

23104135D

SENATE BILL NO. 1133

Offered January 11, 2023

Prefiled January 10, 2023

A BILL to amend and reenact §§ 2.2-2499.5, 2.2-2499.7, 2.2-2499.8, 3.2-4113, 3.2-4116, 3.2-4118, 4.1-600, 4.1-601, 4.1-603, 4.1-604, 4.1-606, 4.1-610, 4.1-614, 4.1-619, 4.1-1105.1, 4.1-1500, 4.1-1501, 4.1-1502, 18.2-247, 54.1-3401, 54.1-3408.3, 54.1-3442.6, 54.1-3442.7, and 54.1-3446 of the Code of Virginia, to amend the Code of Virginia by adding in Chapter 51 of Title 3.2 an article numbered 6, consisting of sections numbered 3.2-5145.6 through 3.2-5145.9, by adding in Chapter 6 of Title 4.1 a section numbered 4.1-629, by adding in Chapter 7 of Title 4.1 sections numbered 4.1-700 through 4.1-704, by adding in Chapter 10 of Title 4.1 sections numbered 4.1-1003 through 4.1-1007, by adding in Chapter 11 of Title 4.1 sections numbered 4.1-1104, 4.1-1106, 4.1-1116, and 4.1-1122, by adding in Chapter 12 of Title 4.1 sections numbered 4.1-1200, 4.1-1202, 4.1-1206, and 4.1-1207, by adding in Chapter 13 of Title 4.1 a section numbered 4.1-1307, by adding in Chapter 14 of Title 4.1 sections numbered 4.1-1400 and 4.1-1403, and by adding in Article 2 of Chapter 1 of Title 6.2 a section numbered 6.2-108, and to repeal Article 5 (§§ 3.2-5145.1 through 3.2-5145.5) of Chapter 51 of Title 3.2 of the Code of Virginia, relating to cannabis control; retail market; transitional sales; regulated hemp products; penalties.

Patron—Ebbin

Referred to Committee on Rehabilitation and Social Services

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2499.5, 2.2-2499.7, 2.2-2499.8, 3.2-4113, 3.2-4116, 3.2-4118, 4.1-600, 4.1-601, 4.1-603, 4.1-604, 4.1-606, 4.1-610, 4.1-614, 4.1-619, 4.1-1105.1, 4.1-1500, 4.1-1501, 4.1-1502, 18.2-247, 54.1-3401, 54.1-3408.3, 54.1-3442.6, 54.1-3442.7, and 54.1-3446 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 51 of Title 3.2 an article numbered 6, consisting of sections numbered 3.2-5145.6 through 3.2-5145.9, by adding in Chapter 6 of Title 4.1 a section numbered 4.1-629, by adding in Chapter 7 of Title 4.1 sections numbered 4.1-700 through 4.1-704, by adding in Chapter 10 of Title 4.1 sections numbered 4.1-1003 through 4.1-1007, by adding in Chapter 11 of Title 4.1 sections numbered 4.1-1104, 4.1-1106, 4.1-1116, and 4.1-1122, by adding in Chapter 12 of Title 4.1 sections numbered 4.1-1200, 4.1-1202, 4.1-1206, and 4.1-1207, by adding in Chapter 13 of Title 4.1 a section numbered 4.1-1307, by adding in Chapter 14 of Title 4.1 sections numbered 4.1-1400 and 4.1-1403, and by adding in Article 2 of Chapter 1 of Title 6.2 a section numbered 6.2-108 as follows:

Article 30.

Cannabis Equity Reinvestment Board.

§ 2.2-2499.5. Cannabis Reinvestment Board; purpose; membership; quorum; meetings.

A. The Cannabis Equity Reinvestment Board (the Board) is established as a policy board in the executive branch of state government. The purpose of the Board is to directly address the impact of economic disinvestment, violence, and historical overuse of criminal justice responses to community and individual needs by providing resources to support local design and control of community-based responses to such impacts.

B. The Board shall have a total membership of 20 members that shall consist of 13 nonlegislative citizen members and seven ex officio members. Nonlegislative citizen members shall be appointed as follows: three to be appointed by the Senate Committee on Rules, one of whom shall be a person who has been previously incarcerated or convicted of a marijuana-related crime, one of whom shall be an expert in the field of public health with experience in trauma-informed care, if possible, and one of whom shall be an expert in education with a focus on access to opportunities for youth in underserved communities; five to be appointed by the Speaker of the House of Delegates, one of whom shall be an expert on Virginia's foster care system, one of whom shall be an expert in workforce development, one of whom shall be a representative from one of Virginia's historically black colleges and universities, one of whom shall be a veteran, and one of whom shall be an entrepreneur with expertise in emerging industries or access to capital for small businesses; and five to be appointed by the Governor, subject to confirmation by the General Assembly, one of whom shall be a representative from the Virginia Indigent Defense Commission and four of whom shall be community-based providers or community development organization representatives who provide services to address the social determinants of health and promote community investment in historically economically disadvantaged communities adversely and disproportionately impacted by marijuana prohibitions, including services such as

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59 workforce development, youth mentoring and educational services, job training and placement services,  
60 and reentry services. Nonlegislative citizen members shall be citizens of the Commonwealth and reflect  
61 the racial, ethnic, gender, and geographic diversity of the Commonwealth.

62 The Secretaries of Education, Health and Human Resources, and Public Safety and Homeland  
63 Security, the Director of Diversity, Equity, and Inclusion, the Chief Workforce Development Advisor,  
64 and the Attorney General or their designees shall serve ex officio with voting privileges. The Chief  
65 Executive Officer of the Virginia Cannabis Control Authority or his designee shall serve ex officio  
66 without voting privileges.

67 Ex officio members of the Board shall serve terms coincident with their terms of office. After the  
68 initial staggering of terms, nonlegislative citizen members shall be appointed for a term of four years.  
69 Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms.  
70 Vacancies shall be filled in the same manner as the original appointments. All members may be  
71 reappointed.

72 The Board shall be chaired by the Director of Diversity, Equity, and Inclusion or his designee. The  
73 Board shall select a vice-chairman from among its membership. A majority of the members shall  
74 constitute a quorum. The Board shall meet at least two times each year and shall meet at the call of the  
75 chairman or whenever the majority of the members so request.

76 **§ 2.2-2499.7. Powers and duties of the Board.**

77 The Cannabis Equity Reinvestment Board shall have the following powers and duties:

78 1. Support persons, and families, ~~and in historically economically disadvantaged communities~~  
79 ~~historically and disproportionately targeted and affected by drug enforcement;~~

80 2. Develop and implement scholarship programs and educational and vocational resources for  
81 historically marginalized persons, including persons in foster care, who have been adversely impacted by  
82 substance use individually, in their families, or in their communities.

83 3. Develop and implement a program to award grants to support workforce development programs,  
84 mentoring programs, job training and placement services, apprenticeships, and reentry services that serve  
85 persons ~~and in historically economically disadvantaged communities~~ ~~historically and disproportionately~~  
86 ~~targeted by drug enforcement.~~

87 4. Administer the Cannabis Equity Reinvestment Fund established pursuant to § 2.2-2499.8.

88 5. Collaborate with the Board of Directors of the Virginia Cannabis Control Authority and the Office  
89 of Diversity, Equity, and Inclusion as necessary to implement programs and provide recommendations in  
90 line with the purpose of this article.

91 6. Submit an annual report to the Governor and the General Assembly for publication as a report  
92 document as provided in the procedures of the Division of Legislative Automated Systems for the  
93 processing of legislative documents and reports. The chairman shall submit to the Governor and the  
94 General Assembly an annual executive summary of the interim activity and work of the Council no later  
95 than the first day of each regular session of the General Assembly. The executive summary shall be  
96 submitted as a report document as provided in the procedures of the Division of Legislative Automated  
97 Systems for the processing of legislative documents and reports and shall be posted on the General  
98 Assembly's website.

99 7. Perform such other activities and functions as the Governor and General Assembly may direct.

100 **§ 2.2-2499.8. Cannabis Reinvestment Fund.**

101 There is hereby created in the state treasury a special nonreverting fund to be known as the Cannabis  
102 ~~Equity~~ Reinvestment Fund, referred to in this section as "the Fund." The Fund shall be established on  
103 the books of the Comptroller. All funds appropriated for such purpose and any gifts, donations, grants,  
104 bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the  
105 Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any  
106 moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert  
107 to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the  
108 purposes of:

109 1. Supporting persons, and families, ~~and in historically economically disadvantaged communities~~  
110 ~~historically and disproportionately targeted and affected by drug enforcement;~~

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

114 3. Awarding grants to support workforce development, mentoring programs, job training and  
115 placement services, apprenticeships, and reentry services that serve persons ~~and in historically~~  
116 ~~economically disadvantaged communities~~ ~~historically and disproportionately targeted by drug~~  
117 ~~enforcement.~~

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

120 5. Contributing to the Virginia Cannabis ~~Equity~~ Business Loan Fund established pursuant to § 4.1-

121 1501.

122 Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants  
123 issued by the Comptroller upon written request signed by the Director of Diversity, Equity, and  
124 Inclusion.

125 **§ 3.2-4113. Production of industrial hemp lawful.**

126 A. It is lawful for a grower, his agent, or a federally licensed hemp producer to grow, a dealer or his  
127 agent to deal in, or a processor or his agent to process industrial hemp in the Commonwealth for any  
128 lawful purpose. No federally licensed hemp producer or grower or his agent shall be prosecuted under  
129 Chapter 11 (§ 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  
130 18.2-250 for the possession or growing of industrial hemp or any Cannabis sativa with a  
131 tetrahydrocannabinol concentration that does not exceed the total ~~delta-9~~ tetrahydrocannabinol  
132 concentration percentage established in federal regulations applicable to negligent violations located at 7  
133 C.F.R. 990.6(b)(3). No dealer or his agent or processor or his agent shall be prosecuted under Chapter  
134 11 (§ 4.1-1100 et seq.) of Title 4.1 or § 18.2-247, 18.2-248, 18.2-248.01, 18.2-248.1, or 18.2-250 or  
135 issued a summons or judgment for the possession, dealing, or processing of industrial hemp. In any  
136 complaint, information, or indictment, and in any action or proceeding brought for the enforcement of  
137 any provision of *Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1 or Article 1 (§ 18.2-247 et seq.) of Chapter*  
138 *7 of Title 18.2 or the Drug Control Act (§ 54.1-3400 et seq.)*, it shall not be necessary to negate any  
139 exception, excuse, proviso, or exemption contained in this chapter or the Drug Control Act, and the  
140 burden of proof of any such exception, excuse, proviso, or exemption shall be on the defendant.

141 B. Nothing in this chapter shall be construed to authorize any person to violate any federal law or  
142 regulation.

143 C. No person shall be prosecuted under Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1 or § 18.2-247,  
144 18.2-248, 18.2-248.01, 18.2-248.1, or 18.2-250 for the involuntary growth of industrial hemp through the  
145 inadvertent natural spread of seeds or pollen as a result of proximity to a production field, dealership, or  
146 process site.

147 **§ 3.2-4116. Registration conditions.**

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

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

152 1. Maintain records that reflect compliance with this chapter *and all other state and federal laws*  
153 *regulating the growing, dealing in, or processing of industrial hemp*;

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

155 3. Allow his production field, dealership, or process site to be inspected by and at the discretion of  
156 the Commissioner or his designee, the Department of State Police, or the chief law-enforcement officer  
157 of the locality in which the production field or dealership or process site exists;

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

161 5. If required by the Commissioner, destroy, at the cost of the grower, dealer, or processor and in a  
162 manner approved of and verified by the Commissioner, any Cannabis sativa that the grower grows, the  
163 dealer deals in, or the processor processes that has been tested and, following any re-sampling and  
164 retesting as authorized pursuant to the provisions of § 3.2-4114.2, is found to have a concentration of  
165 tetrahydrocannabinol that is greater than that allowed by federal law, or any Cannabis sativa product that  
166 the processor produces.

167 **§ 3.2-4118. Forfeiture of industrial hemp grower, dealer, or processor registration; violations.**

168 A. The Commissioner shall deny the application, or suspend or revoke the registration, of any person  
169 who, with a culpable mental state greater than negligence, violates any provision of this chapter. The  
170 Commissioner shall provide reasonable notice of an informal fact-finding conference pursuant to  
171 § 2.2-4019 to any person in connection with the denial, suspension, or revocation of a registration.

172 B. If a registration is revoked as the result of an informal hearing, the decision may be appealed, and  
173 upon appeal an administrative hearing shall be conducted in accordance with the Administrative Process  
174 Act (§ 2.2-4000 et seq.). The grower, dealer, or processor may appeal a final order to the circuit court  
175 in accordance with the Administrative Process Act.

176 C. A person issued a registration pursuant to subsection A of § 3.2-4115 who negligently (i) fails to  
177 provide a description and geographic data sufficient for locating his production field, dealership, or  
178 process site; (ii) grows, deals in, or processes Cannabis sativa with a tetrahydrocannabinol concentration  
179 greater than that allowed by federal law; or (iii) produces a Cannabis sativa product shall comply with  
180 any corrective action plan established by the Commissioner in accordance with the provisions of  
181 subsection E. The Commissioner shall not deem a grower negligent if such grower makes reasonable

182 efforts to grow industrial hemp and grows Cannabis sativa with a tetrahydrocannabinol concentration  
 183 that does not exceed the total ~~delta-9~~ tetrahydrocannabinol concentration percentage established in  
 184 federal regulations applicable to negligent violations located at 7 C.F.R. 990.6(b)(3).

185 D. A person who grows, deals in, or processes industrial hemp and who negligently fails to register  
 186 pursuant to subsection A of § 3.2-4115 shall comply with any corrective action plan established by the  
 187 Commissioner in accordance with the provisions of subsection E.

188 E. A corrective action plan established by the Commissioner in response to a negligent violation of a  
 189 provision of this chapter shall identify a reasonable date by which the person who is the subject of the  
 190 plan shall correct the negligent violation and shall require such person to report periodically for not less  
 191 than two calendar years to the Commissioner on the person's compliance with the provisions of this  
 192 chapter.

193 F. No person who negligently violates the provisions of this chapter three times in a five-year period  
 194 shall be eligible to grow, deal in, or process industrial hemp for a period of five years beginning on the  
 195 date of the third violation.

#### 196 Article 6.

#### 197 *Edible Marijuana Products and Edible Hemp Products.*

#### 198 **§ 3.2-5145.6. Definitions.**

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

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

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

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

#### 205 **§ 3.2-5145.7. Edible marijuana products and edible hemp products; approved food; adulterated** 206 **food.**

207 *A. An edible marijuana product or edible hemp product is a food and is subject to the requirements*  
 208 *of this chapter and regulations adopted pursuant to this chapter.*

209 *B. An edible marijuana product or edible hemp product that does not comply with the provisions of*  
 210 *§ 4.1-1403 or health and safety regulations adopted pursuant thereto shall be deemed to be adulterated.*

#### 211 **§ 3.2-5145.8. Manufacturer of edible marijuana products or edible hemp products.**

212 *A. A manufacturer of an edible marijuana product shall be an approved source if the manufacturer*  
 213 *operates:*

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

215 *2. In compliance with the laws, regulations, or criteria that pertain to the manufacture of edible*  
 216 *marijuana products in the location in which such manufacturing occurs.*

217 *B. A manufacturer of an edible hemp product shall be an approved source if the manufacturer*  
 218 *operates:*

219 *1. Under inspection by the responsible food regulatory agency in the location in which such*  
 220 *manufacturing occurs; and*

221 *2. In compliance with the laws, regulations, or criteria that pertain to the manufacture of edible*  
 222 *hemp products in the location in which such manufacturing occurs.*

#### 223 **§ 3.2-5145.9. Regulations.**

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

225 *B. With the exception of § 2.2-4031, neither the provisions of the Administrative Process Act*  
 226 *(§ 2.2-4000 et seq.) nor public participation guidelines adopted pursuant thereto shall apply to the*  
 227 *adoption of any regulation pursuant to this section. Prior to adopting any regulation pursuant to this*  
 228 *section, the Board shall publish a notice of opportunity to comment in the Virginia Register of*  
 229 *Regulations and post the action on the Virginia Regulatory Town Hall. Such notice of opportunity to*  
 230 *comment shall contain (i) a summary of the proposed regulation; (ii) the text of the proposed*  
 231 *regulation; and (iii) the name, address, and telephone number of the agency contact person responsible*  
 232 *for receiving public comments. Such notice shall be made at least 60 days in advance of the last date*  
 233 *prescribed in such notice for submittals of public comment. The legislative review provisions of*  
 234 *subsections A and B of § 2.2-4014 shall apply to the promulgation or final adoption process for*  
 235 *regulations adopted pursuant to this section. The Board shall consider and keep on file all public*  
 236 *comments received for any regulation adopted pursuant to this section.*

#### 237 **§ 4.1-600. Definitions.**

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

239 *"Advertisement" or "advertising" means any written or verbal statement, illustration, or depiction*  
 240 *that is calculated to induce sales of retail marijuana, retail marijuana products, marijuana plants, or*  
 241 *marijuana seeds, or regulated hemp products, including any written, printed, graphic, digital, electronic,*  
 242 *or other material, billboard, sign, or other outdoor display, publication, or radio or television broadcast.*

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

- 244 "Board" means the Board of Directors of the Virginia Cannabis Control Authority.
- 245 "Cannabis Control Act" means Subtitle II (§ 4.1-600 et seq.).
- 246 "Child-resistant" means, with respect to packaging or a container, (i) specially designed or  
247 constructed to be significantly difficult for a typical child under five years of age to open and not to be  
248 significantly difficult for a typical adult to open and reseal and (ii) for any product intended for more  
249 than a single use or that contains multiple servings, resealable.
- 250 "Cultivation" or "cultivate" means the planting, propagation, growing, harvesting, drying, curing,  
251 grading, trimming, or other similar processing of marijuana for use or sale. "Cultivation" or "cultivate"  
252 does not include manufacturing or testing.
- 253 "*Edible hemp product*" means a hemp product intended to be consumed orally that is or contains an  
254 industrial hemp extract.
- 255 "Edible marijuana product" means a marijuana product intended to be consumed orally, including  
256 marijuana intended to be consumed orally or marijuana concentrate intended to be consumed orally.
- 257 "*Hemp product*" means the same as that term is defined in § 3.2-4112.
- 258 "*Hemp product intended for smoking*" means any hemp product intended to be consumed by  
259 inhalation.
- 260 "Immature plant" means a nonflowering marijuana plant that is no taller than eight inches and no  
261 wider than eight inches, is produced from a cutting, clipping, or seedling, and is growing in a container.
- 262 "*Industrial hemp*" means the same as that term is defined in § 3.2-4112.
- 263 "*Industrial hemp extract*" means any phytochemical that has been removed from industrial hemp.  
264 "*Industrial hemp extract*" is not a hemp seed-derived ingredient that is approved by the U.S. Food and  
265 Drug Administration or the subject of a generally recognized as safe notice for which the U.S. Food  
266 and Drug Administration had no questions.
- 267 "Licensed" means the holding of a valid license granted by the Authority.
- 268 "Licensee" means any person to whom a license has been granted by the Authority.
- 269 "Manufacturing" or "manufacture" means the production of marijuana products or regulated hemp  
270 products or the blending, infusing, compounding, or other preparation of marijuana and, marijuana  
271 products, or regulated hemp products, including marijuana extraction or preparation by means of  
272 chemical synthesis. "Manufacturing" or "manufacture" does not include cultivation or testing.
- 273 "Marijuana" means any part of a plant of the genus Cannabis, whether growing or not, its seeds or  
274 resin; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds,  
275 its resin, or any extract containing one or more cannabinoids. "Marijuana" does not include (i) the  
276 mature stalks of such plant, fiber produced from such stalk, or oil or cake made from the seed of such  
277 plant, unless such stalks, fiber, oil, or cake is combined with other parts of plants of the genus Cannabis-  
278 "~~Marijuana~~" does not include (i); (ii) industrial hemp, as defined in ~~§ 3.2-4112~~, that is possessed by a  
279 person registered pursuant to subsection A of § 3.2-4115 or his agent or (ii); (iii) industrial hemp that is  
280 possessed by a person who holds a hemp producer license issued by the U.S. Department of Agriculture  
281 pursuant to 7 C.F.R. Part 990; (iv) a hemp product, as defined in ~~§ 3.2-4112~~ other than a regulated  
282 hemp product, containing a tetrahydrocannabinol concentration of no greater than 0.3 percent that is  
283 derived from industrial hemp; as defined in ~~§ 3.2-4112~~, that is grown, dealt, or processed in compliance  
284 with state or federal law; or (v) a regulated hemp product that does not exceed the maximum  
285 tetrahydrocannabinol concentration established pursuant to § 4.1-606 and that is derived from  
286 industrial hemp that is grown, dealt, or processed in compliance with state or federal law.
- 287 "Marijuana concentrate" means marijuana that has undergone a process to concentrate one or more  
288 active cannabinoids, thereby increasing the product's potency. Resin from granular trichomes from a  
289 marijuana plant is a concentrate for purposes of this subtitle.
- 290 "Marijuana cultivation facility" means a facility licensed under this subtitle to cultivate, label, and  
291 package retail marijuana; to purchase or take possession of marijuana plants and seeds from other  
292 marijuana cultivation facilities; to transfer possession of and sell retail marijuana, immature marijuana  
293 plants, and marijuana seeds to marijuana wholesalers and retail marijuana stores; to transfer possession  
294 of and sell retail marijuana, marijuana plants, and marijuana seeds to other marijuana cultivation  
295 facilities; to transfer possession of and sell retail marijuana to marijuana manufacturing facilities; and to  
296 sell immature marijuana plants and marijuana seeds to consumers for the purpose of cultivating  
297 marijuana at home for personal use.
- 298 "Marijuana establishment" means a marijuana cultivation facility, a marijuana testing facility, a  
299 marijuana manufacturing facility, a marijuana wholesaler, or a retail marijuana store.
- 300 "Marijuana manufacturing facility" means a facility licensed under this subtitle to manufacture, label,  
301 and package retail marijuana and retail marijuana products; to purchase or take possession of retail  
302 marijuana from a marijuana cultivation facility or another marijuana manufacturing facility; and to  
303 transfer possession of and sell retail marijuana and retail marijuana products to marijuana wholesalers,  
304 retail marijuana stores, or other marijuana manufacturing facilities.

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

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

312 "Marijuana testing facility" means a facility licensed under this subtitle to develop, research, or test  
 313 marijuana, marijuana products, *regulated hemp products*, and other substances.

314 "Marijuana wholesaler" means a facility licensed under this subtitle to purchase or take possession of  
 315 retail marijuana, retail marijuana products, immature marijuana plants, and marijuana seeds from a  
 316 marijuana cultivation facility, a marijuana manufacturing facility, or another marijuana wholesaler and to  
 317 transfer possession and sell or resell retail marijuana, retail marijuana products, immature marijuana  
 318 plants, and marijuana seeds to a marijuana cultivation facility, marijuana manufacturing facility, retail  
 319 marijuana store, or another marijuana wholesaler.

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

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

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

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

332 "*Regulated hemp product*" means a hemp product intended for smoking or edible hemp products.

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

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

338 "Retail marijuana products" means marijuana products that are manufactured and sold by a licensed  
 339 marijuana establishment.

340 "Retail marijuana store" means a facility licensed under this subtitle to purchase or take possession of  
 341 retail marijuana, retail marijuana products, immature marijuana plants, or marijuana seeds from a  
 342 marijuana cultivation facility, marijuana manufacturing facility, or marijuana wholesaler and to sell retail  
 343 marijuana, retail marijuana products, immature marijuana plants, or marijuana seeds to consumers.

344 "Sale" and "sell" includes soliciting or receiving an order for; keeping, offering, or exposing for sale;  
 345 peddling, exchanging, or bartering; or delivering otherwise than gratuitously, by any means, retail  
 346 marijuana or, retail marijuana products, *or regulated hemp products*.

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

349 "Testing" or "test" means the research and analysis of marijuana, marijuana products, *regulated hemp*  
 350 *products*, or other substances for contaminants, safety, or potency. "Testing" or "test" does not include  
 351 cultivation or manufacturing.

352 "*Tetrahydrocannabinol*" or "*THC*" means any naturally occurring or synthetic tetrahydrocannabinol,  
 353 including its salts, isomers, or salts of isomers.

354 "*Total tetrahydrocannabinol concentration*" means the total available tetrahydrocannabinol derived  
 355 from the molar sum of tetrahydrocannabinol and tetrahydrocannabinolic acid.

356 **§ 4.1-601. Virginia Cannabis Control Authority created; public purpose.**

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

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

380 **§ 4.1-603. Cannabis Public Health Advisory Council; purpose; membership; quorum; meetings;**  
 381 **compensation and expenses; duties.**

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

388 B. The Advisory Council shall have a total membership of 21 members that shall consist of 14  
 389 nonlegislative citizen members and seven ex officio members. Nonlegislative citizen members of the  
 390 Council shall be citizens of the Commonwealth and shall reflect the racial, ethnic, gender, and  
 391 geographic diversity of the Commonwealth. Nonlegislative citizen members shall be appointed as  
 392 follows: four to be appointed by the Senate Committee on Rules, one of whom shall be a representative  
 393 from the Virginia Foundation for Healthy Youth, one of whom shall be a representative from the  
 394 Virginia Chapter of the American Academy of Pediatrics, one of whom shall be a representative from the  
 395 Medical Society of Virginia, and one of whom shall be a representative from the Virginia  
 396 Pharmacists Association; six to be appointed by the Speaker of the House of Delegates, one of whom  
 397 shall be a representative from a community services board, one of whom shall be a person or health  
 398 care provider with expertise in substance use disorder treatment and recovery, one of whom shall be a  
 399 person or health care provider with expertise in substance use disorder prevention, one of whom shall be  
 400 a person with experience in disability rights advocacy, one of whom shall be a person with experience  
 401 in veterans health care, and one of whom shall be a person with a social or health equity background;  
 402 and four to be appointed by the Governor, subject to confirmation by the General Assembly, one of  
 403 whom shall be a representative of a local health district, one of whom shall be a person who is part of  
 404 the cannabis industry, one of whom shall be an academic researcher knowledgeable about cannabis, and  
 405 one of whom shall be a registered medical cannabis patient.

406 The Secretary of Health and Human Resources, the Commissioner of Health, the Commissioner of  
 407 Behavioral Health and Developmental Services, the Commissioner of Agriculture and Consumer  
 408 Services, the Director of the Department of Health Professions, the Director of the Department of  
 409 Forensic Science, and the Chief Executive Officer of the Virginia Cannabis Control Authority, or their  
 410 designees, shall serve ex officio with voting privileges. Ex officio members of the Advisory Council  
 411 shall serve terms coincident with their terms of office.

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

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

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

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

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

427 1. To review multi-agency efforts to support collaboration and a unified approach on public health

428 responses related to marijuana and marijuana legalization in the Commonwealth and to develop  
429 recommendations as necessary.

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

433 3. Submit an annual report to the Governor and the General Assembly for publication as a report  
434 document as provided in the procedures of the Division of Legislative Automated Systems for the  
435 processing of legislative documents and reports. The chairman shall submit to the Governor and the  
436 General Assembly an annual executive summary of the interim activity and work of the Advisory  
437 Council no later than the first day of each regular session of the General Assembly. The executive  
438 summary shall be submitted as a report document as provided in the procedures of the Division of  
439 Legislative Automated Systems for the processing of legislative documents and reports and shall be  
440 posted on the General Assembly's website.

441 **§ 4.1-604. Powers and duties of the Board.**

442 The Board shall have the following powers and duties:

443 1. Promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) and  
444 § 4.1-606;

445 2. Control the possession, sale, transportation, and delivery of marijuana and, marijuana products, and  
446 regulated hemp products;

447 3. Grant, suspend, and revoke licenses for the cultivation, manufacture, distribution, sale, and testing  
448 of marijuana and, marijuana products, and regulated hemp products as provided by law;

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

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

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

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

458 8. Establish a position for a Cannabis Social Equity Liaison who shall lead the Cannabis Business  
459 Equity and Diversity Support Team and liaise with the Director of Diversity, Equity, and Inclusion on  
460 matters related to diversity, equity, and inclusion standards in the marijuana industry;

461 9. Establish a Cannabis Business Equity and Diversity Support Team, which shall (i) develop  
462 requirements for the creation and submission of diversity, equity, and inclusion plans by persons who  
463 wish to possess a license in more than one license category pursuant to subsection C of § 4.1-805,  
464 which may include a requirement that the licensee participate in social equity an apprenticeship plan,  
465 and an approval process and requirements for implementation of such plans; (ii) be responsible for  
466 conducting an analysis of potential barriers to entry for small, women-owned, and minority-owned  
467 businesses and veteran-owned businesses interested in participating in the marijuana industry and  
468 recommending strategies to effectively mitigate such potential barriers; (iii) provide assistance with  
469 business planning for potential marijuana establishment licensees; (iv) spread awareness of business  
470 opportunities related to the marijuana marketplace in areas disproportionately impacted by marijuana  
471 prohibition and enforcement historically economically disadvantaged communities; (v) provide technical  
472 assistance in navigating the administrative process to potential marijuana establishment licensees; and  
473 (vi) conduct other outreach initiatives in areas disproportionately impacted by marijuana prohibition and  
474 enforcement historically economically disadvantaged communities as necessary;

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

479 11. Establish and implement a plan, in coordination with the Cannabis Social Equity Liaison and the  
480 Director of Diversity, Equity, and Inclusion to promote and encourage participation in the marijuana  
481 industry by people from historically economically disadvantaged communities that have been  
482 disproportionately impacted by marijuana prohibition and enforcement and to positively impact those  
483 communities;

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

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

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

489 15. Make and enter into all contracts and agreements necessary or incidental to the performance of



490 its duties, the furtherance of its purposes, and the execution of its powers under this subtitle, including  
491 agreements with any person or federal agency;

492 16. Employ, at its discretion, consultants, researchers, architects, engineers, accountants, financial  
493 experts, investment bankers, superintendents, managers, and such other employees and special agents as  
494 may be necessary and fix their compensation to be payable from funds made available to the Authority.  
495 Legal services for the Authority shall be provided by the Attorney General in accordance with Chapter 5  
496 (§ 2.2-500 et seq.) of Title 2.2;

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

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

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

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

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

521 22. Acquire, purchase, hold, use, lease, or otherwise dispose of any property, real, personal or mixed,  
522 tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes of the  
523 Authority; lease as lessee any property, real, personal or mixed, tangible or intangible, or any interest  
524 therein, at such annual rental and on such terms and conditions as may be determined by the Board;  
525 lease as lessor to any person any property, real, personal or mixed, tangible or intangible, or any interest  
526 therein, at any time acquired by the Authority, whether wholly or partially completed, at such annual  
527 rental and on such terms and conditions as may be determined by the Board; sell, transfer, or convey  
528 any property, real, personal or mixed, tangible or intangible, or any interest therein, at any time acquired  
529 or held by the Authority on such terms and conditions as may be determined by the Board; and occupy  
530 and improve any land or building required for the purposes of this subtitle;

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

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

537 25. Hold and conduct hearings, issue subpoenas requiring the attendance of witnesses and the  
538 production of records, memoranda, papers, and other documents before the Board or any agent of the  
539 Board, and administer oaths and take testimony thereunder. The Board may authorize any Board  
540 member or agent of the Board to hold and conduct hearings, issue subpoenas, administer oaths and take  
541 testimony thereunder, and decide cases, subject to final decision by the Board, on application of any  
542 party aggrieved. The Board may enter into consent agreements and may request and accept from any  
543 applicant or licensee a consent agreement in lieu of proceedings on (i) objections to the issuance of a  
544 license or (ii) disciplinary action. Any such consent agreement shall include findings of fact and may  
545 include an admission or a finding of a violation. A consent agreement shall not be considered a case  
546 decision of the Board and shall not be subject to judicial review under the provisions of the  
547 Administrative Process Act (§ 2.2-4000 et seq.), but may be considered by the Board in future  
548 disciplinary proceedings;

549 26. Make a reasonable charge for preparing and furnishing statistical information and compilations to  
550 persons other than (i) officials, including court and police officials, of the Commonwealth and of its

551 subdivisions if the information requested is for official use and (ii) persons who have a personal or legal  
 552 interest in obtaining the information requested if such information is not to be used for commercial or  
 553 trade purposes;

554 27. Assess and collect civil penalties and civil charges for violations of this subtitle and Board  
 555 regulations;

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

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

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

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

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

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

573 **§ 4.1-606. Regulations of the Board.**

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

580 B. The Board shall promulgate regulations that:

581 1. Govern the ~~outdoor~~ cultivation *and manufacture of retail marijuana by a marijuana cultivation*  
 582 *facility licensee and retail marijuana products*, including security requirements ~~to include related to~~  
 583 lighting, physical security, and ~~alarm requirements~~, *provided that such requirements do not prohibit the*  
 584 *cultivation of marijuana outdoors or in a greenhouse alarms and requirements for secure disposal of*  
 585 *waste or unusable materials*;

586 2. Establish *security requirements for all marijuana establishments, including requirements for*  
 587 *securely transporting marijuana between marijuana establishments*;

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

589 4. Establish a testing program for retail marijuana ~~and~~ retail marijuana products ~~pursuant to Chapter~~  
 590 ~~14 (§ 4.1-1400 et seq.), and regulated hemp products~~;

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

594 6. Establish *packaging requirements and* requirements for health and safety warning labels to be  
 595 placed on retail marijuana and retail marijuana products to be sold or offered for sale by a licensee to a  
 596 consumer *and on regulated hemp products to be sold or offered for sale by a person* in accordance with  
 597 the provisions of this subtitle. *Such provisions shall require that labels include information regarding*  
 598 *the amount of product that constitutes a single serving and the percentage and milligrams of*  
 599 *tetrahydrocannabinol in each package and serving*;

600 7. Establish a maximum tetrahydrocannabinol level for retail marijuana products; ~~which and~~  
 601 *regulated hemp products. Such tetrahydrocannabinol level for retail marijuana products shall not exceed*  
 602 (i) ~~five~~ 10 milligrams per serving for edible marijuana products and where practicable an equivalent  
 603 amount for other marijuana products or (ii) ~~50~~ 100 milligrams per package for edible marijuana products  
 604 and where practicable an equivalent amount for other marijuana products. Such regulations may include  
 605 other product and dispensing limitations on tetrahydrocannabinol;

606 8. Establish requirements for the form, content, and retention of all records and accounts by all  
 607 licensees *and by any person selling a regulated hemp product, including the manner and timeframe in*  
 608 *which licensees and persons must make such records and accounts available to the Board*;

609 9. Provide alternative methods for licensees *and any person selling a regulated hemp product* to  
 610 maintain and store business records that are subject to Board inspection, including methods for  
 611 Board-approved electronic and offsite storage;

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

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

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

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

621 13. Establish criteria by which to evaluate social equity and grant license preferences to applicants;  
622 which shall be an applicant who has lived or been domiciled for at least 12 months in the  
623 Commonwealth and is either (i) an applicant with at least 66 percent ownership by a person or persons  
624 who have been convicted of or adjudicated delinquent for any misdemeanor violation of § 18.2-248.1,  
625 former § 18.2-250.1, or subsection A of § 18.2-265.3 as it relates to marijuana; (ii) an applicant with at  
626 least 66 percent ownership by a person or persons who is the parent, child, sibling, or spouse of a  
627 person who has been convicted of or adjudicated delinquent for any misdemeanor violation of  
628 § 18.2-248.1, former § 18.2-250.1, or subsection A of § 18.2-265.3 as it relates to marijuana; (iii) an  
629 applicant with at least 66 percent ownership by a person or persons who have resided for at least three  
630 of the past five years in a jurisdiction that is determined by the Board after utilizing census tract data  
631 made available by the United States Census Bureau to have been disproportionately policed for  
632 marijuana crimes; (iv) an applicant with at least 66 percent ownership by a person or persons who have  
633 resided for at least three four of the last five years in a jurisdiction determined by the Board after  
634 utilizing census tract data made available by the United States Census Bureau to be a historically  
635 economically distressed; or (v) an applicant with at least 66 percent ownership by a person or persons  
636 who graduated from a historically black college or university located in the Commonwealth  
637 disadvantaged community as defined in § 56-576;

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

641 15. Establish standards and requirements for (i) any preference in the licensing process for qualified  
642 social equity applicants in a historically economically disadvantaged community, (ii) what percentage of  
643 application or license fees are waived for a qualified social equity applicant such applicants, and (iii) a  
644 any low-interest business loan program for qualified social equity such applicants, and (iv) determining  
645 which jurisdictions are historically economically disadvantage communities, as defined in § 56-576;

646 16. 15. Establish guidelines, in addition to requirements set forth in this subtitle, for the personal  
647 cultivation of marijuana that promote personal and public safety, including child protection, and  
648 discourage personal cultivation practices that create a nuisance, including a nuisance caused by odor;

649 17. 16. Establish reasonable time, place, and manner restrictions on outdoor advertising of retail  
650 marijuana or, retail marijuana products, not inconsistent with the provisions of this chapter, so and  
651 regulated hemp products. Such restrictions shall ensure that such advertising displaces the illicit market,  
652 includes health and safety warnings, and notifies the public of the location of marijuana and hemp  
653 establishments. Such regulations shall be promulgated in accordance with § 4.1-1404;

654 18. 17. Establish restrictions on the number of licenses that a person may be granted to operate a  
655 marijuana establishment in single locality or region; and

656 19. Establish restrictions on 18. Notwithstanding subdivision C 4, allow pharmaceutical processors  
657 and industrial hemp processors that have been to be granted a license in more than one license category  
658 pursuant to subsection C of § 4.1-805 and establish restrictions that ensure all licensees have an equal  
659 and meaningful opportunity to participate in the market. Such regulations may limit the amount of  
660 products cultivated or manufactured by the pharmaceutical processor or industrial hemp processor that  
661 such processor may offer for sale in its retail marijuana stores;

662 19. Establish requirements for routine inspections of all marijuana establishments, which shall occur  
663 no less than once per year;

664 20. Establish minimum equipment and resource requirements for marijuana establishments;

665 21. Establish processes to ensure the safe and secure dispensing of retail marijuana and retail  
666 marijuana products;

667 22. Establish processes to ensure the safe wholesale distribution and transfer of retail marijuana and  
668 retail marijuana products;

669 23. Establish requirements regarding the sale of devices by licensees for administration of retail  
670 marijuana and retail marijuana products; and

671 24. Establish a process for certain licensees to acquire from a registered industrial hemp dealer or  
672 processor industrial hemp extracts grown and processed in the Commonwealth in compliance with state  
673 and federal law and a process for licensees to formulate such extracts into retail marijuana products.

674 C. The Board may promulgate regulations that:

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

677 a. Retail marijuana stores, 400;

678 b. Marijuana wholesalers, 25;

679 c. Marijuana manufacturing facilities, 60; and

680 d. Marijuana cultivation facilities, 450.

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

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

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

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

696 5. Allow small business licensees, as determined by the Board, to (i) enter into cooperative  
697 agreements with other small business licensees and (ii) lease space and cultivate, manufacture, and sell  
698 retail marijuana and retail marijuana products on the premises of another licensee.

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

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

702 F. The Board shall consult with the Cannabis Public Health Advisory Council in promulgating any  
703 regulations relating to public health, including regulations promulgated pursuant to subdivision B 3, 4, 6,  
704 7, 10, or 16, and shall not promulgate any such regulation that has not been approved by a majority of  
705 the members of the Cannabis Public Health Advisory Council.

706 G. With regard to regulations governing licensees that have been issued a permit by the Board of  
707 Pharmacy to operate as a pharmaceutical processor or cannabis dispensing facility pursuant to Article 4.2  
708 (§ 54.1-3442.5 et seq.) of the Drug Control Act, the Board shall make reasonable efforts (i) to align  
709 such regulations with any applicable regulations promulgated by the Board of Pharmacy that establish  
710 health, safety, and security requirements for pharmaceutical processors and cannabis dispensing facilities  
711 and (ii) to deem in compliance with applicable regulations promulgated pursuant to this subtitle such  
712 pharmaceutical processors and cannabis dispensing facilities that have been found to be in compliance  
713 with regulations promulgated by the Board of Pharmacy that mirror or are more extensive in scope than  
714 similar regulations promulgated pursuant to this subtitle.

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

716 **§ 4.1-610. Financial interests of Board, employees, and family members prohibited.**

717 No Board member or employee of the Authority shall (i) be a principal stockholder or (ii) otherwise  
718 have any financial interest, direct or indirect, in any licensee subject to the provisions of this subtitle or  
719 in any entity that has submitted an application for a license under Chapter 8 (§ 4.1-800 et seq.). No  
720 Board member and no spouse or immediate family member of a Board member shall make any  
721 contribution to a candidate for office or officeholder at the local or state level or cause such a  
722 contribution to be made on his behalf.

723 **§ 4.1-614. Disposition of moneys collected by the Board.**

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

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

732 B. The net profits derived under the provisions of this subtitle shall be transferred by the Comptroller  
733 to the general fund of the state treasury quarterly, within 50 days after the close of each quarter or as  
734 otherwise provided in the appropriation act. As allowed by the Governor, the Board may deduct from  
735 the net profits quarterly a sum for the creation of a reserve fund not exceeding the sum of \$2.5 million

736 in connection with the administration of this subtitle and to provide for the depreciation on the  
737 buildings, plants, and equipment owned, held, or operated by the Board. After accounting for the  
738 Authority's expenses as provided in subsection A, net profits shall be appropriated in the general  
739 appropriation act as follows:

- 740 1. Forty percent to pre-kindergarten programs for at-risk three-year-olds and four-year-olds;
- 741 2. Thirty percent to the Cannabis Equity Reinvestment Fund established pursuant to § 2.2-2499.8;
- 742 3. Twenty-five percent to the Department of Behavioral Health and Developmental Services, which  
743 shall distribute such appropriated funds to community services boards for the purpose of administering  
744 substance use disorder prevention and treatment programs; and
- 745 4. Five percent to public health programs, including public awareness campaigns that are designed to  
746 prevent drugged driving, discourage consumption by persons younger than 21 years of age, and inform  
747 the public of other potential risks.

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

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

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

765 **§ 4.1-619. Certified mail; subsequent mail or notices may be sent by regular mail; electronic**  
766 **communications as alternative to regular mail; limitation.**

767 A. Whenever in this subtitle the Board is required to send any mail or notice by certified mail and  
768 such mail or notice is sent certified mail, return receipt requested, then any subsequent, identical mail or  
769 notice that is sent by the Board may be sent by regular mail.

770 B. Except as provided in subsection C, whenever in this subtitle the Board is required or permitted to  
771 send any mail, notice, or other official communication by regular mail to ~~persons licensed under Chapter~~  
772 ~~§ (§ 4.1-800 et seq.)~~ *a licensee*, upon the request of a licensee, the Board may instead send such mail,  
773 notice, or official communication by email, text message, or other electronic means to the email address,  
774 telephone number, or other contact information provided to the Board by the licensee, provided that the  
775 Board retains sufficient proof of the electronic delivery, which may be an electronic receipt of delivery  
776 or a certificate of service prepared by the Board confirming the electronic delivery.

777 C. No notice ~~required by § 4.1-903~~ to a licensee of a hearing that may result in the suspension or  
778 revocation of his license or the imposition of a civil penalty shall be sent by the Board by email, text  
779 message, or other electronic means, nor shall any decision by the Board to suspend or revoke a license  
780 or impose a civil penalty be sent by the Board by email, text message, or other electronic means.

781 **§ 4.1-629. Local referendum on prohibition of marijuana establishments.**

782 A. *The governing body of a locality may, by resolution, petition the circuit court for the locality for*  
783 *a referendum on the question of whether marijuana establishments should be prohibited in the locality.*

784 *Upon the filing of a petition, the circuit court shall order the election officials to conduct a*  
785 *referendum on the question on the date fixed in the order. The date set by the order shall comply with*  
786 *the provisions of § 24.2-682, but in no event shall such date be more than 90 days from the date the*  
787 *order is issued. The clerk of the circuit court shall publish notice of the referendum in a newspaper of*  
788 *general circulation in the locality once a week for three consecutive weeks prior to the referendum.*

789 *The question on the ballot shall be:*

790 *"Shall the operation of marijuana establishments be prohibited in \_\_\_\_\_ (name of county, city,*  
791 *or town)?"*

792 *The referendum shall be held and the results certified as provided in § 24.2-684. In addition to the*  
793 *certifications required by such section, the secretary of the local electoral board shall certify the results*  
794 *of the referendum to the Board of Directors of the Virginia Cannabis Control Authority and to the*  
795 *governing body of the locality.*

796 B. *If a majority of the qualified voters voting in such referendum vote "No" on the question of*

797 whether marijuana establishments shall be prohibited in the locality, marijuana establishments shall be  
 798 permitted to operate within the locality 60 days after the results are certified or on July 1, 2024,  
 799 whichever is later, and no subsequent referendum may be held pursuant to this section within such  
 800 locality.

801 If a majority of the qualified voters voting in such referendum vote "Yes" on the question of whether  
 802 marijuana establishments shall be prohibited in the locality, marijuana establishments shall be  
 803 prohibited in the locality effective January 1 of the year immediately following the referendum. A  
 804 referendum on the same question may be held subsequent to a vote to prohibit marijuana establishments  
 805 but not earlier than the fourth November following the date of the previous referendum. Any subsequent  
 806 referendum shall be held pursuant to the provisions of this section.

807 C. When any referendum is held pursuant to this section in a town, separate and apart from the  
 808 county in which such town or a part thereof is located, such town shall be treated as being separate  
 809 and apart from such county. When any referendum is held pursuant to this section in a county, any  
 810 town located within such county shall be treated as being separate and apart from such county.

811 D. The legality of any referendum held pursuant to this section shall be subject to the inquiry,  
 812 determination, and judgment of the circuit court that ordered the referendum. The court shall proceed  
 813 upon the complaint of 15 or more qualified voters of the county, city, or town, filed within 30 days after  
 814 the date the results of the referendum are certified and setting out fully the grounds of contest. The  
 815 complaint and the proceedings shall conform as nearly as practicable to the provisions of § 15.2-1654,  
 816 and the judgment of the court entered of record shall be a final determination of the legality of the  
 817 referendum.

818 E. Referendums held pursuant to this section shall not apply to or prohibit the licensure and  
 819 operation of a marijuana establishment by and on the premises of a pharmaceutical processor or  
 820 cannabis dispensing facility that has been issued a permit by the Board of Pharmacy pursuant to Article  
 821 4.2 (§ 54.1-3442.5 et seq.) of the Drug Control Act prior to January 1, 2023.

822 **§ 4.1-700. License requirement; background checks; expiration.**

823 A. The Board may grant the following licenses:

- 824 1. Marijuana cultivation facility license;
- 825 2. Marijuana manufacturing facility license;
- 826 3. Marijuana wholesale license; and
- 827 4. Retail marijuana store license.

828 B. No person shall operate a marijuana establishment or exercise the privileges of any license set  
 829 forth in subsection A without first obtaining a license from the Board.

830 C. Applications for a license shall be submitted on a form provided by the Board. The Board shall  
 831 require that all applications include the name and signature of the applicant's compliance officer. The  
 832 Board shall establish an application fee and any other requirements for such applications.

833 D. License applicants, including all material owners of any applicant, shall submit to fingerprinting  
 834 and provide personal descriptive information to be forwarded along with the fingerprints through the  
 835 Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining  
 836 criminal history record information. The cost of fingerprinting and the criminal history record search  
 837 shall be paid by the applicant. The Central Criminal Records Exchange shall forward the results of the  
 838 criminal history record search to the Board or its designee, which shall be a governmental entity.

839 E. Each license shall expire annually on a date determined by the Board.

840 F. All licenses shall be displayed in a conspicuous place on the licensed premises.

841 **§ 4.1-701. Exemptions from licensure.**

842 The licensure requirements set forth in § 4.1-700 shall not apply to (i) a pharmaceutical processor or  
 843 cannabis dispensing facility that has been issued a permit by the Board of Pharmacy pursuant to, and is  
 844 operating in accordance with, Article 4.2 (§ 54.1-3442.5 et seq.) of the Drug Control Act; (ii) a dealer,  
 845 grower, or processor of industrial hemp registered with the Commissioner of Agriculture and Consumer  
 846 Services pursuant to, and operating in accordance with, Chapter 41.1 (§ 3.2-4112 et seq.) of Title 3.2;  
 847 (iii) a manufacturer of industrial hemp extract or food containing an industrial hemp extract operating  
 848 in accordance with Article 5 (§ 3.2-5145.1 et seq.) of Chapter 51 of Title 3.2; or (iv) a person who  
 849 cultivates marijuana at home for personal use pursuant to § 4.1-1101. Nothing in this subtitle shall be  
 850 construed to (a) prevent such persons from obtaining a license pursuant to this subtitle, provided such  
 851 person satisfies applicable licensing requirements; (b) prevent a licensee from acquiring hemp products  
 852 from an industrial hemp processor in accordance with the provisions of Chapter 41.1 of Title 3.2; or (c)  
 853 prevent a cultivation, manufacturing, wholesale, or retail licensee from operating on the licensed  
 854 premises of a pharmaceutical processing facility in accordance with Article 4.2 of the Drug Control Act  
 855 or an industrial hemp processing facility in accordance with Chapter 41.1 of Title 3.2.

856 **§ 4.1-702. Dispensing requirements and limitations; records.**

857 A. A licensee shall dispense retail marijuana and retail marijuana products only in person and to  
 858 persons to whom retail marijuana and retail marijuana products may be lawfully sold.

859 *B. Prior to the dispensing of retail marijuana or retail marijuana products, the licensee shall require*  
 860 *the purchaser to present bona fide evidence of legal age indicating that the purchaser is 21 years of age*  
 861 *or older.*

862 *C. Licensees shall maintain, on site or remotely by electronic means, for two years a paper or*  
 863 *electronic copy of all transactions.*

864 *D. No licensee shall dispense more than one ounce of retail marijuana or an equivalent amount of*  
 865 *retail marijuana products, as determined by the Board, to a single purchaser per day.*

866 *E. A licensee may only sell and dispense retail marijuana and retail marijuana products that have*  
 867 *been registered by the Board.*

868 **§ 4.1-703. Employees; background checks; qualifications.**

869 *A. Licensees shall maintain criminal history record information for all employees and agents of the*  
 870 *licensee in accordance with Board regulations. Criminal history record checks of employees and agents*  
 871 *may be conducted by any service sufficient to disclose any federal and state criminal convictions.*

872 *B. No person who has been convicted of a felony under the laws of the Commonwealth or another*  
 873 *jurisdiction within the last five years shall be employed by or act as an agent of a licensee.*

874 *C. Licensees shall adopt policies for pre-employment drug screenings and regular, ongoing random*  
 875 *drug screening of all employees.*

876 *D. In addition to other employees authorized by the Board, a licensee may employ individuals who*  
 877 *have less than two years of relevant experience to (i) perform cultivation-related duties under the*  
 878 *supervision of an individual who has received a degree in a field related to the cultivation of plants or*  
 879 *a Board-recognized certification or who has at least two years of experience cultivating plants and (ii)*  
 880 *perform extraction-related duties under the supervision of an individual who has a degree in chemistry*  
 881 *or pharmacology or at least two years of experience extracting chemicals from plants.*

882 **§ 4.1-704. Compliance officers.**

883 *A. Every licensee that is authorized to cultivate, manufacture, or dispense retail marijuana or retail*  
 884 *marijuana products shall designate one or more compliance officers. Compliance officers shall (i)*  
 885 *personally supervise the licensee's cultivation, manufacturing, and dispensing areas, as applicable; (ii)*  
 886 *ensure that security measures are adequate to protect the retail marijuana or retail marijuana products*  
 887 *from diversion at all times; and (iii) determine the number of employees that can be safely and*  
 888 *competently supervised at one time. However, no compliance officer shall supervise more than six*  
 889 *persons performing the dispensing duties at one time.*

890 *B. The Board shall establish criteria for determining whether a person is qualified and fit to serve as*  
 891 *a compliance officer.*

892 *C. The Board shall direct all communications related to enforcement of requirements related to the*  
 893 *cultivation, manufacturing, and dispensing of retail marijuana and retail marijuana products by the*  
 894 *licensee to the licensee's compliance officer.*

895 **§ 4.1-1003. Marijuana tax; exceptions.**

896 *A. A tax of 21 percent is levied on the sale in the Commonwealth of any retail marijuana, retail*  
 897 *marijuana products, marijuana paraphernalia sold by a retail marijuana store, non-retail marijuana,*  
 898 *and non-retail marijuana products. The tax shall be in addition to any tax imposed under the Virginia*  
 899 *Retail Sales and Use Tax Act (§ 58.1-600 et seq.) or any other provision of federal, state, or local law.*

900 *B. The tax shall not apply to any sale:*

901 *1. From a marijuana establishment to another marijuana establishment.*

902 *2. Of cannabis oil for treatment under the provisions of § 54.1-3408.3 and Article 4.2 (§ 54.1-3442.5*  
 903 *et seq.) of the Drug Control Act.*

904 *3. Of industrial hemp by a grower, processor, or dealer under the provisions of Chapter 41.1*  
 905 *(§ 3.2-4112 et seq.) of Title 3.2.*

906 *4. Of a hemp product that is not a regulated hemp product.*

907 *C. All revenues remitted to the Authority under this section shall be disposed of as provided in*  
 908 *§ 4.1-614.*

909 **§ 4.1-1004. Optional local marijuana tax.**

910 *A. Any locality may by ordinance levy a three percent tax on any sale taxable under § 4.1-1003. The*  
 911 *tax shall be in addition to any local sales tax imposed under the Virginia Retail Sales and Use Tax Act*  
 912 *(§ 58.1-600 et seq.), any food and beverage tax imposed under Article 7.1 (§ 58.1-3833 et seq.) of*  
 913 *Chapter 38 of Title 58.1, and any excise tax imposed on meals under § 58.1-3840. Other than the taxes*  
 914 *authorized and identified in this subsection, a locality shall not impose any other tax on a sale taxable*  
 915 *under § 4.1-1003.*

916 *B. If a town imposes a tax under this section, any tax imposed by its surrounding county under this*  
 917 *section shall not apply within the limits of the town.*

918 *C. Nothing in this section shall be construed to prohibit a locality from imposing any tax authorized*  
 919 *by law on a person or property regulated under this subtitle. Nothing in this section shall be construed*

920 to limit the authority of any locality to impose a license or privilege tax or fee on a business engaged in  
 921 whole or in part in sales taxable under § 4.1-1003 if such tax or fee is (i) based on an annual or  
 922 per-event flat fee authorized by law or (ii) is an annual license or privilege tax authorized by law, and  
 923 such tax includes sales or receipts taxable under § 4.1-1003 in its taxable measure.

924 D. Any locality that enacts an ordinance pursuant to subsection A shall, within 30 days, notify the  
 925 Authority and any retail marijuana store in such locality of the ordinance's enactment. The ordinance  
 926 shall take effect on the first day of the second month following its enactment.

927 E. Any tax levied under this section shall be administered and collected by the Authority in the same  
 928 manner as provided for the tax imposed under § 4.1-1003.

929 F. All revenues remitted to the Authority under this section shall be disposed of as provided in  
 930 § 4.1-614.

931 **§ 4.1-1005. Tax returns and payments; commissions; interest.**

932 A. For any sale taxable under §§ 4.1-1003 and 4.1-1004, the seller shall be liable for collecting any  
 933 taxes due. All taxes collected by a seller shall be deemed to be held in trust for the Commonwealth. The  
 934 buyer shall not be liable for collecting or remitting the taxes or filing a return.

935 B. On or before the tenth day of each month, any person liable for a tax due under § 4.1-1003 or  
 936 4.1-1004 shall file a return under oath with the Authority and pay any taxes due. Upon written  
 937 application by a person filing a return, the Authority may, if it determines good cause exists, grant an  
 938 extension to the end of the calendar month in which the tax is due, or for a period not exceeding 30  
 939 days. Any extension shall toll the accrual of any interest or penalties under § 4.1-1007.

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

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

948 E. If any person liable for tax under §§ 4.1-1003 and 4.1-1004 sells out his business or stock of  
 949 goods or quits the business, such person shall make a final return and payment within 15 days after the  
 950 date of selling or quitting the business. Such person's successors or assigns, if any, shall withhold  
 951 sufficient of the purchase money to cover the amount of such taxes, interest, and penalties due and  
 952 unpaid until such former owner produces a receipt from the Authority showing payment or a certificate  
 953 stating that no taxes, penalties, or interest are due. If the buyer of a business or stock of goods fails to  
 954 withhold the purchase money as provided in this subsection, such buyer shall be liable for the payment  
 955 of the taxes, interest, and penalties due and unpaid on account of the operation of the business by any  
 956 former owner.

957 F. When any person fails to timely pay the full amount of tax due under § 4.1-1003 or 4.1-1004,  
 958 interest at a rate determined in accordance with § 58.1-15 shall accrue on the tax until it is paid. Any  
 959 taxes due under §§ 4.1-1003 and 4.1-1004 shall, if applicable, be subject to penalties as provided in  
 960 §§ 4.1-1206 and 4.1-1207.

961 **§ 4.1-1006. Bonds.**

962 The Authority may, when deemed necessary and advisable to do so in order to secure the collection  
 963 of the taxes levied under §§ 4.1-1003 and 4.1-1004, require any person subject to such tax to file a  
 964 bond, with such surety as it determines is necessary to secure the payment of any tax, penalty, or  
 965 interest due or that may become due from such person. In lieu of such bond, securities approved by the  
 966 Authority may be deposited with the State Treasurer, which securities shall be kept in the custody of the  
 967 State Treasurer, and shall be sold by the State Treasurer at the request of the Authority at public or  
 968 private sale if it becomes necessary to do so in order to recover any tax, interest, or penalty due the  
 969 Commonwealth. Upon any such sale, the surplus, if any, above the amounts due shall be returned to the  
 970 person who deposited the securities.

971 **§ 4.1-1007. Statute of limitations; civil remedies for collecting past-due taxes, interest, and**  
 972 **penalties; appeals.**

973 A. The taxes imposed under §§ 4.1-1003 and 4.1-1004 shall be assessed within three years from the  
 974 date on which such taxes became due and payable. In the case of a false or fraudulent return with  
 975 intent to defraud the Commonwealth, or a failure to file a return, the taxes may be assessed, or a  
 976 proceeding in court for the collection of such taxes may be begun without assessment, at any time  
 977 within six years from such date. The Authority shall not examine any person's records beyond the  
 978 three-year period of limitations unless it has reasonable evidence of fraud or reasonable cause to  
 979 believe that such person was required by law to file a return and failed to do so.

980 B. If any person fails to file a return as required by this section, or files a return that is false or  
 981 fraudulent, the Authority may make an estimate for the taxable period of the taxable sales of such



982 person and assess the tax, plus any applicable interest and penalties. The Authority shall give such  
 983 person 10 days' notice requiring such person to provide any records as it may require relating to the  
 984 business of such person for the taxable period. The Authority may require such person or the agents  
 985 and employees of such person to give testimony or to answer interrogatories under oath administered by  
 986 the Authority respecting taxable sales, the filing of the return, and any other relevant information. If any  
 987 person fails to file a required return, refuses to provide required records, or refuses to answer  
 988 interrogatories from the Authority, the Authority may make an estimated assessment based upon the  
 989 information available to it and issue a memorandum of lien under subsection C for the collection of any  
 990 taxes, interest, or penalties. The estimated assessment shall be deemed prima facie correct.

991 C. 1. If the Authority assesses taxes, interest, or penalties on a person and such person does not pay  
 992 within 30 days after the due date, taking into account any extensions granted by the Authority, the  
 993 Authority may file a memorandum of lien in the circuit court clerk's office of the county or city in which  
 994 the person's place of business is located or in which the person resides. If the person has no place of  
 995 business or residence within the Commonwealth, the memorandum may be filed in the Circuit Court of  
 996 the City of Richmond. A copy of the memorandum may also be filed in the clerk's office of all counties  
 997 and cities in which the person owns real estate. Such memorandum shall be recorded in the judgment  
 998 docket book and shall have the effect of a judgment in favor of the Commonwealth, to be enforced as  
 999 provided in Article 19 (§ 8.01-196 et seq.) of Chapter 3 of Title 8.01, except that a writ of fieri facias  
 1000 may issue at any time after the memorandum is filed. The lien on real estate shall become effective at  
 1001 the time the memorandum is filed in the jurisdiction in which the real estate is located. No  
 1002 memorandum of lien shall be filed unless the person is first given 10 or more days' prior notice of  
 1003 intent to file a lien; however, in those instances where the Authority determines that the collection of  
 1004 any tax, penalties, or interest required to be paid pursuant to law will be jeopardized by the provision  
 1005 of such notice, notification may be provided to the person concurrent with the filing of the memorandum  
 1006 of lien. Such notice shall be given to the person at his last known address.

1007 2. Recordation of a memorandum of lien under this subsection shall not affect a person's right to  
 1008 appeal under subsection D.

1009 3. If after filing a memorandum of lien the Authority determines that it is in the best interest of the  
 1010 Commonwealth, it may place padlocks on the doors of any business enterprise that is delinquent in  
 1011 filing or paying any tax owed to the Commonwealth. The Authority shall also post notices of distraint  
 1012 on each of the doors so padlocked. If, after three business days, the tax deficiency has not been satisfied  
 1013 or satisfactory arrangements for payment made, the Authority may cause a writ of fieri facias to be  
 1014 issued. It shall be a Class 1 misdemeanor for anyone to enter the padlocked premises without prior  
 1015 approval of the Authority. In the event that the person against whom the distraint has been applied  
 1016 subsequently appeals under subsection D, the person shall have the right to post bond equaling the  
 1017 amount of liability in lieu of payment until the appeal is resolved.

1018 4. A person may petition the Authority after a memorandum of lien has been filed under this  
 1019 subsection if the person alleges an error in the filing of the lien. The Authority shall make a  
 1020 determination on such petition within 14 days. If the Authority determines that the filing was erroneous,  
 1021 it shall issue a certificate of release of the lien within seven days after such determination is made.

1022 D. Any tax imposed under § 4.1-1003 or 4.1-1004, any interest imposed under this section, and any  
 1023 penalty imposed under § 4.1-1206 or 4.1-1207 shall be subject to appeal and review under the  
 1024 Administrative Process Act (§ 2.2-4000 et seq.). Such review shall extend to the entire evidential record  
 1025 of the proceedings provided by the Authority in accordance with the Administrative Process Act. An  
 1026 appeal shall lie to the Court of Appeals from any order of a circuit court. Notwithstanding § 8.01-676.1,  
 1027 the final judgment or order of a circuit court shall not be suspended, stayed, or modified by such circuit  
 1028 court pending appeal to the Court of Appeals. Neither mandamus nor injunction shall lie in any such  
 1029 case.

1030 **§ 4.1-1104. Persons to whom marijuana or marijuana products may not be sold; proof of legal**  
 1031 **age; penalties.**

1032 A. No person shall sell, give, or distribute any marijuana or marijuana products to any individual  
 1033 when at the time of such sale he knows or has reason to believe that the individual to whom the sale is  
 1034 made is (i) younger than 21 years of age or (ii) intoxicated. Any person convicted of a violation of this  
 1035 subsection is guilty of a Class 1 misdemeanor.

1036 B. It is unlawful for any person 21 years of age or older to sell or distribute, or possess with the  
 1037 intent to sell or distribute, marijuana paraphernalia to any person younger than 21 years of age. Any  
 1038 person who violates this subsection is guilty of a Class 1 misdemeanor.

1039 C. It is unlawful for any person 21 years of age or older to place in any newspaper, magazine,  
 1040 handbill, or other publication any advertisement, knowing or under circumstances where one reasonably  
 1041 should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of  
 1042 marijuana paraphernalia to persons younger than 21 years of age. Any person who violates this

1043 subsection is guilty of a Class 1 misdemeanor.

1044 D. Any person who sells marijuana or marijuana products to an individual who is younger than 21  
 1045 years of age and at the time of the sale does not require the individual to present bona fide evidence of  
 1046 legal age indicating that the individual is 21 years of age or older is guilty of a violation of this  
 1047 subsection. Bona fide evidence of legal age is limited to any evidence that is or reasonably appears to  
 1048 be an unexpired driver's license issued by any state of the United States or the District of Columbia,  
 1049 military identification card, United States passport or foreign government visa, unexpired special  
 1050 identification card issued by the Department of Motor Vehicles, or any other valid government-issued  
 1051 identification card bearing the individual's photograph, signature, height, weight, and date of birth, or  
 1052 which bears a photograph that reasonably appears to match the appearance of the purchaser. A student  
 1053 identification card shall not constitute bona fide evidence of legal age for purposes of this subsection.  
 1054 Any person convicted of a violation of this subsection is guilty of a Class 3 misdemeanor. The Board  
 1055 shall not take administrative action against a licensee for the conduct of his employee who violates this  
 1056 subsection.

1057 E. No person shall be convicted of both subsections A and D for the same sale.

1058 **§ 4.1-1105.1. Possession of marijuana or marijuana products unlawful in certain cases; venue;**  
 1059 **exceptions; penalties; treatment and education programs and services.**

1060 A. No person younger than 21 years of age shall consume or possess, or attempt to consume or  
 1061 possess, any marijuana or marijuana products, except by any federal, state, or local law-enforcement  
 1062 officer or his agent when possession of marijuana or marijuana products is necessary in the performance  
 1063 of his duties. Such person may be prosecuted either in the county or city in which the marijuana or  
 1064 marijuana products were possessed or consumed or in the county or city in which the person exhibits  
 1065 evidence of physical indicia of consumption of marijuana or marijuana products.

1066 B. Any person 18 years of age or older who violates subsection A is subject to a civil penalty of no  
 1067 more than \$25 and shall be ordered to enter a substance abuse treatment or education program or both,  
 1068 if available, that in the opinion of the court best suits the needs of the accused.

1069 C. Any juvenile who violates subsection A is subject to a civil penalty of no more than \$25 and the  
 1070 court shall require the accused to enter a substance abuse treatment or education program or both, if  
 1071 available, that in the opinion of the court best suits the needs of the accused. For purposes of  
 1072 §§ 16.1-266, 16.1-273, 16.1-278.8, 16.1-278.8:01, and 16.1-278.9, the court shall treat the child as  
 1073 delinquent.

1074 D. Any such substance abuse treatment or education program to which a person is ordered pursuant  
 1075 to this section shall be provided by (i) a program licensed by the Department of Behavioral Health and  
 1076 Developmental Services or (ii) a program or services made available through a community-based  
 1077 probation services agency established pursuant to Article 9 (§ 9.1-173 et seq.) of Chapter 1 of Title 9.1,  
 1078 if one has been established for the locality. When an offender is ordered to a local community-based  
 1079 probation services agency, the local community-based probation services agency shall be responsible for  
 1080 providing for services or referring the offender to education or treatment services as a condition of  
 1081 probation.

1082 E. No person younger than 21 years of age shall use or attempt to use any (i) altered, fictitious,  
 1083 facsimile, or simulated license to operate a motor vehicle; (ii) altered, fictitious, facsimile, or simulated  
 1084 document, including but not limited to a birth certificate or student identification card; or (iii) motor  
 1085 vehicle driver's license or other document issued under Chapter 3 (§ 46.2-300 et seq.) of Title 46.2 or  
 1086 the comparable law of another jurisdiction, birth certificate, or student identification card of another  
 1087 person in order to establish a false identification or false age for himself to consume, purchase, or  
 1088 attempt to consume or purchase retail marijuana or retail marijuana products. Any person convicted of  
 1089 a violation of this subsection is guilty of a Class 1 misdemeanor.

1090 F. Any civil penalties collected pursuant to this section shall be deposited into the Drug Offender  
 1091 Assessment and Treatment Fund established pursuant to § 18.2-251.02.

1092 **§ 4.1-1106. Purchasing retail marijuana or retail marijuana products for one to whom they may**  
 1093 **not be sold; penalties; forfeiture.**

1094 A. Any person who purchases retail marijuana or retail marijuana products for another person and  
 1095 at the time of such purchase knows or has reason to believe that the person for whom the retail  
 1096 marijuana or retail marijuana products were purchased was intoxicated is guilty of a Class 1  
 1097 misdemeanor.

1098 B. Any person who purchases for, or otherwise gives, provides, or assists in the provision of retail  
 1099 marijuana or retail marijuana products to, another person when he knows or has reason to know that  
 1100 such person is younger than 21 years of age, except by any federal, state, or local law-enforcement  
 1101 officer when possession of marijuana or marijuana products is necessary in the performance of his  
 1102 duties, is guilty of a Class 1 misdemeanor.

1103 C. Any marijuana or marijuana products purchased in violation of this section shall be deemed  
 1104 contraband and forfeited to the Commonwealth.

1105 **§ 4.1-1116. Illegal advertising; penalty; exception.**

1106 A. Except in accordance with this title and Board regulations, no person shall advertise in or send  
1107 any advertising matter into the Commonwealth about or concerning marijuana other than such that may  
1108 legally be manufactured or sold without a license.

1109 B. Marijuana cultivation facility licensees, marijuana manufacturing facility licensees, marijuana  
1110 wholesaler licensees, and retail marijuana store licensees may advertise retail marijuana or retail  
1111 marijuana products, provided that such advertising complies with Board regulations.

1112 C. Except as provided in subsection D, any person convicted of a violation of this section is guilty of  
1113 a Class 1 misdemeanor.

1114 D. For violations relating to distance and zoning restrictions on outdoor advertising, the Board shall  
1115 give the advertiser written notice to take corrective action to either bring the advertisement into  
1116 compliance with this subtitle and Board regulations or to remove such advertisement. If corrective  
1117 action is not taken within 30 days, the advertiser is guilty of a Class 4 misdemeanor.

1118 **§ 4.1-1122. Criminal immunity.**

1119 No person shall be subject to arrest or prosecution for the purchase, possession, cultivation,  
1120 manufacture, sale, or distribution of marijuana under Articles I (§ 18.2-247 et seq.) or 1.1  
1121 (§ 18.2-265.1 et seq.) of Chapter 7 of Title 18.2 if such person is engaging in activities permitted under  
1122 this subtitle and Board regulations.

1123 **§ 4.1-1200. Illegal cultivation, etc., of marijuana or marijuana products by licensees; penalty.**

1124 A. No licensee or any agent or employee of such licensee shall:

1125 1. Cultivate, manufacture, transport, sell, or test any retail marijuana or retail marijuana products of  
1126 a kind other than that which such license or this subtitle authorizes him to cultivate, manufacture,  
1127 transport, sell, or test;

1128 2. Sell retail marijuana or retail marijuana products to any person other than a person to whom  
1129 such license or this subtitle authorizes him to sell;

1130 3. Cultivate, manufacture, transport, sell, or test retail marijuana or retail marijuana products that  
1131 such license or this subtitle authorizes him to sell, but in any place or in any manner other than such  
1132 license or this subtitle authorizes him to cultivate, manufacture, transport, sell, or test;

1133 4. Cultivate, manufacture, transport, sell, or test any retail marijuana or retail marijuana products  
1134 when forbidden by this subtitle;

1135 5. Keep or allow to be kept, other than in his residence and for his personal use, any retail  
1136 marijuana or retail marijuana products other than that which he is authorized to cultivate, manufacture,  
1137 transport, sell, or test by such license or by this subtitle;

1138 6. Keep any retail marijuana or retail marijuana product other than in the container in which it was  
1139 purchased by him;

1140 7. Use or consume marijuana or marijuana products on the licensed premises; or

1141 8. Allow a person younger than 21 years of age to be employed by or volunteer for such licensee at  
1142 a retail marijuana store.

1143 B. Any person convicted of a violation of this section is guilty of a Class 1 misdemeanor.

1144 **§ 4.1-1202. Sale of or purchase for resale retail marijuana or retail marijuana products from a  
1145 person without a license; penalty.**

1146 A. No retail marijuana store licensee shall purchase for resale or sell any retail marijuana, retail  
1147 marijuana products, immature marijuana plants, or marijuana seeds purchased from anyone other than  
1148 a marijuana cultivation facility, marijuana manufacturing facility, or marijuana wholesaler licensee.

1149 B. Any person convicted of a violation of this section is guilty of a Class 1 misdemeanor.

1150 **§ 4.1-1206. Failure of licensee to pay tax or to deliver, keep, and preserve records and accounts or  
1151 to allow examination and inspection; penalty.**

1152 A. No licensee shall fail or refuse to (i) pay any tax provided for in § 4.1-1003 or 4.1-1004; (ii)  
1153 deliver, keep, and preserve such records, invoices, and accounts as are required by Board regulation; or  
1154 (iii) allow such records, invoices, and accounts or his place of business to be examined and inspected in  
1155 accordance with Board regulations. Any person convicted of a violation of this subsection is guilty of a  
1156 Class 1 misdemeanor.

1157 B. After reasonable notice to a licensee that failed to make a return or pay taxes due, the Authority  
1158 may suspend or revoke any license of such licensee that was issued by the Authority.

1159 **§ 4.1-1207. Nonpayment of marijuana tax; penalties.**

1160 A. No person shall make a sale taxable under § 4.1-1003 or 4.1-1004 without paying all applicable  
1161 taxes due under §§ 4.1-1003 and 4.1-1004. No retail marijuana store licensee shall purchase, receive,  
1162 transport, store, or sell any retail marijuana or retail marijuana products on which such retailer has  
1163 reason to know such tax has not been paid and may not be paid. Any person convicted of a violation of  
1164 this subsection is guilty of a Class 1 misdemeanor.

1165 B. Any person that fails to file a return required for a tax due under § 4.1-1003 or 4.1-1004 is

1166 subject to a civil penalty to be added to the tax in the amount of five percent of the proper tax due if  
1167 the failure is for not more than 30 days, with an additional five percent for each additional 30 days, or  
1168 fraction thereof, during which the failure continues. Such civil penalty shall not exceed 25 percent in the  
1169 aggregate.

1170 C. In the case of a false or fraudulent return, where willful intent exists to defraud the  
1171 Commonwealth of any tax due on retail marijuana or retail marijuana products, a civil penalty of 50  
1172 percent of the amount of the proper tax due shall be assessed. Such penalty shall be in addition to any  
1173 penalty imposed under subsection B. It shall be prima facie evidence of willful intent to defraud the  
1174 Commonwealth when any person reports its taxable sales to the Authority at 50 percent or less of the  
1175 actual amount.

1176 D. If any check tendered for any amount due under § 4.1-1003 or 4.1-1004 or this section is not  
1177 paid by the bank on which it is drawn, and the person that tendered the check fails to pay the Authority  
1178 the amount due within five days after the Authority gives it notice that such check was returned unpaid,  
1179 the person that tendered the check is guilty of a violation of § 18.2-182.1.

1180 E. All penalties shall be payable to the Authority and if not so paid shall be collectible in the same  
1181 manner as if they were a part of the tax imposed.

1182 **§ 4.1-1307. Punishment for violations of subtitle or regulations; bond.**

1183 A. Any person convicted of a misdemeanor under the provisions of this subtitle without specification  
1184 as to the class of offense or penalty, or convicted of violating any other provision thereof, or convicted  
1185 of violating any Board regulation is guilty of a Class 1 misdemeanor.

1186 B. In addition to the penalties imposed by this subtitle for violations, any court before whom any  
1187 person is convicted of a violation of any provision of this subtitle may require such defendant to execute  
1188 bond based upon his ability to pay, with approved security, in the penalty of not more than \$1,000, with  
1189 the condition that the defendant will not violate any of the provisions of this subtitle for the term of one  
1190 year. If any such bond is required and is not given, the defendant shall be committed to jail until it is  
1191 given, or until he is discharged by the court, provided that he shall not be confined for a period longer  
1192 than six months. If any such bond required by a court is not given during the term of the court by  
1193 which conviction is had, it may be given before any judge or before the clerk of such court.

1194 C. The provisions of this subtitle shall not prevent the Board from suspending, revoking, or refusing  
1195 to continue the license of any person convicted of a violation of any provision of this subtitle.

1196 D. No court shall hear such a case unless the respective attorney for the Commonwealth or his  
1197 assistant has been notified that such a case is pending.

1198 **§ 4.1-1400. Testing; registered products.**

1199 A. The Board shall require licensees, prior to selling or offering for sale any retail marijuana or  
1200 retail marijuana product, and persons, prior to selling or offering for sale any regulated hemp product,  
1201 to provide a sample from each batch for testing by an independent laboratory. In the case of retail  
1202 marijuana products and regulated hemp products, such testing shall be conducted after any  
1203 manufacturing of the product is complete.

1204 B. A valid sample size for testing shall be determined by the testing laboratory and may vary due to  
1205 sample matrix, analytical method, and laboratory-specific procedures. In the case of retail marijuana  
1206 products and regulated hemp products, no sample shall constitute less than 0.5 percent of the individual  
1207 units to be dispensed from each homogenized batch. In the case of retail marijuana, the Board may  
1208 limit testing to the following: cannabidiol, tetrahydrocannabinol, terpenes, pesticide chemical residue,  
1209 heavy metals, mycotoxins, moisture, and microbiological contaminants.

1210 C. Testing thresholds shall be consistent with generally accepted cannabis industry thresholds.  
1211 Licensees may remediate retail marijuana or retail marijuana products that fail any quality testing  
1212 standard except pesticides. Following remediation, all remediated retail marijuana or retail marijuana  
1213 products shall be subject to laboratory testing and approved upon satisfaction of applicable testing  
1214 standards, which shall be no more stringent than the initial testing conducted prior to remediation. If a  
1215 batch of retail marijuana fails a retest after remediation, it may be processed into a retail marijuana  
1216 product.

1217 D. The Board may require stability testing of retail marijuana, retail marijuana products, and  
1218 regulated hemp products. However, stability testing shall not be required for any retail marijuana or  
1219 retail marijuana products that have an expiration date of no more than six months from the date of  
1220 registration approval. Stability testing of retail marijuana or retail marijuana products with an  
1221 expiration date that is longer than six months shall be limited to microbial testing on a pass/fail basis  
1222 and potency testing with a 10 percent deviation allowance. The concentration of tetrahydrocannabinol in  
1223 any retail marijuana or retail marijuana product offered for sale may be up to 10 percent greater or  
1224 less than the level of tetrahydrocannabinol identified during testing and included on the label. Licensees  
1225 shall ensure that such tetrahydrocannabinol concentration is within such range. Licensees shall establish  
1226 a stability testing schedule for retail marijuana and retail marijuana products in accordance with Board  
1227 regulations.

1228 F. Any laboratory that tests samples shall (i) be registered with and approved by the Board; (ii) be  
 1229 located in the Commonwealth; (iii) have no ownership interest in a licensed marijuana establishment or  
 1230 a dealer, grower, manufacturer, or processor of industrial hemp, industrial hemp extract, or food  
 1231 containing an industrial hemp extract; (iv) hold a controlled substances registration certificate pursuant  
 1232 to § 54.1-3423; and (v) comply with quality and other standards established by Board regulation.

1233 G. The Board shall register all cannabis products that meet testing, labeling, and packaging  
 1234 standards.

1235 **§ 4.1-1401. Other health and safety requirements for edible marijuana products, edible hemp**  
 1236 **products, and other retail marijuana products deemed applicable by the Authority; regulations.**

1237 A. In addition to all other applicable provisions of this subtitle, edible marijuana products and other  
 1238 retail marijuana products deemed applicable by the Authority to be sold or offered for sale by a  
 1239 licensee to a consumer and edible hemp products deemed applicable by the Authority to be sold or  
 1240 offered for sale by a person in accordance with this subtitle:

1241 1. Shall be manufactured by an approved source, as determined by § 3.2-5145.8;

1242 2. Shall comply with the provisions of Chapter 51 (§ 3.2-5100 et seq.) of Title 3.2;

1243 3. Shall be manufactured in a manner that results in the cannabinoid content within the product  
 1244 being homogeneous throughout the product or throughout each element of the product that has a  
 1245 cannabinoid content;

1246 4. Shall be manufactured in a manner that results in the amount of marijuana concentrate or  
 1247 industrial hemp extract, as appropriate, within the product being homogeneous throughout the product  
 1248 or throughout each element of the product that contains marijuana concentrate or industrial hemp  
 1249 extract, as appropriate;

1250 5. Shall have a universal symbol stamped or embossed on the packaging of each product;

1251 6. Shall not contain more than 10 milligrams of tetrahydrocannabinol per serving of the product and  
 1252 shall not contain more than 100 milligrams of THC per package of the product, except for edible hemp  
 1253 products, which shall not exceed the maximum tetrahydrocannabinol level established for a regulated  
 1254 hemp product pursuant to § 4.1-606;

1255 7. Shall not contain additives that (i) are toxic or harmful to human beings, (ii) are specifically  
 1256 designed to make the product more addictive, (iii) contain alcohol or nicotine, (iv) are misleading to  
 1257 consumers, or (v) are specifically designed to make the product appeal particularly to persons younger  
 1258 than 21 years of age; and

1259 8. Shall not involve the addition of marijuana to a trademarked food or drink product, except when  
 1260 the trademarked product is used as a component of or ingredient in the edible marijuana product and  
 1261 the edible marijuana product is not advertised or described for sale as containing the trademarked  
 1262 product.

1263 B. The Board shall adopt any additional labeling, packaging, or other health and safety regulations  
 1264 that it deems necessary for retail marijuana and retail marijuana products to be sold or offered for sale  
 1265 by a licensee to a consumer in accordance with this subtitle or regulated hemp products to be sold or  
 1266 offered for sale by a person in accordance with this subtitle. Regulations adopted pursuant to this  
 1267 subsection shall establish mandatory health and safety standards applicable to the cultivation of retail  
 1268 marijuana, the manufacture of retail marijuana products, the processing of regulated hemp products, the  
 1269 packaging and labeling of retail marijuana and retail marijuana products sold by a licensee to a  
 1270 consumer, and the packaging and labeling of regulated hemp products sold by a person to any other  
 1271 person. Such regulations shall address:

1272 1. Requirements for the storage, warehousing, and transportation of retail marijuana and retail  
 1273 marijuana products by licensees;

1274 2. Sanitary standards for marijuana and hemp establishments, including sanitary standards for the  
 1275 manufacture of retail marijuana, retail marijuana products, and regulated hemp products; and

1276 3. Limitations on the display of retail marijuana, retail marijuana products, and regulated hemp  
 1277 products at retail stores.

1278 **§ 4.1-1402. Regulated hemp products; violations; penalties.**

1279 For any violation of a requirement of this chapter or Chapter 6, or of any regulation promulgated  
 1280 thereunder, pertaining to a regulated hemp product, the Authority may assess a penalty not to exceed (i)  
 1281 \$100 for a first violation, (ii) \$200 for a second violation, and (iii) \$500 for a third or subsequent  
 1282 violation. All penalties collected by the Authority pursuant to this section shall be deposited in the state  
 1283 treasury.

1284 **§ 4.1-1403. Hemp product not retail marijuana or retail marijuana product.**

1285 A regulated hemp product that is tested, labeled, packaged, and advertised in accordance with the  
 1286 provisions pertaining to a regulated hemp product in this subtitle or Board regulations shall not be  
 1287 subject to the requirements in this subtitle or Board regulations that pertain only to retail marijuana or  
 1288 retail marijuana products.

## CHAPTER 15.

## VIRGINIA CANNABIS EQUITY BUSINESS LOAN PROGRAM AND FUND.

1289

1290

1291 **§ 4.1-1500. Definitions.**

1292 As used in this chapter, unless the context requires a different meaning:

1293 "CDFI" means a community development financial institution that provides credit and financial  
1294 services for underserved communities.

1295 "Fund" means the Virginia Cannabis Equity Business Loan Fund established in § 4.1-1501.

1296 "Funding" means loans made from the Fund.

1297 "Program" means the Virginia Cannabis Equity Business Loan Program established in § 4.1-1502.

1298 "Social equity qualified *Qualified* cannabis licensee" means a person or business who *that* meets the  
1299 criteria in *subdivision B 13* of § 4.1-606 to qualify as a social equity applicant and who either holds or  
1300 is in the final stages of acquiring, as determined by the Board, a license to operate a marijuana  
1301 establishment.1302 **§ 4.1-1501. Virginia Cannabis Business Loan Fund.**1303 There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia  
1304 Cannabis Equity Business Loan Fund; referred to in this section as "the Fund." The Fund shall be  
1305 established on the books of the Comptroller. All funds appropriated for such purpose and any gifts,  
1306 donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury  
1307 and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be  
1308 credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal  
1309 year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used  
1310 solely for the purposes of providing low-interest and zero-interest loans to social equity qualified  
1311 cannabis licensees in order to foster business ownership and economic growth within *historically*  
1312 *economically disadvantaged* communities that have been the most disproportionately impacted by the  
1313 former prohibition of cannabis. Expenditures and disbursements from the Fund shall be made by the  
1314 State Treasurer on warrants issued by the Comptroller upon written request signed by the Chief  
1315 Executive Officer of the Authority.1316 **§ 4.1-1502. Selection of CDFI; Program requirements; guidelines for management of the Fund.**1317 A. The Authority shall establish a *the Virginia Cannabis Business Loan* Program to provide loans to  
1318 qualified social equity cannabis licensees for the purpose of promoting business ownership and economic  
1319 growth by *in historically economically disadvantaged* communities that have been disproportionately  
1320 impacted by the prohibition of cannabis. The Authority shall select and work in collaboration with a  
1321 CDFI to assist in administering the Program and carrying out the purposes of the Fund. The CDFI  
1322 selected by the Authority shall have (i) a statewide presence in Virginia, (ii) experience in business  
1323 lending, (iii) a proven track record of working with *historically economically disadvantaged*  
1324 communities, and (iv) the capability to dedicate sufficient staff to manage the Program. Working with  
1325 the selected CDFI, the Authority shall establish monitoring and accountability mechanisms for businesses  
1326 receiving funding and shall report annually the number of businesses funded; the geographic distribution  
1327 of the businesses; the costs of the Program; and the outcomes, including the number and types of jobs  
1328 created.

1329 B. The Program shall:

- 1330 1. Identify social equity qualified cannabis licensees who are in need of capital for the start-up of a
- 
- 1331 cannabis business properly licensed pursuant to the provisions of this subtitle;
- 
- 1332 2. Provide loans for the purposes described in subsection A;
- 
- 1333 3. Provide technical assistance; and
- 
- 1334 4. Bring together community partners to sustain the Program.

1335 **§ 6.2-108. Financial services for licensed marijuana establishments.**1336 A. As used in this section, "licensed" and "marijuana establishment" have the same meaning as  
1337 provided in § 4.1-600.1338 B. A bank or credit union that provides a financial service to a licensed marijuana establishment,  
1339 and the officers, directors, and employees of that bank or credit union, shall not be held liable pursuant  
1340 to any state law or regulation solely for providing such a financial service or for further investing any  
1341 income derived from such a financial service.1342 C. Nothing in this section shall require a bank or credit union to provide financial services to a  
1343 licensed marijuana establishment.1344 **§ 18.2-247. Use of terms "controlled substances," "marijuana," "Schedules I, II, III, IV, V, and  
1345 VI," "imitation controlled substance" and "counterfeit controlled substance" in Title 18.2.**1346 A. Wherever the terms "controlled substances" and "Schedules I, II, III, IV, V, and VI" are used in  
1347 Title 18.2, such terms refer to those terms as they are used or defined in the Drug Control Act  
1348 (§ 54.1-3400 et seq.).1349 B. The term "imitation controlled substance" when used in this article means (i) a counterfeit  
1350 controlled substance or (ii) a pill, capsule, tablet, or substance in any form whatsoever which is not a

1351 controlled substance subject to abuse, and:

1352 1. Which by overall dosage unit appearance, including color, shape, size, marking and packaging or  
 1353 by representations made, would cause the likelihood that such a pill, capsule, tablet, or substance in any  
 1354 other form whatsoever will be mistaken for a controlled substance unless such substance was introduced  
 1355 into commerce prior to the initial introduction into commerce of the controlled substance which it is  
 1356 alleged to imitate; or

1357 2. Which by express or implied representations purports to act like a controlled substance as a  
 1358 stimulant or depressant of the central nervous system and which is not commonly used or recognized for  
 1359 use in that particular formulation for any purpose other than for such stimulant or depressant effect,  
 1360 unless marketed, promoted, or sold as permitted by the U.S. Food and Drug Administration.

1361 C. In determining whether a pill, capsule, tablet, or substance in any other form whatsoever, is an  
 1362 "imitation controlled substance," there shall be considered, in addition to all other relevant factors,  
 1363 comparisons with accepted methods of marketing for legitimate nonprescription drugs for medicinal  
 1364 purposes rather than for drug abuse or any similar nonmedicinal use, including consideration of the  
 1365 packaging of the drug and its appearance in overall finished dosage form, promotional materials or  
 1366 representations, oral or written, concerning the drug, and the methods of distribution of the drug and  
 1367 where and how it is sold to the public.

1368 D. The term "marijuana" when used in this article means any part of a plant of the genus Cannabis,  
 1369 whether growing or not, its seeds or resin; and every compound, manufacture, salt, derivative, mixture,  
 1370 or preparation of such plant, its seeds, its resin, or any extract containing one or more cannabinoids.  
 1371 "Marijuana" does not include (i) the mature stalks of such plant, fiber produced from such stalk, oil or  
 1372 cake made from the seed of such plant, unless such stalks, fiber, oil or cake is combined with other  
 1373 parts of plants of the genus Cannabis. ~~Marijuana does not include (i);~~ (ii) industrial hemp, as defined in  
 1374 § 3.2-4112, that is possessed by a person registered pursuant to subsection A of § 3.2-4115 or his agent;  
 1375 ~~(ii)~~ (iii) industrial hemp, as defined in § 3.2-4112, that is possessed by a person who holds a hemp  
 1376 producer license issued by the U.S. Department of Agriculture pursuant to 7 C.F.R. Part 990; ~~or (iii)~~ (iv)  
 1377 a hemp product, as defined in § 3.2-4112, *other than a regulated hemp product*, containing a  
 1378 tetrahydrocannabinol concentration of no greater than 0.3 percent that is derived from industrial hemp,  
 1379 as defined in § 3.2-4112, that is grown, dealt, or processed in compliance with state or federal law; *or*  
 1380 (v) *a regulated hemp product that does not exceed the maximum tetrahydrocannabinol concentration*  
 1381 *established pursuant to § 4.1-606 and that is derived from industrial hemp, as defined in § 3.2-4112,*  
 1382 *that is grown, dealt, or processed in compliance with state or federal law.*

1383 E. The term "counterfeit controlled substance" means a controlled substance that, without  
 1384 authorization, bears, is packaged in a container or wrapper that bears, or is otherwise labeled to bear, the  
 1385 trademark, trade name, or other identifying mark, imprint or device or any likeness thereof, of a drug  
 1386 manufacturer, processor, packer, or distributor other than the manufacturer, processor, packer, or  
 1387 distributor who did in fact so manufacture, process, pack or distribute such drug.

1388 F. The Department of Forensic Science shall determine the proper methods for detecting the  
 1389 concentration of ~~delta-9-tetrahydrocannabinol~~ tetrahydrocannabinol (THC) in substances for the purposes  
 1390 of this title, *Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1*, and §§ 54.1-3401 and 54.1-3446. The testing  
 1391 methodology shall use post-decarboxylation testing or other equivalent method and shall consider the  
 1392 potential conversion of ~~delta-9-tetrahydrocannabinol~~ tetrahydrocannabinolic acid (THC-A) into THC. The  
 1393 test result shall include the total available THC derived from the sum of the THC and THC-A content.

1394 **§ 54.1-3401. Definitions.**

1395 As used in this chapter, unless the context requires a different meaning:

1396 "Administer" means the direct application of a controlled substance, whether by injection, inhalation,  
 1397 ingestion, or any other means, to the body of a patient or research subject by (i) a practitioner or by his  
 1398 authorized agent and under his direction or (ii) the patient or research subject at the direction and in the  
 1399 presence of the practitioner.

1400 "Advertisement" means all representations disseminated in any manner or by any means, other than  
 1401 by labeling, for the purpose of inducing, or which are likely to induce, directly or indirectly, the  
 1402 purchase of drugs or devices.

1403 "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer,  
 1404 distributor, or dispenser. It does not include a common or contract carrier, public warehouseman, or  
 1405 employee of the carrier or warehouseman.

1406 "Anabolic steroid" means any drug or hormonal substance, chemically and pharmacologically related  
 1407 to testosterone, other than estrogens, progestins, corticosteroids, and dehydroepiandrosterone.

1408 "Animal" means any nonhuman animate being endowed with the power of voluntary action.

1409 "Automated drug dispensing system" means a mechanical or electronic system that performs  
 1410 operations or activities, other than compounding or administration, relating to pharmacy services,  
 1411 including the storage, dispensing, or distribution of drugs and the collection, control, and maintenance of

- 1412 all transaction information, to provide security and accountability for such drugs.
- 1413 "Biological product" means a virus, therapeutic serum, toxin, antitoxin, vaccine, blood, blood  
1414 component or derivative, allergenic product, protein other than a chemically synthesized polypeptide, or  
1415 analogous product, or arsphenamine or any derivative of arsphenamine or any other trivalent organic  
1416 arsenic compound, applicable to the prevention, treatment, or cure of a disease or condition of human  
1417 beings.
- 1418 "Biosimilar" means a biological product that is highly similar to a specific reference biological  
1419 product, notwithstanding minor differences in clinically inactive compounds, such that there are no  
1420 clinically meaningful differences between the reference biological product and the biological product that  
1421 has been licensed as a biosimilar pursuant to 42 U.S.C. § 262(k) in terms of safety, purity, and potency  
1422 of the product.
- 1423 "Board" means the Board of Pharmacy.
- 1424 "Bulk drug substance" means any substance that is represented for use, and that, when used in the  
1425 compounding, manufacturing, processing, or packaging of a drug, becomes an active ingredient or a  
1426 finished dosage form of the drug; however, "bulk drug substance" shall not include intermediates that  
1427 are used in the synthesis of such substances.
- 1428 "Change of ownership" of an existing entity permitted, registered, or licensed by the Board means (i)  
1429 the sale or transfer of all or substantially all of the assets of the entity or of any corporation that owns  
1430 or controls the entity; (ii) the creation of a partnership by a sole proprietor, the dissolution of a  
1431 partnership, or change in partnership composition; (iii) the acquisition or disposal of 50 percent or more  
1432 of the outstanding shares of voting stock of a corporation owning the entity or of the parent corporation  
1433 of a wholly owned subsidiary owning the entity, except that this shall not apply to any corporation the  
1434 voting stock of which is actively traded on any securities exchange or in any over-the-counter market;  
1435 (iv) the merger of a corporation owning the entity or of the parent corporation of a wholly-owned  
1436 subsidiary owning the entity with another business or corporation; or (v) the expiration or forfeiture of a  
1437 corporation's charter.
- 1438 "Co-licensed partner" means a person who, with at least one other person, has the right to engage in  
1439 the manufacturing or marketing of a prescription drug, consistent with state and federal law.
- 1440 "Compounding" means the combining of two or more ingredients to fabricate such ingredients into a  
1441 single preparation and includes the mixing, assembling, packaging, or labeling of a drug or device (i) by  
1442 a pharmacist, or within a permitted pharmacy, pursuant to a valid prescription issued for a medicinal or  
1443 therapeutic purpose in the context of a bona fide practitioner-patient-pharmacist relationship, or in  
1444 expectation of receiving a valid prescription based on observed historical patterns of prescribing and  
1445 dispensing; (ii) by a practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine as  
1446 an incident to his administering or dispensing, if authorized to dispense, a controlled substance in the  
1447 course of his professional practice; or (iii) for the purpose of, or as incident to, research, teaching, or  
1448 chemical analysis and not for sale or for dispensing. The mixing, diluting, or reconstituting of a  
1449 manufacturer's product drugs for the purpose of administration to a patient, when performed by a  
1450 practitioner of medicine or osteopathy licensed under Chapter 29 (§ 54.1-2900 et seq.), a person  
1451 supervised by such practitioner pursuant to subdivision A 6 or 19 of § 54.1-2901, or a person  
1452 supervised by such practitioner or a licensed nurse practitioner or physician assistant pursuant to  
1453 subdivision A 4 of § 54.1-2901 shall not be considered compounding.
- 1454 "Controlled substance" means a drug, substance, or immediate precursor in Schedules I through VI of  
1455 this chapter. The term shall not include distilled spirits, wine, malt beverages, or tobacco as those terms  
1456 are defined or used in Title 3.2 or Title 4.1. The term "controlled substance" includes a controlled  
1457 substance analog that has been placed into Schedule I or II by the Board pursuant to the regulatory  
1458 authority in subsection D of § 54.1-3443.
- 1459 "Controlled substance analog" means a substance the chemical structure of which is substantially  
1460 similar to the chemical structure of a controlled substance in Schedule I or II and either (i) which has a  
1461 stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar  
1462 to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a  
1463 controlled substance in Schedule I or II or (ii) with respect to a particular person, which such person  
1464 represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous  
1465 system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect  
1466 on the central nervous system of a controlled substance in Schedule I or II. "Controlled substance  
1467 analog" does not include (a) any substance for which there is an approved new drug application as  
1468 defined under § 505 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. § 355) or that is generally  
1469 recognized as safe and effective pursuant to §§ 501, 502, and 503 of the federal Food, Drug, and  
1470 Cosmetic Act (21 U.S.C. §§ 351, 352, and 353) and 21 C.F.R. Part 330; (b) with respect to a particular  
1471 person, any substance for which an exemption is in effect for investigational use for that person under  
1472 § 505 of the federal Food, Drug, and Cosmetic Act to the extent that the conduct with respect to that  
1473 substance is pursuant to such exemption; or (c) any substance to the extent not intended for human



- 1474 consumption before such an exemption takes effect with respect to that substance.
- 1475 "DEA" means the Drug Enforcement Administration, U.S. Department of Justice, or its successor  
1476 agency.
- 1477 "Deliver" or "delivery" means the actual, constructive, or attempted transfer of any item regulated by  
1478 this chapter, whether or not there exists an agency relationship, including delivery of a Schedule VI  
1479 prescription device to an ultimate user or consumer on behalf of a medical equipment supplier by a  
1480 manufacturer, nonresident manufacturer, wholesale distributor, nonresident wholesale distributor,  
1481 warehouse, nonresident warehouse, third-party logistics provider, or nonresident third-party logistics  
1482 provider at the direction of a medical equipment supplier in accordance with § 54.1-3415.1.
- 1483 "Device" means instruments, apparatus, and contrivances, including their components, parts, and  
1484 accessories, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in  
1485 man or animals or to affect the structure or any function of the body of man or animals.
- 1486 "Dialysis care technician" or "dialysis patient care technician" means an individual who is certified  
1487 by an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§  
1488 54.1-2729.1 et seq.) and who, under the supervision of a licensed physician, nurse practitioner, physician  
1489 assistant, or a registered nurse, assists in the care of patients undergoing renal dialysis treatments in a  
1490 Medicare-certified renal dialysis facility.
- 1491 "Dialysis solution" means either the commercially available, unopened, sterile solutions whose  
1492 purpose is to be instilled into the peritoneal cavity during the medical procedure known as peritoneal  
1493 dialysis, or commercially available solutions whose purpose is to be used in the performance of  
1494 hemodialysis not to include any solutions administered to the patient intravenously.
- 1495 "Dispense" means to deliver a drug to an ultimate user or research subject by or pursuant to the  
1496 lawful order of a practitioner, including the prescribing and administering, packaging, labeling, or  
1497 compounding necessary to prepare the substance for that delivery. However, dispensing shall not include  
1498 the transportation of drugs mixed, diluted, or reconstituted in accordance with this chapter to other sites  
1499 operated by such practitioner or that practitioner's medical practice for the purpose of administration  
1500 of such drugs to patients of the practitioner or that practitioner's medical practice at such other sites. For  
1501 practitioners of medicine or osteopathy, "dispense" shall only include the provision of drugs by a  
1502 practitioner to patients to take with them away from the practitioner's place of practice.
- 1503 "Dispenser" means a practitioner who dispenses.
- 1504 "Distribute" means to deliver other than by administering or dispensing a controlled substance.
- 1505 "Distributor" means a person who distributes.
- 1506 "Drug" means (i) articles or substances recognized in the official United States Pharmacopoeia  
1507 National Formulary or official Homeopathic Pharmacopoeia of the United States, or any supplement to  
1508 any of them; (ii) articles or substances intended for use in the diagnosis, cure, mitigation, treatment, or  
1509 prevention of disease in man or animals; (iii) articles or substances, other than food, intended to affect  
1510 the structure or any function of the body of man or animals; (iv) articles or substances intended for use  
1511 as a component of any article specified in clause (i), (ii), or (iii); or (v) a biological product. "Drug"  
1512 does not include devices or their components, parts, or accessories.
- 1513 "Drug product" means a specific drug in dosage form from a known source of manufacture, whether  
1514 by brand or therapeutically equivalent drug product name.
- 1515 "Electronic prescription" means a written prescription that is generated on an electronic application  
1516 and is transmitted to a pharmacy as an electronic data file; Schedule II through V prescriptions shall be  
1517 transmitted in accordance with 21 C.F.R. Part 1300.
- 1518 "Facsimile (FAX) prescription" means a written prescription or order that is transmitted by an  
1519 electronic device over telephone lines that sends the exact image to the receiving pharmacy in hard copy  
1520 form.
- 1521 "FDA" means the U.S. Food and Drug Administration.
- 1522 "Immediate precursor" means a substance which the Board of Pharmacy has found to be and by  
1523 regulation designates as being the principal compound commonly used or produced primarily for use,  
1524 and which is an immediate chemical intermediary used or likely to be used in the manufacture of a  
1525 controlled substance, the control of which is necessary to prevent, curtail, or limit manufacture.
- 1526 "Interchangeable" means a biosimilar that meets safety standards for determining interchangeability  
1527 pursuant to 42 U.S.C. § 262(k)(4).
- 1528 "Label" means a display of written, printed, or graphic matter upon the immediate container of any  
1529 article. A requirement made by or under authority of this chapter that any word, statement, or other  
1530 information appear on the label shall not be considered to be complied with unless such word,  
1531 statement, or other information also appears on the outside container or wrapper, if any, of the retail  
1532 package of such article or is easily legible through the outside container or wrapper.
- 1533 "Labeling" means all labels and other written, printed, or graphic matter on an article or any of its  
1534 containers or wrappers, or accompanying such article.

1535 "Manufacture" means the production, preparation, propagation, conversion, or processing of any item  
1536 regulated by this chapter, either directly or indirectly by extraction from substances of natural origin, or  
1537 independently by means of chemical synthesis, or by a combination of extraction and chemical  
1538 synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its  
1539 container. This term does not include compounding.

1540 "Manufacturer" means every person who manufactures, a manufacturer's co-licensed partner, or a  
1541 repackager.

1542 "Marijuana" means any part of a plant of the genus *Cannabis* whether growing or not, its seeds, or  
1543 its resin; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its  
1544 seeds, its resin, or any extract containing one or more cannabinoids. Marijuana does not include (i) the  
1545 mature stalks of such plant, fiber produced from such stalk, or oil or cake made from the seeds of such  
1546 plant, unless such stalks, fiber, oil, or cake is combined with other parts of plants of the genus *Cannabis*;  
1547 ~~Marijuana does not include~~ (i); (ii) industrial hemp, as defined in § 3.2-4112, *other than a regulated*  
1548 *hemp product*, that is possessed by a person registered pursuant to subsection A of § 3.2-4115 or his  
1549 agent; (iii); (iii) industrial hemp, as defined in § 3.2-4112, that is possessed by a person who holds a  
1550 hemp producer license issued by the U.S. Department of Agriculture pursuant to 7 C.F.R. Part 990, or  
1551 (iii); (iv) a hemp product, as defined in § 3.2-4112, containing a tetrahydrocannabinol concentration of  
1552 no greater than 0.3 percent that is derived from industrial hemp, as defined in § 3.2-4112, that is grown,  
1553 dealt, or processed in compliance with state or federal law; or (v) *a regulated hemp product that does*  
1554 *not exceed the maximum tetrahydrocannabinol concentration established pursuant to § 4.1-606 and that*  
1555 *is derived from industrial hemp, as defined in § 3.2-4112, that is grown, dealt, or processed in*  
1556 *compliance with state or federal law.*

1557 "Medical equipment supplier" means any person, as defined in §1-230, engaged in the delivery to  
1558 the ultimate consumer, pursuant to the lawful order of a practitioner, of hypodermic syringes and  
1559 needles, medicinal oxygen, Schedule VI controlled devices, those Schedule VI controlled substances with  
1560 no medicinal properties that are used for the operation and cleaning of medical equipment, solutions for  
1561 peritoneal dialysis, and sterile water or saline for irrigation.

1562 "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction  
1563 from substances of vegetable origin, or independently by means of chemical synthesis, or by a  
1564 combination of extraction and chemical synthesis: (i) opium, opiates, and any salt, compound, derivative,  
1565 or preparation of opium or opiates; (ii) any salt, compound, isomer, derivative, or preparation thereof  
1566 which is chemically equivalent or identical with any of the substances referred to in clause (i), but not  
1567 including the isoquinoline alkaloids of opium; (iii) opium poppy and poppy straw; (iv) coca leaves and  
1568 any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, isomer,  
1569 derivative, or preparation thereof which is chemically equivalent or identical with any of these  
1570 substances, but not including decocainized coca leaves or extraction of coca leaves which do not contain  
1571 cocaine or ecgonine.

1572 "New drug" means (i) any drug, except a new animal drug or an animal feed bearing or containing a  
1573 new animal drug, the composition of which is such that such drug is not generally recognized, among  
1574 experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs,  
1575 as safe and effective for use under the conditions prescribed, recommended, or suggested in the labeling,  
1576 except that such a drug not so recognized shall not be deemed to be a "new drug" if at any time prior  
1577 to the enactment of this chapter it was subject to the Food and Drugs Act of June 30, 1906, as  
1578 amended, and if at such time its labeling contained the same representations concerning the conditions  
1579 of its use, or (ii) any drug, except a new animal drug or an animal feed bearing or containing a new  
1580 animal drug, the composition of which is such that such drug, as a result of investigations to determine  
1581 its safety and effectiveness for use under such conditions, has become so recognized, but which has not,  
1582 otherwise than in such investigations, been used to a material extent or for a material time under such  
1583 conditions.

1584 "Nuclear medicine technologist" means an individual who holds a current certification with the  
1585 American Registry of Radiological Technologists or the Nuclear Medicine Technology Certification  
1586 Board.

1587 "Official compendium" means the official United States Pharmacopoeia National Formulary, official  
1588 Homeopathic Pharmacopoeia of the United States, or any supplement to any of them.

1589 "Official written order" means an order written on a form provided for that purpose by the U.S. Drug  
1590 Enforcement Administration, under any laws of the United States making provision therefor, if such  
1591 order forms are authorized and required by federal law, and if no such order form is provided then on  
1592 an official form provided for that purpose by the Board of Pharmacy.

1593 "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to  
1594 morphine or being capable of conversion into a drug having such addiction-forming or  
1595 addiction-sustaining liability. It does not include, unless specifically designated as controlled under  
1596 Article 4 (§ 54.1-3437 et seq.), the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts

- 1597 (dextromethorphan). It does include its racemic and levorotatory forms.
- 1598 "Opium poppy" means the plant of the species *Papaver somniferum* L., except the seeds thereof.
- 1599 "Original package" means the unbroken container or wrapping in which any drug or medicine is  
1600 enclosed together with label and labeling, put up by or for the manufacturer, wholesaler, or distributor  
1601 for use in the delivery or display of such article.
- 1602 "Outsourcing facility" means a facility that is engaged in the compounding of sterile drugs and is  
1603 currently registered as an outsourcing facility with the U.S. Secretary of Health and Human Services and  
1604 that complies with all applicable requirements of federal and state law, including the Federal Food,  
1605 Drug, and Cosmetic Act.
- 1606 "Person" means both the plural and singular, as the case demands, and includes an individual,  
1607 partnership, corporation, association, governmental agency, trust, or other institution or entity.
- 1608 "Pharmacist-in-charge" means the person who, being licensed as a pharmacist, signs the application  
1609 for a pharmacy permit and assumes full legal responsibility for the operation of the relevant pharmacy in  
1610 a manner complying with the laws and regulations for the practice of pharmacy and the sale and  
1611 dispensing of controlled substances; the "pharmacist-in-charge" shall personally supervise the pharmacy  
1612 and the pharmacy's personnel as required by § 54.1-3432.
- 1613 "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.
- 1614 "Practitioner" means a physician, dentist, licensed nurse practitioner pursuant to § 54.1-2957.01,  
1615 licensed physician assistant pursuant to § 54.1-2952.1, pharmacist pursuant to § 54.1-3300, TPA-certified  
1616 optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32, veterinarian, scientific investigator,  
1617 or other person licensed, registered, or otherwise permitted to distribute, dispense, prescribe and  
1618 administer, or conduct research with respect to a controlled substance in the course of professional  
1619 practice or research in the Commonwealth.
- 1620 "Prescriber" means a practitioner who is authorized pursuant to §§ 54.1-3303 and 54.1-3408 to issue  
1621 a prescription.
- 1622 "Prescription" means an order for drugs or medical supplies, written or signed or transmitted by word  
1623 of mouth, telephone, telegraph, or other means of communication to a pharmacist by a duly licensed  
1624 physician, dentist, veterinarian, or other practitioner authorized by law to prescribe and administer such  
1625 drugs or medical supplies.
- 1626 "Prescription drug" means any drug required by federal law or regulation to be dispensed only  
1627 pursuant to a prescription, including finished dosage forms and active ingredients subject to § 503(b) of  
1628 the Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 353(b)).
- 1629 "Production" or "produce" includes the manufacture, planting, cultivation, growing, or harvesting of a  
1630 controlled substance or marijuana.
- 1631 "Proprietary medicine" means a completely compounded nonprescription drug in its unbroken,  
1632 original package which does not contain any controlled substance or marijuana as defined in this chapter  
1633 and is not in itself poisonous, and which is sold, offered, promoted, or advertised directly to the general  
1634 public by or under the authority of the manufacturer or primary distributor, under a trademark, trade  
1635 name, or other trade symbol privately owned, and the labeling of which conforms to the requirements of  
1636 this chapter and applicable federal law. However, this definition shall not include a drug that is only  
1637 advertised or promoted professionally to licensed practitioners, a narcotic or drug containing a narcotic,  
1638 a drug that may be dispensed only upon prescription or the label of which bears substantially the  
1639 statement "Warning — may be habit-forming," or a drug intended for injection.
- 1640 "Radiopharmaceutical" means any drug that exhibits spontaneous disintegration of unstable nuclei  
1641 with the emission of nuclear particles or photons and includes any non-radioactive reagent kit or  
1642 radionuclide generator that is intended to be used in the preparation of any such substance, but does not  
1643 include drugs such as carbon-containing compounds or potassium-containing salts that include trace  
1644 quantities of naturally occurring radionuclides. The term also includes any biological product that is  
1645 labeled with a radionuclide or intended solely to be labeled with a radionuclide.
- 1646 "Reference biological product" means the single biological product licensed pursuant to 42 U.S.C.  
1647 § 262(a) against which a biological product is evaluated in an application submitted to the U.S. Food  
1648 and Drug Administration for licensure of biological products as biosimilar or interchangeable pursuant to  
1649 42 U.S.C. § 262(k).
- 1650 "Sale" includes barter, exchange, or gift, or offer therefor, and each such transaction made by any  
1651 person, whether as an individual, proprietor, agent, servant, or employee.
- 1652 "*Tetrahydrocannabinol*" or "*THC*" means the same as that term is defined in § 4.1-600.
- 1653 "Therapeutically equivalent drug products" means drug products that contain the same active  
1654 ingredients and are identical in strength or concentration, dosage form, and route of administration and  
1655 that are classified as being therapeutically equivalent by the U.S. Food and Drug Administration  
1656 pursuant to the definition of "therapeutically equivalent drug products" set forth in the most recent  
1657 edition of the Approved Drug Products with Therapeutic Equivalence Evaluations, otherwise known as

1658 the "Orange Book."

1659 "Third-party logistics provider" means a person that provides or coordinates warehousing of or other  
1660 logistics services for a drug or device in interstate commerce on behalf of a manufacturer, wholesale  
1661 distributor, or dispenser of the drug or device but does not take ownership of the product or have  
1662 responsibility for directing the sale or disposition of the product.

1663 *"Total tetrahydrocannabinol concentration" means the same as that term is defined in § 4.1-600.*

1664 "USP-NF" means the current edition of the United States Pharmacopeia-National Formulary.

1665 "Warehouser" means any person, other than a wholesale distributor, manufacturer, or third-party  
1666 logistics provider, engaged in the business of (i) selling or otherwise distributing prescription drugs or  
1667 devices to any person who is not the ultimate user or consumer and (ii) delivering Schedule VI  
1668 prescription devices to the ultimate user or consumer pursuant to § 54.1-3415.1. No person shall be  
1669 subject to any state or local tax by reason of this definition.

1670 "Wholesale distribution" means (i) distribution of prescription drugs to persons other than consumers  
1671 or patients and (ii) delivery of Schedule VI prescription devices to the ultimate user or consumer  
1672 pursuant to § 54.1-3415.1, subject to the exemptions set forth in the federal Drug Supply Chain Security  
1673 Act.

1674 "Wholesale distributor" means any person other than a manufacturer, a manufacturer's co-licensed  
1675 partner, a third-party logistics provider, or a repackager that engages in wholesale distribution.

1676 The words "drugs" and "devices" as used in Chapter 33 (§ 54.1-3300 et seq.) and in this chapter  
1677 shall not include surgical or dental instruments, physical therapy equipment, X-ray apparatus, or glasses  
1678 or lenses for the eyes.

1679 The terms "pharmacist," "pharmacy," and "practice of pharmacy" as used in this chapter shall be  
1680 defined as provided in Chapter 33 (§ 54.1-3300 et seq.) unless the context requires a different meaning.

1681 **§ 54.1-3408.3. Certification for use of cannabis oil for treatment.**

1682 A. As used in this section:

1683 "Botanical cannabis" means cannabis that is composed wholly of usable cannabis from the same parts  
1684 of the same chemovar of cannabis plant.

1685 "Cannabis oil" means any formulation of processed Cannabis plant extract, which may include  
1686 industrial hemp extracts, including isolates and distillates, acquired by a pharmaceutical processor  
1687 pursuant to § 54.1-3442.6, or a dilution of the resin of the Cannabis plant that contains no more than  
1688 10 milligrams of ~~delta-9-tetrahydrocannabinol~~ tetrahydrocannabinol per dose. "Cannabis oil" does not  
1689 include industrial hemp, as defined in § 3.2-4112, that is grown, dealt, or processed in compliance with  
1690 state or federal law, unless it has been grown and processed in the Commonwealth by a registered  
1691 industrial hemp processor and acquired and formulated by a pharmaceutical processor.

1692 "Cannabis product" means a product that is (i) produced by a pharmaceutical processor, registered  
1693 with the Board, and compliant with testing requirements and (ii) composed of cannabis oil or botanical  
1694 cannabis.

1695 "Designated caregiver facility" means any hospice or hospice facility licensed pursuant to  
1696 § 32.1-162.3, or home care organization as defined in § 32.1-162.7 that provides pharmaceutical services  
1697 or home health services, private provider licensed by the Department of Behavioral Health and  
1698 Developmental Services pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2, assisted  
1699 living facility licensed pursuant to § 63.2-1701, or adult day care center licensed pursuant to  
1700 § 63.2-1701.

1701 "Practitioner" means a practitioner of medicine or osteopathy licensed by the Board of Medicine, a  
1702 physician assistant licensed by the Board of Medicine, or a nurse practitioner jointly licensed by the  
1703 Board of Medicine and the Board of Nursing.

1704 "Registered agent" means an individual designated by a patient who has been issued a written  
1705 certification, or, if such patient is a minor or a vulnerable adult as defined in § 18.2-369, designated by  
1706 such patient's parent or legal guardian, and registered with the Board pursuant to subsection G.

1707 "Usable cannabis" means any cannabis plant material, including seeds, but not (i) resin that has been  
1708 extracted from any part of the cannabis plant, its seeds, or its resin; (ii) the mature stalks, fiber produced  
1709 from the stalks, or any other compound, manufacture, salt, or derivative, mixture, or preparation of the  
1710 mature stalks; or (iii) oil or cake made from the seeds of the plant.

1711 B. A practitioner in the course of his professional practice may issue a written certification for the  
1712 use of cannabis products for treatment or to alleviate the symptoms of any diagnosed condition or  
1713 disease determined by the practitioner to benefit from such use. The practitioner shall use his  
1714 professional judgment to determine the manner and frequency of patient care and evaluation and may  
1715 employ the use of telemedicine, provided that the use of telemedicine includes the delivery of patient  
1716 care through real-time interactive audio-visual technology. If a practitioner determines it is consistent  
1717 with the standard of care to dispense botanical cannabis to a minor, the written certification shall  
1718 specifically authorize such dispensing. If not specifically included on the initial written certification,  
1719 authorization for botanical cannabis may be communicated verbally or in writing to the pharmacist at

1720 the time of dispensing.

1721 C. The written certification shall be on a form provided by the Board of Pharmacy. Such written  
1722 certification shall contain the name, address, and telephone number of the practitioner; the name and  
1723 address of the patient issued the written certification; the date on which the written certification was  
1724 made; and the signature or authentic electronic signature of the practitioner. Such written certification  
1725 issued pursuant to subsection B shall expire no later than one year after its issuance unless the  
1726 practitioner provides in such written certification an earlier expiration. A written certification shall not be  
1727 issued to a patient by more than one practitioner during any given time period.

1728 D. No practitioner shall be prosecuted under § 18.2-248 or 18.2-248.1 for the issuance of a  
1729 certification for the use of cannabis products for the treatment or to alleviate the symptoms of a patient's  
1730 diagnosed condition or disease pursuant to a written certification issued pursuant to subsection B.  
1731 Nothing in this section shall preclude the Board of Medicine from sanctioning a practitioner for failing  
1732 to properly evaluate or treat a patient's medical condition or otherwise violating the applicable standard  
1733 of care for evaluating or treating medical conditions.

1734 E. A practitioner who issues a written certification to a patient pursuant to this section shall register  
1735 with the Board and shall hold sufficient education and training to exercise appropriate professional  
1736 judgment in the certification of patients. The Board shall not limit the number of patients to whom a  
1737 practitioner may issue a written certification. The Board may report information to the applicable  
1738 licensing board on unusual patterns of certifications issued by a practitioner.

1739 F. No patient shall be required to physically present the written certification after the initial  
1740 dispensing by any pharmaceutical processor or cannabis dispensing facility under each written  
1741 certification, provided that the pharmaceutical processor or cannabis dispensing facility maintains an  
1742 electronic copy of the written certification. Pharmaceutical processors and cannabis dispensing facilities  
1743 shall electronically transmit, on a monthly basis, all new written certifications received by the  
1744 pharmaceutical processor or cannabis dispensing facility to the Board.

1745 G. A patient, or, if such patient is a minor or a vulnerable adult as defined in § 18.2-369, such  
1746 patient's parent or legal guardian, may designate an individual to act as his registered agent for the  
1747 purposes of receiving cannabis products pursuant to a valid written certification. Such designated  
1748 individual shall register with the Board. The Board may set a limit on the number of patients for whom  
1749 any individual is authorized to act as a registered agent.

1750 H. Upon delivery of a cannabis product by a pharmaceutical processor or cannabis dispensing facility  
1751 to a designated caregiver facility, any employee or contractor of a designated caregiver facility, who is  
1752 licensed or registered by a health regulatory board and who is authorized to possess, distribute, or  
1753 administer medications, may accept delivery of the cannabis product on behalf of a patient or resident  
1754 for subsequent delivery to the patient or resident and may assist in the administration of the cannabis  
1755 product to the patient or resident as necessary.

1756 I. Information obtained under the registration process shall be confidential and shall not be subject to  
1757 the disclosure provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). However,  
1758 reasonable access to registry information shall be provided to (i) the Chairmen of the House Committee  
1759 for Courts of Justice and the Senate Committee on the Judiciary, (ii) state and federal agencies or local  
1760 law enforcement for the purpose of investigating or prosecuting a specific individual for a specific  
1761 violation of law, (iii) licensed practitioners or pharmacists, or their agents, for the purpose of providing  
1762 patient care and drug therapy management and monitoring of drugs obtained by a patient, (iv) a  
1763 pharmaceutical processor or cannabis dispensing facility involved in the treatment of a patient, or (v) a  
1764 registered agent, but only with respect to information related to such patient.

1765 **§ 54.1-3442.6. Permit to operate pharmaceutical processor or cannabis dispensing facility.**

1766 A. No person shall operate a pharmaceutical processor or a cannabis dispensing facility without first  
1767 obtaining a permit from the Board. The application for such permit shall be made on a form provided  
1768 by the Board and signed by a pharmacist who will be in full and actual charge of the pharmaceutical  
1769 processor's dispensing area or cannabis dispensing facility. The Board shall establish an application fee  
1770 and other general requirements for such application.

1771 B. Each permit shall expire annually on a date determined by the Board in regulation. The number of  
1772 permits that the Board may issue or renew in any year is limited to one pharmaceutical processor and  
1773 up to five cannabis dispensing facilities for each health service area established by the Board of Health.  
1774 Permits shall be displayed in a conspicuous place on the premises of the pharmaceutical processor and  
1775 cannabis dispensing facility.

1776 C. The Board shall adopt regulations establishing health, safety, and security requirements for  
1777 pharmaceutical processors and cannabis dispensing facilities. Such regulations shall include requirements  
1778 for (i) physical standards; (ii) location restrictions; (iii) security systems and controls; (iv) minimum  
1779 equipment and resources; (v) recordkeeping; (vi) labeling, including the potency of each botanical  
1780 cannabis product and the amounts recommended by the practitioner or dispensing pharmacist, and

1781 packaging; (vii) routine inspections no more frequently than once annually; (viii) processes for safely  
1782 and securely dispensing and delivering in person cannabis products to a patient, his registered agent, or,  
1783 if such patient is a minor or a vulnerable adult as defined in § 18.2-369, such patient's parent or legal  
1784 guardian; (ix) dosage limitations for cannabis oil that provide that each dispensed dose of cannabis oil  
1785 not exceed 10 milligrams of ~~delta-9-tetrahydrocannabinol~~ *tetrahydrocannabinol*; (x) a process for the  
1786 wholesale distribution of and the transfer of usable cannabis, botanical cannabis, cannabis oil, and  
1787 cannabis products between pharmaceutical processors, between a pharmaceutical processors and a  
1788 cannabis dispensing facility, and between cannabis dispensing facilities; (xi) an allowance for the sale of  
1789 devices for administration of dispensed cannabis products and hemp-based CBD products that meet the  
1790 applicable standards set forth in state and federal law, including the laboratory testing standards set forth  
1791 in subsection M; (xii) an allowance for the use and distribution of inert product samples containing no  
1792 cannabinoids for patient demonstration exclusively at the pharmaceutical processor or cannabis  
1793 dispensing facility, and not for further distribution or sale, without the need for a written certification;  
1794 (xiii) a process for acquiring industrial hemp extracts and formulating such extracts into cannabis  
1795 products; and (xiv) an allowance for the advertising and promotion of the pharmaceutical processor's  
1796 products and operations, which shall not limit the pharmaceutical processor from the provision of  
1797 educational material to practitioners who issue written certifications and patients. The Board shall also  
1798 adopt regulations for pharmaceutical processors that include requirements for (a) processes for safely and  
1799 securely cultivating Cannabis plants intended for producing cannabis products, (b) the secure disposal of  
1800 agricultural waste, and (c) a process for registering cannabis oil products.

1801 D. The Board shall require that, after processing and before dispensing any cannabis products, a  
1802 pharmaceutical processor shall make a sample available from each batch of cannabis product for testing  
1803 by an independent laboratory located in Virginia meeting Board requirements. A valid sample size for  
1804 testing shall be determined by each laboratory and may vary due to sample matrix, analytical method,  
1805 and laboratory-specific procedures. A minimum sample size of 0.5 percent of individual units for  
1806 dispensing or distribution from each homogenized batch of cannabis oil is required to achieve a  
1807 representative cannabis oil sample for analysis. A minimum sample size, to be determined by the  
1808 certified testing laboratory, from each batch of botanical cannabis is required to achieve a representative  
1809 botanical cannabis sample for analysis. Botanical cannabis products shall only be tested for the  
1810 following: total cannabidiol (CBD); total tetrahydrocannabinol (THC); terpenes; pesticide chemical  
1811 residue; heavy metals; mycotoxins; moisture; and microbiological contaminants. Testing thresholds shall  
1812 be consistent with generally accepted cannabis industry thresholds. The pharmaceutical processor may  
1813 remediate botanical cannabis or cannabis oil that fails any quality testing standard except pesticides.  
1814 Following remediation, all remediated botanical cannabis or cannabis oil shall be subject to laboratory  
1815 testing and approved upon satisfaction of applicable testing standards, which shall not be more stringent  
1816 than initial testing prior to remediation. If a batch of botanical cannabis fails retesting after remediation,  
1817 it shall be considered usable cannabis and may be processed into cannabis oil. Stability testing shall not  
1818 be required for any cannabis product with an expiration date assigned by the pharmaceutical processor  
1819 of six months or less from the date of the cannabis product registration approval. Stability testing  
1820 required for assignment of an expiration date longer than six months shall be limited to microbial  
1821 testing, on a pass/fail basis, and potency testing, on a 10 percent deviation basis, of active ingredients.

1822 E. A laboratory testing samples for a pharmaceutical processor shall obtain a controlled substances  
1823 registration certificate pursuant to § 54.1-3423 and shall comply with quality standards established by  
1824 the Board in regulation.

1825 F. Every pharmaceutical processor's dispensing area or cannabis dispensing facility shall be under the  
1826 personal supervision of a licensed pharmacist on the premises of the pharmaceutical processor or  
1827 cannabis dispensing facility. The pharmaceutical processor shall ensure that security measures are  
1828 adequate to protect the cannabis from diversion at all times, and the pharmacist-in-charge shall have  
1829 concurrent responsibility for preventing diversion from the dispensing area.

1830 Every pharmaceutical processor shall designate a person who shall have oversight of the cultivation  
1831 and production areas of the pharmaceutical processor and shall provide such information to the Board.  
1832 The Board shall direct all communications related to enforcement of requirements related to cultivation  
1833 and production of cannabis oil products by the pharmaceutical processor to such designated person.

1834 G. The Board shall require the material owners of an applicant for a pharmaceutical processor or  
1835 cannabis dispensing facility permit to submit to fingerprinting and provide personal descriptive  
1836 information to be forwarded along with his fingerprints through the Central Criminal Records Exchange  
1837 to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information  
1838 regarding the applicant's material owners. The cost of fingerprinting and the criminal history record  
1839 search shall be paid by the applicant. The Central Criminal Records Exchange shall forward the results  
1840 of the criminal history background check to the Board or its designee, which shall be a governmental  
1841 entity. A pharmaceutical processor shall maintain evidence of criminal background checks for all  
1842 employees and delivery agents of the pharmaceutical processor. Criminal background checks of

1843 employees and delivery agents may be conducted by any service sufficient to disclose any federal and  
1844 state criminal convictions.

1845 H. In addition to other employees authorized by the Board, a pharmaceutical processor may employ  
1846 individuals who may have less than two years of experience (i) to perform cultivation-related duties  
1847 under the supervision of an individual who has received a degree in a field related to the cultivation of  
1848 plants or a certification recognized by the Board or who has at least two years of experience cultivating  
1849 plants, (ii) to perform extraction-related duties under the supervision of an individual who has a degree  
1850 in chemistry or pharmacology or at least two years of experience extracting chemicals from plants, and  
1851 (iii) to perform duties at the pharmaceutical processor and cannabis dispensing facility upon certification  
1852 as a pharmacy technician.

1853 I. A pharmaceutical processor to whom a permit has been issued by the Board may establish up to  
1854 five cannabis dispensing facilities for the dispensing of cannabis products that have been cultivated and  
1855 produced on the premises of a pharmaceutical processor permitted by the Board. Each cannabis  
1856 dispensing facility shall be located within the same health service area as the pharmaceutical processor.

1857 J. No person who has been convicted of a felony under the laws of the Commonwealth or another  
1858 jurisdiction within the last five years shall be employed by or act as an agent of a pharmaceutical  
1859 processor or cannabis dispensing facility.

1860 K. Every pharmaceutical processor or cannabis dispensing facility shall adopt policies for  
1861 pre-employment drug screening and regular, ongoing, random drug screening of employees.

1862 L. A pharmacist at the pharmaceutical processor's dispensing area and the cannabis dispensing facility  
1863 shall determine the number of pharmacy interns, pharmacy technicians, and pharmacy technician trainees  
1864 who can be safely and competently supervised at one time; however, no pharmacist shall supervise more  
1865 than six persons performing the duties of a pharmacy technician at one time in the pharmaceutical  
1866 processor's dispensing area or cannabis dispensing facility.

1867 M. A pharmaceutical processor may acquire industrial hemp extracts grown and processed in  
1868 Virginia, and in compliance with state or federal law, from a registered industrial hemp dealer or  
1869 processor. A pharmaceutical processor may process and formulate such extracts into an allowable dosage  
1870 of cannabis product. Industrial hemp extracts acquired and formulated by a pharmaceutical processor are  
1871 subject to the same third-party testing requirements that may apply to cannabis plant extract. Testing  
1872 shall be performed by a laboratory located in Virginia and in compliance with state law governing the  
1873 testing of cannabis products. The industrial hemp dealer or processor shall provide such third-party  
1874 testing results to the pharmaceutical processor before industrial hemp extracts may be acquired.

1875 N. With the exception of § 2.2-4031, neither the provisions of the Administrative Process Act  
1876 (§ 2.2-4000 et seq.) nor public participation guidelines adopted pursuant thereto shall apply to the  
1877 adoption of any regulation pursuant to this section. Prior to adopting any regulation pursuant to this  
1878 section, the Board of Pharmacy shall publish a notice of opportunity to comment in the Virginia  
1879 Register of Regulations and post the action on the Virginia Regulatory Town Hall. Such notice of  
1880 opportunity to comment shall contain (i) a summary of the proposed regulation; (ii) the text of the  
1881 proposed regulation; and (iii) the name, address, and telephone number of the agency contact person  
1882 responsible for receiving public comments. Such notice shall be made at least 60 days in advance of the  
1883 last date prescribed in such notice for submittals of public comment. The legislative review provisions of  
1884 subsections A and B of § 2.2-4014 shall apply to the promulgation or final adoption process for  
1885 regulations pursuant to this section. The Board of Pharmacy shall consider and keep on file all public  
1886 comments received for any regulation adopted pursuant to this section.

1887 O. The Board shall register all cannabis products that meet testing, labeling, and packaging standards.

1888 **§ 54.1-3442.7. Dispensing cannabis products; report.**

1889 A. A pharmaceutical processor or cannabis dispensing facility shall dispense or deliver cannabis  
1890 products only in person to (i) a patient who is a Virginia resident or temporarily resides in Virginia and  
1891 has been issued a valid written certification; (ii) such patient's registered agent; or (iii) if such patient is  
1892 a minor or a vulnerable adult as defined in § 18.2-369, such patient's parent or legal guardian who is a  
1893 Virginia resident or temporarily resides in Virginia. A companion may accompany a patient into a  
1894 pharmaceutical processor's dispensing area or cannabis dispensing facility. Prior to the initial dispensing  
1895 of cannabis products pursuant to each written certification, a pharmacist or pharmacy technician  
1896 employed by the pharmaceutical processor or cannabis dispensing facility shall make and maintain, on  
1897 site or remotely by electronic means, for two years a paper or electronic copy of the written certification  
1898 that provides an exact image of the document that is clearly legible; shall view, in person or by  
1899 audiovisual means, a current photo identification of the patient, registered agent, parent, or legal  
1900 guardian; and shall verify current board registration of the practitioner and the corresponding registered  
1901 agent if applicable. Thereafter, an initial dispensing may be delivered to the patient, registered agent,  
1902 parent, legal guardian, or designated caregiver facility. Prior to any subsequent dispensing of cannabis  
1903 products pursuant to each written certification, an employee or delivery agent shall view a current photo

1904 identification of the patient, registered agent, parent, or legal guardian and the current board registration  
 1905 issued to the registered agent if applicable. No pharmaceutical processor or cannabis dispensing facility  
 1906 shall dispense more than a 90-day supply, as determined by the dispensing pharmacist or certifying  
 1907 practitioner, for any patient during any 90-day period. A pharmaceutical processor or cannabis  
 1908 dispensing facility may dispense less than a 90-day supply of a cannabis product for any patient during  
 1909 any 90-day period; however, a pharmaceutical processor or cannabis dispensing facility may dispense  
 1910 more than one cannabis product to a patient at one time. No more than four ounces of botanical  
 1911 cannabis shall be dispensed for each 30-day period for which botanical cannabis is dispensed. The Board  
 1912 shall establish in regulation an amount of cannabis oil that constitutes a 90-day supply to treat or  
 1913 alleviate the symptoms of a patient's diagnosed condition or disease. In determining the appropriate  
 1914 amount of a cannabis product to be dispensed to a patient, a pharmaceutical processor or cannabis  
 1915 dispensing facility shall consider all cannabis products dispensed to the patient and adjust the amount  
 1916 dispensed accordingly.

1917 B. A pharmaceutical processor or cannabis dispensing facility shall dispense only cannabis products  
 1918 produced on the premises of a pharmaceutical processor permitted by the Board or cannabis products  
 1919 that have been formulated with extracts from industrial hemp acquired by a pharmaceutical processor  
 1920 from a registered industrial hemp dealer or processor pursuant to § 54.1-3442.6. A pharmaceutical  
 1921 processor may begin cultivation upon being issued a permit by the Board.

1922 C. The Board shall report annually by December 1 to the Chairmen of the House Committee for  
 1923 Health, Welfare and Institutions and the Senate Committee on Education and Health on the operation of  
 1924 pharmaceutical processors and cannabis dispensing facilities issued a permit by the Board.

1925 D. The concentration of ~~delta-9-tetrahydrocannabinol~~ *tetrahydrocannabinol* in any cannabis product  
 1926 on site may be up to 10 percent greater than or less than the level of ~~delta-9-tetrahydrocannabinol~~  
 1927 *tetrahydrocannabinol* measured for labeling. A pharmaceutical processor and cannabis dispensing facility  
 1928 shall ensure that such concentration in any cannabis product on site is within such range. A  
 1929 pharmaceutical processor producing cannabis products shall establish a stability testing schedule of  
 1930 cannabis products.

1931 **§ 54.1-3446. Schedule I.**

1932 The controlled substances listed in this section are included in Schedule I:

1933 1. Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers,  
 1934 esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers  
 1935 and salts is possible within the specific chemical designation:

1936 1-{1-[1-(4-bromophenyl)ethyl]-4-piperidinyl}-1,3-dihydro-2H-benzimidazol-2-one (other name:  
 1937 Brorphine);

1938 1-[2-methyl-4-(3-phenyl-2-propen-1-yl)-1-piperazinyl]-1-butanone (other name: 2-methyl AP-237);

1939 1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine (other name: PEPAP);

1940 1-methyl-4-phenyl-4-propionoxypiperidine (other name: MPPP);

1941 2-[(4-methoxyphenyl)methyl]-N,N-diethyl-5-nitro-1H-benzimidazole-1-ethanamine (other name:  
 1942 Metonitazene);

1943 2-methoxy-N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-acetamide (other name: Methoxyacetyl  
 1944 fentanyl);

1945 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methyl-benzamide (other name: U-47700);

1946 3,4-dichloro-N-[[1-(dimethylamino)cyclohexyl]methyl]benzamide (other name: AH-7921);

1947 Acetyl fentanyl (other name: desmethyl fentanyl);

1948 Acetylmethadol;

1949 Allylprodine;

1950 Alphacetylmethadol (except levo-alpha-cetylmethadol, also known as levo-alpha-acetylmethadol,  
 1951 levomethadyl acetate, or LAAM);

1952 Alphameprodine;

1953 Alphamethadol;

1954 Benzethidine;

1955 Betacetylmethadol;

1956 Betameprodine;

1957 Betamethadol;

1958 Betaprodine;

1959 Clonitazene;

1960 Dextromoramide;

1961 Diampromide;

1962 Diethylthiambutene;

1963 Difenoxin;

1964 Dimenoxadol;

1965 Dimepheptanol;



1966	Dimethylthiambutene;
1967	Dioxaphetylbutyrate;
1968	Dipipanone;
1969	Ethylmethylthiambutene;
1970	Etonitazene;
1971	Etoxidine;
1972	Furethidine;
1973	Hydroxypethidine;
1974	Ketobemidone;
1975	Levomoramide;
1976	Levophenacymorphan;
1977	Morpheridine;
1978	MT-45 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine);
1979	N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide (other name: Cyclopropyl fentanyl);
1980	N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide (other name: Tetrahydrofuranyl
1981	fentanyl);
1982	N-[1-[1-methyl-2-(2-thienyl)ethyl]-4-piperidyl]-N-phenylpropanamide (other name:
1983	alpha-methylthiofentanyl);
1984	N-[1-(1-methyl-2-phenylethyl)-4-piperidyl]-N-phenylacetamide (other name:
1985	acetyl-alpha-methylfentanyl);
1986	N-{1-[2-hydroxy-2-(2-thienyl)ethyl]-4-piperidinyl}-N-phenylpropanamide (other name:
1987	beta-hydroxythiofentanyl);
1988	N-[1-(2-hydroxy-2-phenyl)ethyl-4-piperidyl]-N-phenylpropanamide (other name:
1989	beta-hydroxyfentanyl);
1990	N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl]propionanilide (other names:
1991	1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine, alpha-methylfentanyl);
1992	N-(2-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other names: 2-fluorofentanyl,
1993	ortho-fluorofentanyl);
1994	N-(3-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: 3-fluorofentanyl);
1995	N-[3-methyl-1-(2-hydroxy-2-phenylethyl)-4-piperidyl]-N-phenylpropanamide (other name:
1996	beta-hydroxy-3-methylfentanyl);
1997	N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide (other name: 3-methylfentanyl);
1998	N-[3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide (other name:
1999	3-methylthiofentanyl);
2000	N-(4-chlorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other names:
2001	para-chlorofentanyl, 4-chlorofentanyl);
2002	N-(4-fluorophenyl)-2-methyl-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name:
2003	para-fluoroisobutyl fentanyl);
2004	N-(4-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-butanamide (other name:
2005	para-fluorobutylfentanyl);
2006	N-(4-fluorophenyl)-N-1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: para-fluorofentanyl);
2007	N,N-diethyl-2-(2-(4-isopropoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine (other name:
2008	Isotonitazene);
2009	N,N-diethyl-2-[(4-ethoxyphenyl) methyl]-1H-benzimidazol-1-yl]-ethan-1-amine (other names:
2010	Etazene, Desnitroetonitazene);
2011	N,N-diethyl-2-[(4-methoxyphenyl)methyl]-1H-benzimidazole-1-ethanamine (other name:
2012	Metodesnitazene);
2013	N-phenyl-N-[1-(2-phenylmethyl)-4-piperidinyl]-2-furancarboxamide (other name: N-benzyl Furanyl
2014	norfentanyl);
2015	N-phenyl-N-(4-piperidinyl)-propanamide (other name: Norfentanyl);
2016	Noracymethadol;
2017	Norlevorphanol;
2018	Normethadone;
2019	Norpipanone;
2020	N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-2-furancarboxamide (other name: Furanyl fentanyl);
2021	N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-2-propenamide (other name: Acryl fentanyl);
2022	N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-butanamide (other name: butyl fentanyl);
2023	N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-pentanamide (other name: Pentanoyl fentanyl);
2024	N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide (other name: thiofentanyl);
2025	Phenadoxone;
2026	Phenamipromide;

- 2027** Phenomorphan;  
**2028** Phenoperidine;  
**2029** Piritramide;  
**2030** Proheptazine;  
**2031** Properidine;  
**2032** Propiram;  
**2033** Racemoramide;  
**2034** Tilidine;  
**2035** Trimeperidine;  
**2036** N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-1,3-benzodioxole-5-carboxamide (other name:  
**2037** Benzodioxole fentanyl);  
**2038** 3,4-dichloro-N-[2-(diethylamino)cyclohexyl]-N-methylbenzamide (other name: U-49900);  
**2039** 2-(2,4-dichlorophenyl)-N-[2-(dimethylamino)cyclohexyl]-N-methyl acetamide (other name: U-48800);  
**2040** 2-(3,4-dichlorophenyl)-N-[2-(dimethylamino)cyclohexyl]-N-methyl acetamide (other name: U-51754);  
**2041** N-(2-fluorophenyl)-2-methoxy-N-[1-(2-phenylethyl)-4-piperidinyl]-acetamide (other name: Ocfentanyl);  
**2042** N-(4-methoxyphenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-butanamide (other name:  
**2043** 4-methoxybutyrylfentanyl);  
**2044** N-phenyl-2-methyl-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: Isobutyryl fentanyl);  
**2045** N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-cyclopentanecarboxamide (other name: Cyclopentyl  
**2046** fentanyl);  
**2047** N-phenyl-N-(1-methyl-4-piperidinyl)-propanamide (other name: N-methyl norfentanyl);  
**2048** N-[2-(dimethylamino)cyclohexyl]-N-methyl-1,3-benzodioxole-5-carboxamide (other names:  
**2049** 3,4-methylenedioxy U-47700 or 3,4-MDO-U-47700);  
**2050** N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-2-butenamide (other name: Crotonyl fentanyl);  
**2051** N-phenyl-N-[4-phenyl-1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: 4-phenylfentanyl);  
**2052** N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-benzamide (other names: Phenyl fentanyl, Benzoyl  
**2053** fentanyl);  
**2054** N-[2-(dimethylamino)cyclohexyl]-N-phenylfuran-2-carboxamide (other name: Furanyl UF-17);  
**2055** N-[2-(dimethylamino)cyclohexyl]-N-phenylpropionamide (other name: UF-17);  
**2056** 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-isopropyl-benzamide (other name: Isopropyl  
**2057** U-47700).  
**2058** 2. Any of the following opium derivatives, their salts, isomers and salts of isomers, unless  
**2059** specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible  
**2060** within the specific chemical designation:  
**2061** Acetorphine;  
**2062** Acetyldihydrocodeine;  
**2063** Benzylmorphine;  
**2064** Codeine methylbromide;  
**2065** Codeine-N-Oxide;  
**2066** Cyrenorphine;  
**2067** Desomorphine;  
**2068** Dihydromorphine;  
**2069** Drotebanol;  
**2070** Etorphine;  
**2071** Heroin;  
**2072** Hydromorphanol;  
**2073** Methyl-desorphine;  
**2074** Methyl-dihydromorphine;  
**2075** Morphine methylbromide;  
**2076** Morphine methylsulfonate;  
**2077** Morphine-N-Oxide;  
**2078** Myrophine;  
**2079** Nicocodeine;  
**2080** Nicomorphine;  
**2081** Normorphine;  
**2082** Pholcodine;  
**2083** Thebacon.  
**2084** 3. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture,  
**2085** or preparation, which contains any quantity of the following hallucinogenic substances, or which  
**2086** contains any of its salts, isomers, and salts of isomers, whenever the existence of such salts, isomers,  
**2087** and salts of isomers is possible within the specific chemical designation (for purposes of this subdivision  
**2088** only, the term "isomer" includes the optical, position, and geometric isomers):

- 2089 Alpha-ethyltryptamine (some trade or other names: Monase; a-ethyl-1H-indole-3-ethanamine;  
 2090 3-2-aminobutyl] indole; a-ET; AET);  
 2091 4-Bromo-2,5-dimethoxyphenethylamine (some trade or other names:  
 2092 2-4-bromo-2,5-dimethoxyphenyl]-1-aminoethane; alpha-desmethyl DOB; 2C-B; Nexus);  
 2093 3,4-methylenedioxy amphetamine;  
 2094 5-methoxy-3,4-methylenedioxy amphetamine;  
 2095 3,4,5-trimethoxy amphetamine;  
 2096 Alpha-methyltryptamine (other name: AMT);  
 2097 Bufotenine;  
 2098 Diethyltryptamine;  
 2099 Dimethyltryptamine;  
 2100 4-methyl-2,5-dimethoxyamphetamine;  
 2101 2,5-dimethoxy-4-ethylamphetamine (DOET);  
 2102 4-fluoro-N-ethylamphetamine;  
 2103 2,5-dimethoxy-4-(n)-propylthiophenethylamine (other name: 2C-T-7);  
 2104 Ibogaine;  
 2105 5-methoxy-N,N-diisopropyltryptamine (other name: 5-MeO-DIPT);  
 2106 Lysergic acid diethylamide;  
 2107 Mescaline;  
 2108 Parahexyl (some trade or other names:  
 2109 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo [b,d] pyran; Synhexyl);  
 2110 Peyote;  
 2111 N-ethyl-3-piperidyl benzilate;  
 2112 N-methyl-3-piperidyl benzilate;  
 2113 Psilocybin;  
 2114 Psilocyn;  
 2115 Salvinorin A;  
 2116 Tetrahydrocannabinols, except as present in (i) industrial hemp, as defined in § 3.2-4112, that is  
 2117 possessed by a person registered pursuant to subsection A of § 3.2-4115 or his agent; (ii) a hemp  
 2118 product, as defined in § 3.2-4112, *other than a regulated hemp product*, containing a  
 2119 tetrahydrocannabinol concentration of no greater than 0.3 percent that is derived from industrial hemp,  
 2120 as defined in § 3.2-4112, that is grown, dealt, or processed in compliance with state or federal law; (iii)  
 2121 marijuana; (iv) dronabinol in sesame oil and encapsulated in a soft gelatin capsule in a drug product  
 2122 approved by the U.S. Food and Drug Administration; or (v) industrial hemp, as defined in § 3.2-4112,  
 2123 that is possessed by a person who holds a hemp producer license issued by the U.S. Department of  
 2124 Agriculture pursuant to 7 C.F.R. Part 990; or (vi) *a regulated hemp product that does not exceed the*  
 2125 *maximum tetrahydrocannabinol concentration established pursuant to § 4.1-606 and that is derived from*  
 2126 *industrial hemp, as defined in § 3.2-4112, that is grown, dealt, or processed in compliance with state or*  
 2127 *federal law*;  
 2128 2,5-dimethoxyamphetamine (some trade or other names: 2,5-dimethoxy-a-methylphenethylamine;  
 2129 2,5-DMA);  
 2130 3,4-methylenedioxymethamphetamine (MDMA), its optical, positional and geometric isomers, salts  
 2131 and salts of isomers;  
 2132 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4  
 2133 (methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA);  
 2134 N-hydroxy-3,4-methylenedioxyamphetamine (some other names:  
 2135 N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine, and N-hydroxy MDA);  
 2136 4-bromo-2,5-dimethoxyamphetamine (some trade or other names:  
 2137 4-bromo-2,5-dimethoxy-a-methylphenethylamine; 4-bromo-2,5-DMA);  
 2138 4-methoxyamphetamine (some trade or other names: 4-methoxy-a-methylphenethylamine;  
 2139 paramethoxyamphetamine; PMA);  
 2140 Ethylamine analog of phencyclidine (some other names: N-ethyl-1-phenylcyclohexylamine,  
 2141 (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE);  
 2142 Pyrrolidine analog of phencyclidine (some other names: 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy,  
 2143 PHP);  
 2144 Thiophene analog of phencyclidine (some other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine,  
 2145 2-thienyl analog of phencyclidine, TPCP, TCP);  
 2146 1-1-(2-thienyl)cyclohexyl]pyrrolidine (other name: TCPy);  
 2147 3,4-methylenedioxypyrovalerone (other name: MDPV);  
 2148 4-methylmethcathinone (other names: mephedrone, 4-MMC);  
 2149 3,4-methylenedioxymethcathinone (other name: methylone);

- 2150** Naphthylpyrovalerone (other name: naphyrone);  
**2151** 4-fluoromethcathinone (other names: flephedrone, 4-FMC);  
**2152** 4-methoxymethcathinone (other names: methedrone; bk-PMMA);  
**2153** Ethcathinone (other name: N-ethylcathinone);  
**2154** 3,4-methylenedioxyethcathinone (other name: ethylone);  
**2155** Beta-keto-N-methyl-3,4-benzodioxolylbutanamine (other name: butylone);  
**2156** N,N-dimethylcathinone (other name: metamfepramone);  
**2157** Alpha-pyrrolidinopropiophenone (other name: alpha-PPP);  
**2158** 4-methoxy-alpha-pyrrolidinopropiophenone (other name: MOPPP);  
**2159** 3,4-methylenedioxy-alpha-pyrrolidinopropiophenone (other name: MDPPP);  
**2160** Alpha-pyrrolidinovalerophenone (other name: alpha-PVP);  
**2161** 6,7-dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine (other name: MDAI);  
**2162** 3-fluoromethcathinone (other name: 3-FMC);  
**2163** 4-Ethyl-2,5-dimethoxyphenethylamine (other name: 2C-E);  
**2164** 4-Iodo-2,5-dimethoxyphenethylamine (other name: 2C-I);  
**2165** 4-Methylethcathinone (other name: 4-MEC);  
**2166** 4-Ethylmethcathinone (other name: 4-EMC);  
**2167** N,N-diallyl-5-methoxytryptamine (other name: 5-MeO-DALT);  
**2168** Beta-keto-methylbenzodioxolylpentanamine (other names: Pentylone, bk-MBDP);  
**2169** Alpha-methylamino-butyrophenone (other name: Buphedrone);  
**2170** Alpha-methylamino-valerophenone (other name: Pentedrone);  
**2171** 3,4-Dimethylmethcathinone (other name: 3,4-dmmc);  
**2172** 4-methyl-alpha-pyrrolidinopropiophenone (other name: MPPP);  
**2173** 4-Iodo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names: 25-I,  
**2174** 25I-NBOMe, 2C-I-NBOMe);  
**2175** Methoxetamine (other names: MXE, 3-MeO-2-Oxo-PCE);  
**2176** 4-Fluoromethamphetamine (other name: 4-FMA);  
**2177** 4-Fluoroamphetamine (other name: 4-FA);  
**2178** 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (other name: 2C-D);  
**2179** 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (other name: 2C-C);  
**2180** 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (other name: 2C-T-2);  
**2181** 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (other name: 2C-T-4);  
**2182** 2-(2,5-Dimethoxyphenyl)ethanamine (other name: 2C-H);  
**2183** 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (other name: 2C-N);  
**2184** 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (other name: 2C-P);  
**2185** (2-aminopropyl)benzofuran (other name: APB);  
**2186** (2-aminopropyl)-2,3-dihydrobenzofuran (other name: APDB);  
**2187** 4-chloro-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names:  
**2188** 2C-C-NBOMe, 25C-NBOMe, 25C);  
**2189** 4-bromo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names:  
**2190** 2C-B-NBOMe, 25B-NBOMe, 25B);  
**2191** Acetoxydimethyltryptamine (other names: AcO-Psilocin, AcO-DMT, Psilacetin);  
**2192** Benocyclidine (other names: BCP, BTCP);  
**2193** Alpha-pyrrolidinobutiophenone (other name: alpha-PBP);  
**2194** 3,4-methylenedioxy-N,N-dimethylcathinone (other names: Dimethylone, bk-MDDMA);  
**2195** 4-bromomethcathinone (other name: 4-BMC);  
**2196** 4-chloromethcathinone (other name: 4-CMC);  
**2197** 4-Iodo-2,5-dimethoxy-N-[(2-hydroxyphenyl)methyl]-benzeneethanamine (other name: 25I-NBOH);  
**2198** Alpha-Pyrrolidinohexiophenone (other name: alpha-PHP);  
**2199** Alpha-Pyrrolidinoheptiophenone (other name: PV8);  
**2200** 5-methoxy-N,N-methylisopropyltryptamine (other name: 5-MeO-MIPT);  
**2201** Beta-keto-N,N-dimethylbenzodioxolylbutanamine (other names: Dibutylone, bk-DMBDB);  
**2202** Beta-keto-4-bromo-2,5-dimethoxyphenethylamine (other name: bk-2C-B);  
**2203** 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-1-pentanone (other name: N-ethylpentylone);  
**2204** 1-[1-(3-methoxyphenyl)cyclohexyl]piperidine (other name: 3-methoxy PCP);  
**2205** 1-[1-(4-methoxyphenyl)cyclohexyl]piperidine (other name: 4-methoxy PCP);  
**2206** 4-Chloroethcathinone (other name: 4-CEC);  
**2207** 3-Methoxy-2-(methylamino)-1-(4-methylphenyl)-1-propanone (other name: Mexedrone);  
**2208** 1-propionyl lysergic acid diethylamide (other name: 1P-LSD);  
**2209** (2-Methylaminopropyl)benzofuran (other name: MAPB);  
**2210** 1-(1,3-benzodioxol-5-yl)-2-(dimethylamino)-1-pentanone (other names: N,N-Dimethylpentylone,  
**2211** Dipentylone);

- 2212 1-(4-methoxyphenyl)-2-(pyrrolidin-1-yl)octan-1-one (other name: 4-methoxy-PV9);
- 2213 3,4-tetramethylene-alpha-pyrrolidinovalerophenone (other name: TH-PVP);
- 2214 4-allyloxy-3,5-dimethoxyphenethylamine (other name: Allylescaline);
- 2215 4-Bromo-2,5-dimethoxy-N-[(2-hydroxyphenyl)methyl]-benzeneethanamine (other name: 25B-NBOH);
- 2216 4-chloro-alpha-methylamino-valerophenone (other name: 4-chloropentedrone);
- 2217 4-chloro-alpha-Pyrrolidinovalerophenone (other name: 4-chloro-alpha-PVP);
- 2218 4-fluoro-alpha-Pyrrolidinoheptiophenone (other name: 4-fluoro-PV8);
- 2219 4-hydroxy-N,N-diisopropyltryptamine (other name: 4-OH-DIPT);
- 2220 4-methyl-alpha-ethylaminopentiophenone;
- 2221 4-methyl-alpha-Pyrrolidinohexiophenone (other name: MPHP);
- 2222 5-methoxy-N,N-dimethyltryptamine (other name: 5-MeO-DMT);
- 2223 5-methoxy-N-ethyl-N-isopropyltryptamine (other name: 5-MeO-EIPT);
- 2224 6-ethyl-6-nor-lysergic acid diethylamide (other name: ETH-LAD);
- 2225 6-allyl-6-nor-lysergic acid diethylamide (other name: AL-LAD);
- 2226 (N-methyl aminopropyl)-2,3-dihydrobenzofuran (other name: MAPDB);
- 2227 2-(methylamino)-2-phenyl-cyclohexanone (other name: Deschloroketamine);
- 2228 2-(ethylamino)-2-phenyl-cyclohexanone (other name: deschloro-N-ethyl-ketamine);
- 2229 2-methyl-1-(4-(methylthio)phenyl)-2-morpholinopropiophenone (other name: MMMP);
- 2230 Alpha-ethylaminohexanophenone (other name: N-ethylhexedrone);
- 2231 N-ethyl-1-(3-methoxyphenyl)cyclohexylamine (other name: 3-methoxy-PCE);
- 2232 4-fluoro-alpha-pyrrolidinohexiophenone (other name: 4-fluoro-alpha-PHP);
- 2233 N-ethyl-1,2-diphenylethylamine (other name: Ephedrine);
- 2234 2,5-dimethoxy-4-chloroamphetamine (other name: DOC);
- 2235 3,4-methylenedioxy-N-tert-butylcathinone;
- 2236 Alpha-pyrrolidinoisohexiophenone (other name: alpha-PiHP);
- 2237 1-[1-(3-hydroxyphenyl)cyclohexyl]piperidine (other name: 3-hydroxy PCP);
- 2238 4-acetyloxy-N,N-diallyltryptamine (other name: 4-AcO-DALT);
- 2239 4-hydroxy-N,N-methylisopropyltryptamine (other name: 4-hydroxy-MiPT);
- 2240 3,4-Methylenedioxy-alpha-pyrrolidinohexanophenone (other name: MDPHP);
- 2241 5-methoxy-N,N-dibutyltryptamine (other name: 5-methoxy-DBT);
- 2242 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-1-butanone (other names: Eutylone, bk-EBDB);
- 2243 1-(1,3-benzodioxol-5-yl)-2-(butylamino)-1-pentanone (other name: N-butylpentylone);
- 2244 N-benzyl-3,4-dimethoxyamphetamine (other name: N-benzyl-3,4-DMA);
- 2245 1-(benzo[d][1,3]dioxol-5-yl)-2-(sec-butylamino)pentan-1-one (other name: N-sec-butyl Pentylone);
- 2246 1-cyclopropionyl lysergic acid diethylamide (other name: 1cP-LSD);
- 2247 2-(ethylamino)-1-phenylheptan-1-one (other name: N-ethylheptedrone);
- 2248 (2-ethylaminopropyl)benzofuran (other name: EAPB);
- 2249 4-ethyl-2,5-dimethoxy-N-[(2-hydroxyphenyl)methyl]-benzeneethanamine (other name: 25E-NBOH);
- 2250 2-fluoro-Deschloroketamine (other name: 2-(2-fluorophenyl)-2-(methylamino)-cyclohexanone);
- 2251 4-hydroxy-N-ethyl-N-propyltryptamine (other name: 4-hydroxy-EPT);
- 2252 2-(isobutylamino)-1-phenylhexan-1-one (other names: N-Isobutyl Hexedrone, alpha-isobutylaminohexanphenone);
- 2253 1-(4-methoxyphenyl)-N-methylpropan-2-amine (other names: para-Methoxymethamphetamine, PMMA);
- 2254 1-(4-methoxyphenyl)-N-methylpropan-2-amine (other names: para-Methoxymethamphetamine, PMMA);
- 2255 1-(4-methoxyphenyl)-N-methylpropan-2-amine (other names: para-Methoxymethamphetamine, PMMA);
- 2256 N-ethyl-1-(3-hydroxyphenyl)cyclohexylamine (other name: 3-hydroxy-PCE);
- 2257 N-heptyl-3,4-dimethoxyamphetamine (other name: N-heptyl-3,4-DMA);
- 2258 N-hexyl-3,4-dimethoxyamphetamine (other name: N-hexyl-3,4-DMA);
- 2259 4-fluoro-3-methyl-alpha-pyrrolidinovalerophenone (other name: 4-fluoro-3-methyl-alpha-PVP);
- 2260 4-fluoro-alpha-methylamino-valerophenone (other name: 4-fluoropentedrone);
- 2261 N-(1,4-dimethylpentyl)-3,4-dimethoxyamphetamine (other name: N-(1,4-dimethylpentyl)-3,4-DMA);
- 2262 4,5-methylenedioxy-N,N-diisopropyltryptamine (other name: 4,5-MDO-DIPT);
- 2263 Alpha-pyrrolidinocyclohexanophenone (other name: alpha-PCYP);
- 2264 3,4-methylenedioxy-alpha-pyrrolidinoheptiophenone (other name: MDPV8);
- 2265 4-chloro-alpha-methylaminobutiophenone (other name: 4-chloro Buphedrone).
- 2266 4. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:
- 2267 5-(2-chlorophenyl)-1,3-dihydro-3-methyl-7-nitro-2H-1,4-benzodiazepin-2-one (other name: Meclonazepam);
- 2268 5-(2-chlorophenyl)-1,3-dihydro-3-methyl-7-nitro-2H-1,4-benzodiazepin-2-one (other name: Meclonazepam);
- 2269 7-chloro-5-(2-fluorophenyl)-1,3-dihydro-1,4-benzodiazepin-2-one (other name: Norfludiazepam);
- 2270 7-chloro-5-(2-fluorophenyl)-1,3-dihydro-1,4-benzodiazepin-2-one (other name: Norfludiazepam);
- 2271 7-chloro-5-(2-fluorophenyl)-1,3-dihydro-1,4-benzodiazepin-2-one (other name: Norfludiazepam);
- 2272 7-chloro-5-(2-fluorophenyl)-1,3-dihydro-1,4-benzodiazepin-2-one (other name: Norfludiazepam);

- 2273 Bromazolam;
- 2274 Clonazolam;
- 2275 Deschloroetizolam;
- 2276 Etizolam;
- 2277 Flualprazolam;
- 2278 Flubromazepam;
- 2279 Flubromazolam;
- 2280 Gamma hydroxybutyric acid (some other names include GHB; gamma hydroxybutyrate;
- 2281 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate);
- 2282 Mecloqualone;
- 2283 Methaqualone.
- 2284 5. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture
- 2285 or preparation which contains any quantity of the following substances having a stimulant effect on the
- 2286 central nervous system, including its salts, isomers and salts of isomers:
- 2287 2-(3-fluorophenyl)-3-methylmorpholine (other name: 3-fluorophenmetrazine);
- 2288 Aminorex (some trade or other names; aminoxaphen; 2-amino-5-phenyl-2-oxazoline;
- 2289 4,5-dihydro-5-phenyl-2-oxazolamine);
- 2290 Cathinone (some trade or other names: 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone,
- 2291 2-aminopropiophenone, norephedrone), and any plant material from which Cathinone may be derived;
- 2292 Cis-4-methylaminorex (other name: cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);
- 2293 Ethylamphetamine;
- 2294 Ethyl phenyl(piperidin-2-yl)acetate (other name: Ethylphenidate);
- 2295 Fenethylamine;
- 2296 Methcathinone (some other names: 2-(methylamino)-propionophenone;
- 2297 alpha-(methylamino)-propionophenone; 2-(methylamino)-1-phenylpropan-1-one;
- 2298 alpha-N-methylaminopropiophenone; monomethylpropion; ephedrone; N-methylcathinone;
- 2299 methylcathinone; AL-464; AL-422; AL-463 and UR 1432);
- 2300 N-Benzylpiperazine (some other names: BZP, 1-benzylpiperazine);
- 2301 N,N-dimethylamphetamine (other names: N,N-alpha-trimethyl-benzeneethanamine,
- 2302 N,N-alpha-trimethylphenethylamine);
- 2303 Methyl 2-(4-fluorophenyl)-2-(2-piperidinyl)acetate (other name: 4-fluoromethylphenidate);
- 2304 Isopropyl-2-phenyl-2-(2-piperidinyl)acetate (other name: Isopropylphenidate);
- 2305 4-chloro-N,N-dimethylcathinone;
- 2306 3,4-methylenedioxy-N-benzylcathinone (other name: BMDP).
- 2307 6. Any substance that contains one or more cannabimimetic agents or that contains their salts,
- 2308 isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is
- 2309 possible within the specific chemical designation, and any preparation, mixture, or substance containing,
- 2310 or mixed or infused with, any detectable amount of one or more cannabimimetic agents.
- 2311 a. "Cannabimimetic agents" includes any substance that is within any of the following structural
- 2312 classes:
- 2313 2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or
- 2314 alkenyl, whether or not substituted on the cyclohexyl ring to any extent;
- 2315 3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane with substitution at the nitrogen atom of
- 2316 the indole ring, whether or not further substituted on the indole ring to any extent, whether or not
- 2317 substituted on the naphthoyl or naphthyl ring to any extent;
- 2318 3-(1-naphthoyl)pyrrole with substitution at the nitrogen atom of the pyrrole ring, whether or not
- 2319 further substituted in the pyrrole ring to any extent, whether or not substituted on the naphthoyl ring to
- 2320 any extent;
- 2321 1-(1-naphthylmethyl)indene with substitution of the 3-position of the indene ring, whether or not
- 2322 further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to
- 2323 any extent;
- 2324 3-phenylacetylindole or 3-benzoylindole with substitution at the nitrogen atom of the indole ring,
- 2325 whether or not further substituted in the indole ring to any extent, whether or not substituted on the
- 2326 phenyl ring to any extent;
- 2327 3-cyclopropoylindole with substitution at the nitrogen atom of the indole ring, whether or not further
- 2328 substituted on the indole ring to any extent, whether or not substituted on the cyclopropyl ring to any
- 2329 extent;
- 2330 3-adamantoylindole with substitution at the nitrogen atom of the indole ring, whether or not further
- 2331 substituted on the indole ring to any extent, whether or not substituted on the adamantyl ring to any
- 2332 extent;
- 2333 N-(adamantyl)-indole-3-carboxamide with substitution at the nitrogen atom of the indole ring,
- 2334 whether or not further substituted on the indole ring to any extent, whether or not substituted on the

- 2335 adamantyl ring to any extent; and
- 2336 N-(adamantyl)-indazole-3-carboxamide with substitution at a nitrogen atom of the indazole ring,
- 2337 whether or not further substituted on the indazole ring to any extent, whether or not substituted on the
- 2338 adamantyl ring to any extent.
- 2339 b. The term "cannabimimetic agents" includes:
- 2340 5-(1,1-Dimethylheptyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497);
- 2341 5-(1,1-Dimethylhexyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C6 homolog);
- 2342 5-(1,1-Dimethyloctyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C8 homolog);
- 2343 5-(1,1-Dimethylnonyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C9 homolog);
- 2344 1-pentyl-3-(1-naphthoyl)indole (other names: JWH-018, AM-678);
- 2345 1-butyl-3-(1-naphthoyl)indole (other name: JWH-073);
- 2346 1-pentyl-3-(2-methoxyphenylacetyl)indole (other name: JWH-250);
- 2347 1-hexyl-3-(naphthalen-1-oyl)indole (other name: JWH-019);
- 2348 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (other name: JWH-200);
- 2349 (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tet
- 2350 rahydrobenzo[c]chromen-1-ol (other name: HU-210);
- 2351 1-pentyl-3-(4-methoxy-1-naphthoyl)indole (other name: JWH-081);
- 2352 1-pentyl-3-(4-methyl-1-naphthoyl)indole (other name: JWH-122);
- 2353 1-pentyl-3-(2-chlorophenylacetyl)indole (other name: JWH-203);
- 2354 1-pentyl-3-(4-ethyl-1-naphthoyl)indole (other name: JWH-210);
- 2355 1-pentyl-3-(4-chloro-1-naphthoyl)indole (other name: JWH-398);
- 2356 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (other name: AM-694);
- 2357 1-((N-methylpiperidin-2-yl)methyl)-3-(1-naphthoyl)indole (other name: AM-1220);
- 2358 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (other name: AM-2201);
- 2359 1-[(N-methylpiperidin-2-yl)methyl]-3-(2-iodobenzoyl)indole (other name: AM-2233);
- 2360 Pravadoline (4-methoxyphenyl)-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-yl]methanone (other
- 2361 name: WIN 48,098);
- 2362 1-pentyl-3-(4-methoxybenzoyl)indole (other names: RCS-4, SR-19);
- 2363 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (other names: RCS-8, SR-18);
- 2364 1-pentyl-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other name: UR-144);
- 2365 1-(5-fluoropentyl)-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other names: XLR-11,
- 2366 5-fluoro-UR-144);
- 2367 N-adamantyl-1-fluoropentylindole-3-carboxamide (other name: STS-135);
- 2368 N-adamantyl-1-pentylindazole-3-carboxamide (other names: AKB48, APINACA);
- 2369 1-pentyl-3-(1-adamantoyl)indole (other name: AB-001);
- 2370 (8-quinolinyl)(1-pentylindol-3-yl)carboxylate (other name: PB-22);
- 2371 (8-quinolinyl)(1-(5-fluoropentyl)indol-3-yl)carboxylate (other name: 5-fluoro-PB-22);
- 2372 (8-quinolinyl)(1-cyclohexylmethyl-indol-3-yl)carboxylate (other name: BB-22);
- 2373 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide (other name: AB-PINACA);
- 2374 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)indazole-3-carboxamide (other name:
- 2375 AB-FUBINACA);
- 2376 1-(5-fluoropentyl)-3-(1-naphthoyl)indazole (other name: THJ-2201);
- 2377 N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide (other name:
- 2378 ADB-PINACA);
- 2379 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide (other name:
- 2380 AB-CHMINACA);
- 2381 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)indazole-3-carboxamide (other name:
- 2382 5-fluoro-AB-PINACA);
- 2383 N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide (other names:
- 2384 ADB-CHMINACA, MAB-CHMINACA);
- 2385 Methyl-2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate (other name:
- 2386 5-fluoro-AMB);
- 2387 1-naphthalenyl 1-(5-fluoropentyl)-1H-indole-3-carboxylate (other name: NM-2201);
- 2388 1-(4-fluorobenzyl)-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other name: FUB-144);
- 2389 1-(5-fluoropentyl)-3-(4-methyl-1-naphthoyl)indole (other name MAM-2201);
- 2390 N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-[(4-fluorophenyl)methyl]-1H-indazole-3-carboxamide
- 2391 (other name: ADB-FUBINACA);
- 2392 Methyl 2-[1-[(4-fluorophenyl)methyl]-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other name:
- 2393 MDMB-FUBINACA);
- 2394 Methyl 2-[1-(5-fluoropentyl)-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other names:
- 2395 5-fluoro-ADB, 5-Fluoro-MDMB-PINACA);

**2396** Methyl 2-({1-[(4-fluorophenyl)methyl]-1H-indazole-3-carbonyl}amino)-3-methylbutanoate (other  
**2397** names: AMB-FUBINACA, FUB-AMB);  
**2398** N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (other names: FUB-AKB48,  
**2399** 5F-APINACA);  
**2400** N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide (other name: 5F-AKB48);  
**2401** N-(adamantan-1-yl)-1-(5-chloropentyl) indazole-3-carboxamide (other name: 5-chloro-AKB48);  
**2402** Naphthalen-1-yl 1-pentyl-1H-indazole-3-carboxylate (other name: SDB-005);  
**2403** N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indole-3-carboxamide (other name:  
**2404** AB-CHMICA);  
**2405** 1-pentyl-N-(phenylmethyl)-1H-indole-3-carboxamide (other name: SDB-006);  
**2406** Quinolin-8-yl 1-(4-fluorobenzyl)-1H-indole-3-carboxylate (other name: FUB-PB-22);  
**2407** Methyl N-[1-(cyclohexylmethyl)-1H-indole-3-carbonyl]valinate (other name: MMB-CHMICA);  
**2408** N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)indazole-3-carboxamide (other name:  
**2409** 5-fluoro-ADB-PINACA);  
**2410** 1-(4-cyanobutyl)-N-(1-methyl-1-phenylethyl)-1H-indazole-3-carboxamide (other name: 4-cyano  
**2411** CUMYL-BUTINACA);  
**2412** Methyl 2-[1-(5-fluoropentyl)-1H-indole-3-carboxamido]-3,3-dimethylbutanoate (other names: 5-fluoro  
**2413** MDMB-PICA, 5F-MDMB-PICA);  
**2414** Ethyl 2-({1-[(4-fluorophenyl)methyl]-1H-indazole-3-carbonyl}amino)-3-methylbutanoate (other name:  
**2415** EMB-FUBINACA);  
**2416** Methyl 2-[1-(4-fluorobutyl)-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other name:  
**2417** 4-fluoro-MDMB-BUTINACA);  
**2418** 1-(5-fluoropentyl)-N-(1-methyl-1-phenylethyl)-1H-indole-3-carboxamide (other name: 5-fluoro  
**2419** CUMYL-PICA);  
**2420** Methyl 2-[1-(pent-4-enyl)-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other name:  
**2421** MDMB-4en-PINACA);  
**2422** Methyl 2-({1-[(4-fluorophenyl)methyl]-1H-indole-3-carbonyl}amino)-3-methylbutanoate (other names:  
**2423** MMB-FUBICA, AMB-FUBICA);  
**2424** Methyl 2-[1-(4-penten-1-yl)-1H-indole-3-carboxamido]-3-methylbutanoate (other names: MMB022,  
**2425** MMB-4en-PICA);  
**2426** Methyl 2-[1-(5-fluoropentyl)-1H-indole-3-carboxamido]-3-methylbutanoate (other name: MMB 2201);  
**2427** Methyl 2-[1-(5-fluoropentyl)-1H-indole-3-carboxamido]-3-phenylpropanoate (other name:  
**2428** 5-fluoro-MPP-PICA);  
**2429** N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-butylindazole-3-carboxamide (other name:  
**2430** ADB-BUTINACA);  
**2431** N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-chloropentyl)indazole-3-carboxamide (other name:  
**2432** 5-chloro-AB-PINACA);  
**2433** 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide (other names:  
**2434** 5F-CUMYL-PINACA, 5-fluoro CUMYL-PINACA, CUMYL-5F-PINACA);  
**2435** Ethyl 2-[1-(5-fluoropentyl)-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other names:  
**2436** 5F-EDMB-PINACA, 5-fluoro EDMB-PINACA);  
**2437** Ethyl-2-[1-(5-fluoropentyl)-1H-indazole-3-carboxamido]-3-methylbutanoate (other names:  
**2438** 5-fluoro-EMB-PINACA, 5F-AEB);  
**2439** Ethyl 2-[1-(5-fluoropentyl)-1H-indole-3-carboxamido]-3-methylbutanoate (other name:  
**2440** 5-fluoro-EMB-PICA);  
**2441** Ethyl-2-[1-(5-fluoropentyl)-1H-indole-3-carboxamido]-3,3-dimethylbutanoate (other name: 5-fluoro  
**2442** EDMB-PICA);  
**2443** Methyl 2-[1-(4-fluorobutyl)-1H-indole-3-carboxamido]-3,3-dimethylbutanoate (other name:  
**2444** 4-fluoro-MDMB-BUTICA);  
**2445** Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate (other names:  
**2446** MDMB-CHMICA, MMB-CHMINACA);  
**2447** N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(pent-4-enyl)indazole-3-carboxamide (other name:  
**2448** ADB-4en-PINACA).  
**2449** **2. That Article 5 (§§ 3.2-5145.1 through 3.2-5145.5) of Chapter 51 of Title 3.2 of the Code of**  
**2450** **Virginia is repealed.**  
**2451** **3. That the provisions of this act creating in Chapter 51 of Title 3.2 an article numbered 6,**  
**2452** **consisting of sections numbered 3.2-5145.6 through 3.2-5145.9, and repealing Article 5**  
**2453** **(§§ 3.2-5145.1 through 3.2-5145.5) of Chapter 51 of Title 3.2 of the Code of Virginia shall become**  
**2454** **effective on the earlier of (i) the promulgation by the Board of Directors of the Virginia Cannabis**  
**2455** **Control Authority of final regulations governing regulated hemp products pursuant to § 4.1-606 of**  
**2456** **the Code of Virginia, as amended by this act, or (ii) January 1, 2024. Any regulation promulgated**  
**2457** **by the Department of Agriculture and Consumer Services pursuant to Article 5 of Chapter 51 of**



2458 Title 3.2 of the Code of Virginia, as repealed by this act, shall remain in full force and effect and  
 2459 continue to be administered by the Department of Agriculture and Consumer Services until the  
 2460 effective date of the repeal of Article 5 of Chapter 51 of Title 3.2 of the Code of Virginia.

2461 4. That, except as otherwise provided in the third enactment, the Board of Directors (the Board)  
 2462 of the Virginia Cannabis Control Authority shall promulgate regulations to implement the  
 2463 provisions of the first enactment by September 1, 2023. With the exception of § 2.2-4031 of the  
 2464 Code of Virginia, neither the provisions of the Administrative Process Act (§ 2.2-4000 et seq. of the  
 2465 Code of Virginia) nor public participation guidelines adopted pursuant thereto shall apply to the  
 2466 Board's initial adoption of regulations to implement the provisions of the first enactment.  
 2467 However, prior to adopting any regulation, the Board shall publish a notice of opportunity to  
 2468 comment in the Virginia Register of Regulations and post the action on the Virginia Regulatory  
 2469 Town Hall. Such notice of opportunity to comment shall contain (i) a summary of the proposed  
 2470 regulation; (ii) the text of the proposed regulation; and (iii) the name, address, and telephone  
 2471 number of the agency contact person responsible for receiving public comments. Such notice shall  
 2472 be made at least 60 days in advance of the last date prescribed in such notice for submittals of  
 2473 public comment. The legislative review provisions of subsections A and B of § 2.2-4014 of the Code  
 2474 of Virginia shall apply to the promulgation or final adoption process for regulations pursuant to  
 2475 this section. The Board shall consider and keep on file all public comments received for any  
 2476 regulation adopted pursuant to this act.

2477 5. That, except as otherwise provided in the sixth enactment of this act, the Board of Directors of  
 2478 the Virginia Cannabis Control Authority shall not issue any license pursuant to the provisions of  
 2479 this act prior to July 1, 2024.

2480 6. § 1. That, notwithstanding any other provision of law, any pharmaceutical processor that holds  
 2481 a permit pursuant to § 54.1-3442.6 of the Code of Virginia shall be authorized to sell cannabis  
 2482 products as defined in § 54.1-3408.3 of the Code of Virginia to persons who are 21 years of age or  
 2483 older without the need for a written certification. The Board of Directors of the Virginia Cannabis  
 2484 Control Authority (the Board) shall adopt, by January 1, 2024, and enforce regulations governing  
 2485 sales and related activities conducted pursuant to this enactment that shall model, to the greatest  
 2486 extent practicable, the regulations of the Board of Pharmacy governing pharmaceutical processors  
 2487 set forth in 18VAC110-60 of the Virginia Administrative Code, subject to the following exceptions  
 2488 and requirements:

2489 1. Part II (18VAC110-60-30 et seq.) of 18VAC110-60 and 18VAC110-60-310 of the Virginia  
 2490 Administrative Code shall not apply;

2491 2. Pharmaceutical processors engaging in sales pursuant to the provisions of this enactment  
 2492 shall:

2493 a. Sell cannabis products only in opaque, child-resistant, tamper-evident, and resealable  
 2494 packaging;

2495 b. Report quarterly to the Board data regarding all sales conducted pursuant to this enactment,  
 2496 including information regarding violations, errors, and omissions;

2497 c. Be permitted to cultivate in no more than 80,000 square feet of canopy the number of  
 2498 cannabis plants, as determined by the pharmaceutical processor, necessary to serve the demand  
 2499 for sales created by this enactment;

2500 d. Dedicate a sufficient number of registers at each facility to registered patient sales and  
 2501 maintain sufficient inventory of cannabis products to satisfy the demands of such patients;

2502 e. Submit to the Board and, upon approval by the Board, comply with a diversity, equity, and  
 2503 inclusion plan describing how the pharmaceutical processor will, in its health service area or other  
 2504 area determined by the Board, (i) educate consumers about responsible consumption of cannabis  
 2505 products and (ii) incubate five qualified retail applicants in a historically economically  
 2506 disadvantaged community for a period of six months or support and educate applicants in a  
 2507 historically economically disadvantaged community that wish to participate in the cannabis  
 2508 market; and

2509 f. Pay a one-time \$6 million fee to the Department of Taxation prior to engaging in sales  
 2510 pursuant to this enactment;

2511 3. Pharmaceutical processors engaging in sales pursuant to the provisions of this enactment  
 2512 shall not:

2513 a. Deliver cannabis products or sell cannabis products at any location other than the  
 2514 pharmaceutical processor and cannabis dispensing facilities for which the pharmaceutical  
 2515 processor holds a permit pursuant to § 54.1-3442.6 of the Code of Virginia;

2516 b. Advertise cannabis products to persons younger than 21 years of age;

2517 c. Sell to a person in a single transaction more than (i) one ounce of botanical cannabis  
 2518 products, (ii) five grams of cannabis concentrate products, or (iii) a quantity of infused cannabis

2519 products that contains more than 500 milligrams of tetrahydrocannabinol;  
2520 d. Sell any nonbotanical cannabis product with an individual unit dose containing more than 10  
2521 milligrams of tetrahydrocannabinol;  
2522 e. Be required to comply with any Board regulation, requirement, or restriction that does not  
2523 model, to the greatest extent practicable, the regulations of the Board of Pharmacy or exceptions  
2524 thereto set forth in this enactment unless such regulation, requirement, or restriction is adopted by  
2525 the General Assembly; or  
2526 f. Be subject to administrative action, liability, or other penalty based on the acts or omissions  
2527 of any independent cannabis retailer; and  
2528 4. Persons without a written certification shall be permitted to access pharmaceutical processor  
2529 and dispensing facilities for the purpose of purchasing cannabis products in accordance with the  
2530 provisions of this enactment.  
2531 For the purposes of this enactment, "canopy" means any area dedicated to live marijuana  
2532 plant cultivation, including areas in which plants are grown, propagated, cloned, or maintained. If  
2533 any such areas are stacked vertically, each level of space shall be measured and included in the  
2534 total canopy square footage.  
2535 § 2. The Board of Directors of the Virginia Cannabis Control Authority may suspend the  
2536 privileges of a pharmaceutical processor to engage in sales under this enactment for substantial  
2537 and repeated violations of the provisions of this enactment.  
2538 § 3. A tax of 21 percent shall be levied on the sale of cannabis products pursuant to this  
2539 enactment, which shall be in addition to any tax imposed under Chapter 6 (§ 58.1-600 et seq.) of  
2540 Title 58.1 of the Code of Virginia or any other provision of federal, state, or local law.  
2541 Pharmaceutical processors shall remit such tax to the Department of Taxation. The Department of  
2542 Taxation shall deposit tax revenues from the 21 percent excise tax, as well as the fees received  
2543 from pharmaceutical processors pursuant to § 1, into the account of the Virginia Cannabis Control  
2544 Authority to be used to provide loans to applicants in a historically economically disadvantaged  
2545 community who are in need of capital for the start-up of a licensed cannabis business.  
2546 Any locality may by ordinance levy a three percent tax on the sale of cannabis products  
2547 pursuant to this enactment. Such local tax shall be in addition to any local sales tax imposed  
2548 under Chapter 6 (§ 58.1-600 et seq.) of Title 58.1, any food and beverage tax imposed under  
2549 Article 7.1 (§ 58.1-3833 et seq.) of Chapter 38 of Title 58.1, and any excise tax imposed on meals  
2550 under § 58.1-3840. If a town imposes a tax under this section, any tax imposed by its surrounding  
2551 county under this section shall not apply within the limits of the town. Nothing in this section shall  
2552 be construed to prohibit a locality from imposing any tax authorized by law on a person or  
2553 property regulated under this enactment. Any locality that enacts an ordinance pursuant to this  
2554 section shall, within 30 days, notify the Virginia Cannabis Control Authority and any  
2555 pharmaceutical processor in such locality of the ordinance's enactment. The ordinance shall take  
2556 effect on the first day of the second month following its enactment. Any local tax levied under this  
2557 section shall be remitted and disbursed to the Virginia Cannabis Control Authority in the same  
2558 manner as the 21 percent state excise tax and, thereafter, disbursed to the applicable locality.  
2559 § 4. The Board of Directors of the Virginia Cannabis Control Authority and the Department of  
2560 Taxation may assess and collect fees from each pharmaceutical processor that sells cannabis  
2561 products pursuant to this enactment in an amount sufficient to recover the costs associated with  
2562 the implementation of the provisions of this enactment.  
2563 § 5. The provisions of this enactment shall not apply to or otherwise affect the sale of cannabis  
2564 products to patients with written certifications by pharmaceutical processors pursuant to Article  
2565 4.2 (§ 54.1-3442.5 et seq. of the Code of Virginia) of the Drug Control Act.  
2566 § 6. No agent or employee of a pharmaceutical processor or cannabis dispensing facility shall  
2567 be prosecuted under Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1 or § 18.2-248, 18.2-248.1, or  
2568 18.2-250 of the Code of Virginia for possession or manufacture of marijuana or for possession,  
2569 manufacture, or distribution of cannabis products, subject to any civil penalty, denied any right or  
2570 privilege, or subject to any disciplinary action by a professional licensing board if such agent or  
2571 employee (i) possessed or manufactured such marijuana for the purposes of producing cannabis  
2572 products in accordance with the provisions of this enactment or (ii) possessed, manufactured, or  
2573 distributed such cannabis products that are consistent with generally accepted cannabis industry  
2574 standards in accordance with the provisions of this enactment.  
2575 § 7. The Board of Directors of the Virginia Cannabis Control Authority's (the Board) initial  
2576 adoption of regulations necessary to implement the provisions of this enactment shall be exempt  
2577 from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia), except that the  
2578 Board shall provide an opportunity for public comment on the regulations prior to adoption.  
2579 § 8. That the provisions of this enactment shall become effective on January 1, 2024.  
2580 § 9. That the provisions of this enactment shall expire when the Virginia Cannabis Control

2581 Authority (the Authority) provides written notice to the Division of Legislative Services that  
2582 pharmaceutical processors engaging in the sale of cannabis products pursuant to the provisions of  
2583 this enactment are authorized by the Authority to apply for and be granted licenses to cultivate,  
2584 manufacture, wholesale, and sell at retail to consumers 21 years of age or older retail marijuana  
2585 and retail marijuana products at the pharmaceutical processor and cannabis dispensing facilities  
2586 for which the pharmaceutical processor holds a permit pursuant to § 54.1-3442.6 of the Code of  
2587 Virginia.  
2588 7. That the provisions of this act may result in a net increase in periods of imprisonment or  
2589 commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the  
2590 necessary appropriation cannot be determined for periods of imprisonment in state adult  
2591 correctional facilities; therefore, Chapter 2 of the Acts of Assembly of 2022, Special Session I,  
2592 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of  
2593 \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary  
2594 appropriation cannot be determined for periods of commitment to the custody of the Department  
2595 of Juvenile Justice.