be charged to the county, city, or town which instituted the action.

4860 2. For the purpose of compliance with regulations of the Substance Abuse and Mental Health Services  
4861 Administration published at 61 Federal Register 1492, the Department of Agriculture and Consumer Services  
4862 may promulgate regulations which allow the Department to undertake the activities necessary to comply with  
4863 such regulations.

4864 3. Any attorney for the county, city, or town in which an alleged violation of this subsection occurred may  
4865 enforce this subsection by civil action to recover a civil penalty not to exceed \$500. The civil penalty shall be  
4866 paid into the local treasury. No filing fee or other fee or cost shall be charged to the county, city, or town  
4867 which instituted the action.

4868 E. Nothing in this section shall be construed to create a private cause of action.

4869 F. Agents of the Virginia Alcoholic Beverage Control Authority designated pursuant to § 4.1-105 may  
4870 issue a summons for any violation of this section. Additionally, any retailer selling retail tobacco products  
4871 shall be subject to the enforcement and compliance provisions of Chapter 23.2 (§ 59.1-293.10 et seq.) of Title  
4872 59.1.

4873 G. As used in this section:

4874 "Electronic smoking device" means any device that may be used to deliver any aerosolized or vaporized  
4875 substance to the person inhaling from the device, including an e-cigarette, e-cigar, e-pipe, vape pen, or e-  
4876 hookah. "Electronic smoking device" includes any component, part, or accessory of the device, whether or  
4877 not sold separately, and also includes any substance intended to be aerosolized or vaporized during the use of  
4878 the device, whether or not the substance contains nicotine. "Electronic smoking device" does not include any  
4879 (i) battery or battery charger when sold separately or (ii) device used for heated tobacco products. "Electronic  
4880 smoking device" does not include drugs or devices, as such terms are defined in 21 U.S.C. § 321, or  
4881 combination products, as such term is used in 21 U.S.C. § 353, if such drugs, devices, or combination  
4882 products are authorized for sale by the U.S. Food and Drug Administration.

4883 "Hemp product" and "hemp product intended for smoking" mean the same as those terms are defined in §  
4884 3.2-4112 4.1-600.

4885 "Retail tobacco product" means (i) any product containing, made of, or derived from tobacco or that  
4886 contains nicotine that is intended for human consumption or is likely to be consumed, whether smoked,  
4887 heated, chewed, dissolved, inhaled, absorbed, or ingested by other means, including a cigarette, a heated  
4888 tobacco product, a cigar, pipe tobacco, chewing tobacco, snuff, or snus; (ii) any electronic smoking device  
4889 and any substances that may be aerosolized or vaporized by such device, whether or not the substance  
4890 contains nicotine; and (iii) any component, part, or accessory of a product described in clause (i) or (ii),  
4891 whether or not such component, part, or accessory contains tobacco or nicotine, including filters, rolling  
4892 papers, blunt or hemp wraps, and pipes. "Retail tobacco product" includes any nicotine vapor product as that  
4893 term is defined in § 58.1-1021.01. "Retail tobacco product" does not include drugs or devices, as such terms  
4894 are defined in 21 U.S.C. § 321, or combination products, as such term is used in 21 U.S.C. § 353, if such

4895 drugs, devices, or combination products are authorized for sale by the U.S. Food and Drug Administration.

4896 "Wrappings" includes materials made or sold for covering or rolling tobacco or other materials for  
4897 smoking in a manner similar to a cigarette or cigar.

4898 **§ 18.2-460. Obstructing justice; resisting arrest; fleeing from a law-enforcement officer; penalties.**

4899 A. If any person without just cause knowingly obstructs a judge, magistrate, justice, juror, attorney for the  
4900 Commonwealth, witness, any law-enforcement officer, or animal control officer employed pursuant to  
4901 § 3.2-6555 in the performance of his duties as such or fails or refuses without just cause to cease such  
4902 obstruction when requested to do so by such judge, magistrate, justice, juror, attorney for the Commonwealth,  
4903 witness, law-enforcement officer, or animal control officer employed pursuant to § 3.2-6555, he is guilty of a  
4904 Class 1 misdemeanor.

4905 B. Except as provided in subsection C, any person who, by threats or force, knowingly attempts to  
4906 intimidate or impede a judge, magistrate, justice, juror, attorney for the Commonwealth, witness, any  
4907 law-enforcement officer, or an animal control officer employed pursuant to § 3.2-6555 lawfully engaged in  
4908 his duties as such, or to obstruct or impede the administration of justice in any court, is guilty of a Class 1  
4909 misdemeanor.

4910 C. If any person by threats of bodily harm or force knowingly attempts to intimidate or impede a judge,  
4911 magistrate, justice, juror, attorney for the Commonwealth, witness, ~~any~~ or law-enforcement officer, lawfully  
4912 engaged in the discharge of his duty, or to obstruct or impede the administration of justice in any court  
4913 relating to a violation of or conspiracy to violate § 18.2-248 ~~or subdivision (a)(3), (b) or (c) of § 18.2-248.1,~~  
4914 ~~or~~ §, 18.2-46.2, or § 18.2-46.3, or relating to the violation of or conspiracy to violate any violent felony  
4915 offense listed in subsection C of § 17.1-805, he is guilty of a Class 5 felony.

4916 D. Any person who knowingly and willfully makes any materially false statement or representation to a  
4917 law-enforcement officer or an animal control officer employed pursuant to § 3.2-6555 who is in the course of  
4918 conducting an investigation of a crime by another is guilty of a Class 1 misdemeanor.

4919 E. Any person who intentionally prevents or attempts to prevent a law-enforcement officer from lawfully  
4920 arresting him, with or without a warrant, is guilty of a Class 1 misdemeanor. For purposes of this subsection,  
4921 intentionally preventing or attempting to prevent a lawful arrest means fleeing from a law-enforcement  
4922 officer when (i) the officer applies physical force to the person, or (ii) the officer communicates to the person  
4923 that he is under arrest and (a) the officer has the legal authority and the immediate physical ability to place  
4924 the person under arrest, and (b) a reasonable person who receives such communication knows or should know  
4925 that he is not free to leave.

4926 **§ 18.2-474.1. Delivery of drugs, firearms, explosives, etc., to prisoners or committed persons.**

4927 Notwithstanding the provisions of § 18.2-474, any person who shall willfully in any manner deliver,  
4928 attempt to deliver, or conspire with another to deliver to any prisoner confined under authority of the  
4929 Commonwealth of Virginia, or of any political subdivision thereof, or to any person committed to the  
4930 Department of Juvenile Justice in any juvenile correctional center, any drug ~~which~~ *that* is a controlled  
4931 substance regulated by the Drug Control Act in Chapter 34 (§ 54.1-3400 et seq.) of Title 54.1 ~~or marijuana~~ is  
4932 guilty of a Class 5 felony. Any person who shall willfully in any manner so deliver or attempt to deliver or  
4933 conspire to deliver to any such prisoner or confined or committed person, firearms, ammunitions, or  
4934 explosives of any nature is guilty of a Class 3 felony.

4935 Nothing herein contained shall be construed to repeal or amend § 18.2-473.

4936 **§ 19.2-66. When Attorney General or Chief Deputy Attorney General may apply for order**  
4937 **authorizing interception of communications.**

4938 A. The Attorney General or Chief Deputy Attorney General, if the Attorney General so designates in  
4939 writing, in any case where the Attorney General is authorized by law to prosecute or pursuant to a request in  
4940 his official capacity of an attorney for the Commonwealth in any city or county, may apply to a judge of  
4941 competent jurisdiction for an order authorizing the interception of wire, electronic or oral communications by  
4942 the Department of State Police, when such interception may reasonably be expected to provide evidence of  
4943 the commission of a felonious offense of extortion, bribery, kidnapping, murder, any felony violation of  
4944 § 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  
4945 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.),  
4946 Article 5 (§ 18.2-58 et seq.), Article 6 (§ 18.2-59 et seq.) or any felonies that are not Class 6 felonies in  
4947 Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, or any conspiracy to commit any of the foregoing  
4948 offenses. The Attorney General or Chief Deputy Attorney General may apply for authorization for the  
4949 observation or monitoring of the interception by a police department of a county or city, by a sheriff's office,  
4950 or by law-enforcement officers of the United States. Such application shall be made, and such order may be  
4951 granted, in conformity with the provisions of § 19.2-68.

4952 B. The application for an order under subsection B of § 19.2-68 shall be made as follows:

4953 1. In the case of an application for a wire or electronic interception, a judge of competent jurisdiction shall  
4954 have the authority to issue an order under subsection B of § 19.2-68 if there is probable cause to believe that  
4955 an offense was committed, is being committed, or will be committed or the person or persons whose  
4956 communications are to be intercepted live, work, subscribe to a wire or electronic communication system,

4957 maintain an address or a post office box, or are making the communication within the territorial jurisdiction  
4958 of the court.

4959 2. In the case of an application for an oral intercept, a judge of competent jurisdiction shall have the  
4960 authority to issue an order under subsection B of § 19.2-68 if there is probable cause to believe that an  
4961 offense was committed, is being committed, or will be committed or the physical location of the oral  
4962 communication to be intercepted is within the territorial jurisdiction of the court.

4963 C. For the purposes of an order entered pursuant to subsection B of § 19.2-68 for the interception of a wire  
4964 or electronic communication, such communication shall be deemed to be intercepted in the jurisdiction where  
4965 the order is entered, regardless of the physical location or the method by which the communication is  
4966 captured or routed to the monitoring location.

4967 **§ 19.2-81. Arrest without warrant authorized in certain cases.**

4968 A. The following officers shall have the powers of arrest as provided in this section:

4969 1. Members of the State Police force of the Commonwealth;

4970 2. Sheriffs of the various counties and cities, and their deputies;

4971 3. Members of any county police force or any duly constituted police force of any city or town of the  
4972 Commonwealth;

4973 4. The Commissioner, members and employees of the Marine Resources Commission granted the power  
4974 of arrest pursuant to § 28.2-900;

4975 5. Regular conservation police officers appointed pursuant to § 29.1-200;

4976 6. United States Coast Guard and United States Coast Guard Reserve commissioned, warrant, and petty  
4977 officers authorized under § 29.1-205 to make arrests;

4978 7. Conservation officers appointed pursuant to § 10.1-115;

4979 8. Full-time sworn members of the enforcement division of the Department of Motor Vehicles appointed  
4980 pursuant to § 46.2-217;

4981 9. Special agents of the Virginia Alcoholic Beverage Control Authority *or the Virginia Cannabis Control*  
4982 *Authority*;

4983 10. Campus police officers appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8 of Title 23.1; and

4984 11. Members of the Division of Capitol Police.

4985 B. Such officers may arrest without a warrant any person who commits any crime in the presence of the  
4986 officer and any person whom he has reasonable grounds or probable cause to suspect of having committed a  
4987 felony not in his presence.

4988 Such officers may arrest without a warrant any person whom the officer has probable cause to suspect of  
4989 operating any watercraft or motorboat while (i) intoxicated in violation of subsection B of § 29.1-738 or a  
4990 substantially similar ordinance of any county, city, or town in the Commonwealth or (ii) in violation of an  
4991 order issued pursuant to § 29.1-738.4 and may thereafter transfer custody of the person arrested to another  
4992 officer, who may obtain a warrant based upon statements made to him by the arresting officer.

4993 C. Any such officer may, at the scene of any accident involving a motor vehicle, watercraft as defined in  
4994 § 29.1-733.2 or motorboat, or at any hospital or medical facility to which any person involved in such  
4995 accident has been transported, or in the apprehension of any person charged with the theft of any motor  
4996 vehicle, on any of the highways or waters of the Commonwealth, upon reasonable grounds to believe, based  
4997 upon personal investigation, including information obtained from eyewitnesses, that a crime has been  
4998 committed by any person then and there present, apprehend such person without a warrant of arrest. For  
4999 purposes of this section, "the scene of any accident" shall include a reasonable location where a vehicle or  
5000 person involved in an accident has been moved at the direction of a law-enforcement officer to facilitate the  
5001 clearing of the highway or to ensure the safety of the motoring public.

5002 D. Such officers may, within three hours of the alleged offense, arrest without a warrant at any location  
5003 any person whom the officer has probable cause to suspect of driving or operating a motor vehicle, watercraft  
5004 or motorboat while intoxicated in violation of § 18.2-266, 18.2-266.1, 46.2-341.24, or subsection B of  
5005 § 29.1-738; or a substantially similar ordinance of any county, city, or town in the Commonwealth, whether  
5006 or not the offense was committed in such officer's presence. Such officers may, within three hours of the  
5007 alleged offense, arrest without a warrant at any location any person whom the officer has probable cause to  
5008 suspect of operating a watercraft or motorboat in violation of an order issued pursuant to § 29.1-738.4,  
5009 whether or not the offense was committed in such officer's presence.

5010 E. Such officers may arrest, without a warrant or a *capias*, persons duly charged with a crime in another  
5011 jurisdiction upon receipt of a photocopy of a warrant or a *capias*, telegram, computer printout, facsimile  
5012 printout, a radio, telephone or teletype message, in which photocopy of a warrant, telegram, computer  
5013 printout, facsimile printout, radio, telephone or teletype message shall be given the name or a reasonably  
5014 accurate description of such person wanted and the crime alleged.

5015 F. Such officers may arrest, without a warrant or a *capias*, for an alleged misdemeanor not committed in  
5016 his presence when the officer receives a radio message from his department or other law-enforcement agency  
5017 within the Commonwealth that a warrant or *capias* for such offense is on file.

5018 G. Such officers may also arrest without a warrant for an alleged misdemeanor not committed in their

5019 presence involving (i) shoplifting in violation of § 18.2-96 or 18.2-103 or a similar local ordinance, (ii)  
 5020 carrying a weapon on school property in violation of § 18.2-308.1, (iii) assault and battery, (iv) brandishing a  
 5021 firearm in violation of § 18.2-282, or (v) destruction of property in violation of § 18.2-137, when such  
 5022 property is located on premises used for business or commercial purposes, or a similar local ordinance, when  
 5023 any such arrest is based on probable cause upon reasonable complaint of the person who observed the alleged  
 5024 offense. The arresting officer may issue a summons to any person arrested under this section for a  
 5025 misdemeanor violation involving shoplifting.

5026 **§ 19.2-81.1. Arrest without warrant by correctional officers in certain cases.**

5027 Any correctional officer, as defined in § 53.1-1, may arrest, in the same manner as provided in § 19.2-81,  
 5028 persons for crimes involving:

- 5029 (a) 1. The escape of an inmate from a correctional institution, as defined in § 53.1-1;  
 5030 (b) 2. Assisting an inmate to escape from a correctional institution, as defined in § 53.1-1;  
 5031 (c) 3. The delivery of contraband to an inmate in violation of § 4.1-1117, 18.2-474, or § 18.2-474.1; and  
 5032 (d) 4. Any other criminal offense ~~which~~ *that* may contribute to the disruption of the safety, welfare, or  
 5033 security of the population of a correctional institution.

5034 **§ 19.2-83.1. Report of arrest of school employees and adult students for certain offenses.**

5035 A. Every state official or agency and every sheriff, police officer, or other local law-enforcement officer  
 5036 or conservator of the peace having the power to arrest for a felony, upon arresting a person who is known or  
 5037 discovered by the arresting official to be a full-time, part-time, permanent, or temporary teacher or any other  
 5038 employee in any local school division in the Commonwealth for a felony or a Class 1 misdemeanor or an  
 5039 equivalent offense in another state, shall file a report of such arrest with the division safety official designated  
 5040 pursuant to subsection F of § 22.1-279.8 in the school division in which such person is employed as soon as  
 5041 practicable but no later than 48 hours after such arrest. The contents of the report required pursuant to this  
 5042 subsection shall be utilized by the local school division solely to implement the provisions of subsection B of  
 5043 § 22.1-296.2 and § 22.1-315.

5044 B. The report required pursuant to subsection A shall be transmitted to the division safety official (i) via  
 5045 certified mail, return receipt requested, to the mailing address identified by the division superintendent  
 5046 pursuant to subsection F of § 22.1-279.8 or (ii) via email to the email address identified by the division  
 5047 superintendent pursuant to subsection F of § 22.1-279.8. Any certified mail return receipt shall be retained in  
 5048 the case file.

5049 C. (Expires July 1, 2027) In the event that the law-enforcement agency has existing access to Virginia  
 5050 Employment Commission records, each arresting official shall request in writing that the Virginia  
 5051 Employment Commission provide the name of the current employer of each person arrested for an offense set  
 5052 forth in § 9.1-902 for purposes of determining whether a report is required pursuant to subsection A.

5053 D. Every state official or agency and every sheriff, police officer, or other local law-enforcement officer  
 5054 or conservator of the peace having the power to arrest for a felony shall file a report, as soon as practicable,  
 5055 with the division superintendent of the school division in which the student is enrolled upon arresting a  
 5056 person who is known or discovered by the arresting official to be a student age 18 or older in any local school  
 5057 division in the Commonwealth for:

- 5058 1. A firearm offense pursuant to Article 4 (§ 18.2-279 et seq.), 5 (§ 18.2-288 et seq.), 6 (§ 18.2-299 et  
 5059 seq.), 6.1 (§ 18.2-307.1 et seq.), or 7 (§ 18.2-308.1 et seq.) of Chapter 7 of Title 18.2;  
 5060 2. Homicide, pursuant to Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;  
 5061 3. Felonious assault and bodily wounding, pursuant to Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title  
 5062 18.2;  
 5063 4. Criminal sexual assault, pursuant to Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;  
 5064 5. Manufacture, sale, gift, distribution or possession of Schedule I or II controlled substances, pursuant to  
 5065 Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;  
 5066 6. Manufacture, sale or distribution of marijuana pursuant to ~~Article 4 Chapter 11~~ *Chapter 11* (§ ~~18.2-247~~ *4.1-1100* et  
 5067 seq.) of ~~Chapter 7~~ *Chapter 11* of Title ~~18.2~~ *4.1*;  
 5068 7. Arson and related crimes, pursuant to Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2;  
 5069 8. Burglary and related offenses, pursuant to §§ 18.2-89 through 18.2-93;  
 5070 9. Robbery pursuant to § 18.2-58;  
 5071 10. Prohibited criminal street gang activity pursuant to § 18.2-46.2;  
 5072 11. Recruitment of juveniles for criminal street gang pursuant to § 18.2-46.3;  
 5073 12. An act of violence by a mob pursuant to § 18.2-42.1; or  
 5074 13. Abduction of any person pursuant to § 18.2-47 or 18.2-48.

5075 **§ 19.2-188.1. Testimony regarding identification of controlled substances.**

5076 A. In any preliminary hearing on a violation of Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1, Article 1  
 5077 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, or subdivision 6 of § 53.1-203, any law-enforcement officer  
 5078 shall be permitted to testify as to the results of field tests that have been approved by the Department of  
 5079 Forensic Science pursuant to regulations adopted in accordance with the Administrative Process Act  
 5080 (§ 2.2-4000 et seq.), regarding whether or not any substance the identity of which is at issue in such hearing is

5081 a controlled substance; or imitation controlled substance, as defined in § 18.2-247, or marijuana, as defined in  
5082 § ~~18.2-247~~ 4.1-600.

5083 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  
5084 permitted to testify as to the results of any marijuana field test approved as accurate and reliable by the  
5085 Department of Forensic Science pursuant to regulations adopted in accordance with the Administrative  
5086 Process Act (§ 2.2-4000 et seq.), regarding whether or not any plant material, the identity of which is at issue,  
5087 is marijuana provided the defendant has been given written notice of his right to request a full chemical  
5088 analysis. Such notice shall be on a form approved by the Supreme Court and shall be provided to the  
5089 defendant prior to trial.

5090 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  
5091 attorney of record for the accused, desires a full chemical analysis of the alleged plant material, he may, by  
5092 motion prior to trial before the court in which the charge is pending, request such a chemical analysis. Upon  
5093 such motion, the court shall order that the analysis be performed by the Department of Forensic Science in  
5094 accordance with the provisions of § ~~18.2-247~~ 9.1-1101 and shall prescribe in its order the method of custody,  
5095 transfer, and return of evidence submitted for chemical analysis.

5096 **§ 19.2-303.01. Reduction of sentence; substantial assistance to prosecution.**

5097 Notwithstanding any other provision of law or rule of court, upon motion of the attorney for the  
5098 Commonwealth, the sentencing court may reduce the defendant's sentence if the defendant, after entry of the  
5099 final judgment order, provided substantial assistance in investigating or prosecuting another person for (i) an  
5100 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  
5101 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,  
5102 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  
5103 similar offense in any other jurisdiction, which offense would be a felony if committed in the  
5104 Commonwealth; (ii) a conspiracy to commit any of the offenses listed in clause (i); or (iii) violations as a  
5105 principal in the second degree or accessory before the fact of any of the offenses listed in clause (i). In  
5106 determining whether the defendant has provided substantial assistance pursuant to the provisions of this  
5107 section, the court shall consider (a) the court's evaluation of the significance and usefulness of the defendant's  
5108 assistance, taking into consideration the Commonwealth's evaluation of the assistance rendered; (b) the  
5109 truthfulness, completeness, and reliability of any information or testimony provided by the defendant; (c) the  
5110 nature and extent of the defendant's assistance; (d) any injury suffered or any danger or risk of injury to the  
5111 defendant or his family resulting from his assistance; and (e) the timeliness of the defendant's assistance. If  
5112 the motion is made more than one year after entry of the final judgment order, the court may reduce a  
5113 sentence only if the defendant's substantial assistance involved (1) information not known to the defendant  
5114 until more than one year after entry of the final judgment order, (2) information provided by the defendant  
5115 within one year of entry of the final judgment order but that did not become useful to the Commonwealth  
5116 until more than one year after entry of the final judgment order, or (3) information the usefulness of which  
5117 could not reasonably have been anticipated by the defendant until more than one year after entry of the final  
5118 judgment order and which was promptly provided to the Commonwealth by the defendant after its usefulness  
5119 was reasonably apparent.

5120 **§ 19.2-386.22. Seizure of property used in connection with or derived from illegal drug transactions.**

5121 A. The following property shall be subject to lawful seizure by any officer charged with enforcing the  
5122 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  
5123 Title 18.2: (i) all money, medical equipment, office equipment, laboratory equipment, motor vehicles, and all  
5124 other personal and real property of any kind or character, used in substantial connection with (a) the illegal  
5125 manufacture, sale or distribution of controlled substances or possession with intent to sell or distribute  
5126 controlled substances in violation of § 18.2-248, (b) the sale or distribution of marijuana or possession with  
5127 intent to distribute marijuana in violation of subdivisions (a)(2), (a)(3) and (e) of § ~~18.2-248.1~~ § 4.1-1103, or  
5128 (c) a drug-related offense in violation of § 4.1-1117 or 18.2-474.1; (ii) everything of value furnished, or  
5129 intended to be furnished, in exchange for a controlled substance in violation of § 18.2-248 or for marijuana in  
5130 violation of § ~~18.2-248.1~~ 4.1-1103 or for a controlled substance or marijuana in violation of § 4.1-1117 or  
5131 18.2-474.1; and (iii) all moneys or other property, real or personal, traceable to such an exchange, together  
5132 with any interest or profits derived from the investment of such money or other property. Under the  
5133 provisions of clause (i), real property shall not be subject to lawful seizure unless the minimum prescribed  
5134 punishment for the violation is a term of not less than five years.

5135 B. All seizures and forfeitures under this section shall be governed by the procedures contained in Chapter  
5136 22.1 (§ 19.2-386.1 et seq.).

5137 **§ 19.2-386.23. Disposal of seized controlled substances, marijuana, and paraphernalia.**

5138 A. All controlled substances, imitation controlled substances, marijuana, or paraphernalia, the lawful  
5139 possession of which is not established or the title to which cannot be ascertained, which have come into the  
5140 custody of a peace officer or have been seized in connection with violations of *Chapter 11* (§ 4.1-1100 et  
5141 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:

5142 1. Upon written application by (i) the Department of Forensic Science, (ii) the Department of State Police,

5143 or (iii) any police department or sheriff's office in a locality, the court may order the forfeiture of any such  
5144 substance or paraphernalia to the Department of Forensic Science, the Department of State Police, or to such  
5145 police department or sheriff's office for research and training purposes and for destruction pursuant to  
5146 regulations of the United States Department of Justice Drug Enforcement Administration and of the Board of  
5147 Pharmacy once these purposes have been fulfilled.

5148 2. In the event no application is made under subdivision 1, the court shall order the destruction of all such  
5149 substances or paraphernalia, which order shall state the existence and nature of the substance or  
5150 paraphernalia, the quantity thereof, the location where seized, the person or persons from whom the substance  
5151 or paraphernalia was seized, if known, and the manner whereby such item shall be destroyed. However, the  
5152 court may order that paraphernalia identified in subdivision 5 of § 18.2-265.1 not be destroyed and that it be  
5153 given to a person or entity that makes a showing to the court of sufficient need for the property and an ability  
5154 to put the property to a lawful and publicly beneficial use. A return under oath, reporting the time, place and  
5155 manner of destruction shall be made to the court by the officer to whom the order is directed. A copy of the  
5156 order and affidavit shall be made a part of the record of any criminal prosecution in which the substance or  
5157 paraphernalia was used as evidence and shall, thereafter, be prima facie evidence of its contents. In the event  
5158 a law-enforcement agency recovers, seizes, finds, is given or otherwise comes into possession of any such  
5159 substances or paraphernalia that are not evidence in a trial in the Commonwealth, the chief law-enforcement  
5160 officer of the agency or his designee may, with the written consent of the appropriate attorney for the  
5161 Commonwealth, order destruction of same; provided that a statement under oath, reporting a description of  
5162 the substances and paraphernalia destroyed and the time, place and manner of destruction, is made to the  
5163 chief law-enforcement officer by the officer to whom the order is directed.

5164 B. No such substance or paraphernalia used or to be used in a criminal prosecution under *Chapter 11*  
5165 (*§ 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  
5166 provided by this section until all rights of appeal have been exhausted, except as provided in § 19.2-386.24.

5167 C. The amount of any specific controlled substance, or imitation controlled substance, retained by any  
5168 law-enforcement agency pursuant to a court order issued under this section shall not exceed five pounds, or  
5169 25 pounds in the case of marijuana. Any written application to the court for controlled substances, imitation  
5170 controlled substances, or marijuana, shall certify that the amount requested shall not result in the requesting  
5171 agency's exceeding the limits allowed by this subsection.

5172 D. A law-enforcement agency that retains any controlled substance, imitation controlled substance, or  
5173 marijuana, pursuant to a court order issued under this section shall (i) be required to conduct an inventory of  
5174 such substance on a monthly basis, which shall include a description and weight of the substance, and (ii)  
5175 destroy such substance pursuant to subdivision A 1 when no longer needed for research and training  
5176 purposes. A written report outlining the details of the inventory shall be made to the chief law-enforcement  
5177 officer of the agency within 10 days of the completion of the inventory, and the agency shall detail the  
5178 substances that were used for research and training pursuant to a court order in the immediately preceding  
5179 fiscal year. Destruction of such substance shall be certified to the court along with a statement prepared under  
5180 oath, reporting a description of the substance destroyed, and the time, place, and manner of destruction.

5181 **§ 19.2-386.24. Destruction of seized controlled substances or marijuana prior to trial.**

5182 Where seizures of controlled substances or marijuana are made in excess of 10 pounds in connection with  
5183 any prosecution or investigation under *Chapter 11* (*§ 4.1-1100 et seq.*) of *Title 4.1* or *Chapter 7* (*§ 18.2-247 et*  
5184 *seq.*) of *Title 18.2*, the appropriate law-enforcement agency may retain 10 pounds of the substance randomly  
5185 selected from the seized substance for representative purposes as evidence and destroy the remainder of the  
5186 seized substance.

5187 Before any destruction is carried out under this section, the law-enforcement agency shall cause the  
5188 material seized to be photographed with identification case numbers or other means of identification and shall  
5189 prepare a report identifying the seized material. It shall also notify the accused, or other interested party, if  
5190 known, or his attorney, at least five days in advance that the photography will take place and that they may be  
5191 present. Prior to any destruction under this section, the law-enforcement agency shall also notify the accused  
5192 or other interested party, if known, and his attorney at least seven days prior to the destruction of the time and  
5193 place the destruction will occur. Any notice required under the provisions of this section shall be by first-  
5194 class mail to the last known address of the person required to be notified. In addition to the substance retained  
5195 for representative purposes as evidence, all photographs and records made under this section and properly  
5196 identified shall be admissible in any court proceeding for any purposes for which the seized substance itself  
5197 would have been admissible.

5198 **§ 19.2-386.25. Judge may order law-enforcement agency to maintain custody of controlled**  
5199 **substances, etc.**

5200 Upon request of the clerk of any court, a judge of the court may order a law-enforcement agency to take  
5201 into its custody or to maintain custody of substantial quantities of any controlled substances, imitation  
5202 controlled substances, chemicals, marijuana, or paraphernalia used or to be used in a criminal prosecution  
5203 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  
5204 its order may make provision for ensuring integrity of these items until further order of the court.

5205 **§ 19.2-389. (Effective until July 1, 2026) Dissemination of criminal history record information.**

5206 A. Criminal history record information shall be disseminated, whether directly or through an intermediary,  
5207 only to:

5208 1. Authorized officers or employees of criminal justice agencies, as defined by § 9.1-101, for purposes of  
5209 the administration of criminal justice and the screening of an employment application or review of  
5210 employment by a criminal justice agency with respect to its own employees or applicants, and dissemination  
5211 to the Virginia Parole Board, pursuant to this subdivision, of such information on all state-responsible  
5212 inmates for the purpose of making parole determinations pursuant to subdivisions 1, 2, 3, 4, and 6 of  
5213 § 53.1-136 shall include collective dissemination by electronic means every 30 days. For purposes of this  
5214 subdivision, criminal history record information includes information sent to the Central Criminal Records  
5215 Exchange pursuant to §§ 37.2-819 and 64.2-2014 when disseminated to any full-time or part-time employee  
5216 of the State Police, a police department or sheriff's office that is a part of or administered by the  
5217 Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection  
5218 of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth for the purposes of  
5219 the administration of criminal justice;

5220 2. Such other individuals and agencies that require criminal history record information to implement a  
5221 state or federal statute or executive order of the President of the United States or Governor that expressly  
5222 refers to criminal conduct and contains requirements or exclusions expressly based upon such conduct, except  
5223 that information concerning the arrest of an individual may not be disseminated to a noncriminal justice  
5224 agency or individual if an interval of one year has elapsed from the date of the arrest and no disposition of the  
5225 charge has been recorded and no active prosecution of the charge is pending;

5226 3. Individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide  
5227 services required for the administration of criminal justice pursuant to that agreement which shall specifically  
5228 authorize access to data, limit the use of data to purposes for which given, and ensure the security and  
5229 confidentiality of the data;

5230 4. Individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant  
5231 to an agreement with a criminal justice agency that shall specifically authorize access to data, limit the use of  
5232 data to research, evaluative, or statistical purposes, and ensure the confidentiality and security of the data;

5233 5. Agencies of state or federal government that are authorized by state or federal statute or executive order  
5234 of the President of the United States or Governor to conduct investigations determining employment  
5235 suitability or eligibility for security clearances allowing access to classified information;

5236 6. Individuals and agencies where authorized by court order or court rule;

5237 7. Agencies of any political subdivision of the Commonwealth, public transportation companies owned,  
5238 operated or controlled by any political subdivision, and any public service corporation that operates a public  
5239 transit system owned by a local government for the conduct of investigations of applicants for employment,  
5240 permit, or license whenever, in the interest of public welfare or safety, it is necessary to determine under a  
5241 duly enacted ordinance if the past criminal conduct of a person with a conviction record would be compatible  
5242 with the nature of the employment, permit, or license under consideration;

5243 7a. Commissions created pursuant to the Transportation District Act of 1964 (§ 33.2-1900 et seq.) of Title  
5244 ~~33-2~~ and their contractors, for the conduct of investigations of individuals who have been offered a position  
5245 of employment whenever, in the interest of public welfare or safety and as authorized in the Transportation  
5246 District Act of 1964, it is necessary to determine if the past criminal conduct of a person with a conviction  
5247 record would be compatible with the nature of the employment under consideration;

5248 8. Public or private agencies when authorized or required by federal or state law or interstate compact to  
5249 investigate (i) applicants for foster or adoptive parenthood or (ii) any individual, and the adult members of  
5250 that individual's household, with whom the agency is considering placing a child or from whom the agency is  
5251 considering removing a child due to abuse or neglect, on an emergency, temporary, or permanent basis  
5252 pursuant to §§ 63.2-901.1 and 63.2-1505, subject to the restriction that the data shall not be further  
5253 disseminated to any party other than a federal or state authority or court as may be required to comply with an  
5254 express requirement of law;

5255 9. To the extent permitted by federal law or regulation, public service companies as defined in § 56-1, for  
5256 the conduct of investigations of applicants for employment when such employment involves personal contact  
5257 with the public or when past criminal conduct of an applicant would be incompatible with the nature of the  
5258 employment under consideration;

5259 10. The appropriate authority for purposes of granting citizenship and for purposes of international travel,  
5260 including, but not limited to, issuing visas and passports;

5261 11. A person requesting a copy of his own criminal history record information as defined in § 9.1-101 at  
5262 his cost, except that criminal history record information shall be supplied at no charge to a person who has  
5263 applied to be a volunteer with (i) a Virginia affiliate of Big Brothers/Big Sisters of America; (ii) a volunteer  
5264 fire company; (iii) the Volunteer Emergency Families for Children; (iv) any affiliate of Prevent Child Abuse,  
5265 Virginia; (v) any Virginia affiliate of Compeer; or (vi) any board member or any individual who has been  
5266 offered membership on the board of a Crime Stoppers, Crime Solvers or Crime Line program as defined in

5267 § 15.2-1713.1;

5268 12. Administrators and board presidents of and applicants for licensure or registration as a child welfare  
5269 agency as defined in § 63.2-100 for dissemination to the Commissioner of Social Services' representative  
5270 pursuant to § 63.2-1702 for the conduct of investigations with respect to employees of and volunteers at such  
5271 facilities, caretakers, and foster and adoptive parent applicants of private child-placing agencies, pursuant to  
5272 §§ 63.2-1719, 63.2-1720, and 63.2-1721, subject to the restriction that the data shall not be further  
5273 disseminated by the facility or agency to any party other than the data subject, the Commissioner of Social  
5274 Services' representative or a federal or state authority or court as may be required to comply with an express  
5275 requirement of law for such further dissemination; however, nothing in this subdivision shall be construed to  
5276 prohibit the Commissioner of Social Services' representative from issuing written certifications regarding the  
5277 results of a background check that was conducted before July 1, 2021, in accordance with subsection J of  
5278 § 22.1-289.035 or § 22.1-289.039;

5279 13. The Department of Social Services for the purpose of screening individuals as a condition of licensure,  
5280 employment, volunteering, or providing services on a regular basis in a licensed child welfare agency  
5281 pursuant to §§ 63.2-1721 and 63.2-1726 or foster or adoptive home approved by a child-placing agency  
5282 pursuant to § 63.2-901.1;

5283 14. The school boards of the Commonwealth for the purpose of screening individuals who are offered or  
5284 who accept public school employment and those current school board employees for whom a report of arrest  
5285 has been made pursuant to § 19.2-83.1;

5286 15. The Virginia Lottery for the conduct of investigations as set forth in the Virginia Lottery Law  
5287 (§ 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  
5288 Department of Agriculture and Consumer Services for the conduct of investigations as set forth in Article  
5289 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2;

5290 16. Licensed nursing homes, hospitals and home care organizations for the conduct of investigations of  
5291 applicants for compensated employment in licensed nursing homes pursuant to § 32.1-126.01, hospital  
5292 pharmacies pursuant to § 32.1-126.02, and home care organizations pursuant to § 32.1-162.9:1, subject to the  
5293 limitations set out in subsection E;

5294 17. Licensed assisted living facilities and licensed adult day centers for the conduct of investigations of  
5295 applicants for compensated employment in licensed assisted living facilities and licensed adult day centers  
5296 pursuant to § 63.2-1720, subject to the limitations set out in subsection F;

5297 18. The Virginia Alcoholic Beverage Control Authority for the conduct of investigations as set forth in  
5298 § 4.1-103.1 *or the Virginia Cannabis Control Authority for the conduct of investigations as set forth in*  
5299 *§ 4.1-622;*

5300 19. The State Board of Elections and authorized officers and employees thereof and general registrars  
5301 appointed pursuant to § 24.2-110 in the course of conducting necessary investigations with respect to voter  
5302 registration, limited to any record of felony convictions;

5303 20. The Commissioner of Behavioral Health and Developmental Services (the Commissioner) or his  
5304 designees for individuals who are committed to the custody of or being evaluated by the Commissioner  
5305 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,  
5306 19.2-182.8, and 19.2-182.9 where such information may be beneficial for the purpose of placement,  
5307 evaluation, treatment, or discharge planning;

5308 21. Any alcohol safety action program certified by the Commission on the Virginia Alcohol Safety Action  
5309 Program for (i) interventions with first offenders under § 18.2-251 or (ii) services to offenders under  
5310 § 18.2-51.4, 18.2-266, or 18.2-266.1;

5311 22. Residential facilities for juveniles regulated or operated by the Department of Social Services, the  
5312 Department of Education, or the Department of Behavioral Health and Developmental Services for the  
5313 purpose of determining applicants' fitness for employment or for providing volunteer or contractual services;

5314 23. The Department of Behavioral Health and Developmental Services and facilities operated by the  
5315 Department for the purpose of determining an individual's fitness for employment pursuant to departmental  
5316 instructions;

5317 24. Pursuant to § 22.1-296.3, the governing boards or administrators of private elementary or secondary  
5318 schools which are accredited pursuant to § 22.1-19 or a private organization coordinating such records  
5319 information on behalf of such governing boards or administrators pursuant to a written agreement with the  
5320 Department of State Police;

5321 25. Public institutions of higher education and nonprofit private institutions of higher education for the  
5322 purpose of screening individuals who are offered or accept employment;

5323 26. Members of a threat assessment team established by a local school board pursuant to § 22.1-79.4, by a  
5324 public institution of higher education pursuant to § 23.1-805, or by a private nonprofit institution of higher  
5325 education, for the purpose of assessing or intervening with an individual whose behavior may present a threat  
5326 to safety; however, no member of a threat assessment team shall redisclose any criminal history record  
5327 information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose  
5328 that such disclosure was made to the threat assessment team;

5329 27. Executive directors of community services boards or the personnel director serving the community  
 5330 services board for the purpose of determining an individual's fitness for employment, approval as a sponsored  
 5331 residential service provider, permission to enter into a shared living arrangement with a person receiving  
 5332 medical assistance services pursuant to a waiver, or permission for any person under contract with the  
 5333 community services board to serve in a direct care position on behalf of the community services board  
 5334 pursuant to §§ 37.2-506, 37.2-506.1, and 37.2-607;

5335 28. Executive directors of behavioral health authorities as defined in § 37.2-600 for the purpose of  
 5336 determining an individual's fitness for employment, approval as a sponsored residential service provider,  
 5337 permission to enter into a shared living arrangement with a person receiving medical assistance services  
 5338 pursuant to a waiver, or permission for any person under contract with the behavioral health authority to  
 5339 serve in a direct care position on behalf of the behavioral health authority pursuant to §§ 37.2-506,  
 5340 37.2-506.1, and 37.2-607;

5341 29. The Commissioner of Social Services for the purpose of locating persons who owe child support or  
 5342 who are alleged in a pending paternity proceeding to be a putative father, provided that only the name,  
 5343 address, demographics and social security number of the data subject shall be released;

5344 30. Authorized officers or directors of agencies licensed pursuant to Article 2 (§ 37.2-403 et seq.) of  
 5345 Chapter 4 of Title 37.2 by the Department of Behavioral Health and Developmental Services for the purpose  
 5346 of determining if any applicant who accepts employment in any direct care position or requests approval as a  
 5347 sponsored residential service provider, permission to enter into a shared living arrangement with a person  
 5348 receiving medical assistance services pursuant to a waiver, or permission for any person under contract with  
 5349 the provider to serve in a direct care position has been convicted of a crime that affects his fitness to have  
 5350 responsibility for the safety and well-being of individuals with mental illness, intellectual disability, or  
 5351 substance abuse pursuant to §§ 37.2-416, 37.2-416.1, 37.2-506, 37.2-506.1, and 37.2-607;

5352 31. The Commissioner of the Department of Motor Vehicles, for the purpose of evaluating applicants for  
 5353 and holders of a motor carrier certificate or license subject to the provisions of Chapters 20 (§ 46.2-2000 et  
 5354 seq.) and 21 (§ 46.2-2100 et seq.) of Title 46.2;

5355 32. The Chairman of the Senate Committee for Courts of Justice or the Chairman of the House Committee  
 5356 for Courts of Justice for the purpose of determining if any person being considered for election to any  
 5357 judgeship has been convicted of a crime;

5358 33. Heads of state agencies in which positions have been identified as sensitive for the purpose of  
 5359 determining an individual's fitness for employment in positions designated as sensitive under Department of  
 5360 Human Resource Management policies developed pursuant to § 2.2-1201.1;

5361 34. The Office of the Attorney General, for all criminal justice activities otherwise permitted under  
 5362 subdivision A 1 and for purposes of performing duties required by the Civil Commitment of Sexually Violent  
 5363 Predators Act (§ 37.2-900 et seq.);

5364 35. Shipyards, to the extent permitted by federal law or regulation, engaged in the design, construction,  
 5365 overhaul, or repair of nuclear vessels for the United States Navy, including their subsidiary companies, for  
 5366 the conduct of investigations of applications for employment or for access to facilities, by contractors, leased  
 5367 laborers, and other visitors;

5368 36. Any employer of individuals whose employment requires that they enter the homes of others, for the  
 5369 purpose of screening individuals who apply for, are offered, or have accepted such employment;

5370 37. Public agencies when and as required by federal or state law to investigate (i) applicants as providers  
 5371 of adult foster care and home-based services or (ii) any individual with whom the agency is considering  
 5372 placing an adult on an emergency, temporary, or permanent basis pursuant to § 63.2-1601.1, subject to the  
 5373 restriction that the data shall not be further disseminated by the agency to any party other than a federal or  
 5374 state authority or court as may be required to comply with an express requirement of law for such further  
 5375 dissemination, subject to limitations set out in subsection G;

5376 38. The Department of Medical Assistance Services, or its designee, for the purpose of screening  
 5377 individuals who, through contracts, subcontracts, or direct employment, volunteer, apply for, are offered, or  
 5378 have accepted a position related to the provision of transportation services to enrollees in the Medicaid  
 5379 Program or the Family Access to Medical Insurance Security (FAMIS) Program, or any other program  
 5380 administered by the Department of Medical Assistance Services;

5381 39. The State Corporation Commission for the purpose of investigating individuals who are current or  
 5382 proposed members, senior officers, directors, and principals of an applicant or person licensed under Chapter  
 5383 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.  
 5384 Notwithstanding any other provision of law, if an application is denied based in whole or in part on  
 5385 information obtained from the Central Criminal Records Exchange pursuant to Chapter 16, 19, or 26 of Title  
 5386 6.2, the Commissioner of Financial Institutions or his designee may disclose such information to the applicant  
 5387 or its designee;

5388 40. The Department of Professional and Occupational Regulation for the purpose of investigating  
 5389 individuals for initial licensure pursuant to § 54.1-2106.1;

5390 41. The Department for Aging and Rehabilitative Services and the Department for the Blind and Vision

5391 Impaired for the purpose of evaluating an individual's fitness for various types of employment and for the  
5392 purpose of delivering comprehensive vocational rehabilitation services pursuant to Article 11 (§ 51.5-170 et  
5393 seq.) of Chapter 14 of Title 51.5 that will assist the individual in obtaining employment;

5394 42. Bail bondsmen, in accordance with the provisions of § 19.2-120;

5395 43. The State Treasurer for the purpose of determining whether a person receiving compensation for  
5396 wrongful incarceration meets the conditions for continued compensation under § 8.01-195.12;

5397 44. The Department of Education or its agents or designees for the purpose of screening individuals  
5398 seeking to enter into a contract with the Department of Education or its agents or designees for the provision  
5399 of child care services for which child care subsidy payments may be provided;

5400 45. The Department of Juvenile Justice to investigate any parent, guardian, or other adult members of a  
5401 juvenile's household when completing a predispositional or postdispositional report required by § 16.1-273 or  
5402 a Board of Juvenile Justice regulation promulgated pursuant to § 16.1-233;

5403 46. The State Corporation Commission, for the purpose of screening applicants for insurance licensure  
5404 under Chapter 18 (§ 38.2-1800 et seq.) of Title 38.2;

5405 47. Administrators and board presidents of and applicants for licensure or registration as a child day  
5406 program or family day system, as such terms are defined in § 22.1-289.02, for dissemination to the  
5407 Superintendent of Public Instruction's representative pursuant to § 22.1-289.013 for the conduct of  
5408 investigations with respect to employees of and volunteers at such facilities pursuant to §§ 22.1-289.034  
5409 through 22.1-289.037, subject to the restriction that the data shall not be further disseminated by the facility  
5410 or agency to any party other than the data subject, the Superintendent of Public Instruction's representative, or  
5411 a federal or state authority or court as may be required to comply with an express requirement of law for such  
5412 further dissemination; however, nothing in this subdivision shall be construed to prohibit the Superintendent  
5413 of Public Instruction's representative from issuing written certifications regarding the results of prior  
5414 background checks in accordance with subsection J of § 22.1-289.035 or § 22.1-289.039;

5415 48. The National Center for Missing and Exploited Children for the purpose of screening individuals who  
5416 are offered or accept employment or will be providing volunteer or contractual services with the National  
5417 Center for Missing and Exploited Children;

5418 49. The Executive Director or investigators of the Board of Accountancy for the purpose of the  
5419 enforcement of laws relating to the Board of Accountancy in accordance with § 54.1-4407; and

5420 50. Other entities as otherwise provided by law.

5421 Upon an ex parte motion of a defendant in a felony case and upon the showing that the records requested  
5422 may be relevant to such case, the court shall enter an order requiring the Central Criminal Records Exchange  
5423 to furnish the defendant, as soon as practicable, copies of any records of persons designated in the order on  
5424 whom a report has been made under the provisions of this chapter.

5425 Notwithstanding any other provision of this chapter to the contrary, upon a written request sworn to  
5426 before an officer authorized to take acknowledgments, the Central Criminal Records Exchange, or the  
5427 criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish a copy  
5428 of conviction data covering the person named in the request to the person making the request; however, such  
5429 person on whom the data is being obtained shall consent in writing, under oath, to the making of such  
5430 request. A person receiving a copy of his own conviction data may utilize or further disseminate that data as  
5431 he deems appropriate. In the event no conviction data is maintained on the data subject, the person making  
5432 the request shall be furnished at his cost a certification to that effect.

5433 B. Use of criminal history record information disseminated to noncriminal justice agencies under this  
5434 section shall be limited to the purposes for which it was given and may not be disseminated further, except as  
5435 otherwise provided in subdivision A 47.

5436 C. No criminal justice agency or person shall confirm the existence or nonexistence of criminal history  
5437 record information for employment or licensing inquiries except as provided by law.

5438 D. Criminal justice agencies shall establish procedures to query the Central Criminal Records Exchange  
5439 prior to dissemination of any criminal history record information on offenses required to be reported to the  
5440 Central Criminal Records Exchange to ensure that the most up-to-date disposition data is being used.  
5441 Inquiries of the Exchange shall be made prior to any dissemination except in those cases where time is of the  
5442 essence and the normal response time of the Exchange would exceed the necessary time period. A criminal  
5443 justice agency to whom a request has been made for the dissemination of criminal history record information  
5444 that is required to be reported to the Central Criminal Records Exchange may direct the inquirer to the  
5445 Central Criminal Records Exchange for such dissemination. Dissemination of information regarding offenses  
5446 not required to be reported to the Exchange shall be made by the criminal justice agency maintaining the  
5447 record as required by § 15.2-1722.

5448 E. Criminal history information provided to licensed nursing homes, hospitals and to home care  
5449 organizations pursuant to subdivision A 16 shall be limited to the convictions on file with the Exchange for  
5450 any offense specified in §§ 32.1-126.01, 32.1-126.02, and 32.1-162.9:1.

5451 F. Criminal history information provided to licensed assisted living facilities and licensed adult day  
5452 centers pursuant to subdivision A 17 shall be limited to the convictions on file with the Exchange for any

5453 offense specified in § 63.2-1720.

5454 G. Criminal history information provided to public agencies pursuant to subdivision A 37 shall be limited  
5455 to the convictions on file with the Exchange for any offense set forth in clause (i) of the definition of barrier  
5456 crime in § 19.2-392.02.

5457 H. Upon receipt of a written request from an employer or prospective employer, the Central Criminal  
5458 Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the  
5459 Exchange, shall furnish at the employer's cost a copy of conviction data covering the person named in the  
5460 request to the employer or prospective employer making the request, provided that the person on whom the  
5461 data is being obtained has consented in writing to the making of such request and has presented a photo-  
5462 identification to the employer or prospective employer. In the event no conviction data is maintained on the  
5463 person named in the request, the requesting employer or prospective employer shall be furnished at his cost a  
5464 certification to that effect. The criminal history record search shall be conducted on forms provided by the  
5465 Exchange.

5466 I. The attorney for the Commonwealth shall provide a physical or electronic copy of a person's criminal  
5467 history record information, including criminal history record information maintained in the National Crime  
5468 Information Center (NCIC) and the Interstate Identification Index System (III System) that is in his  
5469 possession, pursuant to the rules of court for obtaining discovery or for review by the court. No criminal  
5470 history record information provided under this subsection shall be disseminated further.

5471 **§ 19.2-389. (Effective July 1, 2026) Dissemination of criminal history record information.**

5472 A. Criminal history record information shall be disseminated, whether directly or through an intermediary,  
5473 only to:

5474 1. Authorized officers or employees of criminal justice agencies, as defined by § 9.1-101, for purposes of  
5475 the administration of criminal justice and the screening of an employment application or review of  
5476 employment by a criminal justice agency with respect to its own employees or applicants, and dissemination  
5477 to the Virginia Parole Board, pursuant to this subdivision, of such information on all state-responsible  
5478 inmates for the purpose of making parole determinations pursuant to subdivisions 1, 2, 3, 4, and 6 of  
5479 § 53.1-136 shall include collective dissemination by electronic means every 30 days. For purposes of this  
5480 subdivision, criminal history record information includes information sent to the Central Criminal Records  
5481 Exchange pursuant to §§ 37.2-819 and 64.2-2014 when disseminated to any full-time or part-time employee  
5482 of the State Police, a police department or sheriff's office that is a part of or administered by the  
5483 Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection  
5484 of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth for the purposes of  
5485 the administration of criminal justice;

5486 2. Such other individuals and agencies that require criminal history record information to implement a  
5487 state or federal statute or executive order of the President of the United States or Governor that expressly  
5488 refers to criminal conduct and contains requirements or exclusions expressly based upon such conduct, except  
5489 that information concerning the arrest of an individual may not be disseminated to a noncriminal justice  
5490 agency or individual if an interval of one year has elapsed from the date of the arrest and no disposition of the  
5491 charge has been recorded and no active prosecution of the charge is pending;

5492 3. Individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide  
5493 services required for the administration of criminal justice pursuant to that agreement which shall specifically  
5494 authorize access to data, limit the use of data to purposes for which given, and ensure the security and  
5495 confidentiality of the data;

5496 4. Individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant  
5497 to an agreement with a criminal justice agency that shall specifically authorize access to data, limit the use of  
5498 data to research, evaluative, or statistical purposes, and ensure the confidentiality and security of the data;

5499 5. Agencies of state or federal government that are authorized by state or federal statute or executive order  
5500 of the President of the United States or Governor to conduct investigations determining employment  
5501 suitability or eligibility for security clearances allowing access to classified information;

5502 6. Individuals and agencies where authorized by court order or court rule;

5503 7. Agencies of any political subdivision of the Commonwealth, public transportation companies owned,  
5504 operated or controlled by any political subdivision, and any public service corporation that operates a public  
5505 transit system owned by a local government for the conduct of investigations of applicants for employment,  
5506 permit, or license whenever, in the interest of public welfare or safety, it is necessary to determine under a  
5507 duly enacted ordinance if the past criminal conduct of a person with a conviction record would be compatible  
5508 with the nature of the employment, permit, or license under consideration;

5509 7a. Commissions created pursuant to the Transportation District Act of 1964 (§ 33.2-1900 et seq.) ~~of Title~~  
5510 ~~33-2~~ and their contractors, for the conduct of investigations of individuals who have been offered a position  
5511 of employment whenever, in the interest of public welfare or safety and as authorized in the Transportation  
5512 District Act of 1964, it is necessary to determine if the past criminal conduct of a person with a conviction  
5513 record would be compatible with the nature of the employment under consideration;

5514 8. Public or private agencies when authorized or required by federal or state law or interstate compact to

5515 investigate (i) applicants for foster or adoptive parenthood or (ii) any individual, and the adult members of  
5516 that individual's household, with whom the agency is considering placing a child or from whom the agency is  
5517 considering removing a child due to abuse or neglect, on an emergency, temporary, or permanent basis  
5518 pursuant to §§ 63.2-901.1 and 63.2-1505, subject to the restriction that the data shall not be further  
5519 disseminated to any party other than a federal or state authority or court as may be required to comply with an  
5520 express requirement of law;

5521 9. To the extent permitted by federal law or regulation, public service companies as defined in § 56-1, for  
5522 the conduct of investigations of applicants for employment when such employment involves personal contact  
5523 with the public or when past criminal conduct of an applicant would be incompatible with the nature of the  
5524 employment under consideration;

5525 10. The appropriate authority for purposes of granting citizenship and for purposes of international travel,  
5526 including, but not limited to, issuing visas and passports;

5527 11. A person requesting a copy of his own criminal history record information as defined in § 9.1-101 at  
5528 his cost, except that criminal history record information shall be supplied at no charge to a person who has  
5529 applied to be a volunteer with (i) a Virginia affiliate of Big Brothers/Big Sisters of America; (ii) a volunteer  
5530 fire company; (iii) the Volunteer Emergency Families for Children; (iv) any affiliate of Prevent Child Abuse,  
5531 Virginia; (v) any Virginia affiliate of Compeer; or (vi) any board member or any individual who has been  
5532 offered membership on the board of a Crime Stoppers, Crime Solvers or Crime Line program as defined in  
5533 § 15.2-1713.1;

5534 12. Administrators and board presidents of and applicants for licensure or registration as a child welfare  
5535 agency as defined in § 63.2-100 for dissemination to the Commissioner of Social Services' representative  
5536 pursuant to § 63.2-1702 for the conduct of investigations with respect to employees of and volunteers at such  
5537 facilities, caretakers, and foster and adoptive parent applicants of private child-placing agencies, pursuant to  
5538 §§ 63.2-1719, 63.2-1720, and 63.2-1721, subject to the restriction that the data shall not be further  
5539 disseminated by the facility or agency to any party other than the data subject, the Commissioner of Social  
5540 Services' representative or a federal or state authority or court as may be required to comply with an express  
5541 requirement of law for such further dissemination; however, nothing in this subdivision shall be construed to  
5542 prohibit the Commissioner of Social Services' representative from issuing written certifications regarding the  
5543 results of a background check that was conducted before July 1, 2021, in accordance with subsection J of  
5544 § 22.1-289.035 or § 22.1-289.039;

5545 13. Administrators and board presidents of and applicants for licensure as a prescribed pediatric extended  
5546 care center for dissemination to the State Health Commissioner's representative pursuant to  
5547 §§ 32.1-162.15:1.5 and 32.1-162.15:1.10 for the conduct of investigations with respect to employees of and  
5548 volunteers at such centers, pursuant to § 32.1-162.15:1.17, subject to the restriction that the data shall not be  
5549 further disseminated by the center to any party other than the data subject, the State Health Commissioner's  
5550 representative, or a federal or state authority or court as may be required to comply with an express  
5551 requirement of law;

5552 14. The Department of Social Services for the purpose of screening individuals as a condition of licensure,  
5553 employment, volunteering, or providing services on a regular basis in a licensed child welfare agency  
5554 pursuant to §§ 63.2-1721 and 63.2-1726 or foster or adoptive home approved by a child-placing agency  
5555 pursuant to § 63.2-901.1;

5556 15. The school boards of the Commonwealth for the purpose of screening individuals who are offered or  
5557 who accept public school employment and those current school board employees for whom a report of arrest  
5558 has been made pursuant to § 19.2-83.1;

5559 16. The Virginia Lottery for the conduct of investigations as set forth in the Virginia Lottery Law  
5560 (§ 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  
5561 Department of Agriculture and Consumer Services for the conduct of investigations as set forth in Article  
5562 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2;

5563 17. Licensed prescribed pediatric extended care centers for the conduct of investigations of applicants for  
5564 compensated employment and volunteers in licensed prescribed pediatric extended care centers pursuant to  
5565 § 32.1-162.15:1.17;

5566 18. Licensed nursing homes, hospitals and home care organizations for the conduct of investigations of  
5567 applicants for compensated employment in licensed nursing homes pursuant to § 32.1-126.01, hospital  
5568 pharmacies pursuant to § 32.1-126.02, and home care organizations pursuant to § 32.1-162.9:1, subject to the  
5569 limitations set out in subsection E;

5570 19. Licensed assisted living facilities and licensed adult day centers for the conduct of investigations of  
5571 applicants for compensated employment in licensed assisted living facilities and licensed adult day centers  
5572 pursuant to § 63.2-1720, subject to the limitations set out in subsection F;

5573 20. The Virginia Alcoholic Beverage Control Authority for the conduct of investigations as set forth in  
5574 § 4.1-103.1 or the Virginia Cannabis Control Authority for the conduct of investigations as set forth in  
5575 § 4.1-622;

5576 21. The State Board of Elections and authorized officers and employees thereof and general registrars

5577 appointed pursuant to § 24.2-110 in the course of conducting necessary investigations with respect to voter  
5578 registration, limited to any record of felony convictions;

5579 22. The Commissioner of Behavioral Health and Developmental Services (the Commissioner) or his  
5580 designees for individuals who are committed to the custody of or being evaluated by the Commissioner  
5581 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,  
5582 19.2-182.8, and 19.2-182.9 where such information may be beneficial for the purpose of placement,  
5583 evaluation, treatment, or discharge planning;

5584 23. Any alcohol safety action program certified by the Commission on the Virginia Alcohol Safety Action  
5585 Program for (i) interventions with first offenders under § 18.2-251 or (ii) services to offenders under  
5586 § 18.2-51.4, 18.2-266, or 18.2-266.1;

5587 24. Residential facilities for juveniles regulated or operated by the Department of Social Services, the  
5588 Department of Education, or the Department of Behavioral Health and Developmental Services for the  
5589 purpose of determining applicants' fitness for employment or for providing volunteer or contractual services;

5590 25. The Department of Behavioral Health and Developmental Services and facilities operated by the  
5591 Department for the purpose of determining an individual's fitness for employment pursuant to departmental  
5592 instructions;

5593 26. Pursuant to § 22.1-296.3, the governing boards or administrators of private elementary or secondary  
5594 schools which are accredited pursuant to § 22.1-19 or a private organization coordinating such records  
5595 information on behalf of such governing boards or administrators pursuant to a written agreement with the  
5596 Department of State Police;

5597 27. Public institutions of higher education and nonprofit private institutions of higher education for the  
5598 purpose of screening individuals who are offered or accept employment;

5599 28. Members of a threat assessment team established by a local school board pursuant to § 22.1-79.4, by a  
5600 public institution of higher education pursuant to § 23.1-805, or by a private nonprofit institution of higher  
5601 education, for the purpose of assessing or intervening with an individual whose behavior may present a threat  
5602 to safety; however, no member of a threat assessment team shall redisclose any criminal history record  
5603 information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose  
5604 that such disclosure was made to the threat assessment team;

5605 29. Executive directors of community services boards or the personnel director serving the community  
5606 services board for the purpose of determining an individual's fitness for employment, approval as a sponsored  
5607 residential service provider, permission to enter into a shared living arrangement with a person receiving  
5608 medical assistance services pursuant to a waiver, or permission for any person under contract with the  
5609 community services board to serve in a direct care position on behalf of the community services board  
5610 pursuant to §§ 37.2-506, 37.2-506.1, and 37.2-607;

5611 30. Executive directors of behavioral health authorities as defined in § 37.2-600 for the purpose of  
5612 determining an individual's fitness for employment, approval as a sponsored residential service provider,  
5613 permission to enter into a shared living arrangement with a person receiving medical assistance services  
5614 pursuant to a waiver, or permission for any person under contract with the behavioral health authority to  
5615 serve in a direct care position on behalf of the behavioral health authority pursuant to §§ 37.2-506,  
5616 37.2-506.1, and 37.2-607;

5617 31. The Commissioner of Social Services for the purpose of locating persons who owe child support or  
5618 who are alleged in a pending paternity proceeding to be a putative father, provided that only the name,  
5619 address, demographics and social security number of the data subject shall be released;

5620 32. Authorized officers or directors of agencies licensed pursuant to Article 2 (§ 37.2-403 et seq.) of  
5621 Chapter 4 of Title 37.2 by the Department of Behavioral Health and Developmental Services for the purpose  
5622 of determining if any applicant who accepts employment in any direct care position or requests approval as a  
5623 sponsored residential service provider, permission to enter into a shared living arrangement with a person  
5624 receiving medical assistance services pursuant to a waiver, or permission for any person under contract with  
5625 the provider to serve in a direct care position has been convicted of a crime that affects his fitness to have  
5626 responsibility for the safety and well-being of individuals with mental illness, intellectual disability, or  
5627 substance abuse pursuant to §§ 37.2-416, 37.2-416.1, 37.2-506, 37.2-506.1, and 37.2-607;

5628 33. The Commissioner of the Department of Motor Vehicles, for the purpose of evaluating applicants for  
5629 and holders of a motor carrier certificate or license subject to the provisions of Chapters 20 (§ 46.2-2000 et  
5630 seq.) and 21 (§ 46.2-2100 et seq.) of Title 46.2;

5631 34. The Chairman of the Senate Committee for Courts of Justice or the Chairman of the House Committee  
5632 for Courts of Justice for the purpose of determining if any person being considered for election to any  
5633 judgeship has been convicted of a crime;

5634 35. Heads of state agencies in which positions have been identified as sensitive for the purpose of  
5635 determining an individual's fitness for employment in positions designated as sensitive under Department of  
5636 Human Resource Management policies developed pursuant to § 2.2-1201.1;

5637 36. The Office of the Attorney General, for all criminal justice activities otherwise permitted under  
5638 subdivision A 1 and for purposes of performing duties required by the Civil Commitment of Sexually Violent

5639 Predators Act (§ 37.2-900 et seq.);

5640 37. Shipyards, to the extent permitted by federal law or regulation, engaged in the design, construction,  
5641 overhaul, or repair of nuclear vessels for the United States Navy, including their subsidiary companies, for  
5642 the conduct of investigations of applications for employment or for access to facilities, by contractors, leased  
5643 laborers, and other visitors;

5644 38. Any employer of individuals whose employment requires that they enter the homes of others, for the  
5645 purpose of screening individuals who apply for, are offered, or have accepted such employment;

5646 39. Public agencies when and as required by federal or state law to investigate (i) applicants as providers  
5647 of adult foster care and home-based services or (ii) any individual with whom the agency is considering  
5648 placing an adult on an emergency, temporary, or permanent basis pursuant to § 63.2-1601.1, subject to the  
5649 restriction that the data shall not be further disseminated by the agency to any party other than a federal or  
5650 state authority or court as may be required to comply with an express requirement of law for such further  
5651 dissemination, subject to limitations set out in subsection G;

5652 40. The Department of Medical Assistance Services, or its designee, for the purpose of screening  
5653 individuals who, through contracts, subcontracts, or direct employment, volunteer, apply for, are offered, or  
5654 have accepted a position related to the provision of transportation services to enrollees in the Medicaid  
5655 Program or the Family Access to Medical Insurance Security (FAMIS) Program, or any other program  
5656 administered by the Department of Medical Assistance Services;

5657 41. The State Corporation Commission for the purpose of investigating individuals who are current or  
5658 proposed members, senior officers, directors, and principals of an applicant or person licensed under Chapter  
5659 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.  
5660 Notwithstanding any other provision of law, if an application is denied based in whole or in part on  
5661 information obtained from the Central Criminal Records Exchange pursuant to Chapter 16, 19, or 26 of Title  
5662 6.2, the Commissioner of Financial Institutions or his designee may disclose such information to the applicant  
5663 or its designee;

5664 42. The Department of Professional and Occupational Regulation for the purpose of investigating  
5665 individuals for initial licensure pursuant to § 54.1-2106.1;

5666 43. The Department for Aging and Rehabilitative Services and the Department for the Blind and Vision  
5667 Impaired for the purpose of evaluating an individual's fitness for various types of employment and for the  
5668 purpose of delivering comprehensive vocational rehabilitation services pursuant to Article 11 (§ 51.5-170 et  
5669 seq.) of Chapter 14 of Title 51.5 that will assist the individual in obtaining employment;

5670 44. Bail bondsmen, in accordance with the provisions of § 19.2-120;

5671 45. The State Treasurer for the purpose of determining whether a person receiving compensation for  
5672 wrongful incarceration meets the conditions for continued compensation under § 8.01-195.12;

5673 46. The Department of Education or its agents or designees for the purpose of screening individuals  
5674 seeking to enter into a contract with the Department of Education or its agents or designees for the provision  
5675 of child care services for which child care subsidy payments may be provided;

5676 47. The Department of Juvenile Justice to investigate any parent, guardian, or other adult members of a  
5677 juvenile's household when completing a predispositional or postdispositional report required by § 16.1-273 or  
5678 a Board of Juvenile Justice regulation promulgated pursuant to § 16.1-233;

5679 48. The State Corporation Commission, for the purpose of screening applicants for insurance licensure  
5680 under Chapter 18 (§ 38.2-1800 et seq.) of Title 38.2;

5681 49. Administrators and board presidents of and applicants for licensure or registration as a child day  
5682 program or family day system, as such terms are defined in § 22.1-289.02, for dissemination to the  
5683 Superintendent of Public Instruction's representative pursuant to § 22.1-289.013 for the conduct of  
5684 investigations with respect to employees of and volunteers at such facilities pursuant to §§ 22.1-289.034  
5685 through 22.1-289.037, subject to the restriction that the data shall not be further disseminated by the facility  
5686 or agency to any party other than the data subject, the Superintendent of Public Instruction's representative, or  
5687 a federal or state authority or court as may be required to comply with an express requirement of law for such  
5688 further dissemination; however, nothing in this subdivision shall be construed to prohibit the Superintendent  
5689 of Public Instruction's representative from issuing written certifications regarding the results of prior  
5690 background checks in accordance with subsection J of § 22.1-289.035 or § 22.1-289.039;

5691 50. The National Center for Missing and Exploited Children for the purpose of screening individuals who  
5692 are offered or accept employment or will be providing volunteer or contractual services with the National  
5693 Center for Missing and Exploited Children;

5694 51. The Executive Director or investigators of the Board of Accountancy for the purpose of the  
5695 enforcement of laws relating to the Board of Accountancy in accordance with § 54.1-4407; and

5696 52. Other entities as otherwise provided by law.

5697 Upon an ex parte motion of a defendant in a felony case and upon the showing that the records requested  
5698 may be relevant to such case, the court shall enter an order requiring the Central Criminal Records Exchange  
5699 to furnish the defendant, as soon as practicable, copies of any records of persons designated in the order on  
5700 whom a report has been made under the provisions of this chapter.

5701 Notwithstanding any other provision of this chapter to the contrary, upon a written request sworn to  
 5702 before an officer authorized to take acknowledgments, the Central Criminal Records Exchange, or the  
 5703 criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish a copy  
 5704 of conviction data covering the person named in the request to the person making the request; however, such  
 5705 person on whom the data is being obtained shall consent in writing, under oath, to the making of such  
 5706 request. A person receiving a copy of his own conviction data may utilize or further disseminate that data as  
 5707 he deems appropriate. In the event no conviction data is maintained on the data subject, the person making  
 5708 the request shall be furnished at his cost a certification to that effect.

5709 B. Use of criminal history record information disseminated to noncriminal justice agencies under this  
 5710 section shall be limited to the purposes for which it was given and may not be disseminated further, except as  
 5711 otherwise provided in subdivision A 49.

5712 C. No criminal justice agency or person shall confirm the existence or nonexistence of criminal history  
 5713 record information for employment or licensing inquiries except as provided by law.

5714 D. Criminal justice agencies shall establish procedures to query the Central Criminal Records Exchange  
 5715 prior to dissemination of any criminal history record information on offenses required to be reported to the  
 5716 Central Criminal Records Exchange to ensure that the most up-to-date disposition data is being used.  
 5717 Inquiries of the Exchange shall be made prior to any dissemination except in those cases where time is of the  
 5718 essence and the normal response time of the Exchange would exceed the necessary time period. A criminal  
 5719 justice agency to whom a request has been made for the dissemination of criminal history record information  
 5720 that is required to be reported to the Central Criminal Records Exchange may direct the inquirer to the  
 5721 Central Criminal Records Exchange for such dissemination. Dissemination of information regarding offenses  
 5722 not required to be reported to the Exchange shall be made by the criminal justice agency maintaining the  
 5723 record as required by § 15.2-1722.

5724 E. Criminal history information provided to licensed nursing homes, hospitals and to home care  
 5725 organizations pursuant to subdivision A 18 shall be limited to the convictions on file with the Exchange for  
 5726 any offense specified in §§ 32.1-126.01, 32.1-126.02, and 32.1-162.9:1.

5727 F. Criminal history information provided to licensed assisted living facilities and licensed adult day  
 5728 centers pursuant to subdivision A 19 shall be limited to the convictions on file with the Exchange for any  
 5729 offense specified in § 63.2-1720.

5730 G. Criminal history information provided to public agencies pursuant to subdivision A 39 shall be limited  
 5731 to the convictions on file with the Exchange for any offense set forth in clause (i) of the definition of barrier  
 5732 crime in § 19.2-392.02.

5733 H. Upon receipt of a written request from an employer or prospective employer, the Central Criminal  
 5734 Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the  
 5735 Exchange, shall furnish at the employer's cost a copy of conviction data covering the person named in the  
 5736 request to the employer or prospective employer making the request, provided that the person on whom the  
 5737 data is being obtained has consented in writing to the making of such request and has presented a photo-  
 5738 identification to the employer or prospective employer. In the event no conviction data is maintained on the  
 5739 person named in the request, the requesting employer or prospective employer shall be furnished at his cost a  
 5740 certification to that effect. The criminal history record search shall be conducted on forms provided by the  
 5741 Exchange.

5742 I. The attorney for the Commonwealth shall provide a physical or electronic copy of a person's criminal  
 5743 history record information, including criminal history record information maintained in the National Crime  
 5744 Information Center (NCIC) and the Interstate Identification Index System (III System) that is in his  
 5745 possession, pursuant to the rules of court for obtaining discovery or for review by the court. No criminal  
 5746 history record information provided under this subsection shall be disseminated further.

5747 **§ 19.2-389.3. (Repealed effective July 1, 2026) Marijuana possession; limits on dissemination of**  
 5748 **criminal history record information; prohibited practices by employers, educational institutions, and**  
 5749 **state and local governments; penalty.**

5750 A. Records relating to the arrest, criminal charge, or conviction of a person for a misdemeanor violation of  
 5751 *former* § 18.2-248.1 or a violation of *former* § 18.2-250.1, including any violation charged under §§ *former* §  
 5752 18.2-248.1 or *former* § 18.2-250.1 that was deferred and dismissed pursuant to § 18.2-251, maintained in the  
 5753 Central Criminal Records Exchange shall not be open for public inspection or otherwise disclosed, provided  
 5754 that such records may be disseminated (i) to make the determination as provided in § 18.2-308.2:2 of  
 5755 eligibility to possess or purchase a firearm; (ii) to aid in the preparation of a pretrial investigation report  
 5756 prepared by a local pretrial services agency established pursuant to Article 5 (§ 19.2-152.2 et seq.) of Chapter  
 5757 9, a pre-sentence or post-sentence investigation report pursuant to § 19.2-299 or in the preparation of the  
 5758 discretionary sentencing guidelines worksheets pursuant to subsection C of § 19.2-298.01; (iii) to aid local  
 5759 community-based probation services agencies established pursuant to the Comprehensive Community  
 5760 Corrections Act for Local-Responsible Offenders (§ 9.1-173 et seq.) with investigating or serving adult  
 5761 local-responsible offenders and all court service units serving juvenile delinquent offenders; (iv) for  
 5762 fingerprint comparison utilizing the fingerprints maintained in the Automated Fingerprint Information System

5763 computer; (v) to attorneys for the Commonwealth to secure information incidental to sentencing and to  
 5764 attorneys for the Commonwealth and probation officers to prepare the discretionary sentencing guidelines  
 5765 worksheets pursuant to subsection C of § 19.2-298.01; (vi) to any full-time or part-time employee of the State  
 5766 Police, a police department, or sheriff's office that is a part of or administered by the Commonwealth or any  
 5767 political subdivision thereof, and who is responsible for the prevention and detection of crime and the  
 5768 enforcement of the penal, traffic, or highway laws of the Commonwealth, for purposes of the administration  
 5769 of criminal justice as defined in § 9.1-101; (vii) to the Virginia Criminal Sentencing Commission for research  
 5770 purposes; (viii) to any full-time or part-time employee of the State Police or a police department or sheriff's  
 5771 office that is a part of or administered by the Commonwealth or any political subdivision thereof for the  
 5772 purpose of screening any person for full-time or part-time employment with the State Police or a police  
 5773 department or sheriff's office that is a part of or administered by the Commonwealth or any political  
 5774 subdivision thereof; (ix) to the State Health Commissioner or his designee for the purpose of screening any  
 5775 person who applies to be a volunteer with or an employee of an emergency medical services agency as  
 5776 provided in § 32.1-111.5; (x) to any full-time or part-time employee of the Department of Forensic Science  
 5777 for the purpose of screening any person for full-time or part-time employment with the Department of  
 5778 Forensic Science; (xi) to the chief law-enforcement officer of a locality, or his designee who shall be an  
 5779 individual employed as a public safety official of the locality, that has adopted an ordinance in accordance  
 5780 with §§ 15.2-1503.1 and 19.2-389 for the purpose of screening any person who applies to be a volunteer with  
 5781 or an employee of an emergency medical services agency as provided in § 32.1-111.5; and (xii) to any  
 5782 full-time or part-time employee of the Department of Motor Vehicles, any employer as defined in  
 5783 § 46.2-341.4, or any medical examiner as defined in 49 C.F.R. § 390.5 for the purpose of complying with the  
 5784 regulations of the Federal Motor Carrier Safety Administration.

5785 B. An employer or educational institution shall not, in any application, interview, or otherwise, require an  
 5786 applicant for employment or admission to disclose information concerning any arrest, criminal charge, or  
 5787 conviction against him when the record relating to such arrest, criminal charge, or conviction is not open for  
 5788 public inspection pursuant to subsection A. An applicant need not, in answer to any question concerning any  
 5789 arrest, criminal charge, or conviction, include a reference to or information concerning any arrest, criminal  
 5790 charge, or conviction when the record relating to such arrest, criminal charge, or conviction is not open for  
 5791 public inspection pursuant to subsection A.

5792 C. Agencies, officials, and employees of the state and local governments shall not, in any application,  
 5793 interview, or otherwise, require an applicant for a license, permit, registration, or governmental service to  
 5794 disclose information concerning any arrest, criminal charge, or conviction against him when the record  
 5795 relating to such arrest, criminal charge, or conviction is not open for public inspection pursuant to subsection  
 5796 A. An applicant need not, in answer to any question concerning any arrest, criminal charge, or conviction,  
 5797 include a reference to or information concerning any arrest, criminal charge, or conviction when the record  
 5798 relating to such arrest, criminal charge, or conviction is not open for public inspection pursuant to subsection  
 5799 A. Such an application may not be denied solely because of the applicant's refusal to disclose information  
 5800 concerning any such arrest, criminal charge, or conviction.

5801 D. A person who willfully violates subsection B or C is guilty of a Class 1 misdemeanor for each  
 5802 violation.

5803 **§ 19.2-392.02. National criminal background checks by businesses and organizations regarding**  
 5804 **employees or volunteers providing care to children or the elderly or disabled.**

5805 A. For purposes of this section:

5806 "Barrier crime" means (i) a felony violation of § 16.1-253.2; any violation of § 18.2-31, 18.2-32,  
 5807 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  
 5808 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  
 5809 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;  
 5810 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,  
 5811 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,  
 5812 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  
 5813 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,  
 5814 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,  
 5815 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  
 5816 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  
 5817 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  
 5818 § 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  
 5819 violation of subsection B of § 18.2-361; any violation of § 18.2-366, 18.2-369, 18.2-370, 18.2-370.1,  
 5820 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,  
 5821 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  
 5822 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,  
 5823 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,  
 5824 18.2-485, 37.2-917, or 53.1-203; or any substantially similar offense under the laws of another jurisdiction;

5825 (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  
 5826 offense under the laws of another jurisdiction; (iii) any felony violation of § 4.1-1101, ~~4.1-1114~~, 18.2-248,  
 5827 18.2-248.01, 18.2-248.02, 18.2-248.03, ~~18.2-248.4~~, 18.2-248.5, 18.2-251.2, 18.2-251.3, 18.2-255, 18.2-255.2,  
 5828 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  
 5829 another jurisdiction; (iv) any felony violation of § 18.2-250 or any substantially similar offense under the  
 5830 laws of another jurisdiction; (v) any offense set forth in § 9.1-902 that results in the person's requirement to  
 5831 register with the Sex Offender and Crimes Against Minors Registry pursuant to § 9.1-901, including any  
 5832 finding that a person is not guilty by reason of insanity in accordance with Chapter 11.1 (§ 19.2-182.2 et seq.)  
 5833 of Title 19.2 of an offense set forth in § 9.1-902 that results in the person's requirement to register with the  
 5834 Sex Offender and Crimes Against Minors Registry pursuant to § 9.1-901; any substantially similar offense  
 5835 under the laws of another jurisdiction; or any offense for which registration in a sex offender and crimes  
 5836 against minors registry is required under the laws of the jurisdiction where the offender was convicted; or (vi)  
 5837 any other felony not included in clause (i), (ii), (iii), (iv), or (v) unless five years have elapsed from the date  
 5838 of the conviction.

5839 "Barrier crime information" means the following facts concerning a person who has been arrested for, or  
 5840 has been convicted of, a barrier crime, regardless of whether the person was a juvenile or adult at the time of  
 5841 the arrest or conviction: full name, race, sex, date of birth, height, weight, fingerprints, a brief description of  
 5842 the barrier crime or offenses for which the person has been arrested or has been convicted, the disposition of  
 5843 the charge, and any other information that may be useful in identifying persons arrested for or convicted of a  
 5844 barrier crime.

5845 "Care" means the provision of care, treatment, education, training, instruction, supervision, or recreation  
 5846 to children or the elderly or disabled.

5847 "Department" means the Department of State Police.

5848 "Employed by" means any person who is employed by, volunteers for, seeks to be employed by, or seeks  
 5849 to volunteer for a qualified entity.

5850 "Identification document" means a document made or issued by or under the authority of the United  
 5851 States government, a state, a political subdivision of a state, a foreign government, political subdivision of a  
 5852 foreign government, an international governmental or an international quasi-governmental organization that,  
 5853 when completed with information concerning a particular individual, is of a type intended or commonly  
 5854 accepted for the purpose of identification of individuals.

5855 "Provider" means a person who (i) is employed by a qualified entity and has, seeks to have, or may have  
 5856 unsupervised access to a child or to an elderly or disabled person to whom the qualified entity provides care;  
 5857 (ii) is a volunteer of a qualified entity and has, seeks to have, or may have unsupervised access to a child to  
 5858 whom the qualified entity provides care; or (iii) owns, operates, or seeks to own or operate a qualified entity.

5859 "Qualified entity" means a business or organization that provides care to children or the elderly or  
 5860 disabled, whether governmental, private, for profit, nonprofit, or voluntary, except organizations exempt  
 5861 pursuant to subdivision A 7 of § 22.1-289.030.

5862 B. A qualified entity may request the Department of State Police to conduct a national criminal  
 5863 background check on any provider who is employed by such entity. No qualified entity may request a  
 5864 national criminal background check on a provider until such provider has:

5865 1. Been fingerprinted; and

5866 2. Completed and signed a statement, furnished by the entity, that includes (i) his name, address, and date  
 5867 of birth as it appears on a valid identification document; (ii) a disclosure of whether or not the provider has  
 5868 ever been convicted of or is the subject of pending charges for a criminal offense within or outside the  
 5869 Commonwealth, and if the provider has been convicted of a crime, a description of the crime and the  
 5870 particulars of the conviction; (iii) a notice to the provider that the entity may request a background check; (iv)  
 5871 a notice to the provider that he is entitled to obtain a copy of any background check report, to challenge the  
 5872 accuracy and completeness of any information contained in any such report, and to obtain a prompt  
 5873 determination as to the validity of such challenge before a final determination is made by the Department;  
 5874 and (v) a notice to the provider that prior to the completion of the background check the qualified entity may  
 5875 choose to deny the provider unsupervised access to children or the elderly or disabled for whom the qualified  
 5876 entity provides care.

5877 C. Upon receipt of (i) a qualified entity's written request to conduct a background check on a provider, (ii)  
 5878 the provider's fingerprints, and (iii) a completed, signed statement as described in subsection B, the  
 5879 Department shall make a determination whether the provider has been convicted of or is the subject of  
 5880 charges of a barrier crime. To conduct its determination regarding the provider's barrier crime information,  
 5881 the Department shall access the national criminal history background check system, which is maintained by  
 5882 the Federal Bureau of Investigation and is based on fingerprints and other methods of identification, and shall  
 5883 access the Central Criminal Records Exchange maintained by the Department. If the Department receives a  
 5884 background report lacking disposition data, the Department shall conduct research in whatever state and local  
 5885 recordkeeping systems are available in order to obtain complete data. The Department shall make reasonable  
 5886 efforts to respond to a qualified entity's inquiry within 15 business days.

5887 D. Any background check conducted pursuant to this section for a provider employed by a private entity  
5888 shall be screened by the Department of State Police. If the provider has been convicted of or is under  
5889 indictment for a barrier crime, the qualified entity shall be notified that the provider is not qualified to work  
5890 or volunteer in a position that involves unsupervised access to children or the elderly or disabled.

5891 E. Any background check conducted pursuant to this section for a provider employed by a governmental  
5892 entity shall be provided to that entity.

5893 F. In the case of a provider who desires to volunteer at a qualified entity and who is subject to a national  
5894 criminal background check, the Department and the Federal Bureau of Investigation may each charge the  
5895 provider the lesser of \$18 or the actual cost to the entity of the background check conducted with the  
5896 fingerprints.

5897 G. The failure to request a criminal background check pursuant to subsection B shall not be considered  
5898 negligence per se in any civil action.

5899 **§ 19.2-392.6. (Effective July 1, 2026) Automatic sealing of offenses resulting in conviction.**

5900 A. If a person was convicted of a violation of any of the following sections with an offense date on or  
5901 after January 1, 1986, such conviction, including any records relating to such conviction, shall be ordered to  
5902 be automatically sealed in the manner set forth in § 19.2-392.7, subject to the provisions of subsections B and  
5903 C: a misdemeanor violation of § 18.2-96 or 18.2-103; § 18.2-119, 18.2-120, or 18.2-134; a misdemeanor  
5904 violation of *former* § 18.2-248.1; or § 18.2-415.

5905 B. Subject to the provisions of subsection C, any conviction listed under subsection A shall be ordered to  
5906 be automatically sealed if seven years have passed since the date of the conviction and the person convicted  
5907 of such offense has not been convicted of violating any law of the Commonwealth that requires a report to the  
5908 Central Criminal Records Exchange under subsection A of § 19.2-390 or any other state, the District of  
5909 Columbia, or the United States or any territory thereof, excluding traffic infractions under Title 46.2, during  
5910 that time period.

5911 C. No conviction listed under subsection A shall be automatically sealed if, on the date of the conviction,  
5912 the person was convicted of another offense that is not eligible for automatic sealing under subsection A.

5913 This section shall not be construed as prohibiting a person from seeking sealing in the circuit court  
5914 pursuant to the provisions of § 19.2-392.12 or 19.2-392.12:1.

5915 **§ 19.2-392.12:1. (Effective July 1, 2026) Sealing of charges and convictions related to automatic  
5916 sealing; petition.**

5917 A. A person who has been convicted of or had a charge deferred and dismissed for a violation of  
5918 § 4.1-305; a misdemeanor violation of § 18.2-96 or 18.2-103; a violation of § 18.2-119, 18.2-120, or  
5919 18.2-134; a misdemeanor violation of *former* § 18.2-248.1; a violation of subsection A of § 18.2-265.3; or a  
5920 violation of § 18.2-415, where the offense date for any such offense was on or after January 1, 1986, may file  
5921 a petition setting forth the relevant facts and requesting the sealing of the criminal history record information  
5922 and court records relating to the charge or conviction. In addition to requesting the sealing of a charge or  
5923 conviction, such petition may also request the sealing of any specifically identified ancillary matter related to  
5924 such charge or conviction.

5925 B. A person who had a conviction or offense automatically sealed pursuant to § 19.2-392.7 or 19.2-392.11  
5926 where the offense date for such conviction or offense was on or after January 1, 1986, or who had an offense  
5927 sealed pursuant to § 19.2-392.6:1 regardless of the date of the offense, may file a petition setting forth the  
5928 relevant facts and requesting sealing of the criminal history record information and court records of any  
5929 specifically identified ancillary matter related to that charge or conviction.

5930 C. A person shall not be required to pay any court fees or costs for filing a petition pursuant to this  
5931 section.

5932 D. The petition under subsection A or B, with a copy of the warrant, summons, or indictment, if  
5933 reasonably available, shall be filed in the circuit court of the county or city in which the case was disposed of  
5934 and shall contain, except when not reasonably available, (i) the date of arrest; (ii) the name of the arresting  
5935 agency; (iii) the date of conviction, deferred dismissal, or final disposition of any ancillary matter; and (iv)  
5936 the case number associated with each court record that is the subject of the petition. When this information is  
5937 not reasonably available, the petition shall state the reason for such unavailability. The petition shall further  
5938 state (a) the charge, conviction, or ancillary matter to be sealed; (b) the date of final disposition of the charge,  
5939 conviction, or ancillary matter as set forth in the petition; (c) the petitioner's date of birth, sex, race, and social  
5940 security number, if available; and (d) the full name used by the petitioner at the time of arrest or summons. A  
5941 petition may request the sealing of the criminal history record information and court records for multiple  
5942 charges, convictions, or ancillary matters as set forth in subsections A and B, provided that all such charges,  
5943 convictions, and ancillary matters are eligible for sealing under this section. A petition may not request the  
5944 sealing of the criminal history record information and court records where the charge, conviction, or ancillary  
5945 matter was finalized on the same date as a conviction or deferred dismissal that is not eligible for sealing  
5946 under this section.

5947 E. A petitioner is not limited in the number of petitions that may be granted pursuant to this section within  
5948 his lifetime. Any petition granted pursuant to this section shall not be counted toward the lifetime maximum

5949 of two petitions set forth in § 19.2-392.12.

5950 F. The Commonwealth shall be made party to the proceeding. The petitioner shall provide a copy of the  
5951 petition under subsection A or B by delivery or by first-class mail, postage prepaid, to the attorney for the  
5952 Commonwealth of the county or city in which the petition is filed. The attorney for the Commonwealth may  
5953 file an objection or answer to the petition or may give written notice to the court that he does not object to the  
5954 petition within 30 days after it is delivered to him or received in the mail.

5955 G. In addition to the filing of the petition under subsection D, the petitioner shall request that the Central  
5956 Criminal Records Exchange (CCRE) electronically forward a copy of the petitioner's Virginia and national  
5957 criminal history record to the circuit court in which the petition was filed. Upon receiving such request, the  
5958 CCRE shall electronically forward such record to the circuit court; however, if the circuit court is unable to  
5959 receive an electronic transmission, the CCRE shall forward a copy of such record to the circuit court which  
5960 shall be maintained under seal by the clerk unless otherwise ordered by the court. Upon completion of the  
5961 hearing, the court shall cause the criminal history record to be destroyed unless, within 30 days of the date of  
5962 the entry of the final order in the matter, the petitioner or the attorney for the Commonwealth notes an appeal  
5963 as provided by law in civil cases.

5964 H. After receiving the criminal history record of the petitioner, the court may conduct a hearing on the  
5965 petition.

5966 I. For a petition filed pursuant to subsection A, the court shall enter an order requiring the sealing of the  
5967 records related to the charge, conviction, or ancillary matter if the court finds that seven years have passed  
5968 since the date of conviction or of dismissal of the deferred charge listed in subsection A and the petitioner has  
5969 not been convicted of violating any law of the Commonwealth that requires a report to the Central Criminal  
5970 Records Exchange under subsection A of § 19.2-390 or any other state, the District of Columbia, or the  
5971 United States or any territory thereof, excluding traffic infractions under Title 46.2, during that time period.

5972 J. For a petition filed pursuant to subsection B, the court shall enter an order to seal the ancillary matter if  
5973 the charge or conviction identified in the petition has been sealed pursuant to § 19.2-392.6:1, 19.2-392.7, or  
5974 19.2-392.11.

5975 K. If the attorney for the Commonwealth of the county or city in which the petition is filed (i) gives  
5976 written notice to the court pursuant to subsection F that he does not object to the petition and (ii) stipulates in  
5977 such written notice that the petitioner is eligible to have such charge, conviction, or ancillary matter sealed,  
5978 the court may enter an order of sealing without conducting a hearing.

5979 L. Any party aggrieved by the decision of the court may appeal, as provided by law in civil cases.

5980 M. Upon the entry of an order of sealing, the clerk of the court shall maintain a copy of such order under  
5981 seal and shall cause an electronic notification of such order to be forwarded to the Department of State Police.  
5982 Such electronic notification shall contain (i) the petitioner's full name, date of birth, sex, race, and social  
5983 security number, if available; (ii) the full name used by the petitioner at the time of arrest or summons; (iii)  
5984 the petitioner's state identification number from the criminal history record; (iv) the court case number of the  
5985 charge, conviction, or ancillary matter to be sealed, if available; and (v) the document control number, if  
5986 available. The Department of State Police shall validate the accuracy of any criminal history record ordered  
5987 to be sealed pursuant to this section but shall not validate whether such record is eligible for sealing. Upon  
5988 receipt of such electronic notification, the Department of State Police shall seal such records in accordance  
5989 with § 19.2-392.13. The Department of State Police shall also electronically notify the Office of the  
5990 Executive Secretary of the Supreme Court and any other agencies and individuals known to maintain or to  
5991 have obtained such a record that such record has been ordered to be sealed and may only be disseminated in  
5992 accordance with § 19.2-392.13.

5993 N. Any order entered where (i) the court or parties failed to strictly comply with the procedures set forth  
5994 in this section or (ii) the court entered an order for the sealing of records contrary to law shall be voidable  
5995 upon motion and notice made within two years of the entry of such order.

5996 O. A petition filed under this section and any responsive pleadings filed by the attorney for the  
5997 Commonwealth shall be maintained under seal by the clerk unless otherwise ordered by the court. Any order  
5998 to seal issued pursuant to this section shall be sealed and may only be disseminated for the purposes set forth  
5999 in § 19.2-392.13.

6000 P. Nothing in this chapter shall prohibit the circuit court from entering an order to seal a charge,  
6001 conviction, or ancillary matter under this section when such charge, conviction, or ancillary matter is eligible  
6002 for sealing under some other section of this chapter.

6003 **§ 22.1-206. Instruction concerning drugs, alcohol, substance abuse, retail tobacco products, hemp**  
6004 **products intended for smoking, and gambling.**

6005 A. Instruction concerning drugs and drug abuse shall be provided by the public schools as prescribed by  
6006 the Board of Education.

6007 B. Instruction concerning the public safety hazards and dangers of alcohol abuse, underage drinking,  
6008 *underage marijuana use*, and drunk driving shall be provided in the public schools. The Virginia Alcoholic  
6009 Beverage Control Authority *and the Virginia Cannabis Control Authority* shall provide educational materials  
6010 to the Department of Education. The Department of Education shall review and shall distribute such materials

6011 as are approved to the public schools.

6012 The Virginia Foundation for Healthy Youth shall develop and the Department of Education shall  
6013 distribute to each local school division educational materials concerning the health and safety risks of using  
6014 retail tobacco products and hemp products intended for smoking, as such terms are defined in § 18.2-371.2.  
6015 Instruction concerning the health and safety risks of using *retail* tobacco products and hemp products  
6016 intended for smoking, as such terms are defined in § 18.2-371.2, shall be provided in each public elementary  
6017 and secondary school in the Commonwealth, consistent with such educational materials.

6018 C. Instruction concerning gambling and the addictive potential thereof shall be provided by the public  
6019 schools as prescribed by the Board.

6020 **§ 22.1-277.08. Expulsion of students for certain drug offenses.**

6021 A. School boards shall expel from school attendance any student whom such school board has  
6022 determined, in accordance with the procedures set forth in this article, to have brought a controlled substance,  
6023 *or* imitation controlled substance, ~~or marijuana~~ as those terms are defined in § 18.2-247 onto school property  
6024 or to a school-sponsored activity. A school administrator, pursuant to school board policy, or a school board  
6025 may, however, determine, based on the facts of a particular situation, that special circumstances exist and no  
6026 disciplinary action or another disciplinary action or another term of expulsion is appropriate. A school board  
6027 may, by regulation, authorize the division superintendent or his designee to conduct a preliminary review of  
6028 such cases to determine whether a disciplinary action other than expulsion is appropriate. Such regulations  
6029 shall ensure that, if a determination is made that another disciplinary action is appropriate, any such  
6030 subsequent disciplinary action is to be taken in accordance with the procedures set forth in this article.  
6031 Nothing in this section shall be construed to require a student's expulsion regardless of the facts of the  
6032 particular situation.

6033 B. Each school board shall revise its standards of student conduct to incorporate the requirements of this  
6034 section no later than three months after the date on which this act becomes effective.

6035 **§ 23.1-1301. Governing boards; powers.**

6036 A. The board of visitors of each baccalaureate public institution of higher education or its designee may:

- 6037 1. Make regulations and policies concerning the institution;
- 6038 2. Manage the funds of the institution and approve an annual budget;
- 6039 3. Appoint the chief executive officer of the institution;
- 6040 4. Appoint professors and fix their salaries; and
- 6041 5. Fix the rates charged to students for tuition, mandatory fees, and other necessary charges.

6042 B. The governing board of each public institution of higher education or its designee may:

6043 1. In addition to the powers set forth in Restructured Higher Education Financial and Administrative  
6044 Operations Act (§ 23.1-1000 et seq.), lease or sell and convey its interest in any real property that it has  
6045 acquired by purchase, will, or deed of gift, subject to the prior approval of the Governor and any terms and  
6046 conditions of the will or deed of gift, if applicable. The proceeds shall be held, used, and administered in the  
6047 same manner as all other gifts and bequests;

6048 2. Grant easements for roads, streets, sewers, waterlines, electric and other utility lines, or other purposes  
6049 on any property owned by the institution;

6050 3. Adopt regulations or institution policies for parking and traffic on property owned, leased, maintained,  
6051 or controlled by the institution;

6052 4. Adopt regulations or institution policies for the employment and dismissal of professors, teachers,  
6053 instructors, and other employees;

6054 5. Adopt regulations or institution policies for the acceptance and assistance of students in addition to the  
6055 regulations or institution policies required pursuant to § 23.1-1303;

6056 6. Adopt regulations or institution policies for the conduct of students in attendance and for the rescission  
6057 or restriction of financial aid, suspension, and dismissal of students who fail or refuse to abide by such  
6058 regulations or policies;

6059 7. Establish programs, in cooperation with the Council and the Office of the Attorney General, to promote  
6060 (i) student compliance with state laws on the use of alcoholic beverages *and marijuana* and (ii) the awareness  
6061 and prevention of sexual crimes committed upon students;

6062 8. Establish guidelines for the initiation or induction of students into any social fraternity or sorority in  
6063 accordance with the prohibition against hazing as defined in § 18.2-56;

6064 9. Assign any interest it possesses in intellectual property or in materials in which the institution claims an  
6065 interest, provided such assignment is in accordance with the terms of the institution's intellectual property  
6066 policies adopted pursuant to § 23.1-1303. The Governor's prior written approval is required for transfers of  
6067 such property (i) developed wholly or predominantly through the use of state general funds, exclusive of  
6068 capital assets and (ii)(a) developed by an employee of the institution acting within the scope of his assigned  
6069 duties or (b) for which such transfer is made to an entity other than (1) the Innovation and Entrepreneurship  
6070 Investment Authority, (2) an entity whose purpose is to manage intellectual properties on behalf of nonprofit  
6071 organizations, colleges, and universities, or (3) an entity whose purpose is to benefit the respective  
6072 institutions. The Governor may attach conditions to these transfers as he deems necessary. In the event the

6073 Governor does not approve such transfer, the materials shall remain the property of the respective institutions  
6074 and may be used and developed in any manner permitted by law;

6075 10. Conduct closed meetings pursuant to §§ 2.2-3711 and 2.2-3712 and conduct business through  
6076 electronic communication means pursuant to § 2.2-3708.3; and

6077 11. Adopt a resolution to require the governing body of a locality that is contiguous to the institution to  
6078 enforce state statutes and local ordinances with respect to offenses occurring on the property of the  
6079 institution. Upon receipt of such resolution, the governing body of such locality shall enforce statutes and  
6080 local ordinances with respect to offenses occurring on the property of the institution.

6081 **§ 46.2-105.2. Obtaining documents from the Department when not entitled thereto; penalty.**

6082 A. It shall be unlawful for any person to obtain a Virginia driver's license, special identification card,  
6083 vehicle registration, certificate of title, or other document issued by the Department if such person has not  
6084 satisfied all legal and procedural requirements for the issuance thereof, or is otherwise not legally entitled  
6085 thereto, including obtaining any document issued by the Department through the use of counterfeit, forged, or  
6086 altered documents.

6087 B. It shall be unlawful to aid any person to obtain any driver's license, special identification card, vehicle  
6088 registration, certificate of title, or other document in violation of the provisions of subsection A.

6089 C. It shall be unlawful to knowingly possess or use for any purpose any driver's license, special  
6090 identification card, vehicle registration, certificate of title, or other document obtained in violation of the  
6091 provisions of subsection A.

6092 D. A violation of any provision of this section shall constitute a Class 2 misdemeanor if a person is  
6093 charged and convicted of a violation of this section that involved the unlawful obtaining or possession of any  
6094 document issued by the Department for the purpose of engaging in any age-limited activity, including but not  
6095 limited to obtaining, possessing, or consuming alcoholic beverages *or marijuana*. However, if a person is  
6096 charged and convicted of any other violation of this section, such offense shall constitute a Class 6 felony.

6097 E. Whenever it appears to the satisfaction of the Commissioner that any driver's license, special  
6098 identification card, vehicle registration, certificate of title, or other document issued by the Department has  
6099 been obtained in violation of this section, it may be cancelled by the Commissioner, who shall mail notice of  
6100 the cancellation to the address of record maintained by the Department.

6101 F. A violation of this section may be prosecuted in the jurisdiction (i) from which any person obtained any  
6102 document issued by the Department, (ii) where any person received or created any counterfeit, forged, or  
6103 altered document used to obtain any document issued by the Department, or (iii) where any counterfeit,  
6104 forged, or altered document has been filed with the Department.

6105 **§ 46.2-347. Fraudulent use of driver's license or Department of Motor Vehicles identification card  
6106 to obtain alcoholic beverages or marijuana; penalties.**

6107 Any underage person as specified in § 4.1-304 who knowingly uses or attempts to use a forged, deceptive  
6108 or otherwise nongenuine driver's license issued by any state, territory or possession of the United States, the  
6109 District of Columbia, the Commonwealth of Puerto Rico or any foreign country or government; United States  
6110 Armed Forces identification card; United States passport or foreign government visa; Virginia Department of  
6111 Motor Vehicles special identification card; official identification issued by any other federal, state or foreign  
6112 government agency; or official student identification card of an institution of higher education to obtain  
6113 alcoholic beverages ~~shall be~~ *or marijuana* is guilty of a Class 3 misdemeanor, and upon conviction of a  
6114 violation of this section, the court shall revoke such convicted person's driver's license or privilege to drive a  
6115 motor vehicle for a period of not less than 30 days nor more than one year.

6116 **§ 48-17.1. Temporary injunctions against alcoholic beverage sales or marijuana sales.**

6117 A. Any locality by or through its mayor, chief executive, or attorney may petition a circuit court to  
6118 temporarily enjoin the sale of alcohol *or marijuana* at any establishment licensed by the Virginia Alcoholic  
6119 Beverage Control Authority *or the Virginia Cannabis Control Authority*. The basis for such petition shall be  
6120 the operator of the establishment has allowed it to become a meeting place for persons committing serious  
6121 criminal violations of the law on or immediately adjacent to the premises so frequent and serious as to be  
6122 deemed a continuing threat to public safety, as represented in an affidavit by the chief law-enforcement  
6123 officer of the locality, supported by records of such criminal acts. The court shall, upon the presentation of  
6124 evidence at a hearing on the matter, grant a temporary injunction, without bond, enjoining the sale of alcohol  
6125 *or marijuana* at the establishment, if it appears to the satisfaction of the court that the threat to public safety  
6126 complained of exists and is likely to continue if such injunction is not granted. The court hearing on the  
6127 petition shall be held within 10 days of service upon the respondent. The respondent shall be served with  
6128 notice of the time and place of the hearing and copies of all documentary evidence to be relied upon by the  
6129 complainant at such hearing. Any injunction issued by the court shall be dissolved in the event the court later  
6130 finds that the threat to public safety that is the basis of the injunction has been abated by reason of a change  
6131 of ownership, management, or business operations at the establishment, or other change in circumstance.

6132 B. The Virginia Alcoholic Beverage Control Authority *or the Virginia Cannabis Control Authority* shall  
6133 be given notice of any hearing under this section. In the event an injunction is granted, the Virginia Alcoholic  
6134 Beverage Control Authority *or the Virginia Cannabis Control Authority* shall initiate an investigation into the

6135 activities at the establishment complained of and conduct an administrative hearing. After the Virginia  
 6136 Alcoholic Beverage Control Authority *or the Virginia Cannabis Control Authority* hearing and when a final  
 6137 determination has been issued by the Virginia Alcoholic Beverage Control Authority *or the Virginia*  
 6138 *Cannabis Control Authority*, regardless of disposition, any injunction issued hereunder shall be null, without  
 6139 further action by the complainant, respondent, or the court.

6140 **§ 53.1-231.2. Restoration of the civil right to be eligible to register to vote to certain persons.**

6141 This section shall apply to any person who is not a qualified voter because of a felony conviction, who  
 6142 seeks to have his right to register to vote restored and become eligible to register to vote, and who meets the  
 6143 conditions and requirements set out in this section.

6144 Any person, other than a person (i) convicted of a violent felony as defined in § 19.2-297.1 or in  
 6145 subsection C of § 17.1-805 and any crime ancillary thereto; (ii) convicted of a felony pursuant to § 4.1-1101,  
 6146 *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  
 6147 felony pursuant to § 24.2-1016, may petition the circuit court of the county or city in which he was convicted  
 6148 of a felony, or the circuit court of the county or city in which he presently resides, for restoration of his civil  
 6149 right to be eligible to register to vote through the process set out in this section. On such petition, the court  
 6150 may approve the petition for restoration to the person of his right if the court is satisfied from the evidence  
 6151 presented that the petitioner has completed, five or more years previously, service of any sentence and any  
 6152 modification of sentence including probation, parole, and suspension of sentence; that the petitioner has  
 6153 demonstrated civic responsibility through community or comparable service; and that the petitioner has been  
 6154 free from criminal convictions, excluding traffic infractions, for the same period.

6155 If the court approves the petition, it shall so state in an order, provide a copy of the order to the petitioner,  
 6156 and transmit its order to the Secretary of the Commonwealth. The order shall state that the petitioner's right to  
 6157 be eligible to register to vote may be restored by the date that is 90 days after the date of the order, subject to  
 6158 the approval or denial of restoration of that right by the Governor. The Secretary of the Commonwealth shall  
 6159 transmit the order to the Governor who may grant or deny the petition for restoration of the right to be  
 6160 eligible to register to vote approved by the court order. The Secretary of the Commonwealth shall send,  
 6161 within 90 days of the date of the order, to the petitioner at the address stated on the court's order, a certificate  
 6162 of restoration of that right or notice that the Governor has denied the restoration of that right. The Governor's  
 6163 denial of a petition for the restoration of voting rights shall be a final decision and the petitioner shall have no  
 6164 right of appeal. The Secretary shall notify the court and the State Board of Elections in each case of the  
 6165 restoration of the right or denial of restoration by the Governor.

6166 On receipt of the certificate of restoration of the right to register to vote from the Secretary of the  
 6167 Commonwealth, the petitioner, who is otherwise a qualified voter, shall become eligible to register to vote.

6168 **§ 54.1-2903. What constitutes practice; advertising in connection with medical practice.**

6169 A. Any person shall be regarded as practicing the healing arts who actually engages in such practice as  
 6170 defined in this chapter, or who opens an office for such purpose, or who advertises or announces to the public  
 6171 in any manner a readiness to practice or who uses in connection with his name the words or letters "Doctor,"  
 6172 "Dr.," "M.D.," "D.O.," "D.P.M.," "D.C.," "Healer," "N.P.," or any other title, word, letter or designation  
 6173 intending to designate or imply that he is a practitioner of the healing arts or that he is able to heal, cure or  
 6174 relieve those suffering from any injury, deformity or disease.

6175 Signing a birth or death certificate, or signing any statement certifying that the person so signing has  
 6176 rendered professional service to the sick or injured, or signing or issuing a prescription for drugs or other  
 6177 remedial agents, shall be prima facie evidence that the person signing or issuing such writing is practicing the  
 6178 healing arts within the meaning of this chapter except where persons other than physicians are required to  
 6179 sign birth certificates.

6180 B. No person regulated under this chapter shall use the title "Doctor" or the abbreviation "Dr." in writing  
 6181 or in advertising in connection with his practice unless he simultaneously uses words, initials, an abbreviation  
 6182 or designation, or other language that identifies the type of practice for which he is licensed. No person  
 6183 regulated under this chapter shall include in any advertisement a reference to marijuana, as defined in §  
 6184 ~~18.2-247~~ *54.1-3401*, unless such advertisement is for the treatment of addiction or substance abuse. However,  
 6185 nothing in this subsection shall prevent a person from including in any advertisement that such person is  
 6186 registered with the Board of Directors of the Virginia Cannabis Control Authority to issue written  
 6187 certifications for the use of cannabis products, as defined in § 4.1-1600.

6188 **§ 54.1-3401. Definitions.**

6189 As used in this chapter, unless the context requires a different meaning:

6190 "Administer" means the direct application of a controlled substance, whether by injection, inhalation,  
 6191 ingestion, or any other means, to the body of a patient or research subject by (i) a practitioner or by his  
 6192 authorized agent and under his direction or (ii) the patient or research subject at the direction and in the  
 6193 presence of the practitioner.

6194 "Advertisement" means all representations disseminated in any manner or by any means, other than by  
 6195 labeling, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of  
 6196 drugs or devices.

6197 "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer,  
 6198 distributor, or dispenser. "Agent" does not include a common or contract carrier, public warehouseman, or  
 6199 employee of the carrier or warehouseman.

6200 "Anabolic steroid" means any drug or hormonal substance, chemically and pharmacologically related to  
 6201 testosterone, other than estrogens, progestins, corticosteroids, and dehydroepiandrosterone.

6202 "Animal" means any nonhuman animate being endowed with the power of voluntary action.

6203 "Automated drug dispensing system" means a mechanical or electronic system that performs operations or  
 6204 activities, other than compounding or administration, relating to pharmacy services, including the storage,  
 6205 dispensing, or distribution of drugs and the collection, control, and maintenance of all transaction  
 6206 information, to provide security and accountability for such drugs.

6207 "Biological product" means a virus, therapeutic serum, toxin, antitoxin, vaccine, blood, blood component  
 6208 or derivative, allergenic product, protein other than a chemically synthesized polypeptide, or analogous  
 6209 product, or arsphenamine or any derivative of arsphenamine or any other trivalent organic arsenic compound,  
 6210 applicable to the prevention, treatment, or cure of a disease or condition of human beings.

6211 "Biosimilar" means a biological product that is highly similar to a specific reference biological product,  
 6212 notwithstanding minor differences in clinically inactive compounds, such that there are no clinically  
 6213 meaningful differences between the reference biological product and the biological product that has been  
 6214 licensed as a biosimilar pursuant to 42 U.S.C. § 262(k) in terms of safety, purity, and potency of the product.

6215 "Board" means the Board of Pharmacy.

6216 "Bulk drug substance" means any substance that is represented for use, and that, when used in the  
 6217 compounding, manufacturing, processing, or packaging of a drug, becomes an active ingredient or a finished  
 6218 dosage form of the drug; however, "bulk drug substance" does not include intermediates that are used in the  
 6219 synthesis of such substances.

6220 "Change of ownership" of an existing entity permitted, registered, or licensed by the Board means (i) the  
 6221 sale or transfer of all or substantially all of the assets of the entity or of any corporation that owns or controls  
 6222 the entity; (ii) the creation of a partnership by a sole proprietor, the dissolution of a partnership, or a change  
 6223 in partnership composition; (iii) the acquisition or disposal of 50 percent or more of the outstanding shares of  
 6224 voting stock of a corporation owning the entity or of the parent corporation of a wholly owned subsidiary  
 6225 owning the entity, except that this shall not apply to any corporation the voting stock of which is actively  
 6226 traded on any securities exchange or in any over-the-counter market; (iv) the merger of a corporation owning  
 6227 the entity or of the parent corporation of a wholly owned subsidiary owning the entity with another business  
 6228 or corporation; or (v) the expiration or forfeiture of a corporation's charter.

6229 "Co-licensed partner" means a person who, with at least one other person, has the right to engage in the  
 6230 manufacturing or marketing of a prescription drug, consistent with state and federal law.

6231 "Compounding" means the combining of two or more ingredients to fabricate such ingredients into a  
 6232 single preparation and includes the mixing, assembling, packaging, or labeling of a drug or device (i) by a  
 6233 pharmacist, or within a permitted pharmacy, pursuant to a valid prescription issued for a medicinal or  
 6234 therapeutic purpose in the context of a bona fide practitioner-patient-pharmacist relationship, or in  
 6235 expectation of receiving a valid prescription based on observed historical patterns of prescribing and  
 6236 dispensing; (ii) by a practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine as an  
 6237 incident to his administering or dispensing, if authorized to dispense, a controlled substance in the course of  
 6238 his professional practice; or (iii) for the purpose of, or as incident to, research, teaching, or chemical analysis  
 6239 and not for sale or for dispensing. The mixing, diluting, or reconstituting of a manufacturer's product drugs  
 6240 for the purpose of administration to a patient, when performed by a practitioner of medicine or osteopathy  
 6241 licensed under Chapter 29 (§ 54.1-2900 et seq.), a person supervised by such practitioner pursuant to  
 6242 subdivision A 6 or 19 of § 54.1-2901, or a person supervised by such practitioner or a licensed advanced  
 6243 practice registered nurse or physician assistant pursuant to subdivision A 4 of § 54.1-2901 shall not be  
 6244 considered compounding.

6245 "Controlled substance" means a drug, substance, or immediate precursor in Schedules I through VI of this  
 6246 chapter. "Controlled substance" does not include distilled spirits, wine, malt beverages, or tobacco as those  
 6247 terms are defined or used in Title 3.2 or Title 4.1. The term "controlled substance" includes a controlled  
 6248 substance analog that has been placed into Schedule I or II by the Board pursuant to the regulatory authority  
 6249 in subsection D of § 54.1-3443.

6250 "Controlled substance analog" means a substance the chemical structure of which is substantially similar  
 6251 to the chemical structure of a controlled substance in Schedule I or II and either (i) which has a stimulant,  
 6252 depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater  
 6253 than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled  
 6254 substance in Schedule I or II or (ii) with respect to a particular person, which such person represents or  
 6255 intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is  
 6256 substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central  
 6257 nervous system of a controlled substance in Schedule I or II. "Controlled substance analog" does not include  
 6258 (a) any substance for which there is an approved new drug application as defined under § 505 of the Federal

6259 Food, Drug, and Cosmetic Act (21 U.S.C. § 355) or that is generally recognized as safe and effective  
6260 pursuant to §§ 501, 502, and 503 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. §§ 351, 352, and  
6261 353) and 21 C.F.R. Part 330; (b) with respect to a particular person, any substance for which an exemption is  
6262 in effect for investigational use for that person under § 505 of the Federal Food, Drug, and Cosmetic Act to  
6263 the extent that the conduct with respect to that substance is pursuant to such exemption; or (c) any substance  
6264 to the extent not intended for human consumption before such an exemption takes effect with respect to that  
6265 substance.

6266 "DEA" means the Drug Enforcement Administration, U.S. Department of Justice, or its successor agency.

6267 "Deliver" or "delivery" means the actual, constructive, or attempted transfer of any item regulated by this  
6268 chapter, whether or not there exists an agency relationship, including delivery of a Schedule VI prescription  
6269 device to an ultimate user or consumer on behalf of a medical equipment supplier by a manufacturer,  
6270 nonresident manufacturer, wholesale distributor, nonresident wholesale distributor, warehouse, nonresident  
6271 warehouse, third-party logistics provider, or nonresident third-party logistics provider at the direction of a  
6272 medical equipment supplier in accordance with § 54.1-3415.1.

6273 "Device" means instruments, apparatus, and contrivances, including their components, parts, and  
6274 accessories, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or  
6275 animals or to affect the structure or any function of the body of man or animals.

6276 "Dialysis care technician" or "dialysis patient care technician" means an individual who is certified by an  
6277 organization approved by the Department of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et  
6278 seq.) and who, under the supervision of a licensed physician, an advanced practice registered nurse, a  
6279 physician assistant, or a registered nurse, assists in the care of patients undergoing renal dialysis treatments in  
6280 a Medicare-certified renal dialysis facility.

6281 "Dialysis solution" means either the commercially available, unopened, sterile solutions whose purpose is  
6282 to be instilled into the peritoneal cavity during the medical procedure known as peritoneal dialysis, or  
6283 commercially available solutions whose purpose is to be used in the performance of hemodialysis not to  
6284 include any solutions administered to the patient intravenously.

6285 "Dispense" means to deliver a drug to an ultimate user or research subject by or pursuant to the lawful  
6286 order of a practitioner, including the prescribing and administering, packaging, labeling, or compounding  
6287 necessary to prepare the substance for that delivery. However, "dispensing" does not include the  
6288 transportation of drugs mixed, diluted, or reconstituted in accordance with this chapter to other sites operated  
6289 by such practitioner or that practitioner's medical practice for the purpose of administration of such drugs to  
6290 patients of the practitioner or that practitioner's medical practice at such other sites. For practitioners of  
6291 medicine or osteopathy, "dispense" includes only the provision of drugs by a practitioner to patients to take  
6292 with them away from the practitioner's place of practice.

6293 "Dispenser" means a practitioner who dispenses.

6294 "Distribute" means to deliver other than by administering or dispensing a controlled substance.

6295 "Distributor" means a person who distributes.

6296 "Drug" means (i) articles or substances recognized in the official United States Pharmacopoeia National  
6297 Formulary or official Homeopathic Pharmacopoeia of the United States, or any supplement to any of them;  
6298 (ii) articles or substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of  
6299 disease in man or animals; (iii) articles or substances, other than food, intended to affect the structure or any  
6300 function of the body of man or animals; (iv) articles or substances intended for use as a component of any  
6301 article specified in clause (i), (ii), or (iii); or (v) a biological product. "Drug" does not include devices or their  
6302 components, parts, or accessories.

6303 "Drug product" means a specific drug in dosage form from a known source of manufacture, whether by  
6304 brand or therapeutically equivalent drug product name.

6305 "Electronic prescription" means a written prescription that is generated on an electronic application and is  
6306 transmitted to a pharmacy as an electronic data file; Schedules II through V prescriptions shall be transmitted  
6307 in accordance with 21 C.F.R. Part 1300.

6308 "Facsimile (FAX) prescription" means a written prescription or order that is transmitted by an electronic  
6309 device over telephone lines that sends the exact image to the receiving pharmacy in hard copy form.

6310 "FDA" means the U.S. Food and Drug Administration.

6311 "Immediate precursor" means a substance which the Board of Pharmacy has found to be and by regulation  
6312 designates as being the principal compound commonly used or produced primarily for use, and which is an  
6313 immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the  
6314 control of which is necessary to prevent, curtail, or limit manufacture.

6315 "Interchangeable" means a biosimilar that meets safety standards for determining interchangeability  
6316 pursuant to 42 U.S.C. § 262(k)(4).

6317 "Label" means a display of written, printed, or graphic matter upon the immediate container of any article.  
6318 A requirement made by or under authority of this chapter that any word, statement, or other information  
6319 appear on the label shall not be considered to be complied with unless such word, statement, or other  
6320 information also appears on the outside container or wrapper, if any, of the retail package of such article or is

- 6321 easily legible through the outside container or wrapper.
- 6322 "Labeling" means all labels and other written, printed, or graphic matter on an article or any of its  
6323 containers or wrappers, or accompanying such article.
- 6324 "Manufacture" means the production, preparation, propagation, conversion, or processing of any item  
6325 regulated by this chapter, either directly or indirectly by extraction from substances of natural origin, or  
6326 independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and  
6327 includes any packaging or repackaging of the substance or labeling or relabeling of its container.  
6328 "Manufacture" does not include compounding.
- 6329 "Manufacturer" means every person who manufactures, a manufacturer's co-licensed partner, or a  
6330 repackager.
- 6331 "Marijuana" means any part of a plant of the genus *Cannabis* whether growing or not, its seeds, or its  
6332 resin; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, its  
6333 resin, or any extract containing one or more cannabinoids. "Marijuana" does not include (i) the mature stalks  
6334 of such plant, fiber produced from such stalk, or oil or cake made from the seeds of such plant, unless such  
6335 stalks, fiber, oil, or cake is combined with other parts of plants of the genus *Cannabis*; (ii) industrial hemp, as  
6336 defined in § 3.2-4112, that is possessed by a person registered pursuant to subsection A of § 3.2-4115 or his  
6337 agent; (iii) industrial hemp, as defined in § 3.2-4112, that is possessed by a person who holds a hemp  
6338 producer license issued by the U.S. Department of Agriculture pursuant to 7 C.F.R. Part 990; (iv) a hemp  
6339 product, as defined in § ~~3.2-4112~~ 4.1-600; (v) an industrial hemp extract, as defined in § 3.2-5145.1; or (vi)  
6340 any substance containing a tetrahydrocannabinol isomer, ester, ether, salt, or salts of such isomer, ester, or  
6341 ether that has been placed by the Board of Pharmacy into one of the schedules set forth in the Drug Control  
6342 Act (§ 54.1-3400 et seq.) pursuant to § 54.1-3443.
- 6343 "Medical equipment supplier" means any person, as defined in § 1-230, engaged in the delivery to the  
6344 ultimate consumer, pursuant to the lawful order of a practitioner, of hypodermic syringes and needles,  
6345 medicinal oxygen, Schedule VI controlled devices, those Schedule VI controlled substances with no  
6346 medicinal properties that are used for the operation and cleaning of medical equipment, solutions for  
6347 peritoneal dialysis, and sterile water or saline for irrigation.
- 6348 "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from  
6349 substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of  
6350 extraction and chemical synthesis: (i) opium, opiates, and any salt, compound, derivative, or preparation of  
6351 opium or opiates; (ii) any salt, compound, isomer, derivative, or preparation thereof which is chemically  
6352 equivalent or identical with any of the substances referred to in clause (i), but not including the isoquinoline  
6353 alkaloids of opium; (iii) opium poppy and poppy straw; or (iv) coca leaves and any salt, compound,  
6354 derivative, or preparation of coca leaves, and any salt, compound, isomer, derivative, or preparation thereof  
6355 which is chemically equivalent or identical with any of these substances, but not including decocainized coca  
6356 leaves or extraction of coca leaves which do not contain cocaine or ecgonine.
- 6357 "New drug" means (i) any drug, except a new animal drug or an animal feed bearing or containing a new  
6358 animal drug, the composition of which is such that such drug is not generally recognized, among experts  
6359 qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, as safe and  
6360 effective for use under the conditions prescribed, recommended, or suggested in the labeling, except that such  
6361 a drug not so recognized shall not be deemed to be a "new drug" if at any time prior to the enactment of this  
6362 chapter it was subject to the Food and Drugs Act of June 30, 1906, as amended, and if at such time its  
6363 labeling contained the same representations concerning the conditions of its use, or (ii) any drug, except a  
6364 new animal drug or an animal feed bearing or containing a new animal drug, the composition of which is  
6365 such that such drug, as a result of investigations to determine its safety and effectiveness for use under such  
6366 conditions, has become so recognized, but which has not, otherwise than in such investigations, been used to  
6367 a material extent or for a material time under such conditions.
- 6368 "Nuclear medicine technologist" means an individual who holds a current certification with the American  
6369 Registry of Radiological Technologists or the Nuclear Medicine Technology Certification Board.
- 6370 "Official compendium" means the official United States Pharmacopoeia National Formulary, official  
6371 Homeopathic Pharmacopoeia of the United States, or any supplement to any of them.
- 6372 "Official written order" means an order written on a form provided for that purpose by the U.S. Drug  
6373 Enforcement Administration, under any laws of the United States making provision therefor, if such order  
6374 forms are authorized and required by federal law, and if no such order form is provided then on an official  
6375 form provided for that purpose by the Board of Pharmacy.
- 6376 "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to  
6377 morphine or being capable of conversion into a drug having such addiction-forming or addiction-sustaining  
6378 liability. "Opiate" does not include, unless specifically designated as controlled under Article 4 (§ 54.1-3437  
6379 et seq.), the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan).  
6380 "Opiate" does include its racemic and levorotatory forms.
- 6381 "Opium poppy" means the plant of the species *Papaver somniferum* L., except the seeds thereof.
- 6382 "Original package" means the unbroken container or wrapping in which any drug or medicine is enclosed

6383 together with label and labeling, put up by or for the manufacturer, wholesaler, or distributor for use in the  
6384 delivery or display of such article.

6385 "Outsourcing facility" means a facility that is engaged in the compounding of sterile drugs and is currently  
6386 registered as an outsourcing facility with the U.S. Secretary of Health and Human Services and that complies  
6387 with all applicable requirements of federal and state law, including the Federal Food, Drug, and Cosmetic  
6388 Act, 21 U.S.C. § 301 et seq.

6389 "Person" means both the plural and singular, as the case demands, and includes an individual, partnership,  
6390 corporation, association, governmental agency, trust, or other institution or entity.

6391 "Pharmacist-in-charge" means the person who, being licensed as a pharmacist, signs the application for a  
6392 pharmacy permit and assumes full legal responsibility for the operation of the relevant pharmacy in a manner  
6393 complying with the laws and regulations for the practice of pharmacy and the sale and dispensing of  
6394 controlled substances; the "pharmacist-in-charge" shall personally supervise the pharmacy and the  
6395 pharmacy's personnel as required by § 54.1-3432.

6396 "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

6397 "Practitioner" means a physician, dentist, licensed advanced practice registered nurse pursuant to  
6398 § 54.1-2957.01, licensed physician assistant pursuant to § 54.1-2952.1, pharmacist pursuant to § 54.1-3300,  
6399 TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32, veterinarian, scientific  
6400 investigator, or other person licensed, registered, or otherwise permitted to distribute, dispense, prescribe and  
6401 administer, or conduct research with respect to a controlled substance in the course of professional practice or  
6402 research in the Commonwealth.

6403 "Prescriber" means a practitioner who is authorized pursuant to §§ 54.1-3303 and 54.1-3408 to issue a  
6404 prescription.

6405 "Prescription" means an order for drugs or medical supplies, written or signed or transmitted by word of  
6406 mouth, telephone, telegraph, or other means of communication to a pharmacist by a duly licensed physician,  
6407 dentist, veterinarian, or other practitioner authorized by law to prescribe and administer such drugs or medical  
6408 supplies.

6409 "Prescription drug" means any drug required by federal law or regulation to be dispensed only pursuant to  
6410 a prescription, including finished dosage forms and active ingredients subject to § 503(b) of the Federal Food,  
6411 Drug, and Cosmetic Act (21 U.S.C. § 353(b)).

6412 "Production" or "produce" includes the manufacture, planting, cultivation, growing, or harvesting of a  
6413 controlled substance or marijuana.

6414 "Proprietary medicine" means a completely compounded nonprescription drug in its unbroken, original  
6415 package which does not contain any controlled substance or marijuana as defined in this chapter and is not in  
6416 itself poisonous, and which is sold, offered, promoted, or advertised directly to the general public by or under  
6417 the authority of the manufacturer or primary distributor, under a trademark, trade name, or other trade symbol  
6418 privately owned, and the labeling of which conforms to the requirements of this chapter and applicable  
6419 federal law. However, "proprietary medicine" does not include a drug that is only advertised or promoted  
6420 professionally to licensed practitioners, a narcotic or drug containing a narcotic, a drug that may be dispensed  
6421 only upon prescription or the label of which bears substantially the statement "Warning may be habit-  
6422 forming," or a drug intended for injection.

6423 "Radiopharmaceutical" means any drug that exhibits spontaneous disintegration of unstable nuclei with  
6424 the emission of nuclear particles or photons and includes any non-radioactive reagent kit or radionuclide  
6425 generator that is intended to be used in the preparation of any such substance, but does not include drugs such  
6426 as carbon-containing compounds or potassium-containing salts that include trace quantities of naturally  
6427 occurring radionuclides. "Radiopharmaceutical" also includes any biological product that is labeled with a  
6428 radionuclide or intended solely to be labeled with a radionuclide.

6429 "Reference biological product" means the single biological product licensed pursuant to 42 U.S.C. §  
6430 262(a) against which a biological product is evaluated in an application submitted to the U.S. Food and Drug  
6431 Administration for licensure of biological products as biosimilar or interchangeable pursuant to 42 U.S.C. §  
6432 262(k).

6433 "Remote dispensing system" means a profile-driven automated drug dispensing system that performs  
6434 operations or activities relative to the storage, packaging, labeling, or dispensing of medications employing  
6435 bidirectional audio-visual technology to facilitate pharmacist communication with a patient, authorized agent  
6436 of the patient, or person licensed to administer drugs, and collects, controls, and maintains all information  
6437 online. Drugs intended to be administered by the patient or a person not licensed to administer drugs must  
6438 fully comply with the labeling requirements in §§ 54.1-3410 and 54.1-3463 and Board regulations. Directions  
6439 for use may only be abbreviated when drugs are administered exclusively by persons licensed to administer  
6440 drugs.

6441 "Sale" includes barter, exchange, or gift, or offer therefor, and each such transaction made by any person,  
6442 whether as an individual, proprietor, agent, servant, or employee.

6443 "Tetrahydrocannabinol" means any naturally occurring or synthetic tetrahydrocannabinol, including its  
6444 salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is

6445 possible within the specific chemical designation and any preparation, mixture, or substance containing, or  
 6446 mixed or infused with, any detectable amount of tetrahydrocannabinol. For the purposes of this definition,  
 6447 "isomer" means the optical, position, and geometric isomers.

6448 "Therapeutically equivalent drug products" means drug products that contain the same active ingredients  
 6449 and are identical in strength or concentration, dosage form, and route of administration and that are classified  
 6450 as being therapeutically equivalent by the U.S. Food and Drug Administration pursuant to the definition of  
 6451 "therapeutically equivalent drug products" set forth in the most recent edition of the Approved Drug Products  
 6452 with Therapeutic Equivalence Evaluations, otherwise known as the "Orange Book."

6453 "Third-party logistics provider" means a person that provides or coordinates warehousing of or other  
 6454 logistics services for a drug or device in interstate commerce on behalf of a manufacturer, wholesale  
 6455 distributor, or dispenser of the drug or device but does not take ownership of the product or have  
 6456 responsibility for directing the sale or disposition of the product.

6457 "Total tetrahydrocannabinol" means the sum, after the application of any necessary conversion factor, of  
 6458 the percentage by weight of tetrahydrocannabinol and the percentage by weight of tetrahydrocannabinolic  
 6459 acid.

6460 "USP-NF" means the current edition of the United States Pharmacopeia-National Formulary.

6461 "Warehouser" means any person, other than a wholesale distributor, manufacturer, or third-party logistics  
 6462 provider, engaged in the business of (i) selling or otherwise distributing prescription drugs or devices to any  
 6463 person who is not the ultimate user or consumer and (ii) delivering Schedule VI prescription devices to the  
 6464 ultimate user or consumer pursuant to § 54.1-3415.1. No person shall be subject to any state or local tax by  
 6465 reason of this definition.

6466 "Wholesale distribution" means (i) distribution of prescription drugs to persons other than consumers or  
 6467 patients and (ii) delivery of Schedule VI prescription devices to the ultimate user or consumer pursuant to  
 6468 § 54.1-3415.1, subject to the exemptions set forth in the federal Drug Supply Chain Security Act.

6469 "Wholesale distributor" means any person other than a manufacturer, a manufacturer's co-licensed partner,  
 6470 a third-party logistics provider, or a repackager that engages in wholesale distribution.

6471 The words "drugs" and "devices" as used in Chapter 33 (§ 54.1-3300 et seq.) and in this chapter do not  
 6472 include surgical or dental instruments, physical therapy equipment, X-ray apparatus, or glasses or lenses for  
 6473 the eyes.

6474 The terms "pharmacist," "pharmacy," and "practice of pharmacy" as used in this chapter have the same  
 6475 meanings as provided in Chapter 33 (§ 54.1-3300 et seq.) unless the context requires a different meaning.

6476 **§ 54.1-3443. Board to administer article.**

6477 A. The Board shall administer this article and may add substances to or deschedule or reschedule all  
 6478 substances enumerated in the schedules in this article pursuant to the procedures of the Administrative  
 6479 Process Act (§ 2.2-4000 et seq.). In making a determination regarding a substance, the Board shall consider  
 6480 the following:

- 6481 1. The actual or relative potential for abuse;
- 6482 2. The scientific evidence of its pharmacological effect, if known;
- 6483 3. The state of current scientific knowledge regarding the substance;
- 6484 4. The history and current pattern of abuse;
- 6485 5. The scope, duration, and significance of abuse;
- 6486 6. The risk to the public health;
- 6487 7. The potential of the substance to produce psychic or physical dependence; and
- 6488 8. Whether the substance is an immediate precursor of a substance already controlled under this article.

6489 B. After considering the factors enumerated in subsection A, the Board shall make findings and issue a  
 6490 regulation controlling the substance if it finds the substance has a potential for abuse.

6491 C. If the Board designates a substance as an immediate precursor, substances which are precursors of the  
 6492 controlled precursor shall not be subject to control solely because they are precursors of the controlled  
 6493 precursor.

6494 D. If the Board, in consultation with the Department of Forensic Science, determines the substance shall  
 6495 be placed into Schedule I or II pursuant to § 54.1-3445 or 54.1-3447, the Board may amend its regulations  
 6496 pursuant to Article 2 (§ 2.2-4006 et seq.) of the Administrative Process Act. Prior to making such  
 6497 amendments, the Board shall conduct a public hearing. At least 30 days prior to conducting such hearing, it  
 6498 shall post notice of the hearing on the Virginia Regulatory Town Hall and shall send notice of the hearing to  
 6499 any persons requesting to be notified of a regulatory action. In the notice, the Board shall include a list of all  
 6500 substances it intends to schedule by regulation. The Board shall notify the House and Senate Committees for  
 6501 Courts of Justice of any new substance added to Schedule I or II pursuant to this subsection. Any substance  
 6502 added to Schedule I or II pursuant to this subsection shall remain on Schedule I or II for a period of 18  
 6503 months. Upon expiration of such 18-month period, such substance shall be descheduled unless a general law  
 6504 is enacted adding such substance to Schedule I or II. Nothing in this subsection shall preclude the Board from  
 6505 adding substances to or descheduling or rescheduling all substances enumerated in the schedules pursuant to  
 6506 the provisions of subsections A, B, and E.

6507 E. If any substance is designated, rescheduled, or descheduled as a controlled substance under federal law  
6508 and notice of such action is given to the Board, the Board may similarly control the substance under this  
6509 chapter after the expiration of 30 days from publication in the Federal Register of a final or interim final order  
6510 or rule designating a substance as a controlled substance or rescheduling or descheduling a substance by  
6511 amending its regulations in accordance with the requirements of Article 2 (§ 2.2-4006 et seq.) of the  
6512 Administrative Process Act. Prior to making such amendments, the Board shall post notice of the hearing on  
6513 the Virginia Regulatory Town Hall and shall send notice of the hearing to any persons requesting to be  
6514 notified of a regulatory action. The Board shall include a list of all substances it intends to schedule by  
6515 regulation in such notice.

6516 F. Authority to control under this section does not extend to distilled spirits, wine, malt beverages, or  
6517 tobacco as those terms are defined or used in Title 4.1.

6518 G. The Board shall exempt any nonnarcotic substance from a schedule if such substance may, under the  
6519 provisions of the federal Food, Drug, and Cosmetic Act (21 U.S.C. § 301 et seq.) or state law, be lawfully  
6520 sold over the counter without a prescription.

6521 H. Any tetrahydrocannabinol isomer, ester, ether, salt, or salts of such isomer, ester, or ether scheduled  
6522 pursuant to this section shall not be included in the definition of marijuana set forth in § 4.1-600; ~~48.2-247~~; or  
6523 54.1-3401.

6524 **§ 54.1-4426. Accounting services for licensed marijuana establishments.**

6525 A. As used in this section, "licensed" and "marijuana establishment" have the same meanings as provided  
6526 in § 4.1-600.

6527 B. A CPA, CPA firm, or officer, director, or employee of a CPA or CPA firm that provides accounting  
6528 services to a licensed marijuana establishment shall not be held liable pursuant to any state law or regulation  
6529 solely for providing such accounting services.

6530 C. Nothing in this section shall require a CPA or CPA firm to provide accounting services to a licensed  
6531 marijuana establishment.

6532 **§ 58.1-301. Conformity to Internal Revenue Code.**

6533 A. Any term used in this chapter shall have the same meaning as when used in a comparable context in  
6534 the laws of the United States relating to federal income taxes, unless a different meaning is clearly required.

6535 B. Any reference in this chapter to the laws of the United States relating to federal income taxes shall  
6536 mean the provisions of the Internal Revenue Code of 1954, and amendments thereto, and other provisions of  
6537 the laws of the United States relating to federal income taxes, except for:

6538 1. The special depreciation allowance for certain property provided for under §§ 168(k), 168(l), 168(m),  
6539 1400L, and 1400N of the Internal Revenue Code;

6540 2. The carry-back of certain net operating losses for five years under § 172(b)(1)(H) of the Internal  
6541 Revenue Code;

6542 3. The original issue discount on applicable high yield discount obligations under § 163(e)(5)(F) of the  
6543 Internal Revenue Code;

6544 4. The deferral of certain income under § 108(i) of the Internal Revenue Code. For Virginia income tax  
6545 purposes, income from the discharge of indebtedness in connection with the reacquisition of an "applicable  
6546 debt instrument" (as defined under § 108(i) of the Internal Revenue Code) reacquired in the taxable year shall  
6547 be fully included in the taxpayer's Virginia taxable income for the taxable year, unless the taxpayer elects to  
6548 include such income in the taxpayer's Virginia taxable income ratably over a three-taxable-year period  
6549 beginning with taxable year 2009 for transactions completed in taxable year 2009, or over a three-taxable-  
6550 year period beginning with taxable year 2010 for transactions completed in taxable year 2010 on or before  
6551 April 21, 2010. For purposes of such election, all other provisions of § 108(i) of the Internal Revenue Code  
6552 shall apply mutatis mutandis. No other deferral shall be allowed for income from the discharge of  
6553 indebtedness in connection with the reacquisition of an "applicable debt instrument";

6554 5. For taxable years beginning on and after January 1, 2019, the suspension of the overall limitation on  
6555 itemized deductions under § 68(f) of the Internal Revenue Code;

6556 6. For taxable years beginning on and after January 1, 2017, but before January 1, 2018, and for taxable  
6557 years beginning on and after January 1, 2019, the 7.5 percent of federal adjusted gross income threshold set  
6558 forth in § 213(a) of the Internal Revenue Code that is used for purposes of computing the deduction allowed  
6559 for expenses for medical care pursuant to § 213 of the Internal Revenue Code. For such taxable years, the  
6560 threshold utilized for Virginia income tax purposes to compute the deduction allowed for expenses for  
6561 medical care pursuant to § 213 of the Internal Revenue Code shall be 10 percent of federal adjusted gross  
6562 income;

6563 7. The provisions of §§ 2303(a) and 2303(b) of the federal Coronavirus Aid, Relief, and Economic  
6564 Security Act, P.L. 116-136 (2020), related to the net operating loss limitation and carryback;

6565 8. The provisions of § 2304(a) of the federal Coronavirus Aid, Relief, and Economic Security Act, P.L.  
6566 116-136 (2020), related to a loss limitation applicable to taxpayers other than corporations;

6567 9. The provisions of § 2306 of the federal Coronavirus Aid, Relief, and Economic Security Act, P.L.  
6568 116-136 (2020), related to the limitation on business interest;

6569 10. For taxable years beginning before January 1, 2021, the provisions of §§ 276(a), 276(b)(2), 276(b)(3),  
 6570 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  
 6571 Consolidated Appropriations Act, P.L. 116-260 (2020), and §§ 9672(2), 9672(3), 9673(2), and 9673(3) of the  
 6572 federal American Rescue Plan Act, P.L. 117-2 (2021) related to deductions, tax attributes, and basis increases  
 6573 for certain loan forgiveness and other business financial assistance; ~~and~~

6574 11. a. (1) Any amendment enacted on or after January 1, 2023, with a projected impact that would  
 6575 increase or decrease general fund revenues by greater than \$15 million in the fiscal year in which the  
 6576 amendment was enacted or any of the succeeding four fiscal years. The provisions of this subdivision shall  
 6577 not apply to any amendment to federal income tax law that is either subsequently adopted by the General  
 6578 Assembly or a federal tax extender as defined in subdivision b.

6579 (2) All amendments enacted on or after January 1, 2023, and occurring between adjournment sine die of  
 6580 the previous regular session of the General Assembly and the first day of the subsequent regular session of  
 6581 the General Assembly if the cumulative projected impact of such amendments would increase or decrease  
 6582 general fund revenues by greater than \$75 million in the fiscal year in which the amendments were enacted or  
 6583 any of the succeeding four fiscal years. The provisions of this subdivision shall not apply to any amendment  
 6584 to federal income tax law that is (i) subsequently adopted by the General Assembly, (ii) a federal tax extender  
 6585 as defined in subdivision b, or (iii) enacted before the date on which the cumulative projected impact is met.  
 6586 However, any amendment conformed to pursuant to clause (iii) shall be included in the calculation of the \$75  
 6587 million threshold for purposes of determining whether such threshold has been met.

6588 (3) Beginning January 1, 2024, the threshold provided by subdivision (1) shall be adjusted annually based  
 6589 on the preceding change in the Chained Consumer Price Index for All Urban Consumers (C-CPI-U), as  
 6590 published by the Bureau of Labor Statistics for the U.S. Department of Labor or any successor index for the  
 6591 previous year.

6592 b. For purposes of this subdivision 11, "amendment" means a single amendment to federal income tax law  
 6593 or a group of such amendments enacted in the same act of Congress that collectively surpass the threshold  
 6594 impact, and "federal tax extender" means an amendment to federal tax law that extends the expiration date of  
 6595 a federal tax provision to which Virginia conforms or has previously conformed.

6596 c. The Secretary of Finance, in consultation with the Chairmen of the Senate Committee on Finance and  
 6597 Appropriations and the House Committees on Appropriations and Finance, shall be responsible for  
 6598 determining whether the criteria of subdivision a are met.

6599 d. The Secretary of Finance shall annually provide a report on or before November 15 of each year on the  
 6600 fiscal impact of amendments to federal income tax law occurring since the adjournment sine die of the  
 6601 preceding regular session of the General Assembly to the Chairmen of the Senate Committee on Finance and  
 6602 Appropriations and the House Committees on Appropriations and Finance. The Secretary of Finance shall  
 6603 also provide updates to the same Chairmen on any further amendments to federal income tax law occurring  
 6604 between submission of the required report and the first day of the subsequent regular session of the General  
 6605 Assembly; *and*

6606 12. *For taxable years beginning on and after January 1, 2026, the prohibition on utilizing tax deductions*  
 6607 *for ordinary and necessary expenditures made in connection with carrying on a trade or business licensed in*  
 6608 *Virginia pursuant to the Cannabis Control Act (§ 4.1-600 et seq.) under § 280E of the Internal Revenue*  
 6609 *Code.*

6610 C. The Department of Taxation is hereby authorized to develop procedures or guidelines for  
 6611 implementation of the provisions of this section, which procedures or guidelines shall be exempt from the  
 6612 provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

6613 **§ 59.1-200. Prohibited practices.**

6614 A. The following fraudulent acts or practices committed by a supplier in connection with a consumer  
 6615 transaction are hereby declared unlawful:

- 6616 1. Misrepresenting goods or services as those of another;
- 6617 2. Misrepresenting the source, sponsorship, approval, or certification of goods or services;
- 6618 3. Misrepresenting the affiliation, connection, or association of the supplier, or of the goods or services,  
 6619 with another;
- 6620 4. Misrepresenting geographic origin in connection with goods or services;
- 6621 5. Misrepresenting that goods or services have certain quantities, characteristics, ingredients, uses, or  
 6622 benefits;

6623 6. Misrepresenting that goods or services are of a particular standard, quality, grade, style, or model;

6624 7. Advertising or offering for sale goods that are used, secondhand, repossessed, defective, blemished,  
 6625 deteriorated, or reconditioned, or that are "seconds," irregulars, imperfects, or "not first class," without clearly  
 6626 and unequivocally indicating in the advertisement or offer for sale that the goods are used, secondhand,  
 6627 repossessed, defective, blemished, deteriorated, reconditioned, or are "seconds," irregulars, imperfects, or  
 6628 "not first class";

6629 8. Advertising goods or services with intent not to sell them as advertised, or with intent not to sell at the  
 6630 price or upon the terms advertised.

6631 In any action brought under this subdivision, the refusal by any person, or any employee, agent, or servant  
6632 thereof, to sell any goods or services advertised or offered for sale at the price or upon the terms advertised or  
6633 offered, shall be prima facie evidence of a violation of this subdivision. This paragraph shall not apply when  
6634 it is clearly and conspicuously stated in the advertisement or offer by which such goods or services are  
6635 advertised or offered for sale, that the supplier or offeror has a limited quantity or amount of such goods or  
6636 services for sale, and the supplier or offeror at the time of such advertisement or offer did in fact have or  
6637 reasonably expected to have at least such quantity or amount for sale;

6638 9. Making false or misleading statements of fact concerning the reasons for, existence of, or amounts of  
6639 price reductions;

6640 10. Misrepresenting that repairs, alterations, modifications, or services have been performed or parts  
6641 installed;

6642 11. Misrepresenting by the use of any written or documentary material that appears to be an invoice or bill  
6643 for merchandise or services previously ordered;

6644 12. Notwithstanding any other provision of law, using in any manner the words "wholesale,"  
6645 "wholesaler," "factory," or "manufacturer" in the supplier's name, or to describe the nature of the supplier's  
6646 business, unless the supplier is actually engaged primarily in selling at wholesale or in manufacturing the  
6647 goods or services advertised or offered for sale;

6648 13. Using in any contract or lease any liquidated damage clause, penalty clause, or waiver of defense, or  
6649 attempting to collect any liquidated damages or penalties under any clause, waiver, damages, or penalties that  
6650 are void or unenforceable under any otherwise applicable laws of the Commonwealth, or under federal  
6651 statutes or regulations;

6652 13a. Failing to provide to a consumer, or failing to use or include in any written document or material  
6653 provided to or executed by a consumer, in connection with a consumer transaction any statement, disclosure,  
6654 notice, or other information however characterized when the supplier is required by 16 C.F.R. Part 433 to so  
6655 provide, use, or include the statement, disclosure, notice, or other information in connection with the  
6656 consumer transaction;

6657 14. Using any other deception, fraud, false pretense, false promise, or misrepresentation in connection  
6658 with a consumer transaction;

6659 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,  
6660 or 3.2-6519 is a violation of this chapter;

6661 16. Failing to disclose all conditions, charges, or fees relating to:

6662 a. The return of goods for refund, exchange, or credit. Such disclosure shall be by means of a sign  
6663 attached to the goods, or placed in a conspicuous public area of the premises of the supplier, so as to be  
6664 readily noticeable and readable by the person obtaining the goods from the supplier. If the supplier does not  
6665 permit a refund, exchange, or credit for return, he shall so state on a similar sign. The provisions of this  
6666 subdivision shall not apply to any retail merchant who has a policy of providing, for a period of not less than  
6667 20 days after date of purchase, a cash refund or credit to the purchaser's credit card account for the return of  
6668 defective, unused, or undamaged merchandise upon presentation of proof of purchase. In the case of  
6669 merchandise paid for by check, the purchase shall be treated as a cash purchase and any refund may be  
6670 delayed for a period of 10 banking days to allow for the check to clear. This subdivision does not apply to  
6671 sale merchandise that is obviously distressed, out of date, post season, or otherwise reduced for clearance; nor  
6672 does this subdivision apply to special order purchases where the purchaser has requested the supplier to order  
6673 merchandise of a specific or unusual size, color, or brand not ordinarily carried in the store or the store's  
6674 catalog; nor shall this subdivision apply in connection with a transaction for the sale or lease of motor  
6675 vehicles, farm tractors, or motorcycles as defined in § 46.2-100;

6676 b. A layaway agreement. Such disclosure shall be furnished to the consumer (i) in writing at the time of  
6677 the layaway agreement, or (ii) by means of a sign placed in a conspicuous public area of the premises of the  
6678 supplier, so as to be readily noticeable and readable by the consumer, or (iii) on the bill of sale. Disclosure  
6679 shall include the conditions, charges, or fees in the event that a consumer breaches the agreement;

6680 16a. Failing to provide written notice to a consumer of an existing open-end credit balance in excess of \$5  
6681 (i) on an account maintained by the supplier and (ii) resulting from such consumer's overpayment on such  
6682 account. Suppliers shall give consumers written notice of such credit balances within 60 days of receiving  
6683 overpayments. If the credit balance information is incorporated into statements of account furnished  
6684 consumers by suppliers within such 60-day period, no separate or additional notice is required;

6685 17. If a supplier enters into a written agreement with a consumer to resolve a dispute that arises in  
6686 connection with a consumer transaction, failing to adhere to the terms and conditions of such an agreement;

6687 18. Violating any provision of the Virginia Health Club Act, Chapter 24 (§ 59.1-294 et seq.);

6688 19. Violating any provision of the Virginia Home Solicitation Sales Act, Chapter 2.1 (§ 59.1-21.1 et seq.);

6689 20. Violating any provision of the Automobile Repair Facilities Act, Chapter 17.1 (§ 59.1-207.1 et seq.);

6690 21. Violating any provision of the Virginia Lease-Purchase Agreement Act, Chapter 17.4 (§ 59.1-207.17  
6691 et seq.);

6692 22. Violating any provision of the Prizes and Gifts Act, Chapter 31 (§ 59.1-415 et seq.);

- 6693 23. Violating any provision of the Virginia Public Telephone Information Act, Chapter 32 (§ 59.1-424 et  
6694 seq.);
- 6695 24. Violating any provision of § 54.1-1505;
- 6696 25. Violating any provision of the Motor Vehicle Manufacturers' Warranty Adjustment Act, Chapter 17.6  
6697 (§ 59.1-207.34 et seq.);
- 6698 26. Violating any provision of § 3.2-5627, relating to the pricing of merchandise;
- 6699 27. Violating any provision of the Pay-Per-Call Services Act, Chapter 33 (§ 59.1-429 et seq.);
- 6700 28. Violating any provision of the Extended Service Contract Act, Chapter 34 (§ 59.1-435 et seq.);
- 6701 29. Violating any provision of the Virginia Membership Camping Act, Chapter 25 (§ 59.1-311 et seq.);
- 6702 30. Violating any provision of the Comparison Price Advertising Act, Chapter 17.7 (§ 59.1-207.40 et  
6703 seq.);
- 6704 31. Violating any provision of the Virginia Travel Club Act, Chapter 36 (§ 59.1-445 et seq.);
- 6705 32. Violating any provision of §§ 46.2-1231 and 46.2-1233.1;
- 6706 33. Violating any provision of Chapter 40 (§ 54.1-4000 et seq.) of Title 54.1;
- 6707 34. Violating any provision of Chapter 10.1 (§ 58.1-1031 et seq.) of Title 58.1;
- 6708 35. Using the consumer's social security number as the consumer's account number with the supplier, if  
6709 the consumer has requested in writing that the supplier use an alternate number not associated with the  
6710 consumer's social security number;
- 6711 36. Violating any provision of Chapter 18 (§ 6.2-1800 et seq.) of Title 6.2;
- 6712 37. Violating any provision of § 8.01-40.2;
- 6713 38. Violating any provision of Article 7 (§ 32.1-212 et seq.) of Chapter 6 of Title 32.1;
- 6714 39. Violating any provision of Chapter 34.1 (§ 59.1-441.1 et seq.);
- 6715 40. Violating any provision of Chapter 20 (§ 6.2-2000 et seq.) of Title 6.2;
- 6716 41. Violating any provision of the Virginia Post-Disaster Anti-Price Gouging Act, Chapter 46 (§ 59.1-525  
6717 et seq.). For the purposes of this subdivision, "consumer transaction" has the same meaning as provided in  
6718 § 59.1-526;
- 6719 42. Violating any provision of Chapter 47 (§ 59.1-530 et seq.);
- 6720 43. Violating any provision of § 59.1-443.2;
- 6721 44. Violating any provision of Chapter 48 (§ 59.1-533 et seq.);
- 6722 45. Violating any provision of Chapter 25 (§ 6.2-2500 et seq.) of Title 6.2;
- 6723 46. Violating the provisions of clause (i) of subsection B of § 54.1-1115;
- 6724 47. Violating any provision of § 18.2-239;
- 6725 48. Violating any provision of Chapter 26 (§ 59.1-336 et seq.);
- 6726 49. Selling, offering for sale, or manufacturing for sale a children's product the supplier knows or has  
6727 reason to know was recalled by the U.S. Consumer Product Safety Commission. There is a rebuttable  
6728 presumption that a supplier has reason to know a children's product was recalled if notice of the recall has  
6729 been posted continuously at least 30 days before the sale, offer for sale, or manufacturing for sale on the  
6730 website of the U.S. Consumer Product Safety Commission. This prohibition does not apply to children's  
6731 products that are used, secondhand or "seconds";
- 6732 50. Violating any provision of Chapter 44.1 (§ 59.1-518.1 et seq.);
- 6733 51. Violating any provision of Chapter 22 (§ 6.2-2200 et seq.) of Title 6.2;
- 6734 52. Violating any provision of § 8.2-317.1;
- 6735 53. Violating subsection A of § 9.1-149.1;
- 6736 54. Selling, offering for sale, or using in the construction, remodeling, or repair of any residential dwelling  
6737 in the Commonwealth, any drywall that the supplier knows or has reason to know is defective drywall. This  
6738 subdivision shall not apply to the sale or offering for sale of any building or structure in which defective  
6739 drywall has been permanently installed or affixed;
- 6740 55. Engaging in fraudulent or improper or dishonest conduct as defined in § 54.1-1118 while engaged in a  
6741 transaction that was initiated (i) during a declared state of emergency as defined in § 44-146.16 or (ii) to  
6742 repair damage resulting from the event that prompted the declaration of a state of emergency, regardless of  
6743 whether the supplier is licensed as a contractor in the Commonwealth pursuant to Chapter 11 (§ 54.1-1100 et  
6744 seq.) of Title 54.1;
- 6745 56. Violating any provision of Chapter 33.1 (§ 59.1-434.1 et seq.);
- 6746 57. Violating any provision of § 18.2-178, 18.2-178.1, or 18.2-200.1;
- 6747 58. Violating any provision of Chapter 17.8 (§ 59.1-207.45 et seq.). For the purposes of this subdivision,  
6748 "consumer transaction" also includes transactions involving an automatic renewal or continuous service offer  
6749 by a supplier to a small business, as those terms are defined in § 59.1-207.45;
- 6750 59. Violating any provision of subsection E of § 32.1-126;
- 6751 60. Violating any provision of § 54.1-111 relating to the unlicensed practice of a profession licensed under  
6752 Chapter 11 (§ 54.1-1100 et seq.) or Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1;
- 6753 61. Violating any provision of § 2.2-2001.5;
- 6754 62. Violating any provision of Chapter 5.2 (§ 54.1-526 et seq.) of Title 54.1;

- 6755 63. Violating any provision of § 6.2-312;
- 6756 64. Violating any provision of Chapter 20.1 (§ 6.2-2026 et seq.) of Title 6.2;
- 6757 65. Violating any provision of Chapter 26 (§ 6.2-2600 et seq.) of Title 6.2;
- 6758 66. Violating any provision of Chapter 54 (§ 59.1-586 et seq.);
- 6759 67. Knowingly violating any provision of § 8.01-27.5;
- 6760 68. Failing to, in accordance with § 59.1-207.46, (i) make available a conspicuous online option to cancel  
6761 a recurring purchase of a good or service or (ii) with respect to a free trial lasting more than 30 days, notify a  
6762 consumer of his option to cancel such free trial within 30 days of the end of the trial period to avoid an  
6763 obligation to pay for the goods or services;
- 6764 69. Selling or offering for sale any substance intended for human consumption, orally or by inhalation,  
6765 that contains a synthetic derivative of tetrahydrocannabinol. As used in this subdivision, "synthetic  
6766 derivative" means a chemical compound produced by man through a chemical transformation to turn a  
6767 compound into a different compound by adding or subtracting molecules to or from the original compound.  
6768 This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug  
6769 Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit  
6770 any conduct permitted under ~~Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1~~ *the Cannabis Control Act (§ 4.1-600*  
6771 *et seq.)*;
- 6772 70. Selling or offering for sale to a person younger than 21 years of age any substance intended for human  
6773 consumption, orally or by inhalation, that contains tetrahydrocannabinol. This subdivision shall not (i) apply  
6774 to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled in the  
6775 Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted under ~~Chapter~~  
6776 ~~16 (§ 4.1-1600 et seq.) of Title 4.1~~ *the Cannabis Control Act (§ 4.1-600 et seq.)*;
- 6777 71. Selling or offering for sale any substance intended for human consumption, orally or by inhalation,  
6778 that contains tetrahydrocannabinol, unless such substance is (i) contained in child-resistant packaging, as  
6779 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  
6780 inch, (a) that the substance contains tetrahydrocannabinol and may not be sold to persons younger than 21  
6781 years of age, (b) all ingredients contained in the substance, (c) the amount of such substance that constitutes a  
6782 single serving, and (d) the total percentage and milligrams of tetrahydrocannabinol included in the substance  
6783 and the number of milligrams of tetrahydrocannabinol that are contained in each serving; and (iii)  
6784 accompanied by a certificate of analysis, produced by ~~an independent laboratory that is accredited pursuant to~~  
6785 ~~standard ISO/IEC 17025 of the International Organization of Standardization by a third-party accrediting~~  
6786 ~~body a licensed marijuana testing facility~~, that states the tetrahydrocannabinol concentration of the substance  
6787 or the tetrahydrocannabinol concentration of the batch from which the substance originates. This subdivision  
6788 shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug Administration and  
6789 scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct permitted  
6790 under ~~Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1~~ *the Cannabis Control Act (§ 4.1-600 et seq.)*;
- 6791 72. Manufacturing, offering for sale at retail, or selling at retail an industrial hemp extract, as defined in  
6792 § 3.2-5145.1, a food containing an industrial hemp extract, or a substance containing tetrahydrocannabinol  
6793 that depicts or is in the shape of a human, animal, vehicle, or fruit;
- 6794 73. Selling or offering for sale any substance intended for human consumption, orally or by inhalation,  
6795 that contains tetrahydrocannabinol and, without authorization, bears, is packaged in a container or wrapper  
6796 that bears, or is otherwise labeled to bear the trademark, trade name, famous mark as defined in 15 U.S.C. §  
6797 1125, or other identifying mark, imprint, or device, or any likeness thereof, of a manufacturer, processor,  
6798 packer, or distributor of a product intended for human consumption other than the manufacturer, processor,  
6799 packer, or distributor that did in fact so manufacture, process, pack, or distribute such substance;
- 6800 74. Selling or offering for sale a topical hemp product, as defined in ~~§ 3.2-4112~~ *4.1-600*, that does not  
6801 include a label stating that the product is not intended for human consumption. This subdivision shall not (i)  
6802 apply to products that are approved for marketing by the U.S. Food and Drug Administration and scheduled  
6803 in the Drug Control Act (§ 54.1-3400 et seq.), (ii) be construed to prohibit any conduct permitted under  
6804 Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1, or (iii) apply to topical hemp products that were manufactured  
6805 prior to July 1, 2023, provided that the person provides documentation of the date of manufacture if  
6806 requested;
- 6807 75. Violating any provision of § 59.1-466.8;
- 6808 76. Violating subsection F of § 36-96.3:1;
- 6809 77. Selling or offering for sale (i) any kratom product to a person younger than 21 years of age or (ii) any  
6810 kratom product that does not include a label listing all ingredients and with the following guidance: "This  
6811 product may be harmful to your health, has not been evaluated by the FDA, and is not intended to diagnose,  
6812 treat, cure, or prevent any disease." As used in this subdivision, "kratom" means any part of the leaf of the  
6813 plant *Mitragyna speciosa* or any extract thereof;
- 6814 78. Advertising of any ignition interlock system in Virginia by an ignition interlock vendor not approved  
6815 by the Commission on the Virginia Alcohol Safety Action Program to operate in Virginia; targeted  
6816 advertising of any ignition interlock system to a person before determination of guilt; and any advertising,

6817 whether before or after determination of guilt, without a conspicuous statement that such advertisement is not  
6818 affiliated with any government agency. For purposes of this subdivision, "ignition interlock system" has the  
6819 same meaning as ascribed to that term in § 18.2-270.1 and "targeted advertising" has the same meaning  
6820 ascribed to that term in § 59.1-575 and includes direct mailings to an individual. This provision shall not  
6821 apply to ignition interlock service vendor ads, pamphlets, or kiosk advertisements approved by the  
6822 Commission on the Virginia Alcohol Safety Action Program and provided at a Commission-approved  
6823 location;

6824 79. Failing to disclose the total cost of a good or continuous service, as defined in § 59.1-207.45, to a  
6825 consumer, including any mandatory fees or charges, prior to entering into an agreement for the sale of any  
6826 such good or provision of any such continuous service;

6827 80. Violating any provision of the Unfair Real Estate Service Agreement Act (§ 55.1-3200 et seq.);

6828 81. Selling or offering for sale services as a professional mold remediator to be performed upon any  
6829 residential dwelling without holding a mold remediation certification from a nationally or internationally  
6830 recognized certifying body for mold remediation, and failing to comply with (i) the U.S. Environmental  
6831 Protection Agency's publication on Mold Remediation in Schools and Commercial Buildings, as revised; (ii)  
6832 the ANSI/IICRC S520 Standard for Professional Mold Remediation, as revised; or (iii) any other equivalent  
6833 ANSI-accredited mold remediation standard, when conducting or offering to conduct mold remediation in the  
6834 Commonwealth;

6835 82. Willfully violating any provision of § 59.1-444.4;

6836 83. Violating any provision of Chapter 23.2 (§ 59.1-293.10 et seq.);

6837 84. Selling any food that is required by the FDA to have a nutrition label that does not meet the  
6838 requirements of 21 C.F.R. Part 101;

6839 85. Obtaining, disclosing, selling, or disseminating any personally identifiable reproductive or sexual  
6840 health information without the consent of the consumer;

6841 86. Violating any provision of Chapter 58 (§ 59.1-607 et seq.); and

6842 87. (Effective July 1, 2026) Violating any provision of the Medical Debt Protection Act (§ 59.1-611 et  
6843 seq.).

6844 B. Nothing in this section shall be construed to invalidate or make unenforceable any contract or lease  
6845 solely by reason of the failure of such contract or lease to comply with any other law of the Commonwealth  
6846 or any federal statute or regulation, to the extent such other law, statute, or regulation provides that a violation  
6847 of such law, statute, or regulation shall not invalidate or make unenforceable such contract or lease.

6848 **2. That §§ 3.2-4112 and 3.2-5145.2:1 of the Code of Virginia are amended and reenacted as follows:**

6849 **§ 3.2-4112. Definitions.**

6850 As used in this chapter, unless the context requires a different meaning:

6851 "Cannabis sativa product" means a product made from any part of the plant Cannabis sativa with a  
6852 concentration of tetrahydrocannabinol that is greater than that allowed by federal law.

6853 "~~Edible hemp product" means any hemp product that is or includes an industrial hemp extract, as defined~~  
6854 ~~in § 3.2-5145.1, and that is intended to be consumed orally.~~

6855 "Federally licensed hemp producer" means a person who holds a hemp producer license issued by the  
6856 U.S. Department of Agriculture pursuant to 7 C.F.R. Part 990.

6857 "Grow" means to plant, cultivate, or harvest a plant or crop.

6858 "Grower" means any person registered pursuant to subsection A of § 3.2-4115 to grow industrial hemp.

6859 "Handle" means to temporarily possess industrial hemp grown in compliance with state or federal law that  
6860 (i) has not been processed and (ii) was not grown by and will not be processed by the person temporarily  
6861 possessing it.

6862 "Handler" means any person who is registered pursuant to subsection A of § 3.2-4115 to handle industrial  
6863 hemp. "Handler" does not include a retail establishment that sells or offers for sale a hemp product.

6864 "Handler's storage site" means the location at which a handler stores or intends to store the industrial  
6865 hemp he handles.

6866 "Hemp product" means a product, including any raw materials from industrial hemp that are used for or  
6867 added to a food or beverage, that (i) contains industrial hemp and has completed all stages of processing  
6868 needed for the product and (ii) when offered for retail sale (a) contains a total tetrahydrocannabinol  
6869 concentration of no greater than 0.3 percent and (b) contains either no more than two milligrams of total  
6870 tetrahydrocannabinol per package or an amount of cannabidiol that is no less than 25 times greater than the  
6871 amount of total tetrahydrocannabinol per package the same as that term is defined in § 4.1-600.

6872 "~~Hemp product intended for smoking" means any hemp product intended to be consumed by inhalation.~~

6873 "Industrial hemp" means any part of the plant Cannabis sativa, including seeds thereof, whether growing  
6874 or not, with a concentration of tetrahydrocannabinol that is no greater than that allowed by federal law.

6875 "Industrial hemp" includes an industrial hemp extract that has not completed all stages of processing needed  
6876 to convert the extract into a hemp product.

6877 "Process" means to convert industrial hemp into a hemp product.

6878 "Processor" means a person registered pursuant to subsection A of § 3.2-4115 to process industrial hemp.

6879 "Process site" means the location at which a processor processes or intends to process industrial hemp.

6880 "Production field" means the land or area on which a grower or a federally licensed hemp producer is  
6881 growing or intends to grow industrial hemp.

6882 "Regulated hemp product" means a hemp product intended for smoking or an edible hemp product.

6883 "Tetrahydrocannabinol" means any naturally occurring or synthetic tetrahydrocannabinol, including its  
6884 salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is  
6885 possible within the specific chemical designation and any preparation, mixture, or substance containing, or  
6886 mixed or infused with, any detectable amount of tetrahydrocannabinol. For the purposes of this definition,  
6887 "isomer" means the optical, position, and geometric isomers the same as that term is defined in § 4.1-600.

6888 "Topical hemp product" means a hemp product that (i) is intended to be rubbed, poured, sprinkled, or  
6889 sprayed on or otherwise applied to the human body or any part thereof and (ii) is not intended to be consumed  
6890 orally or by inhalation.

6891 "Total tetrahydrocannabinol" means the sum, after the application of any necessary conversion factor, of  
6892 the percentage by weight of tetrahydrocannabinol and the percentage by weight of tetrahydrocannabinolic  
6893 acid same as that term is defined in § 4.1-600.

6894 **§ 3.2-5145.2:1. Manufacturers of industrial hemp extract; penalties.**

6895 A. Any person who manufactures, sells, or offers for sale an industrial hemp extract or food containing an  
6896 industrial hemp extract shall be subject to the requirements of this chapter and regulations adopted pursuant  
6897 to this chapter.

6898 B. Any person who (i) manufactures, sells, or offers for sale an industrial hemp extract or food containing  
6899 an industrial hemp extract without first obtaining a permit to do so from the Commissioner pursuant to  
6900 § 3.2-5100; unless exempt from a permit pursuant to subdivision C 6 of § 3.2-5130; (ii) continues to  
6901 manufacture, sell, or offer for sale an industrial hemp extract or food containing an industrial hemp extract  
6902 after revocation or suspension of such permit; (iii) fails to disclose on a form prescribed by the Commissioner  
6903 that he intends to manufacture, sell, or offer for sale a substance intended to be consumed orally that contains  
6904 an industrial hemp-derived cannabinoid; (iv) sells or offers for sale at retail a food that (a) contains a total  
6905 tetrahydrocannabinol concentration that is greater than 0.3 percent or (b) contains more than two milligrams  
6906 of total tetrahydrocannabinol per package and does not contain an amount of cannabidiol that is at least 25  
6907 times greater than the amount of total tetrahydrocannabinol per package; (v) manufactures, offers for sale, or  
6908 sells in violation of this chapter or a regulation adopted pursuant to this chapter a substance intended to be  
6909 consumed orally that is advertised or labeled as containing an industrial hemp-derived cannabinoid; or (vi) (v)  
6910 otherwise violates any provision of this chapter or a regulation adopted pursuant to this chapter, in addition to  
6911 any other penalties provided, is subject to a civil penalty not to exceed \$10,000 for each day a violation  
6912 occurs. Such penalty shall be collected by the Commissioner and the proceeds shall be payable to the State  
6913 Treasurer for remittance to the Department.

6914 C. Any person who (i) manufactures, sells, or offers for sale an industrial hemp extract or food containing  
6915 an industrial hemp extract without first obtaining a permit to do so from the Commissioner pursuant to  
6916 § 3.2-5100; unless exempt from a permit pursuant to subdivision C 6 of § 3.2-5130; (ii) continues to  
6917 manufacture, sell, or offer for sale an industrial hemp extract or food containing an industrial hemp extract  
6918 after revocation or suspension of such permit; (iii) fails to disclose on a form prescribed by the Commissioner  
6919 that he intends to manufacture, sell, or offer for sale a substance intended to be consumed orally that contains  
6920 an industrial hemp-derived cannabinoid; (iv) manufactures, offers for sale, or sells in violation of this chapter  
6921 or a regulation adopted pursuant to this chapter a substance intended to be consumed orally that is advertised  
6922 or labeled as containing an industrial hemp-derived cannabinoid; or (v) otherwise violates any provision of  
6923 this chapter or a regulation adopted pursuant to this chapter, in addition to any other penalties provided, is  
6924 guilty of a Class 1 misdemeanor. Each day in which a violation occurs shall constitute a separate offense.

6925 D. The Commissioner may, in accordance with the Administrative Process Act (§ 2.2-4000 et seq.), deny,  
6926 suspend, or revoke a permit issued pursuant to § 3.2-5100 if the permitted entity is found to have violated  
6927 subdivision A 69, 70, 71, 72, 73, or 74 of § 59.1-200 by a court of competent jurisdiction.

6928 E. This section shall not apply to products that are (i) approved for marketing by the U.S. Food and Drug  
6929 Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) dispensed pursuant to  
6930 Article 4.2 (§ 54.1-3442.5 et seq.) of Chapter 34 of Title 54.1.

6931 **3. That § 4.1-600 of the Code of Virginia is amended and reenacted as follows:**

6932 **§ 4.1-600. Definitions.**

6933 As used in this subtitle, unless the context requires a different meaning:

6934 "Advertisement" or "advertising" means any written or verbal statement, illustration, or depiction that is  
6935 calculated to induce sales of retail marijuana, retail marijuana products, marijuana plants, or marijuana seeds,  
6936 including any written, printed, graphic, digital, electronic, or other material, billboard, sign, or other outdoor  
6937 display, publication, or radio or television broadcast.

6938 "Authority" means the Virginia Cannabis Control Authority created pursuant to this subtitle.

6939 "Board" means the Board of Directors of the Virginia Cannabis Control Authority.

6940 "Cannabis Control Act" means Subtitle II (§ 4.1-600 et seq.).

6941 *"Canopy" means the space used by a licensee to produce flowering marijuana plants, including areas*  
 6942 *between plants, pathways, walkways, and empty space between rows that allow for airflow, light, growth,*  
 6943 *access for watering, trimming, and other activities associated with marijuana cultivation. "Canopy" does not*  
 6944 *include space used for mother plants, clones, immature or nonflowering plants, processing, drying, curing,*  
 6945 *trimming, storage, offices, hallways, work areas, or other administrative and nonproduction uses. If*  
 6946 *flowering marijuana plants are cultivated using a shelving or other layered system, the surface area of each*  
 6947 *level shall be included for purposes of calculating canopy.*

6948 "Child-resistant" means, with respect to packaging or a container, (i) specially designed or constructed to  
 6949 be significantly difficult for a typical child ~~under~~ younger than five years of age to open and not to be  
 6950 significantly difficult for a typical adult to open and reseal and (ii) for any product intended for more than a  
 6951 single use or that contains multiple servings, resealable.

6952 "Cultivation" or "cultivate" means the planting, propagation, growing, harvesting, drying, curing, grading,  
 6953 trimming, *packaging*, or other similar ~~processing~~ *manufacturing* of marijuana for use or sale. "Cultivation" or  
 6954 "cultivate" does not include ~~manufacturing~~ *processing* or testing.

6955 *"Edible hemp product" means any hemp product that is or includes an industrial hemp extract, as defined*  
 6956 *in § 3.2-5145.1, and that is intended to be consumed orally.*

6957 "Edible marijuana product" means a marijuana product intended to be consumed orally, including  
 6958 marijuana intended to be consumed orally or marijuana concentrate intended to be consumed orally.

6959 *"Hemp product" means a product, including any raw materials from industrial hemp that are used for or*  
 6960 *added to a food or beverage, that (i) contains industrial hemp and has completed all stages of processing*  
 6961 *needed for the product and (ii) when offered for retail sale (a) contains a total tetrahydrocannabinol*  
 6962 *concentration of no greater than 0.3 percent and (b) contains no more than two milligrams of total*  
 6963 *tetrahydrocannabinol per package.*

6964 *"Hemp product intended for smoking" means any hemp product intended to be consumed by inhalation.*

6965 *"Historically economically disadvantaged community" means either (i) a jurisdiction identified by the*  
 6966 *Board utilizing census tract data made available by the United States Census Bureau in which offenses for*  
 6967 *marijuana possession were committed at a rate in excess of 150 percent of the statewide average for*  
 6968 *marijuana possession offenses during the 10-year period of 2009 to 2019 or (ii) a historically underutilized*  
 6969 *business zone as defined in 15 U.S.C. § 657a.*

6970 "Immature plant" means a nonflowering marijuana plant that is no taller than eight inches and no wider  
 6971 than eight inches, is produced from a cutting, clipping, or seedling, and is growing in a container.

6972 *"Impact licensee" means a licensee that meets the criteria set forth in subdivision B 13 of § 4.1-606.*

6973 *"Industrial hemp" means the same as that term is defined in § 3.2-4112.*

6974 *"Industrial hemp extract" means the same as that term is defined in § 3.2-5145.1.*

6975 *"Inhalable marijuana product" means a marijuana product that is intended to be inhaled, including*  
 6976 *marijuana intended to be inhaled or marijuana concentrate intended to be inhaled.*

6977 "Licensed" means the holding of a valid license *or permit* granted by the Authority.

6978 "Licensee" means any person to whom a license *or permit* has been granted by the Authority.

6979 ~~"Manufacturing" or "manufacture" means the production of marijuana products or the blending, infusing,~~  
 6980 ~~compounding, or other preparation of marijuana and marijuana products, including marijuana extraction or~~  
 6981 ~~preparation by means of chemical synthesis. "Manufacturing" or "manufacture" does not include cultivation~~  
 6982 ~~or testing.~~

6983 "Marijuana" means any part of a plant of the genus Cannabis, whether growing or not, its seeds or resin;  
 6984 and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, its resin,  
 6985 or any extract containing one or more cannabinoids. "Marijuana" does not include (i) the mature stalks of  
 6986 such plant, fiber produced from such stalk, or oil or cake made from the seed of such plant, unless such  
 6987 stalks, fiber, oil, or cake is combined with other parts of plants of the genus Cannabis; (ii) industrial hemp, ~~as~~  
 6988 ~~defined in § 3.2-4112~~, that is possessed by a person registered pursuant to subsection A of § 3.2-4115 or his  
 6989 agent; (iii) industrial hemp, ~~as defined in § 3.2-4112~~, that is possessed by a person who holds a hemp  
 6990 producer license issued by the U.S. Department of Agriculture pursuant to 7 C.F.R. Part 990; (iv) a hemp  
 6991 product, ~~as defined in § 3.2-4112~~; (v) an industrial hemp extract, ~~as defined in § 3.2-5145.1~~; or (vi) any  
 6992 substance containing a tetrahydrocannabinol isomer, ester, ether, salt, or salts of such isomer, ester, or ether  
 6993 that has been placed by the Board of Pharmacy into one of the schedules set forth in the Drug Control Act  
 6994 (§ 54.1-3400 et seq.) pursuant to § 54.1-3443.

6995 "Marijuana concentrate" means marijuana that has undergone a process to concentrate one or more active  
 6996 cannabinoids, thereby increasing the product's potency. Resin from granular trichomes from a marijuana plant  
 6997 is a concentrate for purposes of this subtitle.

6998 ~~"Marijuana cultivation facility" means a facility licensed under this subtitle to cultivate, label, and~~  
 6999 ~~package retail marijuana; to purchase or take possession of marijuana plants and seeds from other marijuana~~  
 7000 ~~cultivation facilities; to transfer possession of and sell retail marijuana, immature marijuana plants, and~~  
 7001 ~~marijuana seeds to marijuana wholesalers and retail marijuana stores; to transfer possession of and sell retail~~  
 7002 ~~marijuana, marijuana plants, and marijuana seeds to other marijuana cultivation facilities; to transfer~~

7003 possession of and sell retail marijuana to marijuana manufacturing facilities; and to sell immature marijuana  
7004 plants and marijuana seeds to consumers for the purpose of cultivating marijuana at home for personal use by  
7005 the Board to cultivate, label, and package marijuana; to purchase or take possession of marijuana plants and  
7006 seeds from other marijuana cultivation facilities; to transfer possession of and sell marijuana, immature  
7007 marijuana plants, and marijuana seeds to retail marijuana stores; to transfer possession of marijuana,  
7008 immature marijuana plants, and marijuana seeds to marijuana transporters; to transfer possession of and  
7009 sell marijuana, marijuana plants, and marijuana seeds to other marijuana cultivation facilities; to transfer  
7010 possession of and sell marijuana to marijuana processing facilities; and to transport marijuana, immature  
7011 marijuana plants, and marijuana seeds from the marijuana cultivation facility's licensed premises to another  
7012 licensed marijuana establishment.

7013 "Marijuana delivery operator" means an entity licensed by the Board to take possession of marijuana or  
7014 marijuana products from a retail marijuana store, microbusiness, pharmaceutical processor, or cannabis  
7015 dispensing facility and deliver such marijuana or marijuana products only in person to patients or consumers  
7016 at their residence or business.

7017 "Marijuana establishment" means a marijuana cultivation facility, a marijuana microbusiness, marijuana  
7018 delivery operator, marijuana testing facility, a marijuana manufacturing processing facility, a marijuana  
7019 wholesaler transporter, or a retail marijuana store, or pharmaceutical processor or cannabis dispensing  
7020 facility authorized to exercise dual-use privileges.

7021 "Marijuana manufacturing facility" means a facility licensed under this subtitle to manufacture, label, and  
7022 package retail marijuana and retail marijuana products; to purchase or take possession of retail marijuana  
7023 from a marijuana cultivation facility or another marijuana manufacturing facility; and to transfer possession  
7024 of and sell retail marijuana and retail marijuana products to marijuana wholesalers, retail marijuana stores, or  
7025 other marijuana manufacturing facilities.

7026 "Marijuana paraphernalia" means all equipment, products, and materials of any kind that are either  
7027 designed for use or are intended for use in planting, propagating, cultivating, growing, harvesting,  
7028 manufacturing, compounding, converting, producing, processing, preparing, strength testing, analyzing,  
7029 packaging, repackaging, storing, containing, concealing, ingesting, inhaling, or otherwise introducing into the  
7030 human body marijuana.

7031 "Marijuana processing facility" means a facility licensed by the Board to process, label, and package  
7032 marijuana and marijuana products; to purchase or take possession of marijuana from a marijuana  
7033 cultivation facility or another marijuana processing facility; to transfer possession of and sell marijuana and  
7034 marijuana products to retail marijuana stores or other marijuana processing facilities; to transfer possession  
7035 of marijuana and marijuana products to marijuana transporters; and to transport marijuana and marijuana  
7036 products from the marijuana processing facility's licensed premises to another licensed marijuana  
7037 establishment.

7038 "Marijuana products" means (i) products that are composed of marijuana and other ingredients and are  
7039 intended for use or consumption, ointments, and tinctures or (ii) marijuana concentrate.

7040 "Marijuana testing facility" means a facility licensed under this subtitle to develop, research, or test  
7041 marijuana, marijuana products, and other substances by the Board to develop, research, transport, or test  
7042 marijuana, marijuana products, and other substances.

7043 "Marijuana wholesaler transporter" means a facility licensed under this subtitle to purchase or take  
7044 possession of retail marijuana, retail marijuana products, immature marijuana plants, and marijuana seeds  
7045 from a marijuana cultivation facility, a marijuana manufacturing facility, or another marijuana wholesaler and  
7046 to transfer possession and sell or resell retail marijuana, retail marijuana products, immature marijuana plants,  
7047 and marijuana seeds to a marijuana cultivation facility, marijuana manufacturing facility, retail marijuana  
7048 store, or another marijuana wholesaler by the Board to take possession of marijuana, marijuana products,  
7049 immature marijuana plants, and marijuana seeds from a marijuana cultivation facility, a marijuana  
7050 processing facility, a retail marijuana store, a microbusiness, or another marijuana transporter; to transfer  
7051 possession of marijuana, marijuana products, immature marijuana plants, and marijuana seeds to a  
7052 marijuana cultivation facility, marijuana processing facility, retail marijuana store, microbusiness, or  
7053 another marijuana transporter; and to transport marijuana, marijuana products, immature marijuana plants,  
7054 and marijuana seeds from one licensed establishment to another.

7055 "Non-retail marijuana" means marijuana that is not cultivated, manufactured, or sold by a licensed  
7056 marijuana establishment.

7057 "Non-retail marijuana products" means marijuana products that are not manufactured and sold by a  
7058 licensed marijuana establishment.

7059 "Microbusiness" means a facility licensed by the Board to conduct any activities authorized for marijuana  
7060 cultivation facilities, marijuana processing facilities, and retail marijuana stores, as determined by the  
7061 Board.

7062 "Outdoor cultivation" means cultivation in an area exposed to natural sunlight and open to environmental  
7063 conditions, including variable temperature, precipitation, and wind.

7064 "Place or premises" means the real estate, together with any buildings or other improvements thereon,

7065 designated in the application for a license as the place at which the cultivation, ~~manufacture~~ processing, sale,  
7066 or testing of retail marijuana or retail marijuana products shall be performed; ~~except that portion of any such~~  
7067 ~~building or other improvement actually and exclusively used as a private residence.~~

7068 "Principal" means (i) any individual who solely or together with his immediate family members (a) owns  
7069 or controls, directly or indirectly, five percent or more of the pecuniary interest in any entity that is a licensee  
7070 or permittee or (b) has the power to vote or cause the vote of five percent or more of the voting securities or  
7071 other ownership interests of such entity and (ii) any person who manages marijuana establishment  
7072 operations on behalf of a licensee or permittee.

7073 "Processing" or "process" means the production of marijuana products or the blending, infusing,  
7074 compounding, or other preparation of marijuana or marijuana products, including marijuana extraction or  
7075 preparation by means of chemical synthesis. "Processing" or "process" does not include cultivation or  
7076 testing.

7077 "Public place" means any place, building, or conveyance to which the public has, or is permitted to have,  
7078 access, including restaurants, soda fountains, hotel dining areas, lobbies and corridors of hotels, and any park,  
7079 place of public resort or amusement, highway, street, lane, or sidewalk adjoining any highway, street, or lane.

7080 "Regulated hemp product" means a hemp product intended for smoking or an edible hemp product.

7081 "Residence" means any building or part of a building or structure where a person resides, but does not  
7082 include any part of a building that is not actually and exclusively used as a private residence, nor any part of a  
7083 hotel or club other than a private guest room thereof.

7084 "Retail marijuana" means marijuana that is cultivated, manufactured, or sold by a licensed marijuana  
7085 establishment.

7086 "Retail marijuana products" means marijuana products that are manufactured and sold by a licensed  
7087 marijuana establishment.

7088 "Retail marijuana store" means a facility licensed under this subtitle to purchase or take possession of  
7089 retail marijuana, retail marijuana products, immature marijuana plants, or marijuana seeds from a marijuana  
7090 cultivation facility, marijuana manufacturing facility, or marijuana wholesaler and to sell retail marijuana,  
7091 retail marijuana products, immature marijuana plants, or marijuana seeds to consumers by the Board to  
7092 purchase or take possession of marijuana, marijuana products, immature marijuana plants, or marijuana  
7093 seeds from a marijuana cultivation facility or marijuana processing facility; to take possession of marijuana,  
7094 marijuana products, immature marijuana plants, or marijuana seeds from a marijuana transporter; to sell  
7095 marijuana, marijuana products, marijuana paraphernalia, immature marijuana plants, or marijuana seeds to  
7096 consumers on premises approved by the Board; to deliver marijuana, marijuana products, marijuana  
7097 paraphernalia, immature marijuana plants, or marijuana seeds only in person to consumers; to transfer  
7098 possession of marijuana, marijuana products, marijuana paraphernalia, immature marijuana plants, or  
7099 marijuana seeds to marijuana delivery operators; and to transport marijuana, marijuana products,  
7100 marijuana paraphernalia, immature marijuana plants, and marijuana seeds from the retail marijuana store's  
7101 licensed premises to another retail marijuana store.

7102 "Security" means the same as that term is defined in § 13.1-501. If the Board finds that any obligation,  
7103 stock, or other equity interest creates control of or voice in the management operations of an entity in the  
7104 manner of a security, then such interest shall be considered a security.

7105 "Sale" and "sell" includes soliciting or receiving an order for; keeping, offering, or exposing for sale;  
7106 peddling, exchanging, or bartering; or delivering otherwise other than gratuitously, by any means; ~~retail~~  
7107 ~~marijuana or retail marijuana products.~~

7108 "Secure agricultural greenhouse" means an enclosed structure that has transparent walls and roofing and  
7109 is used for controlled-environment agriculture.

7110 "Special agent" means an employee, agent, or contractor of the Virginia Cannabis Control Authority  
7111 whom the Board has designated as a law-enforcement officer pursuant to this subtitle.

7112 "Testing" or "test" means the research and analysis of marijuana, marijuana products, or other substances  
7113 for contaminants, safety, or potency. "Testing" or "test" does not include cultivation or ~~manufacturing~~  
7114 ~~processing.~~

7115 "Tetrahydrocannabinol" means ~~the same as that term is defined in § 3.2-4112~~ any naturally occurring or  
7116 synthetic tetrahydrocannabinol, including its salts, isomers, and salts of isomers whenever the existence of  
7117 such salts, isomers, and salts of isomers is possible within the specific chemical designation and any  
7118 preparation, mixture, or substance containing, or mixed or infused with, any detectable amount of  
7119 tetrahydrocannabinol. For the purposes of this definition, "isomer" means the optical, position, and  
7120 geometric isomers.

7121 "Topical hemp product" means a hemp product that (i) is intended to be rubbed, poured, sprinkled, or  
7122 sprayed on or otherwise applied to the human body or any part thereof and (ii) is not intended to be  
7123 consumed orally or by inhalation.

7124 "Topical marijuana product" means a marijuana product that is intended to be applied topically to the  
7125 skin.

7126 "Total tetrahydrocannabinol" means the same as that term is defined in § 3.2-4112 sum, after the

7127 *application of any necessary conversion factor, of the percentage by weight of tetrahydrocannabinol and the*  
7128 *percentage by weight of tetrahydrocannabinolic acid.*

7129 4. That Article 4 (§§ 3.2-4122 through 3.2-4126) of Chapter 41.1 of Title 3.2 and §§ 3.2-5145.4:1,  
7130 4.1-611, 4.1-1101.1, 4.1-1105.1, 18.2-248.1, and 18.2-251.1 of the Code of Virginia are repealed.

7131 5. That the provisions of §§ 3.2-4112, 3.2-4116, 3.2-5145.1, 3.2-5145.2:1, and 3.2-5145.4 of the Code of  
7132 Virginia, as amended by the first enactment of this act, and the provisions of the third enactment of  
7133 this act shall become effective on November 1, 2026.

7134 6. That the following provisions of the first and fourth enactments of this act shall become effective on  
7135 July 1, 2027: (i) §§ 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,  
7136 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,  
7137 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,  
7138 18.2-265.3, 18.2-287.2, 18.2-460, 18.2-474.1, 19.2-66, 19.2-81.1, 19.2-83.1, 19.2-188.1, 19.2-303.01,  
7139 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, 46.2-347,  
7140 53.1-231.2, 54.1-2903, 54.1-3443, and 59.1-200 of the Code of Virginia, as amended by this act; (ii)  
7141 §§ 4.1-1102 through 4.1-1106, 4.1-1111, 4.1-1113, 4.1-1114, 4.1-1115, 4.1-1117, 4.1-1118, 4.1-1119,  
7142 4.1-1300, 4.1-1301, 4.1-1303 through 4.1-1309 as created by this act; and (iii) 4.1-1101.1, 4.1-1105.1,  
7143 18.2-248.1, and 18.2-251.1 of the Code of Virginia, as repealed by this act.

7144 7. That the provisions of Chapter 17 (§§ 4.1-1700 through 4.1-1705) of Title 4.1 of the Code of Virginia,  
7145 as created by the first enactment of this act, the provisions of the second enactment of this act, and the  
7146 provisions of Article 4 (§§ 3.2-4122 through 3.2-4126) of Chapter 41.1 of Title 3.2 and § 3.2-5145.4:1, as  
7147 repealed by the fourth enactment of this act, shall become effective on January 1, 2027.

7148 8. That on or after September 1, 2026, the Virginia Cannabis Control Authority (the Authority) shall  
7149 begin accepting applications for microbusiness licenses for applicants that (i) (a) are industrial hemp  
7150 processors or growers that (1) are registered with the Commissioner of Agriculture and Consumer  
7151 Services pursuant to Chapter 41.1 (§ 3.2-4112 et seq.) of Title 3.2 of the Code of Virginia, completed  
7152 such registration prior to January 1, 2021, and are in good standing as of September 1, 2026, or (2)  
7153 were previously registered with the Commissioner of Agriculture and Consumer Services pursuant to  
7154 Chapter 41.1 (§ 3.2-4112 et seq.) of Title 3.2 of the Code of Virginia, completed such registration prior  
7155 to January 1, 2021, were in good standing prior to forfeiting such registration or allowing such  
7156 registration to expire, and have established the reason for the previous forfeiture or lapse of such  
7157 registration and disclosed any violations, enforcement actions, or compliance issues related to the  
7158 previous registration; (b) qualify as an impact license applicant pursuant to subdivision B 13 of  
7159 § 4.1-606 of the Code of Virginia, as amended by this act; or (c) qualify as a farmer under the U.S.  
7160 Department of Agriculture qualifications and (ii) meet any applicable licensing requirements and  
7161 financial, security, and operational readiness criteria as established by the Authority.

7162 9. That a pharmaceutical processor issued a permit by the Board of Directors (the Board) of the  
7163 Virginia Cannabis Control Authority (the Authority) pursuant to Chapter 16 (§ 4.1-1600 et seq.) of  
7164 Title 4.1 of the Code of Virginia shall apply to the Board for dual-use privileges pursuant to  
7165 § 4.1-1602.1 of the Code of Virginia, as created by this act, in a manner prescribed by the Board  
7166 between January 1, 2027 and May 1, 2027. No later than January 1, 2027, the Authority shall create a  
7167 streamlined application process for pharmaceutical processors to apply for such dual-use privileges  
7168 which shall include a requirement that a pharmaceutical processor submit to and obtain approval  
7169 from the Authority for a detailed medical cannabis program preservation plan describing how such  
7170 processor will prioritize sales and access to medical cannabis products for qualifying patients,  
7171 including a plan for managing customer traffic flow, preventing supply shortages, and ensuring  
7172 appropriate staffing. Provided the applicable licensing requirements are met and upon (i) the payment  
7173 in full of a one-time \$10 million fee to the Authority by the pharmaceutical processor by May 1, 2027,  
7174 or (ii) the pharmaceutical processor's entry, by May 1, 2027, into an installment payment plan  
7175 approved by the Board for payment of such fee, the Board shall verify that such pharmaceutical  
7176 processor and its cannabis dispensing facilities may exercise dual-use privileges pursuant to  
7177 § 4.1-1602.1 of the Code of Virginia, as created by this act. The Board shall allow a pharmaceutical  
7178 processor to pay such fee in installments over a period not to exceed three years pursuant to terms and  
7179 conditions established by the Board. In addition, in order to exercise such dual-use privileges, a  
7180 pharmaceutical processor shall enter into an agreement to participate in an impact licensee business  
7181 accelerator plan, as defined by Board regulation, for at least three years after dual-use privilege  
7182 verification. On and after May 1, 2027, a pharmaceutical processor issued a permit pursuant to  
7183 Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1 of the Code of Virginia that has not applied for verification  
7184 to exercise dual-use privileges and paid the conversion fee in full or entered into an approved  
7185 installment payment plan shall not exercise such dual-use privileges or renew its permit.

7186 10. That by February 1, 2027, the Virginia Cannabis Control Authority (the Authority) shall issue up  
7187 to 20 licenses, consisting of no more than 10 marijuana cultivation facility licenses and no more than 10  
7188 marijuana processing facility licenses, to applicants that are industrial hemp processors or growers

7189 that (i)(a) are registered with the Commissioner of Agriculture and Consumer Services pursuant to  
 7190 Chapter 41.1 (§ 3.2-4112 et seq.) of Title 3.2 of the Code of Virginia and completed such registration  
 7191 prior to January 1, 2021, or (b) (1) were previously registered with the Commissioner of Agriculture  
 7192 and Consumer Services pursuant to Chapter 41.1 (§ 3.2-4112 et seq.) of Title 3.2 of the Code of  
 7193 Virginia; (2) completed such registration prior to January 1, 2021; (3) were in good standing prior to  
 7194 forfeiting such registration or allowing such registration to expire; and (4) have established the reason  
 7195 for the previous forfeiture or lapse of such registration and disclosed any violations, enforcement  
 7196 actions, or compliance issues related to the previous registration; (ii) meet any applicable licensing  
 7197 requirements; and (iii) pay a one-time \$500,000 fee to the Authority. The Board shall allow such  
 7198 applicants to pay such \$500,000 fee in installments over a period not to exceed three years pursuant to  
 7199 terms and conditions established by the Board. On or after September 1, 2026, the Authority shall  
 7200 create a streamlined application process for such industrial hemp processors or growers to apply for  
 7201 such licenses.

7202 11. That the Virginia Cannabis Control Authority (the Authority) may, on and after, September 1,  
 7203 2026, begin accepting license applications from all applicants and issuing licenses.

7204 12. That in addition to (i) verifying the pharmaceutical processors' dual-use privileges as required by  
 7205 the ninth enactment of this act by May 1, 2027, and (ii) issuing no more than 10 marijuana cultivation  
 7206 facility licenses and no more than 10 marijuana processing facility licenses to industrial hemp growers  
 7207 or processors as required by the tenth enactment of this act by February 1, 2027, the Virginia  
 7208 Cannabis Control Authority (the Authority) shall also issue at least 55 additional licenses distributed  
 7209 among impact licensees and other license types determined by the Board of Directors of the Authority,  
 7210 which shall include marijuana cultivation facility facilities, by February 1, 2027.

7211 13. That, notwithstanding the sixth enactment of this act, any applicant issued a license by the Virginia  
 7212 Cannabis Control Authority (the Authority) or pharmaceutical processor that the Board of Directors  
 7213 (the Board) of the Authority has verified may exercise dual-use privileges may operate in accordance  
 7214 with the provisions of this act prior to July 1, 2027; however, prior to July 1, 2027, no licensee may  
 7215 engage in the retail sale of marijuana, marijuana products, immature marijuana plants, or marijuana  
 7216 seeds unless such licensee is (i) a pharmaceutical processor or cannabis dispensing facility dispensing  
 7217 cannabis products to a patient, his registered agent, or if such patient is a minor or vulnerable adult as  
 7218 defined in § 18.2-369 of the Code of Virginia, such patient's parent or legal guardian and (ii) acting in  
 7219 accordance with the provisions of Chapter 16 (§ 4.1-1600 et seq.) of Title 4.1 of the Code of Virginia.  
 7220 Notwithstanding any other provision of law, on or after September 1, 2026, and prior to July 1, 2027,  
 7221 no marijuana cultivation facility licensee, marijuana processing facility licensee, marijuana transporter  
 7222 licensee, marijuana delivery operator, retail marijuana store licensee, microbusiness licensee,  
 7223 marijuana testing facility licensee, or agent or employee thereof shall be subject to arrest or  
 7224 prosecution for a violation of Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1 of the Code of Virginia or  
 7225 § 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, or 18.2-265.3 of the Code  
 7226 of Virginia, as amended by this act, § 18.2-248.1 of the Code of Virginia, as repealed by this act, or  
 7227 § 18.2-308.4 of the Code of Virginia, involving marijuana if such violation is related to acts committed  
 7228 within the scope of the permit, licensure, or employment and in accordance with the provisions of the  
 7229 Cannabis Control Act (§ 4.1-600 et seq. of the Code of Virginia) and this enactment. By no later than  
 7230 February 1, 2027, the Board shall have promulgated regulations governing outdoor growth pursuant to  
 7231 § 4.1-606 of the Code of Virginia, as amended by this act.

7232 14. That the Board of Directors of the Virginia Cannabis Control Authority shall establish a seed-to-  
 7233 sale tracking system pursuant to Board regulations, by September 1, 2026.

7234 15. That the Virginia Cannabis Control Authority (the Authority) shall (i) analyze whether any limits  
 7235 should be placed on the number of licenses issued to operate a marijuana establishment, (ii) analyze  
 7236 and identify any necessary adjustments regarding canopy limits for marijuana cultivation facility  
 7237 licensees, and (iii) report its findings to the General Assembly by November 1, 2026. The Authority  
 7238 shall continue such analysis and submit updated findings to the General Assembly for two years after  
 7239 such initial report and shall submit such updated findings by November 1 during the two subsequent  
 7240 years.

7241 16. That the Board of Directors (the Board) of the Virginia Cannabis Control Authority shall  
 7242 promulgate regulations to implement the provisions of this act on or after September 1, 2026. The  
 7243 initial regulations adopted by the Board shall include regulations that, to the extent possible, are in  
 7244 accordance and consistent with the provisions of §§ 4.1-700 through 4.1-703, 4.1-800 through 4.1-811,  
 7245 4.1-900 through 4.1-904, 4.1-1000, 4.1-1002, 4.1-1003, and 4.1-1404 through 4.1-1407 of the enrolled  
 7246 versions of House Bill 642 and Senate Bill 542 during the 2026 Regular Session. With the exception of  
 7247 § 2.2-4031 of the Code of Virginia, neither the provisions of the Administrative Process Act (§ 2.2-4000  
 7248 et seq. of the Code of Virginia) nor public participation guidelines adopted pursuant thereto shall  
 7249 apply to the Board's initial adoption of any regulations pursuant to §§ 4.1-606, 4.1-700, and 4.1-701 of  
 7250 the Code of Virginia, as amended or created by this act.

- 7251 17. That the Joint Commission to Oversee the Transition of the Commonwealth into a Cannabis Retail  
7252 Market (the Joint Commission) shall consider and make recommendations on the benefits, limitations,  
7253 and feasibility of creating, operating, and maintaining a testing facility for marijuana and marijuana  
7254 products operated by the Commonwealth. The Joint Commission shall report its findings and  
7255 recommendations to the Governor and the Chairs of the House Committee on General Laws and the  
7256 Senate Committee on Rehabilitation and Social Services by November 1, 2026.
- 7257 18. That the Virginia Alcoholic Beverage Control Authority (the ABC) and the Virginia Cannabis  
7258 Control Authority (the Authority) shall jointly submit to the Governor and the Chairs of the House  
7259 Committees on General Laws and Appropriations and the Senate Committees on Rehabilitation and  
7260 Social Services and Finance and Appropriations, no later than January 1, 2027, a plan describing the  
7261 respective organizational structures and enforcement roles of the ABC and the Authority with respect  
7262 to the retail marijuana market in the Commonwealth. The ABC and the Authority may hire an outside  
7263 consultant to assist with the plan and such plan shall include (i) the current organizational structures  
7264 of the ABC and the Authority as they relate to marijuana regulation and enforcement; (ii) the  
7265 delineation of enforcement and regulatory responsibilities between the ABC and the Authority; (iii)  
7266 identification of any areas of overlapping or shared authority; (iv) an analysis of the fiscal and  
7267 operational implications of any such overlap; (v) opportunities for coordination, efficiencies, or cost  
7268 savings; (vi) estimated staffing levels, personnel classifications, and other resource needs associated  
7269 with carrying out such regulatory and enforcement responsibilities; and (vii) and any  
7270 recommendations for statutory, regulatory, or organizational changes to improve enforcement and  
7271 coordination between the ABC and the Authority.
- 7272 19. That the Virginia Alcoholic Beverage Control Authority (ABC) shall enter into a memorandum of  
7273 understanding with the Virginia Cannabis Control Authority (the Authority) no later than January 1,  
7274 2027, which shall provide that ABC shall support and assist the Authority in developing its  
7275 enforcement capabilities pursuant to this provisions of this act, including through the temporary  
7276 assignment or use of ABC special agents, until the Authority is fully operational for enforcement  
7277 purposes. The memorandum of understanding shall specify that such special agents operating under  
7278 such agreement shall be subject to the oversight of the Secretary of Public Safety and Homeland  
7279 Security pursuant to § 2.2-221 of the Code of Virginia.
- 7280 20. That the Virginia Department of Education (the Department), with assistance from the Virginia  
7281 Cannabis Control Authority (the Authority) and other appropriate agencies, local school divisions, and  
7282 appropriate experts, shall implement a plan to ensure that teachers have access to sufficient  
7283 information, resources, and lesson ideas to assist them in teaching about the harms of marijuana use  
7284 among the youth and about substance abuse, as provided in the 2025 Health Standards of Learning.  
7285 The Department shall (i) review resources currently provided to teachers to determine if additional or  
7286 updated material or lesson ideas are needed and (ii) provide or develop any additional materials and  
7287 resources deemed necessary and make the same available to teachers by January 1, 2027.
- 7288 21. That the Secretary of Education, in conjunction with the Virginia Department of Education, shall  
7289 develop a plan for introducing teachers, particularly those teaching health, to the information and  
7290 resources available to them to assist them in teaching the 2025 Health Standards of Learning as it  
7291 relates to marijuana use. Such plan shall include providing professional development webinars as soon  
7292 as practicable, as well as ongoing periodic professional development relating to marijuana, as well as  
7293 alcohol, tobacco, and other drugs as appropriate. The plan shall include the estimated cost of  
7294 implementation and any potential source of funds to cover such cost and shall be submitted to the  
7295 Governor and the General Assembly by November 1, 2026.
- 7296 22. That the Secretary of Education, the State Council of Higher Education for Virginia, the Virginia  
7297 Higher Education Substance Use Advisory Committee, and the Department of Behavioral Health and  
7298 Developmental Services shall work with existing collegiate recovery programs to determine what, if  
7299 any, additional evidence-based efforts should be undertaken for college-age individuals to promote  
7300 education and prevention strategies relating to marijuana. The plan shall include the estimated cost of  
7301 implementation and any potential source of funds to cover such cost and shall be submitted to the  
7302 Governor and the General Assembly by November 1, 2026.
- 7303 23. That the Virginia Cannabis Control Authority shall be vested with all the powers and duties held  
7304 by the Department of Agriculture and Consumer Services prior to January 1, 2027, in its  
7305 administration of the provisions set forth in Article 4 (§ 3.2-4122 et seq.) of Chapter 41.1 of Title 3.2 of  
7306 the Code of Virginia, as repealed by this act.
- 7307 24. That any valid, active registration issued by the Commissioner of Agriculture and Consumer  
7308 Services pursuant to § 3.2-4122 of the Code of Virginia, as repealed by this act, prior to January 1,  
7309 2027, shall remain valid until its expiration date and be considered to have been issued by the Board of  
7310 Directors of the Virginia Cannabis Control Authority.
- 7311 25. That the regulations governing the manufacturing and sale of products that contain industrial  
7312 hemp extracts intended for human consumption in 2VAC5-595 of the Virginia Administrative Code as

7313 promulgated or amended by the Board of Agriculture and Consumer Services pursuant to Article 5  
 7314 (§ 3.2-5145.1 et seq.) of Chapter 51 of Title 3.2 of the Code of Virginia shall remain in full force and  
 7315 effect and shall be administered by the Virginia Cannabis Control Authority (the Authority) until the  
 7316 Board of Directors of the Authority promulgates regulations governing the sale of regulated hemp  
 7317 products pursuant to § 4.1-606 of the Code of Virginia, as amended by this act. The Board of  
 7318 Agriculture and Consumer Services shall repeal the regulations governing the manufacturing and sale  
 7319 of products that contain industrial hemp extracts intended for human consumption in 2VAC5-595 of  
 7320 the Virginia Administrative Code upon the effective date of the regulations promulgated by the Board  
 7321 of Directors of the Authority governing the sale of regulated hemp products pursuant to § 4.1-606 of  
 7322 the Code of Virginia, as amended by this act. With the exception of § 2.2-4031 of the Code of Virginia,  
 7323 neither the provisions of the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia) nor  
 7324 public participation guidelines adopted pursuant thereto shall apply to the Board of Agriculture and  
 7325 Consumer Services' repeal of regulations governing the manufacturing and sale of products that  
 7326 contain industrial hemp extracts intended for human consumption in 2VAC5-595 of the Virginia  
 7327 Administrative Code.

7328 26. That notwithstanding any other provision of law, the Virginia Cannabis Control Authority (the  
 7329 Authority) shall give preference in hiring to employees of the Department of Agriculture and  
 7330 Consumer Services (the Department). The Authority shall issue a written notice to all persons whose  
 7331 employment at the Department will be transferred to the Authority. The date upon which such written  
 7332 notice is issued shall be referred to herein as the "Option Date." In order to facilitate an orderly and  
 7333 efficient transition and ensure the continuation of operations during the transition from the  
 7334 Department to the Authority, the Authority shall have discretion, subject to the time limitations  
 7335 contained herein, to determine the date upon which any employee's employment with the Department  
 7336 will end or be transferred to the Authority. This date shall be stated in the written notice and shall be  
 7337 referred to herein as the "Transition Date." No Transition Date shall occur prior to July 1, 2026,  
 7338 without the mutual agreement of the employee and the Authority. No Transition Date shall be set  
 7339 beyond January 1, 2027. Each person whose employment will be transferred to the Authority may, by  
 7340 written request made within 120 days of the Option Date, elect not to become employed by the  
 7341 Authority. Any employee of the Department who (i) is not offered the opportunity to transfer to  
 7342 employment by the Authority or (ii) is not offered a position with the Authority for which the employee  
 7343 is qualified or is offered a position that requires relocation or a reduction in salary shall be eligible for  
 7344 the severance benefits conferred by the provisions of the Workforce Transition Act (§ 2.2-3200 et seq.  
 7345 of the Code of Virginia). Any employee who accepts employment with the Authority shall not be  
 7346 considered to be involuntarily separated from state employment and shall not be eligible for the  
 7347 severance benefits conferred by the provisions of the Workforce Transition Act. Any eligibility for such  
 7348 severance benefits shall be contingent on the continued employment through an employee's Transition  
 7349 Date.

7350 27. That notwithstanding any other provision of law to the contrary, any person whose employment is  
 7351 transferred to the Authority as a result of the twenty-sixth enactment of this act and who is a member  
 7352 of any plan for providing health insurance coverage pursuant to Chapter 28 (§ 2.2-2800 et seq.) of Title  
 7353 2.2 of the Code of Virginia shall continue to be a member of such health insurance plan under the same  
 7354 terms and conditions as if no transfer had occurred.

7355 28. That notwithstanding any other provision of law to the contrary, any person whose employment is  
 7356 transferred to the Authority as a result of the twenty-sixth enactment this act and who is a member of  
 7357 the Virginia Retirement System or other retirement plan as authorized by Article 4 (§ 51.1-125 et seq.)  
 7358 of Chapter 1 of Title 51.1 of the Code of Virginia shall continue to be a member of the Virginia  
 7359 Retirement System or other such authorized retirement plan under the same terms and conditions as if  
 7360 no transfer had occurred.

7361 29. That the provisions of this act may result in a net increase in periods of imprisonment or  
 7362 commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary  
 7363 appropriation cannot be determined for periods of imprisonment in state adult correctional facilities;  
 7364 therefore, Chapter 725 of the Acts of Assembly of 2025 requires the Virginia Criminal Sentencing  
 7365 Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of  
 7366 Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of  
 7367 commitment to the custody of the Department of Juvenile Justice.