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HOUSE BILL NO. 1973

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice

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

(Patron Prior to Substitute--Delegate Leftwich)

A BILL to amend and reenact §§ 3.2-4112, 3.2-4113, 3.2-4114, 3.2-4114.2, 3.2-4115, 3.2-4116, 3.2-4118, 3.2-4119, 3.2-5145.1, 3.2-5145.2:1, 3.2-5145.4, 3.2-5145.5, 4.1-600, 18.2-247, 18.2-251.1:3, 18.2-371.2, 54.1-3401, 54.1-3408.3, 54.1-3423, 54.1-3442.6, 54.1-3442.7, 54.1-3443, 54.1-3446, 59.1-200, 59.1-203, and 59.1-206 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 3.2-5145.4:1, relating to tetrahydrocannabinol; industrial hemp; regulated hemp products.

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

**1. That §§ 3.2-4112, 3.2-4113, 3.2-4114, 3.2-4114.2, 3.2-4115, 3.2-4116, 3.2-4118, 3.2-4119, 3.2-5145.1, 3.2-5145.2:1, 3.2-5145.4, 3.2-5145.5, 4.1-600, 18.2-247, 18.2-251.1:3, 18.2-371.2, 54.1-3401, 54.1-3408.3, 54.1-3423, 54.1-3442.6, 54.1-3442.7, 54.1-3443, 54.1-3446, 59.1-200, 59.1-203, and 59.1-206 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 3.2-5145.4:1 as follows:**

**§ 3.2-4112. Definitions.**

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

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

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

25 ~~"Dealer" means any person who is registered pursuant to subsection A of § 3.2-4115 to deal in~~  
26 ~~industrial hemp. "Dealer" does not include a retail establishment that sells or offers for sale a hemp~~  
27 ~~product.~~

28 ~~"Dealership" means the location at which a dealer stores or intends to store the industrial hemp in~~  
29 ~~which he deals.~~

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

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

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

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

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

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

43 "Hemp product" means a product, including any raw materials from industrial hemp that are used  
44 for or added to a food or beverage ~~product~~, that (i) contains industrial hemp and has completed all stages  
45 of processing needed for the product and (ii) when offered for retail sale (a) contains a total  
46 tetrahydrocannabinol concentration of no greater than 0.3 percent and (b) contains no more than two  
47 milligrams of total tetrahydrocannabinol per package or a ratio of cannabidiol to total  
48 tetrahydrocannabinol that is greater than or equal to 30:1.

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

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

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

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

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

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

60 "Tetrahydrocannabinol" means any naturally occurring or synthetic tetrahydrocannabinol,  
61 including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts  
62 of isomers is possible within the specific chemical designation and any preparation, mixture, or substance  
63 containing, or mixed or infused with, any detectable amount of tetrahydrocannabinol.

64 "Tetrahydrocannabinol" includes delta-6a(10a), delta-7, delta-8, delta-9, and delta-10  
65 tetrahydrocannabinol. For the purposes of this definition, "isomer" means the optical, position, and  
66 geometric isomers.

67 "Total tetrahydrocannabinol" means the sum, after the application of any necessary conversion  
68 factor, of the percentage by weight of tetrahydrocannabinol and the percentage by weight of  
69 tetrahydrocannabinolic acid.

70 **§ 3.2-4113. Production of industrial hemp lawful.**

71 A. It is lawful for a grower, his agent, or a federally licensed hemp producer to grow, a ~~dealer~~  
72 handler or his agent to ~~deal in~~ handle, or a processor or his agent to process industrial hemp in the  
73 Commonwealth for any lawful purpose. No federally licensed hemp producer or grower or his agent shall  
74 be prosecuted under Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1 or § 18.2-247, 18.2-248, 18.2-248.01,  
75 18.2-248.1, or 18.2-250 for the possession or growing of industrial hemp or any Cannabis sativa with a  
76 tetrahydrocannabinol concentration that does not exceed the total ~~delta-9~~ tetrahydrocannabinol  
77 concentration percentage established in federal regulations applicable to negligent violations located at 7

78 C.F.R. § 990.6(b)(3). No ~~dealer~~ handler or his agent or processor or his agent shall be prosecuted under  
79 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 18.2-250  
80 or issued a summons or judgment for the possession, ~~dealer~~ handling, or processing of industrial hemp.  
81 In any complaint, information, or indictment, and in any action or proceeding brought for the enforcement  
82 of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 or the Drug Control Act (§  
83 54.1-3400 et seq.), it shall not be necessary to negate any exception, excuse, proviso, or exemption  
84 contained in this chapter or the Drug Control Act, and the burden of proof of any such exception, excuse,  
85 proviso, or exemption shall be on the defendant.

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

88 C. No person shall be prosecuted under Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1 or § 18.2-247,  
89 18.2-248, 18.2-248.01, 18.2-248.1, or 18.2-250 for the involuntary growth of industrial hemp through the  
90 inadvertent natural spread of seeds or pollen as a result of proximity to a production field, ~~dealership~~  
91 handler's storage site, or process site.

92 **§ 3.2-4114. Regulations.**

93 A. The Board may adopt regulations pursuant to this chapter as necessary to register persons to  
94 grow, ~~deal in~~ handle, or process industrial hemp or implement the provisions of this chapter.

95 B. Upon publication by the U.S. Department of Agriculture in the Federal Register of any final  
96 rule regarding industrial hemp that materially expands opportunities for growing, producing, or ~~dealer~~ handling in  
97 handling industrial hemp in the Commonwealth, the Board shall immediately adopt amendments  
98 conforming Department regulations to such federal final rule. Such adoption of regulations by the Board  
99 shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

100 **§ 3.2-4114.2. Authority of Commissioner; notice to law enforcement; report.**

101 A. The Commissioner may charge a nonrefundable fee not to exceed \$250 for any application for  
102 registration or renewal of registration allowed under this chapter. The Commissioner may charge a  
103 nonrefundable fee for the tetrahydrocannabinol testing allowed under this chapter. All fees collected by  
104 the Commissioner shall be deposited in the state treasury.

105 B. The Commissioner shall adopt regulations establishing a fee structure for a registration issued  
106 pursuant to § 3.2-4115. With the exception of § 2.2-4031, no provision of the Administrative Process Act  
107 (§ 2.2-4000 et seq.) or public participation guideline adopted pursuant thereto shall apply to the adoption  
108 of any regulation pursuant to this subsection. However, prior to adopting any regulation pursuant to this  
109 subsection, the Commissioner shall review the recommendation of an advisory panel that shall consider  
110 the economic impact of any proposed fee amount on the Commonwealth's industrial hemp industry. The  
111 advisory panel shall, at a minimum, include (i) an agribusiness representative or organization, (ii) a  
112 farming representative or organization, and (iii) a hemp industry representative or organization. Prior to  
113 adopting any regulation pursuant to this subsection, the Commissioner shall publish a notice of  
114 opportunity to comment in the Virginia Register of Regulations and post the action on the Virginia  
115 Regulatory Town Hall. Such notice shall contain (a) a summary of the proposed regulation; (b) the text of  
116 the proposed regulation; and (c) the name, address, and telephone number of the agency contact person  
117 responsible for receiving public comments. Such notice shall be made at least 60 days in advance of the  
118 last date prescribed in such notice of submittals of public comment. The legislative review provisions of  
119 subsections A and B of § 2.2-4014 shall apply to the promulgation or final adoption process of regulations  
120 pursuant to this subsection. The Commissioner shall consider and keep on file all public comments  
121 received for any regulation adopted pursuant to this subsection.

122 C. The Commissioner may establish an application period for a registration or renewal of  
123 registration allowed under this chapter.

124 D. The Commissioner shall notify the Superintendent of State Police of each registration issued  
125 by the Commissioner under this chapter and each license submitted to the Commissioner by a federally  
126 licensed hemp producer.

127 E. The Commissioner shall forward a copy or appropriate electronic record of each registration  
128 issued by the Commissioner under this chapter and each license submitted to the Commissioner by a  
129 federally licensed hemp producer to the chief law-enforcement officer of the county or city where  
130 industrial hemp will be grown, ~~dealt~~ handled, or processed.

131 F. The Commissioner may monitor the industrial hemp grown, ~~dealt~~ handled, or processed by a  
132 person registered pursuant to ~~subsection A of~~ § 3.2-4115 and provide for random sampling and testing of  
133 the industrial hemp in accordance with any criteria established by the Commissioner and at the cost of the  
134 grower, ~~dealer~~ handler, or processor, for compliance with tetrahydrocannabinol limits and for other  
135 appropriate purposes established pursuant to § 3.2-4114. In addition to any routine inspection and  
136 sampling, the Commissioner may inspect and sample the industrial hemp at any production field,  
137 ~~dealership~~ handler's storage site, or process site during normal business hours without advance notice if  
138 he has reason to believe a violation of this chapter is occurring or has occurred.

139 G. The Commissioner may require a grower, ~~dealer~~ handler, or processor to destroy, at the cost of  
140 the grower, ~~dealer~~ handler, or processor and in a manner approved of and verified by the Commissioner,  
141 any Cannabis sativa that the grower grows, ~~in which the dealer deals~~ the handler handles, or ~~that~~ the  
142 processor processes that has been tested and is found to have a concentration of tetrahydrocannabinol that  
143 is greater than that allowed by federal law, or any Cannabis sativa product that the processor produces.

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

149 1. The Commissioner may require a grower, ~~dealer~~ handler, or processor to destroy, at the cost of  
150 the grower, ~~dealer~~ handler, or processor and in a manner approved of and verified by the Commissioner,  
151 any Cannabis sativa that the grower grows, ~~in which the dealer deals~~ the handler handles, or ~~that~~ the  
152 processor processes that has been tested and is found to have a concentration of tetrahydrocannabinol that  
153 is greater than 0.6 percent.

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

157 I. The Commissioner shall advise the Superintendent of State Police or the chief law-enforcement  
158 officer of the appropriate county or city when, with a culpable mental state greater than negligence, a  
159 grower grows, ~~a dealer deals in~~ a handler handles, or a processor processes any Cannabis sativa with a  
160 concentration of tetrahydrocannabinol that is greater than that allowed by federal law or a processor  
161 produces a Cannabis sativa product.

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

165 K. The Commissioner may establish a corrective action plan to address a negligent violation of  
166 any provision of this chapter.

167 **§ 3.2-4115. Issuance of registrations; exemption.**

168 A. The Commissioner shall establish a registration program to allow a person to grow, ~~deal in~~  
169 handle, or process industrial hemp in the Commonwealth.

170 B. Any person seeking to grow, ~~deal in~~ handle, or process industrial hemp in the Commonwealth  
171 shall apply to the Commissioner for a registration on a form provided by the Commissioner. At a  
172 minimum, the application shall include:

173 1. The name and mailing address of the applicant;

174 2. The legal description and geographic data sufficient for locating (i) the land on which the  
175 applicant intends to grow industrial hemp, (ii) the site at which the applicant intends to ~~deal in~~ handle  
176 industrial hemp, or (iii) the site at which the applicant intends to process industrial hemp. A registration  
177 shall authorize industrial hemp growth, ~~dealing in~~ handling, or processing only at the location specified in  
178 the registration;

179 3. A signed statement indicating whether the applicant has ever been convicted of a felony. A  
180 person with a prior felony drug conviction within 10 years of applying for a registration under this section  
181 shall not be eligible to be registered;

182 4. Written consent allowing the sheriff's office, police department, or Department of State Police,  
183 if a registration is ultimately issued to the applicant, to enter the premises on which the industrial hemp is

184 grown, ~~dealt in~~ handled, or processed to conduct physical inspections of the industrial hemp and to ensure  
185 compliance with the requirements of this chapter. No more than two physical inspections shall be  
186 conducted under this subdivision per year, unless a valid search warrant for an inspection has been issued  
187 by a court of competent jurisdiction;

188 5. Written consent allowing the Commissioner or his designee to enter the premises on which the  
189 industrial hemp is grown, ~~dealt in~~ handled, or processed to conduct inspections and sampling of the  
190 industrial hemp to ensure compliance with the requirements of this chapter;

191 6. A statement of the approximate square footage or acreage of the location he intends to use as a  
192 production field, ~~dealership~~ handler's storage site, or process site;

193 7. Any other information required by the Commissioner; and

194 8. The payment of a nonrefundable application fee, in an amount set by the Commissioner.

195 C. Each registration issued pursuant to this section shall be valid for a period of one year from the  
196 date of issuance and may be renewed in successive years. Each annual renewal shall require the payment  
197 of a registration renewal fee, in an amount set by the Commissioner.

198 D. All records, data, and information filed in support of a registration application submitted  
199 pursuant to this section and all information on a hemp producer license issued by the U.S. Department of  
200 Agriculture submitted to the Commissioner pursuant to this section shall be considered proprietary and  
201 excluded from the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

202 E. Notwithstanding the provisions of subsection B, no federally licensed hemp producer shall be  
203 required to apply to the Commissioner for a registration to grow industrial hemp in the Commonwealth.  
204 Each federally licensed hemp producer shall submit to the Commissioner a copy of his hemp producer  
205 license issued by the U.S. Department of Agriculture pursuant to 7 C.F.R. Part 990.

206 **§ 3.2-4116. Registration conditions.**

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

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



- 211 1. Maintain records that reflect compliance with this chapter;
- 212 2. Retain all industrial hemp growing, ~~dealing~~ handling, or processing records for at least three
- 213 years;
- 214 3. Allow his production field, ~~dealership~~ handler's storage site, or process site to be inspected by
- 215 and at the discretion of the Commissioner or his designee, the Department of State Police, or the chief
- 216 law-enforcement officer of the locality in which the production field, ~~dealership~~ handler's storage site,
- 217 or process site exists;
- 218 4. Allow the Commissioner or his designee to monitor and test the grower's, ~~dealer's~~ handler's, or
- 219 processor's industrial hemp for compliance with tetrahydrocannabinol levels and for other appropriate
- 220 purposes established pursuant to § 3.2-4114, at the cost of the grower, ~~dealer~~ handler, or processor; and
- 221 5. If required by the Commissioner, destroy, at the cost of the grower, ~~dealer~~ handler, or processor
- 222 and in a manner approved of and verified by the Commissioner, any Cannabis sativa that the grower
- 223 grows, ~~the dealer deals in~~ handler handles, or the processor processes that has been tested and, following
- 224 any re-sampling and retesting as authorized pursuant to the provisions of § 3.2-4114.2, is found to have a
- 225 concentration of tetrahydrocannabinol that is greater than that allowed by federal law, or any Cannabis
- 226 sativa product that the processor produces.

227 **§ 3.2-4118. Forfeiture of industrial hemp grower, handler, or processor registration;**

228 **violations.**

229 A. The Commissioner shall deny the application, or suspend or revoke the registration, of any

230 person who, with a culpable mental state greater than negligence, violates any provision of this chapter.

231 The Commissioner shall provide reasonable notice of an informal fact-finding conference pursuant to §

232 2.2-4019 to any person in connection with the denial, suspension, or revocation of a registration.

233 B. If a registration is revoked as the result of an informal hearing, the decision may be appealed,

234 and upon appeal an administrative hearing shall be conducted in accordance with the Administrative

235 Process Act (§ 2.2-4000 et seq.). The grower, ~~dealer~~ handler, or processor may appeal a final order to the

236 circuit court in accordance with the Administrative Process Act.

237 C. A person issued a registration pursuant to ~~subsection A of~~ § 3.2-4115 who negligently (i) fails  
238 to provide a description and geographic data sufficient for locating his production field, ~~dealership~~  
239 handler's storage site, or process site; (ii) grows, ~~deals in~~ handles, or processes Cannabis sativa with a  
240 tetrahydrocannabinol concentration greater than that allowed by federal law; or (iii) produces a Cannabis  
241 sativa product shall comply with any corrective action plan established by the Commissioner in  
242 accordance with the provisions of subsection E. The Commissioner shall not deem a grower negligent if  
243 such grower makes reasonable efforts to grow industrial hemp and grows Cannabis sativa with a  
244 tetrahydrocannabinol concentration that does not exceed the total ~~delta-9~~ tetrahydrocannabinol  
245 concentration percentage established in federal regulations applicable to negligent violations located at 7  
246 C.F.R. § 990.6(b)(3).

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

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

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

258 **§ 3.2-4119. Eligibility to receive tobacco settlement funds.**

259 Industrial hemp growers, ~~dealers~~ handlers, or processors registered under this chapter or federally  
260 licensed hemp producers may be eligible to receive funds from the Tobacco Indemnification and  
261 Community Revitalization Fund established pursuant to § 3.2-3106.

262 **§ 3.2-5145.1. Definitions.**

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

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

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

269 "Industrial hemp extract" means an extract (i) ~~of a Cannabis sativa plant that has a concentration~~  
270 ~~of tetrahydrocannabinol that is no greater than that allowed for industrial hemp by federal law and~~, (ii)  
271 that is intended for human consumption, and (iii) when offered for retail sale, that (a) contains a total  
272 tetrahydrocannabinol concentration that is no greater than 0.3 percent and (b) contains no more than two  
273 milligrams of total tetrahydrocannabinol per package or a ratio of cannabidiol to total  
274 tetrahydracannabinol that is greater than or equal to 30:1. "Industrial hemp extract" is not a hemp seed-  
275 derived ingredient that is approved by the U.S. Food and Drug Administration or is the subject of a  
276 generally recognized as safe notice for which the U.S. Food and Drug Administration had no questions.

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

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

279 **§ 3.2-5145.2:1. Sellers or manufacturers of industrial hemp extract; penalties.**

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

283 B. Any person who (i) manufactures, sells, or offers for sale an industrial hemp extract or food  
284 containing an industrial hemp extract without first obtaining a permit to do so from the Commissioner  
285 pursuant to § 3.2-5100, unless exempt from a permit pursuant to subdivision C 6 of § 3.2-5130; (ii)  
286 continues to manufacture, sell, or offer for sale an industrial hemp extract or food containing an industrial  
287 hemp extract after revocation or suspension of such permit; (iii) fails to disclose on a form prescribed by  
288 the Commissioner that he intends to manufacture, sell, or offer for sale a substance intended to be  
289 consumed orally that contains an industrial hemp-derived cannabinoid; (iv) manufactures, sells, or offers  
290 for sale a food that (a) has a total tetrahydrocannabinol concentration that is greater than 0.3 percent or (b)

291 contains more than two milligrams of total tetrahydrocannabinol per package or a ratio of cannabidiol to  
292 total tetrahydrocannabinol that is greater than or equal to 30:1; (v) manufactures, offers for sale, or sells  
293 in violation of this chapter or a regulation adopted pursuant to this chapter a substance intended to be  
294 consumed orally that is advertised or labeled as containing an industrial hemp-derived cannabinoid; or  
295 (vi) otherwise violates any provision of this chapter or a regulation adopted pursuant to this chapter, in  
296 addition to any other penalties provided, is subject to a civil penalty not to exceed \$10,000 for each day a  
297 violation occurs. Such penalty shall be collected by the Commissioner and the proceeds shall be payable  
298 to the State Treasurer for remittance to the Department.

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

311 D. The Commissioner may, in accordance with the Administrative Process Act (§ 2.2-400 et seq.),  
312 deny, suspend, or revoke a permit issued pursuant to § 3.2-5100 if the permitted entity is found to have  
313 violated subdivision A 69, 70, 71, 72, 73, or 74 of § 59.1-200 by a court of competent jurisdiction.

314 E. This section shall not apply to a person authorized to offer for sale or sell products that are (i)  
315 approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act  
316 (§ 54.1-3400 et seq.) or (ii) dispensed pursuant to Article 4.2 (§ 54.1-3442.5 et seq.) of Chapter 34 of Title  
317 54.1.

318           **§ 3.2-5145.4. Industrial hemp extract requirements.**

319           A. An industrial hemp extract shall (i) be produced from industrial hemp grown in compliance  
320 with applicable law and (ii) ~~notwithstanding any authority under federal law to have a greater~~  
321 ~~concentration of tetrahydrocannabinol,~~ when offered for retail sale, (a) have a total tetrahydrocannabinol  
322 concentration of no greater than 0.3 percent and (b) contain no more than two milligrams of total  
323 tetrahydrocannabinol per package or a ratio of cannabidiol to total tetrahydrocannabinol that is greater  
324 than or equal to 30:1.

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

327           **§ 3.2-5145.4:1. Labeling and packaging requirements.**

328           A. An industrial hemp extract or food containing an industrial hemp extract shall be contained in  
329 child-resistant packaging, as defined in § 4.1-600.

330           B. An industrial hemp extract or food containing an industrial hemp extract shall be packaged and  
331 equipped with a label that states, in English and in a font no less than 1/16 of an inch, (i) all ingredients  
332 contained in the industrial hemp extract or food containing an industrial hemp extract, (ii) the amount of  
333 such industrial hemp extract or food containing an industrial hemp extract that constitutes a single serving,  
334 and (iii) the number of milligrams and percent of total tetrahydrocannabinol per serving and number of  
335 milligrams and percent of total tetrahydrocannabinol per package.

336           C. Any industrial hemp extract or food containing an industrial hemp extract that contains  
337 tetrahydrocannabinol (i) shall be equipped with a label that states that the industrial hemp extract or food  
338 containing an industrial hemp extract contains tetrahydrocannabinol and (ii) may not be sold to persons  
339 younger than 21 years of age.

340           D. An industrial hemp extract or food containing an industrial hemp extract, when offered for retail  
341 sale, shall be accompanied by a certificate of analysis, produced by an independent laboratory that is  
342 registered with the U.S. Drug Enforcement Administration and is accredited pursuant to standard ISO/IEC  
343 17025 of the International Organization for Standardization by a third-party accrediting body, that states  
344 the total tetrahydrocannabinol concentration of the substance or the total tetrahydrocannabinol

345 concentration of the batch from which the substance originates. The certificate of accreditation pursuant  
346 to standard ISO/IEC 17025 issued by the third-party accrediting body to the independent laboratory shall  
347 be available for review at the location at which the industrial hemp extract or food containing an industrial  
348 hemp extract is offered for sale or sold.

349 E. A manufacturer shall identify each batch of an industrial hemp extract or a food containing an  
350 industrial hemp extract with a unique code for traceability. Julian date coding or any other system  
351 developed and documented by the manufacturer for assigning a unique code to a batch may be used. The  
352 batch identification shall appear and be legible on the label of an industrial hemp extract or food containing  
353 an industrial hemp extract.

354 F. The label of an industrial hemp extract or food containing an industrial hemp extract shall not  
355 contain a claim indicating the product is intended for diagnosis, cure, mitigation, treatment, or prevention  
356 of disease, which shall render the product a drug, as that term is defined in 21 U.S.C. § 321(g)(1). An  
357 industrial hemp extract or food containing an industrial hemp extract with a label that contains a claim  
358 indicating the product is intended for diagnosis, cure, mitigation, treatment, or prevention of disease shall  
359 be considered misbranded.

360 **§ 3.2-5145.5. Regulations.**

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

362 B. The Board shall adopt regulations identifying contaminants of an industrial hemp extract or a  
363 food containing an industrial hemp extract and establishing tolerances for such identified contaminants.

364 ~~C. The Board shall adopt regulations establishing labeling requirements for an industrial hemp~~  
365 ~~extract or a food containing an industrial hemp extract. Such regulations shall require that any industrial~~  
366 ~~hemp extract or food containing an industrial hemp extract that contains tetrahydrocannabinol be equipped~~  
367 ~~with a label that states (i) that the industrial hemp extract or food containing an industrial hemp extract~~  
368 ~~contains tetrahydrocannabinol and may not be sold to persons younger than 21 years of age, (ii) all~~  
369 ~~ingredients contained in the industrial hemp extract or food containing an industrial hemp extract, (iii) the~~  
370 ~~amount of such industrial hemp extract or food containing an industrial hemp extract that constitutes a~~  
371 ~~single serving, and (iv) the total percentage and milligrams of tetrahydrocannabinol included in the~~

372 ~~industrial hemp extract or food containing an industrial hemp extract and the number of milligrams of~~  
373 ~~tetrahydrocannabinol that are contained in each serving.~~

374 ~~D.~~ The Board shall adopt regulations establishing batch testing requirements for industrial hemp  
375 extracts. The Board shall require that batch testing of industrial hemp extracts be conducted by an  
376 independent testing laboratory that meets criteria established by the Board.

377 ~~E-D.~~ With the exception of § 2.2-4031, neither the provisions of the Administrative Process Act  
378 (§ 2.2-4000 et seq.) nor public participation guidelines adopted pursuant thereto shall apply to the adoption  
379 of any regulation pursuant to this section. Prior to adopting any regulation pursuant to this section, the  
380 Board shall publish a notice of opportunity to comment in the Virginia Register of Regulations and post  
381 the action on the Virginia Regulatory Town Hall. Such notice of opportunity to comment shall contain (i)  
382 a summary of the proposed regulation; (ii) the text of the proposed regulation; and (iii) the name, address,  
383 and telephone number of the agency contact person responsible for receiving public comments. Such  
384 notice shall be made at least 60 days in advance of the last date prescribed in such notice for submittals of  
385 public comment. The legislative review provisions of subsections A and B of § 2.2-4014 shall apply to  
386 the promulgation or final adoption process for regulations pursuant to this section. The Board shall  
387 consider and keep on file all public comments received for any regulation adopted pursuant to this section.

388 **§ 4.1-600. Definitions.**

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

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

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

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

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

397 "Child-resistant" means, with respect to packaging or a container, (i) specially designed or  
398 constructed to be significantly difficult for a typical child under five years of age to open and not to be

399 significantly difficult for a typical adult to open and reseal and (ii) for any product intended for more than  
400 a single use or that contains multiple servings, resealable.

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

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

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

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

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

410 "Manufacturing" or "manufacture" means the production of marijuana products or the blending,  
411 infusing, compounding, or other preparation of marijuana and marijuana products, including marijuana  
412 extraction or preparation by means of chemical synthesis. "Manufacturing" or "manufacture" does not  
413 include cultivation or testing.

414 "Marijuana" means any part of a plant of the genus Cannabis, whether growing or not, its seeds or  
415 resin; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds,  
416 its resin, or any extract containing one or more cannabinoids. "Marijuana" does not include (i) the mature  
417 stalks of such plant, fiber produced from such stalk, or oil or cake made from the seed of such plant, unless  
418 such stalks, fiber, oil, or cake is combined with other parts of plants of the genus Cannabis. ~~"Marijuana"~~  
419 ~~does not include (i);~~ (ii) industrial hemp, as defined in § 3.2-4112, that is possessed by a person registered  
420 pursuant to subsection A of § 3.2-4115 or his agent ~~or (ii);~~ (iii) industrial hemp, as defined in § 3.2-4112,  
421 that is possessed by a person who holds a hemp producer license issued by the U.S. Department of  
422 Agriculture pursuant to 7 C.F.R. Part 990; (iv) a hemp product, as defined in § 3.2-4112, ~~containing a~~  
423 ~~tetrahydrocannabinol concentration of no greater than 0.3 percent that is derived from industrial hemp, as~~  
424 ~~defined in § 3.2-4112, that is grown, dealt, or processed in compliance with state or federal law;~~ (v) an  
425 industrial hemp extract, as defined in § 3.2-5145.1; or (vi) any substance containing a



426 tetrahydrocannabinol isomer, ester, ether, salt, or salts of such isomer, ester, or ether that has been placed  
427 by the Board of Pharmacy into one of the schedules set forth in the Drug Control Act (§ 54.1-3400 et seq.)  
428 pursuant to § 54.1-3443.

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

432 "Marijuana cultivation facility" means a facility licensed under this subtitle to cultivate, label, and  
433 package retail marijuana; to purchase or take possession of marijuana plants and seeds from other  
434 marijuana cultivation facilities; to transfer possession of and sell retail marijuana, immature marijuana  
435 plants, and marijuana seeds to marijuana wholesalers and retail marijuana stores; to transfer possession of  
436 and sell retail marijuana, marijuana plants, and marijuana seeds to other marijuana cultivation facilities;  
437 to transfer possession of and sell retail marijuana to marijuana manufacturing facilities; and to sell  
438 immature marijuana plants and marijuana seeds to consumers for the purpose of cultivating marijuana at  
439 home for personal use.

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

442 "Marijuana manufacturing facility" means a facility licensed under this subtitle to manufacture,  
443 label, and package retail marijuana and retail marijuana products; to purchase or take possession of retail  
444 marijuana from a marijuana cultivation facility or another marijuana manufacturing facility; and to transfer  
445 possession of and sell retail marijuana and retail marijuana products to marijuana wholesalers, retail  
446 marijuana stores, or other marijuana manufacturing facilities.

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

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

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

456 "Marijuana wholesaler" means a facility licensed under this subtitle to purchase or take possession  
457 of retail marijuana, retail marijuana products, immature marijuana plants, and marijuana seeds from a  
458 marijuana cultivation facility, a marijuana manufacturing facility, or another marijuana wholesaler and to  
459 transfer possession and sell or resell retail marijuana, retail marijuana products, immature marijuana  
460 plants, and marijuana seeds to a marijuana cultivation facility, marijuana manufacturing facility, retail  
461 marijuana store, or another marijuana wholesaler.

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

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

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

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

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

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

479 "Retail marijuana products" means marijuana products that are manufactured and sold by a  
480 licensed marijuana establishment.

481 "Retail marijuana store" means a facility licensed under this subtitle to purchase or take possession  
482 of retail marijuana, retail marijuana products, immature marijuana plants, or marijuana seeds from a  
483 marijuana cultivation facility, marijuana manufacturing facility, or marijuana wholesaler and to sell retail  
484 marijuana, retail marijuana products, immature marijuana plants, or marijuana seeds to consumers.

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

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

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

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

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

495 **§ 18.2-247. Use of terms "controlled substances," "marijuana," "Schedules I, II, III, IV, V,**  
496 **and VI," "imitation controlled substance," and "counterfeit controlled substance" in Title 18.2.**

497 A. Wherever the terms "controlled substances" and "Schedules I, II, III, IV, V, and VI" are used  
498 in Title 18.2, such terms refer to those terms as they are used or defined in the Drug Control Act (§ 54.1-  
499 3400 et seq.).

500 B. The term "imitation controlled substance" when used in this article means (i) a counterfeit  
501 controlled substance or (ii) a pill, capsule, tablet, or substance in any form whatsoever which is not a  
502 controlled substance subject to abuse, and:

503 1. Which by overall dosage unit appearance, including color, shape, size, marking and packaging  
504 or by representations made, would cause the likelihood that such a pill, capsule, tablet, or substance in any  
505 other form whatsoever will be mistaken for a controlled substance unless such substance was introduced

506 into commerce prior to the initial introduction into commerce of the controlled substance which it is  
507 alleged to imitate; or

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

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

519 D. The term "marijuana" when used in this article means any part of a plant of the genus Cannabis,  
520 whether growing or not, its seeds or resin; and every compound, manufacture, salt, derivative, mixture, or  
521 preparation of such plant, its seeds, its resin, or any extract containing one or more cannabinoids.  
522 "Marijuana" does not include (i) the mature stalks of such plant, fiber produced from such stalk, oil or  
523 cake made from the seed of such plant, unless such stalks, fiber, oil or cake is combined with other parts  
524 of plants of the genus Cannabis. ~~Marijuana does not include (i);~~ (ii) industrial hemp, as defined in § 3.2-  
525 4112, that is possessed by a person registered pursuant to subsection A of § 3.2-4115 or his agent; ~~(ii) (iii)~~  
526 industrial hemp, as defined in § 3.2-4112, that is possessed by a person who holds a hemp producer license  
527 issued by the U.S. Department of Agriculture pursuant to 7 C.F.R. Part 990; ~~or (iii) (iv)~~ (iv) a hemp product,  
528 as defined in § 3.2-4112, ~~containing a tetrahydrocannabinol concentration of no greater than 0.3 percent~~  
529 ~~that is derived from industrial hemp, as defined in § 3.2-4112, that is grown, dealt, or processed in~~  
530 ~~compliance with state or federal law;~~ (v) an industrial hemp extract, as defined in § 3.2-5145.1; or (vi) any  
531 substance containing a tetrahydrocannabinol isomer, ester, ether, salt or salts of such isomer, ester, or ether

532 that has been placed by the Board of Pharmacy into one of the schedules set forth in the Drug Control Act  
533 (§ 54.1-3400 et seq.) pursuant to § 54.1-3443.

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

539 F. The term "tetrahydrocannabinol" means any naturally occurring or synthetic  
540 tetrahydrocannabinol, including its salts, isomers, and salts of isomers whenever the existence of such  
541 salts, isomers, and salts of isomers is possible within the specific chemical designation and any  
542 preparation, mixture, or substance containing, or mixed or infused with, any detectable amount of  
543 tetrahydrocannabinol. "Tetrahydrocannabinol" includes delta-6a(10a), delta-7, delta-8, delta-9, and delta-  
544 10-tetrahydrocannabinol. For the purposes of this definition, "isomer" means the optical, position, and  
545 geometric isomers.

546 G. The term "total tetrahydrocannabinol" means the sum, after the application of any necessary  
547 conversion factor, of the percentage by weight of tetrahydrocannabinol and the percentage by weight of  
548 tetrahydrocannabinolic acid.

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

556 **§ 18.2-251.1:3. Possession or distribution of cannabis oil, or industrial hemp; laboratories;**  
557 **Department of Agriculture and Consumer Services, Department of Law employees.**

558 A. No person employed by an analytical laboratory to retrieve, deliver, or possess cannabis oil or  
559 industrial hemp samples from a permitted pharmaceutical processor, a registered industrial hemp grower,  
560 a federally licensed hemp producer, or a registered industrial hemp processor for the purpose of  
561 performing required testing shall be prosecuted under Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1 or §  
562 18.2-248, 18.2-248.1, 18.2-250, or 18.2-255 for the possession or distribution of cannabis oil or industrial  
563 hemp or for storing cannabis oil or industrial hemp for testing purposes in accordance with regulations  
564 promulgated by the Board of Pharmacy and the Board of Agriculture and Consumer Services.

565 B. No employee of the Department of Agriculture and Consumer Services or of the Department of  
566 Law shall be prosecuted under § 18.2-247, 18.2-248, 18.2-248.01, 18.2-248.1, or 18.2-250 for the  
567 possession or distribution of industrial hemp or any substance containing tetrahydrocannabinol when  
568 possession of industrial hemp or any substance containing tetrahydrocannabinol is necessary in the  
569 performance of his duties.

570 **§ 18.2-371.2. Prohibiting purchase or possession of tobacco products, nicotine vapor**  
571 **products, alternative nicotine products, and hemp products intended for smoking by a person under**  
572 **21 years of age or sale of tobacco products, nicotine vapor products, alternative nicotine products,**  
573 **and hemp products intended for smoking to persons under 21 years of age; civil penalties.**

574 A. No person shall sell to, distribute to, purchase for, or knowingly permit the purchase by any  
575 person less than 21 years of age, knowing or having reason to believe that such person is less than 21 years  
576 of age, any tobacco product, nicotine vapor product, alternative nicotine product, or hemp product  
577 intended for smoking.

578 Tobacco products, nicotine vapor products, alternative nicotine products, and hemp products  
579 intended for smoking may be sold from a vending machine only if the machine is (i) posted with a notice,  
580 in a conspicuous manner and place, indicating that the purchase or possession of such products by persons  
581 under 21 years of age is unlawful and (ii) located in a place that is not open to the general public and is  
582 not generally accessible to persons under 21 years of age. An establishment that prohibits the presence of  
583 persons under 21 years of age unless accompanied by a person 21 years of age or older is not open to the  
584 general public.

585 B. No person less than 21 years of age shall attempt to purchase, purchase, or possess any tobacco  
586 product, nicotine vapor product, alternative nicotine product, or hemp product intended for smoking. The  
587 provisions of this subsection shall not be applicable to the possession of tobacco products, nicotine vapor  
588 products, alternative nicotine products, or hemp products intended for smoking by a person less than 21  
589 years of age (i) making a delivery of tobacco products, nicotine vapor products, alternative nicotine  
590 products, or hemp products intended for smoking in pursuance of his employment or (ii) as part of a  
591 scientific study being conducted by an organization for the purpose of medical research to further efforts  
592 in cigarette and tobacco use prevention and cessation and tobacco product regulation, provided that such  
593 medical research has been approved by an institutional review board pursuant to applicable federal  
594 regulations or by a research review committee pursuant to Chapter 5.1 (§ 32.1-162.16 et seq.) of Title  
595 32.1. This subsection shall not apply to purchase, attempt to purchase, or possession by a law-enforcement  
596 officer or his agent when the same is necessary in the performance of his duties.

597 C. No person shall sell a tobacco product, nicotine vapor product, alternative nicotine product, or  
598 hemp product intended for smoking to any individual who does not demonstrate, by producing a driver's  
599 license or similar photo identification issued by a government agency, that the individual is at least 21  
600 years of age. Such identification is not required from an individual whom the person has reason to believe  
601 is at least 21 years of age or who the person knows is at least 21 years of age. Proof that the person  
602 demanded, was shown, and reasonably relied upon a photo identification stating that the individual was  
603 at least 21 years of age shall be a defense to any action brought under this subsection. In determining  
604 whether a person had reason to believe an individual is at least 21 years of age, the trier of fact may  
605 consider, but is not limited to, proof of the general appearance, facial characteristics, behavior, and manner  
606 of the individual.

607 This subsection shall not apply to mail order or Internet sales, provided that the person offering  
608 the tobacco product, nicotine vapor product, alternative nicotine product, or hemp product intended for  
609 smoking for sale through mail order or the Internet (i) prior to the sale of the tobacco product, nicotine  
610 vapor product, alternative nicotine product, or hemp product intended for smoking verifies that the  
611 purchaser is at least 21 years of age through a commercially available database that is regularly used by

612 businesses or governmental entities for the purpose of age and identity verification and (ii) uses a method  
613 of mailing, shipping, or delivery that requires the signature of a person at least 21 years of age before the  
614 tobacco product, nicotine vapor product, alternative nicotine product, or hemp product intended for  
615 smoking will be released to the purchaser.

616 D. The provisions of subsections B and C shall not apply to the sale, giving, or furnishing of any  
617 tobacco product, nicotine vapor product, alternative nicotine product, or hemp product intended for  
618 smoking to any active duty military personnel who are 18 years of age or older. An identification card  
619 issued by the Armed Forces of the United States shall be accepted as proof of age for this purpose.

620 E. A violation of subsection A or C by an individual or by a separate retail establishment that  
621 involves a nicotine vapor product, alternative nicotine product, hemp product intended for smoking, or  
622 tobacco product other than a bidi is punishable by a civil penalty not to exceed \$100 for a first violation,  
623 a civil penalty not to exceed \$200 for a second violation, and a civil penalty not to exceed \$500 for a third  
624 or subsequent violation.

625 A violation of subsection A or C by an individual or by a separate retail establishment that involves  
626 the sale, distribution, or purchase of a bidi is punishable by a civil penalty in the amount of \$500 for a first  
627 violation, a civil penalty in the amount of \$1,000 for a second violation, and a civil penalty in the amount  
628 of \$2,500 for a third or subsequent violation. Where a defendant retail establishment offers proof that it  
629 has trained its employees concerning the requirements of this section, the court shall suspend all of the  
630 penalties imposed hereunder. However, where the court finds that a retail establishment has failed to so  
631 train its employees, the court may impose a civil penalty not to exceed \$1,000 in lieu of any penalties  
632 imposed hereunder for a violation of subsection A or C involving a nicotine vapor product, alternative  
633 nicotine product, hemp product intended for smoking, or tobacco product other than a bidi.

634 A violation of subsection B is punishable by a civil penalty not to exceed \$100 for a first violation  
635 and a civil penalty not to exceed \$250 for a second or subsequent violation. A court may, as an alternative  
636 to the civil penalty, and upon motion of the defendant, prescribe the performance of up to 20 hours of  
637 community service for a first violation of subsection B and up to 40 hours of community service for a  
638 second or subsequent violation. If the defendant fails or refuses to complete the community service as



639 prescribed, the court may impose the civil penalty. Upon a violation of subsection B, the judge may enter  
640 an order pursuant to subdivision A 9 of § 16.1-278.8.

641 Any attorney for the Commonwealth of the county or city in which an alleged violation occurred  
642 may bring an action to recover the civil penalty, which shall be paid into the state treasury. Any law-  
643 enforcement officer may issue a summons for a violation of subsection A, B, or C.

644 F. 1. Cigarettes and hemp products intended for smoking shall be sold only in sealed packages  
645 provided by the manufacturer, with the required health warning. The proprietor of every retail  
646 establishment that offers for sale any tobacco product, nicotine vapor product, alternative nicotine product,  
647 or hemp product intended for smoking shall post in a conspicuous manner and place a sign or signs  
648 indicating that the sale of tobacco products, nicotine vapor products, alternative nicotine products, or hemp  
649 products intended for smoking to any person under 21 years of age is prohibited by law. Any attorney for  
650 the county, city, or town in which an alleged violation of this subsection occurred may enforce this  
651 subsection by civil action to recover a civil penalty not to exceed ~~\$50~~ \$500. The civil penalty shall be paid  
652 into the local treasury. No filing fee or other fee or cost shall be charged to the county, city, or town which  
653 instituted the action.

654 2. For the purpose of compliance with regulations of the Substance Abuse and Mental Health  
655 Services Administration published at 61 Federal Register 1492, the Department of Agriculture and  
656 Consumer Services may promulgate regulations which allow the Department to undertake the activities  
657 necessary to comply with such regulations.

658 3. Any attorney for the county, city, or town in which an alleged violation of this subsection  
659 occurred may enforce this subsection by civil action to recover a civil penalty not to exceed ~~\$100~~ \$500.  
660 The civil penalty shall be paid into the local treasury. No filing fee or other fee or cost shall be charged to  
661 the county, city, or town which instituted the action.

662 G. Nothing in this section shall be construed to create a private cause of action.

663 H. Agents of the Virginia Alcoholic Beverage Control Authority designated pursuant to § 4.1-105  
664 may issue a summons for any violation of this section.

665 I. As used in this section:

666 "Alternative nicotine product" means any noncombustible product containing nicotine that is  
667 intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means.

668 "Alternative nicotine product" does not include any nicotine vapor product, tobacco product, or product  
669 regulated as a drug or device by the U.S. Food and Drug Administration (FDA) under Chapter V (21  
670 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.

671 "Bidi" means a product containing tobacco that is wrapped in temburni leaf (diospyros  
672 melanoxyton) or tendu leaf (diospyros exculpra), or any other product that is offered to, or purchased by,  
673 consumers as a bidi or beedie.

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

675 "Nicotine vapor product" means any noncombustible product containing nicotine that employs a  
676 heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means,  
677 regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form.

678 "Nicotine vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic  
679 pipe, or similar product or device and any cartridge or other container of nicotine in a solution or other  
680 form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo,  
681 electronic pipe, or similar product or device. "Nicotine vapor product" does not include any product  
682 regulated by the FDA under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic  
683 Act.

684 "Tobacco product" means any product made of tobacco and includes cigarettes, cigars, smokeless  
685 tobacco, pipe tobacco, bidis, and wrappings. "Tobacco product" does not include any nicotine vapor  
686 product, alternative nicotine product, or product that is regulated by the FDA under Chapter V (21 U.S.C.  
687 § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.

688 "Wrappings" includes papers made or sold for covering or rolling tobacco or other materials for  
689 smoking in a manner similar to a cigarette or cigar.

690 **§ 54.1-3401. Definitions.**

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

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

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

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

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

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

705 "Automated drug dispensing system" means a mechanical or electronic system that performs  
706 operations or activities, other than compounding or administration, relating to pharmacy services,  
707 including the storage, dispensing, or distribution of drugs and the collection, control, and maintenance of  
708 all transaction information, to provide security and accountability for such drugs.

709 "Biological product" means a virus, therapeutic serum, toxin, antitoxin, vaccine, blood, blood  
710 component or derivative, allergenic product, protein other than a chemically synthesized polypeptide, or  
711 analogous product, or arsphenamine or any derivative of arsphenamine or any other trivalent organic  
712 arsenic compound, applicable to the prevention, treatment, or cure of a disease or condition of human  
713 beings.

714 "Biosimilar" means a biological product that is highly similar to a specific reference biological  
715 product, notwithstanding minor differences in clinically inactive compounds, such that there are no  
716 clinically meaningful differences between the reference biological product and the biological product that  
717 has been licensed as a biosimilar pursuant to 42 U.S.C. § 262(k) in terms of safety, purity, and potency of  
718 the product.

719 "Board" means the Board of Pharmacy.

720 "Bulk drug substance" means any substance that is represented for use, and that, when used in the  
721 compounding, manufacturing, processing, or packaging of a drug, becomes an active ingredient or a  
722 finished dosage form of the drug; however, "bulk drug substance" shall not include intermediates that are  
723 used in the synthesis of such substances.

724 "Change of ownership" of an existing entity permitted, registered, or licensed by the Board means  
725 (i) the sale or transfer of all or substantially all of the assets of the entity or of any corporation that owns  
726 or controls the entity; (ii) the creation of a partnership by a sole proprietor, the dissolution of a partnership,  
727 or change in partnership composition; (iii) the acquisition or disposal of 50 percent or more of the  
728 outstanding shares of voting stock of a corporation owning the entity or of the parent corporation of a  
729 wholly owned subsidiary owning the entity, except that this shall not apply to any corporation the voting  
730 stock of which is actively traded on any securities exchange or in any over-the-counter market; (iv) the  
731 merger of a corporation owning the entity or of the parent corporation of a wholly-owned subsidiary  
732 owning the entity with another business or corporation; or (v) the expiration or forfeiture of a corporation's  
733 charter.

734 "Co-licensed partner" means a person who, with at least one other person, has the right to engage  
735 in the manufacturing or marketing of a prescription drug, consistent with state and federal law.

736 "Compounding" means the combining of two or more ingredients to fabricate such ingredients into  
737 a single preparation and includes the mixing, assembling, packaging, or labeling of a drug or device (i) by  
738 a pharmacist, or within a permitted pharmacy, pursuant to a valid prescription issued for a medicinal or  
739 therapeutic purpose in the context of a bona fide practitioner-patient-pharmacist relationship, or in  
740 expectation of receiving a valid prescription based on observed historical patterns of prescribing and  
741 dispensing; (ii) by a practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine as an  
742 incident to his administering or dispensing, if authorized to dispense, a controlled substance in the course  
743 of his professional practice; or (iii) for the purpose of, or as incident to, research, teaching, or chemical  
744 analysis and not for sale or for dispensing. The mixing, diluting, or reconstituting of a manufacturer's  
745 product drugs for the purpose of administration to a patient, when performed by a practitioner of medicine

746 or osteopathy licensed under Chapter 29 (§ 54.1-2900 et seq.), a person supervised by such practitioner  
747 pursuant to subdivision A 6 or 19 of § 54.1-2901, or a person supervised by such practitioner or a licensed  
748 nurse practitioner or physician assistant pursuant to subdivision A 4 of § 54.1-2901 shall not be considered  
749 compounding.

750 "Controlled substance" means a drug, substance, or immediate precursor in Schedules I through  
751 VI of this chapter. The term shall not include distilled spirits, wine, malt beverages, or tobacco as those  
752 terms are defined or used in Title 3.2 or Title 4.1. The term "controlled substance" includes a controlled  
753 substance analog that has been placed into Schedule I or II by the Board pursuant to the regulatory  
754 authority in subsection D of § 54.1-3443.

755 "Controlled substance analog" means a substance the chemical structure of which is substantially  
756 similar to the chemical structure of a controlled substance in Schedule I or II and either (i) which has a  
757 stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar  
758 to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a  
759 controlled substance in Schedule I or II or (ii) with respect to a particular person, which such person  
760 represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous  
761 system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on  
762 the central nervous system of a controlled substance in Schedule I or II. "Controlled substance analog"  
763 does not include (a) any substance for which there is an approved new drug application as defined under  
764 § 505 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. § 355) or that is generally recognized as  
765 safe and effective pursuant to §§ 501, 502, and 503 of the federal Food, Drug, and Cosmetic Act (21  
766 U.S.C. §§ 351, 352, and 353) and 21 C.F.R. Part 330; (b) with respect to a particular person, any substance  
767 for which an exemption is in effect for investigational use for that person under § 505 of the federal Food,  
768 Drug, and Cosmetic Act to the extent that the conduct with respect to that substance is pursuant to such  
769 exemption; or (c) any substance to the extent not intended for human consumption before such an  
770 exemption takes effect with respect to that substance.

771 "DEA" means the Drug Enforcement Administration, U.S. Department of Justice, or its successor  
772 agency.

773 "Deliver" or "delivery" means the actual, constructive, or attempted transfer of any item regulated  
774 by this chapter, whether or not there exists an agency relationship, including delivery of a Schedule VI  
775 prescription device to an ultimate user or consumer on behalf of a medical equipment supplier by a  
776 manufacturer, nonresident manufacturer, wholesale distributor, nonresident wholesale distributor,  
777 warehouser, nonresident warehouser, third-party logistics provider, or nonresident third-party logistics  
778 provider at the direction of a medical equipment supplier in accordance with § 54.1-3415.1.

779 "Device" means instruments, apparatus, and contrivances, including their components, parts, and  
780 accessories, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man  
781 or animals or to affect the structure or any function of the body of man or animals.

782 "Dialysis care technician" or "dialysis patient care technician" means an individual who is certified  
783 by an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1  
784 et seq.) and who, under the supervision of a licensed physician, nurse practitioner, physician assistant, or  
785 a registered nurse, assists in the care of patients undergoing renal dialysis treatments in a Medicare-  
786 certified renal dialysis facility.

787 "Dialysis solution" means either the commercially available, unopened, sterile solutions whose  
788 purpose is to be instilled into the peritoneal cavity during the medical procedure known as peritoneal  
789 dialysis, or commercially available solutions whose purpose is to be used in the performance of  
790 hemodialysis not to include any solutions administered to the patient intravenously.

791 "Dispense" means to deliver a drug to an ultimate user or research subject by or pursuant to the  
792 lawful order of a practitioner, including the prescribing and administering, packaging, labeling, or  
793 compounding necessary to prepare the substance for that delivery. However, dispensing shall not include  
794 the transportation of drugs mixed, diluted, or reconstituted in accordance with this chapter to other sites  
795 operated by such practitioner or that practitioner's medical practice for the purpose of administration of  
796 such drugs to patients of the practitioner or that practitioner's medical practice at such other sites. For  
797 practitioners of medicine or osteopathy, "dispense" shall only include the provision of drugs by a  
798 practitioner to patients to take with them away from the practitioner's place of practice.

799 "Dispenser" means a practitioner who dispenses.

800 "Distribute" means to deliver other than by administering or dispensing a controlled substance.

801 "Distributor" means a person who distributes.

802 "Drug" means (i) articles or substances recognized in the official United States Pharmacopoeia  
803 National Formulary or official Homeopathic Pharmacopoeia of the United States, or any supplement to  
804 any of them; (ii) articles or substances intended for use in the diagnosis, cure, mitigation, treatment, or  
805 prevention of disease in man or animals; (iii) articles or substances, other than food, intended to affect the  
806 structure or any function of the body of man or animals; (iv) articles or substances intended for use as a  
807 component of any article specified in clause (i), (ii), or (iii); or (v) a biological product. "Drug" does not  
808 include devices or their components, parts, or accessories.

809 "Drug product" means a specific drug in dosage form from a known source of manufacture,  
810 whether by brand or therapeutically equivalent drug product name.

811 "Electronic prescription" means a written prescription that is generated on an electronic application  
812 and is transmitted to a pharmacy as an electronic data file; Schedule II through V prescriptions shall be  
813 transmitted in accordance with 21 C.F.R. Part 1300.

814 "Facsimile (FAX) prescription" means a written prescription or order that is transmitted by an  
815 electronic device over telephone lines that sends the exact image to the receiving pharmacy in hard copy  
816 form.

817 "FDA" means the U.S. Food and Drug Administration.

818 "Immediate precursor" means a substance which the Board of Pharmacy has found to be and by  
819 regulation designates as being the principal compound commonly used or produced primarily for use, and  
820 which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled  
821 substance, the control of which is necessary to prevent, curtail, or limit manufacture.

822 "Interchangeable" means a biosimilar that meets safety standards for determining  
823 interchangeability pursuant to 42 U.S.C. § 262(k)(4).

824 "Label" means a display of written, printed, or graphic matter upon the immediate container of any  
825 article. A requirement made by or under authority of this chapter that any word, statement, or other  
826 information appear on the label shall not be considered to be complied with unless such word, statement,

827 or other information also appears on the outside container or wrapper, if any, of the retail package of such  
828 article or is easily legible through the outside container or wrapper.

829 "Labeling" means all labels and other written, printed, or graphic matter on an article or any of its  
830 containers or wrappers, or accompanying such article.

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

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

838 "Marijuana" means any part of a plant of the genus Cannabis whether growing or not, its seeds, or  
839 its resin; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its  
840 seeds, its resin, or any extract containing one or more cannabinoids. "Marijuana" does not include (i) the  
841 mature stalks of such plant, fiber produced from such stalk, or oil or cake made from the seeds of such  
842 plant, unless such stalks, fiber, oil, or cake is combined with other parts of plants of the genus Cannabis;  
843 ~~Marijuana does not include (i);~~ (ii) industrial hemp, as defined in § 3.2-4112, that is possessed by a person  
844 registered pursuant to subsection A of § 3.2-4115 or his agent; ~~(ii);~~ (iii) industrial hemp, as defined in §  
845 3.2-4112, that is possessed by a person who holds a hemp producer license issued by the U.S. Department  
846 of Agriculture pursuant to 7 C.F.R. Part 990; ~~or (iii);~~ (iv) a hemp product, as defined in § 3.2-4112,  
847 ~~containing a tetrahydrocannabinol concentration of no greater than 0.3 percent that is derived from~~  
848 ~~industrial hemp, as defined in § 3.2-4112, that is grown, dealt, or processed in compliance with state or~~  
849 ~~federal law;~~ (v) an industrial hemp extract, as defined in § 3.2-5145.1; or (vi) any substance containing a  
850 tetrahydrocannabinol isomer, ester, ether, salt, or salts of such isomer, ester, or ether that has been placed  
851 by the Board of Pharmacy into one of the schedules set forth in the Drug Control Act (§ 54.1-3400 et seq.)  
852 pursuant to § 54.1-3443.



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

858 "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction  
859 from substances of vegetable origin, or independently by means of chemical synthesis, or by a  
860 combination of extraction and chemical synthesis: (i) opium, opiates, and any salt, compound, derivative,  
861 or preparation of opium or opiates; (ii) any salt, compound, isomer, derivative, or preparation thereof  
862 which is chemically equivalent or identical with any of the substances referred to in clause (i), but not  
863 including the isoquinoline alkaloids of opium; (iii) opium poppy and poppy straw; (iv) coca leaves and  
864 any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, isomer, derivative,  
865 or preparation thereof which is chemically equivalent or identical with any of these substances, but not  
866 including decocainized coca leaves or extraction of coca leaves which do not contain cocaine or ecgonine.

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

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

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

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

887 "Opiate" means any substance having an addiction-forming or addiction-sustaining liability  
888 similar to morphine or being capable of conversion into a drug having such addiction-forming or  
889 addiction-sustaining liability. It does not include, unless specifically designated as controlled under Article  
890 4 (§ 54.1-3437 et seq.), the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts  
891 (dextromethorphan). It does include its racemic and levorotatory forms.

892 "Opium poppy" means the plant of the species *Papaver somniferum* L., except the seeds thereof.

893 "Original package" means the unbroken container or wrapping in which any drug or medicine is  
894 enclosed together with label and labeling, put up by or for the manufacturer, wholesaler, or distributor for  
895 use in the delivery or display of such article.

896 "Outsourcing facility" means a facility that is engaged in the compounding of sterile drugs and is  
897 currently registered as an outsourcing facility with the U.S. Secretary of Health and Human Services and  
898 that complies with all applicable requirements of federal and state law, including the Federal Food, Drug,  
899 and Cosmetic Act.

900 "Person" means both the plural and singular, as the case demands, and includes an individual,  
901 partnership, corporation, association, governmental agency, trust, or other institution or entity.

902 "Pharmacist-in-charge" means the person who, being licensed as a pharmacist, signs the  
903 application for a pharmacy permit and assumes full legal responsibility for the operation of the relevant  
904 pharmacy in a manner complying with the laws and regulations for the practice of pharmacy and the sale

905 and dispensing of controlled substances; the "pharmacist-in-charge" shall personally supervise the  
906 pharmacy and the pharmacy's personnel as required by § 54.1-3432.

907 "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

908 "Practitioner" means a physician, dentist, licensed nurse practitioner pursuant to § 54.1-2957.01,  
909 licensed physician assistant pursuant to § 54.1-2952.1, pharmacist pursuant to § 54.1-3300, TPA-certified  
910 optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32, veterinarian, scientific investigator,  
911 or other person licensed, registered, or otherwise permitted to distribute, dispense, prescribe and  
912 administer, or conduct research with respect to a controlled substance in the course of professional practice  
913 or research in the Commonwealth.

914 "Prescriber" means a practitioner who is authorized pursuant to §§ 54.1-3303 and 54.1-3408 to  
915 issue a prescription.

916 "Prescription" means an order for drugs or medical supplies, written or signed or transmitted by  
917 word of mouth, telephone, telegraph, or other means of communication to a pharmacist by a duly licensed  
918 physician, dentist, veterinarian, or other practitioner authorized by law to prescribe and administer such  
919 drugs or medical supplies.

920 "Prescription drug" means any drug required by federal law or regulation to be dispensed only  
921 pursuant to a prescription, including finished dosage forms and active ingredients subject to § 503(b) of  
922 the Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 353(b)).

923 "Production" or "produce" includes the manufacture, planting, cultivation, growing, or harvesting  
924 of a controlled substance or marijuana.

925 "Proprietary medicine" means a completely compounded nonprescription drug in its unbroken,  
926 original package which does not contain any controlled substance or marijuana as defined in this chapter  
927 and is not in itself poisonous, and which is sold, offered, promoted, or advertised directly to the general  
928 public by or under the authority of the manufacturer or primary distributor, under a trademark, trade name,  
929 or other trade symbol privately owned, and the labeling of which conforms to the requirements of this  
930 chapter and applicable federal law. However, this definition shall not include a drug that is only advertised  
931 or promoted professionally to licensed practitioners, a narcotic or drug containing a narcotic, a drug that

932 may be dispensed only upon prescription or the label of which bears substantially the statement "Warning  
933 — may be habit-forming," or a drug intended for injection.

934 "Radiopharmaceutical" means any drug that exhibits spontaneous disintegration of unstable nuclei  
935 with the emission of nuclear particles or photons and includes any non-radioactive reagent kit or  
936 radionuclide generator that is intended to be used in the preparation of any such substance, but does not  
937 include drugs such as carbon-containing compounds or potassium-containing salts that include trace  
938 quantities of naturally occurring radionuclides. The term also includes any biological product that is  
939 labeled with a radionuclide or intended solely to be labeled with a radionuclide.

940 "Reference biological product" means the single biological product licensed pursuant to 42 U.S.C.  
941 § 262(a) against which a biological product is evaluated in an application submitted to the U.S. Food and  
942 Drug Administration for licensure of biological products as biosimilar or interchangeable pursuant to 42  
943 U.S.C. § 262(k).

944 "Sale" includes barter, exchange, or gift, or offer therefor, and each such transaction made by any  
945 person, whether as an individual, proprietor, agent, servant, or employee.

946 "Tetrahydrocannabinol" means any naturally occurring or synthetic tetrahydrocannabinol,  
947 including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts  
948 of isomers is possible within the specific chemical designation and any preparation, mixture, or substance  
949 containing, or mixed or infused with, any detectable amount of tetrahydrocannabinol.

950 "Tetrahydrocannabinol" includes delta-6a(10a), delta-7, delta-8, delta-9, and delta-10  
951 tetrahydrocannabinol. For the purposes of this definition, "isomer" means the optical, position, and  
952 geometric isomers.

953 "Therapeutically equivalent drug products" means drug products that contain the same active  
954 ingredients and are identical in strength or concentration, dosage form, and route of administration and  
955 that are classified as being therapeutically equivalent by the U.S. Food and Drug Administration pursuant  
956 to the definition of "therapeutically equivalent drug products" set forth in the most recent edition of the  
957 Approved Drug Products with Therapeutic Equivalence Evaluations, otherwise known as the "Orange  
958 Book."

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

963 "Total tetrahydrocannabinol" means the sum, after the application of any necessary conversion  
964 factor, of the percentage by weight of tetrahydrocannabinol and the percentage by weight of  
965 tetrahydrocannabinolic acid.

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

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

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

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

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

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

983 **§ 54.1-3408.3. Certification for use of cannabis oil for treatment.**

984 A. As used in this section:

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

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

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

997 "Designated caregiver facility" means any hospice or hospice facility licensed pursuant to § 32.1-  
998 162.3, or home care organization as defined in § 32.1-162.7 that provides pharmaceutical services or home  
999 health services, private provider licensed by the Department of Behavioral Health and Developmental  
1000 Services pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2, assisted living facility  
1001 licensed pursuant to § 63.2-1701, or adult day care center licensed pursuant to § 63.2-1701.

1002 "Practitioner" means a practitioner of medicine or osteopathy licensed by the Board of Medicine,  
1003 a physician assistant licensed by the Board of Medicine, or a nurse practitioner jointly licensed by the  
1004 Board of Medicine and the Board of Nursing.

1005 "Registered agent" means an individual designated by a patient who has been issued a written  
1006 certification, or, if such patient is a minor or a vulnerable adult as defined in § 18.2-369, designated by  
1007 such patient's parent or legal guardian, and registered with the Board pursuant to subsection G.

1008 "Usable cannabis" means any cannabis plant material, including seeds, but not (i) resin that has  
1009 been extracted from any part of the cannabis plant, its seeds, or its resin; (ii) the mature stalks, fiber  
1010 produced from the stalks, or any other compound, manufacture, salt, or derivative, mixture, or preparation  
1011 of the mature stalks; or (iii) oil or cake made from the seeds of the plant.

1012 B. A practitioner in the course of his professional practice may issue a written certification for the  
1013 use of cannabis products for treatment or to alleviate the symptoms of any diagnosed condition or disease  
1014 determined by the practitioner to benefit from such use. The practitioner shall use his professional  
1015 judgment to determine the manner and frequency of patient care and evaluation and may employ the use  
1016 of telemedicine, provided that the use of telemedicine includes the delivery of patient care through real-  
1017 time interactive audio-visual technology. If a practitioner determines it is consistent with the standard of  
1018 care to dispense botanical cannabis to a minor, the written certification shall specifically authorize such  
1019 dispensing. If not specifically included on the initial written certification, authorization for botanical  
1020 cannabis may be communicated verbally or in writing to the pharmacist at the time of dispensing.

1021 C. The written certification shall be on a form provided by the Board of Pharmacy. Such written  
1022 certification shall contain the name, address, and telephone number of the practitioner; the name and  
1023 address of the patient issued the written certification; the date on which the written certification was made;  
1024 and the signature or authentic electronic signature of the practitioner. Such written certification issued  
1025 pursuant to subsection B shall expire no later than one year after its issuance unless the practitioner  
1026 provides in such written certification an earlier expiration. A written certification shall not be issued to a  
1027 patient by more than one practitioner during any given time period.

1028 D. No practitioner shall be prosecuted under § 18.2-248 or 18.2-248.1 for the issuance of a  
1029 certification for the use of cannabis products for the treatment or to alleviate the symptoms of a patient's  
1030 diagnosed condition or disease pursuant to a written certification issued pursuant to subsection B. Nothing  
1031 in this section shall preclude the Board of Medicine from sanctioning a practitioner for failing to properly  
1032 evaluate or treat a patient's medical condition or otherwise violating the applicable standard of care for  
1033 evaluating or treating medical conditions.

1034 E. A practitioner who issues a written certification to a patient pursuant to this section shall register  
1035 with the Board and shall hold sufficient education and training to exercise appropriate professional  
1036 judgment in the certification of patients. The Board shall not limit the number of patients to whom a  
1037 practitioner may issue a written certification. The Board may report information to the applicable licensing  
1038 board on unusual patterns of certifications issued by a practitioner.

**1039** F. No patient shall be required to physically present the written certification after the initial  
**1040** dispensing by any pharmaceutical processor or cannabis dispensing facility under each written  
**1041** certification, provided that the pharmaceutical processor or cannabis dispensing facility maintains an  
**1042** electronic copy of the written certification. Pharmaceutical processors and cannabis dispensing facilities  
**1043** shall electronically transmit, on a monthly basis, all new written certifications received by the  
**1044** pharmaceutical processor or cannabis dispensing facility to the Board.

**1045** G. A patient, or, if such patient is a minor or a vulnerable adult as defined in § 18.2-369, such  
**1046** patient's parent or legal guardian, may designate an individual to act as his registered agent for the purposes  
**1047** of receiving cannabis products pursuant to a valid written certification. Such designated individual shall  
**1048** register with the Board. The Board may set a limit on the number of patients for whom any individual is  
**1049** authorized to act as a registered agent.

**1050** H. Upon delivery of a cannabis product by a pharmaceutical processor or cannabis dispensing  
**1051** facility to a designated caregiver facility, any employee or contractor of a designated caregiver facility,  
**1052** who is licensed or registered by a health regulatory board and who is authorized to possess, distribute, or  
**1053** administer medications, may accept delivery of the cannabis product on behalf of a patient or resident for  
**1054** subsequent delivery to the patient or resident and may assist in the administration of the cannabis product  
**1055** to the patient or resident as necessary.

**1056** I. Information obtained under the registration process shall be confidential and shall not be subject  
**1057** to the disclosure provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). However,  
**1058** reasonable access to registry information shall be provided to (i) the Chairmen of the House Committee  
**1059** for Courts of Justice and the Senate Committee on the Judiciary, (ii) state and federal agencies or local  
**1060** law enforcement for the purpose of investigating or prosecuting a specific individual for a specific  
**1061** violation of law, (iii) licensed practitioners or pharmacists, or their agents, for the purpose of providing  
**1062** patient care and drug therapy management and monitoring of drugs obtained by a patient, (iv) a  
**1063** pharmaceutical processor or cannabis dispensing facility involved in the treatment of a patient, or (v) a  
**1064** registered agent, but only with respect to information related to such patient.



**1065 § 54.1-3423. Board to issue registration unless inconsistent with public interest;**  
**1066 authorization to conduct research; application and fees.**

**1067** A. The Board shall register an applicant to manufacture or distribute controlled substances  
**1068** included in Schedules I through V unless it determines that the issuance of that registration would be  
**1069** inconsistent with the public interest. In determining the public interest, the Board shall consider the  
**1070** following factors:

**1071** 1. Maintenance of effective controls against diversion of controlled substances into other than  
**1072** legitimate medical, scientific, or industrial channels;

**1073** 2. Compliance with applicable state and local law;

**1074** 3. Any convictions of the applicant under any federal and state laws relating to any controlled  
**1075** substance;

**1076** 4. Past experience in the manufacture or distribution of controlled substances, and the existence in  
**1077** the applicant's establishment of effective controls against diversion;

**1078** 5. Furnishing by the applicant of false or fraudulent material in any application filed under this  
**1079** chapter;

**1080** 6. Suspension or revocation of the applicant's federal registration to manufacture, distribute, or  
**1081** dispense controlled substances as authorized by federal law; and

**1082** 7. Any other factors relevant to and consistent with the public health and safety.

**1083** B. Registration under subsection A does not entitle a registrant to manufacture and distribute  
**1084** controlled substances in Schedule I or II other than those specified in the registration.

**1085** C. Practitioners must be registered to conduct research or laboratory analysis with controlled  
**1086** substances in Schedules II through VI, ~~tetrahydrocannabinol~~, or marijuana. Practitioners registered under  
**1087** federal law to conduct research with Schedule I substances, other than ~~tetrahydrocannabinol~~ marijuana,  
**1088** may conduct research with Schedule I substances within ~~this~~ the Commonwealth upon furnishing the  
**1089** evidence of that federal registration.

**1090** D. The Board may register other persons or entities to possess controlled substances listed on  
**1091** Schedules II through VI upon a determination that (i) there is a documented need, (ii) the issuance of the

1092 registration is consistent with the public interest, (iii) the possession and subsequent use of the controlled  
1093 substances complies with applicable state and federal laws and regulations, and (iv) the subsequent  
1094 storage, use, and recordkeeping of the controlled substances will be under the general supervision of a  
1095 licensed pharmacist, practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine as  
1096 specified in the Board's regulations. The Board shall consider, at a minimum, the factors listed in  
1097 subsection A of this section in determining whether the registration shall be issued. Notwithstanding the  
1098 exceptions listed in § 54.1-3422 A, the Board may mandate a controlled substances registration for sites  
1099 maintaining certain types and quantities of Schedules II through VI controlled substances as it may specify  
1100 in its regulations. The Board shall promulgate regulations related to requirements or criteria for the  
1101 issuance of such controlled substances registration, storage, security, supervision, and recordkeeping.

1102 E. The Board may register a public or private animal shelter as defined in § 3.2-6500 to purchase,  
1103 possess, and administer certain Schedule II through VI controlled substances approved by the State  
1104 Veterinarian for the purpose of euthanizing injured, sick, homeless, and unwanted domestic pets and  
1105 animals and to purchase, possess, and administer certain Schedule VI drugs and biological products for  
1106 the purpose of preventing, controlling, and treating certain communicable diseases that failure to control  
1107 would result in transmission to the animal population in the shelter. Controlled substances used for  
1108 euthanasia shall be administered only in accordance with protocols established by the State Veterinarian  
1109 and only by persons trained in accordance with instructions by the State Veterinarian. The list of Schedule  
1110 VI drugs and biological products used for treatment and prevention of communicable diseases within the  
1111 shelter shall be determined by the supervising veterinarian of the shelter and the drugs and biological  
1112 products shall be administered only pursuant to written protocols established or approved by the  
1113 supervising veterinarian of the shelter and only by persons who have been trained in accordance with  
1114 instructions established or approved by the supervising veterinarian. The shelter shall maintain a copy of  
1115 the approved list of drugs and biological products, written protocols for administering, and training records  
1116 of those persons administering drugs and biological products on the premises of the shelter.

1117 F. The Board may register a crisis stabilization unit established pursuant to § 37.2-500 or 37.2-601  
1118 and licensed by the Department of Behavioral Health and Developmental Services to maintain a stock of

1119 Schedule VI controlled substances necessary for immediate treatment of patients admitted to the crisis  
1120 stabilization unit, which may be accessed and administered by a nurse pursuant to a written or oral order  
1121 of a prescriber in the absence of a prescriber. Schedule II through Schedule V controlled substances shall  
1122 only be maintained if so authorized by federal law and Board regulations.

1123 G. The Board may register an entity at which a patient is treated by the use of instrumentation and  
1124 diagnostic equipment through which images and medical records may be transmitted electronically for the  
1125 purpose of establishing a bona fide practitioner-patient relationship and is prescribed Schedule II through  
1126 VI controlled substances when such prescribing is in compliance with federal requirements for the practice  
1127 of telemedicine and the patient is not in the physical presence of a practitioner registered with the U.S.  
1128 Drug Enforcement Administration. In determining whether the registration shall be issued, the Board shall  
1129 consider (i) the factors listed in subsection A, (ii) whether there is a documented need for such registration,  
1130 and (iii) whether the issuance of the registration is consistent with the public interest.

1131 H. Applications for controlled substances registration certificates and renewals thereof shall be  
1132 made on a form prescribed by the Board and such applications shall be accompanied by a fee in an amount  
1133 to be determined by the Board.

1134 I. Upon (i) any change in ownership or control of a business, (ii) any change of location of the  
1135 controlled substances stock, (iii) the termination of authority by or of the person named as the responsible  
1136 party on a controlled substances registration, or (iv) a change in the supervising practitioner, if applicable,  
1137 the registrant or responsible party shall immediately surrender the registration. The registrant shall, within  
1138 14 days following surrender of a registration, file a new application and, if applicable, name the new  
1139 responsible party or supervising practitioner.

1140 **§ 54.1-3442.6. Permit to operate pharmaceutical processor or cannabis dispensing facility.**

1141 A. No person shall operate a pharmaceutical processor or a cannabis dispensing facility without  
1142 first obtaining a permit from the Board. The application for such permit shall be made on a form provided  
1143 by the Board and signed by a pharmacist who will be in full and actual charge of the pharmaceutical  
1144 processor's dispensing area or cannabis dispensing facility. The Board shall establish an application fee  
1145 and other general requirements for such application.

1146 B. Each permit shall expire annually on a date determined by the Board in regulation. The number  
1147 of permits that the Board may issue or renew in any year is limited to one pharmaceutical processor and  
1148 up to five cannabis dispensing facilities for each health service area established by the Board of Health.  
1149 Permits shall be displayed in a conspicuous place on the premises of the pharmaceutical processor and  
1150 cannabis dispensing facility.

1151 C. The Board shall adopt regulations establishing health, safety, and security requirements for  
1152 pharmaceutical processors and cannabis dispensing facilities. Such regulations shall include requirements  
1153 for (i) physical standards; (ii) location restrictions; (iii) security systems and controls; (iv) minimum  
1154 equipment and resources; (v) recordkeeping; (vi) labeling, including the potency of each botanical  
1155 cannabis product and the amounts recommended by the practitioner or dispensing pharmacist, and  
1156 packaging; (vii) routine inspections no more frequently than once annually; (viii) processes for safely and  
1157 securely dispensing and delivering in person cannabis products to a patient, his registered agent, or, if  
1158 such patient is a minor or a vulnerable adult as defined in § 18.2-369, such patient's parent or legal  
1159 guardian; (ix) dosage limitations for cannabis oil that provide that each dispensed dose of cannabis oil not  
1160 exceed 10 milligrams of ~~delta-9 tetrahydrocannabinol~~ tetrahydrocannabinol; (x) a process for the  
1161 wholesale distribution of and the transfer of usable cannabis, botanical cannabis, cannabis oil, and  
1162 cannabis products between pharmaceutical processors, between a pharmaceutical processors and a  
1163 cannabis dispensing facility, and between cannabis dispensing facilities; (xi) an allowance for the sale of  
1164 devices for administration of dispensed cannabis products and hemp-based CBD products that meet the  
1165 applicable standards set forth in state and federal law, including the laboratory testing standards set forth  
1166 in subsection M; (xii) an allowance for the use and distribution of inert product samples containing no  
1167 cannabinoids for patient demonstration exclusively at the pharmaceutical processor or cannabis dispensing  
1168 facility, and not for further distribution or sale, without the need for a written certification; (xiii) a process  
1169 for acquiring industrial hemp extracts and formulating such extracts into cannabis products; and (xiv) an  
1170 allowance for the advertising and promotion of the pharmaceutical processor's products and operations,  
1171 which shall not limit the pharmaceutical processor from the provision of educational material to  
1172 practitioners who issue written certifications and patients. The Board shall also adopt regulations for

1173 pharmaceutical processors that include requirements for (a) processes for safely and securely cultivating  
1174 Cannabis plants intended for producing cannabis products, (b) the secure disposal of agricultural waste,  
1175 and (c) a process for registering cannabis oil products.

1176 D. The Board shall require that, after processing and before dispensing any cannabis products, a  
1177 pharmaceutical processor shall make a sample available from each batch of cannabis product for testing  
1178 by an independent laboratory located in Virginia meeting Board requirements. A valid sample size for  
1179 testing shall be determined by each laboratory and may vary due to sample matrix, analytical method, and  
1180 laboratory-specific procedures. A minimum sample size of 0.5 percent of individual units for dispensing  
1181 or distribution from each homogenized batch of cannabis oil is required to achieve a representative  
1182 cannabis oil sample for analysis. A minimum sample size, to be determined by the certified testing  
1183 laboratory, from each batch of botanical cannabis is required to achieve a representative botanical cannabis  
1184 sample for analysis. Botanical cannabis products shall only be tested for the following: total cannabidiol  
1185 (CBD); total tetrahydrocannabinol (THC); terpenes; pesticide chemical residue; heavy metals;  
1186 mycotoxins; moisture; and microbiological contaminants. Testing thresholds shall be consistent with  
1187 generally accepted cannabis industry thresholds. The pharmaceutical processor may remediate botanical  
1188 cannabis or cannabis oil that fails any quality testing standard except pesticides. Following remediation,  
1189 all remediated botanical cannabis or cannabis oil shall be subject to laboratory testing and approved upon  
1190 satisfaction of applicable testing standards, which shall not be more stringent than initial testing prior to  
1191 remediation. If a batch of botanical cannabis fails retesting after remediation, it shall be considered usable  
1192 cannabis and may be processed into cannabis oil. Stability testing shall not be required for any cannabis  
1193 product with an expiration date assigned by the pharmaceutical processor of six months or less from the  
1194 date of the cannabis product registration approval. Stability testing required for assignment of an  
1195 expiration date longer than six months shall be limited to microbial testing, on a pass/fail basis, and  
1196 potency testing, on a 10 percent deviation basis, of active ingredients.

1197 E. A laboratory testing samples for a pharmaceutical processor shall obtain a controlled substances  
1198 registration certificate pursuant to § 54.1-3423 and shall comply with quality standards established by the  
1199 Board in regulation.

1200 F. Every pharmaceutical processor's dispensing area or cannabis dispensing facility shall be under  
1201 the personal supervision of a licensed pharmacist on the premises of the pharmaceutical processor or  
1202 cannabis dispensing facility. The pharmaceutical processor shall ensure that security measures are  
1203 adequate to protect the cannabis from diversion at all times, and the pharmacist-in-charge shall have  
1204 concurrent responsibility for preventing diversion from the dispensing area.

1205 Every pharmaceutical processor shall designate a person who shall have oversight of the  
1206 cultivation and production areas of the pharmaceutical processor and shall provide such information to  
1207 the Board. The Board shall direct all communications related to enforcement of requirements related to  
1208 cultivation and production of cannabis oil products by the pharmaceutical processor to such designated  
1209 person.

1210 G. The Board shall require the material owners of an applicant for a pharmaceutical processor or  
1211 cannabis dispensing facility permit to submit to fingerprinting and provide personal descriptive  
1212 information to be forwarded along with his fingerprints through the Central Criminal Records Exchange  
1213 to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information  
1214 regarding the applicant's material owners. The cost of fingerprinting and the criminal history record search  
1215 shall be paid by the applicant. The Central Criminal Records Exchange shall forward the results of the  
1216 criminal history background check to the Board or its designee, which shall be a governmental entity. A  
1217 pharmaceutical processor shall maintain evidence of criminal background checks for all employees and  
1218 delivery agents of the pharmaceutical processor. Criminal background checks of employees and delivery  
1219 agents may be conducted by any service sufficient to disclose any federal and state criminal convictions.

1220 H. In addition to other employees authorized by the Board, a pharmaceutical processor may  
1221 employ individuals who may have less than two years of experience (i) to perform cultivation-related  
1222 duties under the supervision of an individual who has received a degree in a field related to the cultivation  
1223 of plants or a certification recognized by the Board or who has at least two years of experience cultivating  
1224 plants, (ii) to perform extraction-related duties under the supervision of an individual who has a degree in  
1225 chemistry or pharmacology or at least two years of experience extracting chemicals from plants, and (iii)

1226 to perform duties at the pharmaceutical processor and cannabis dispensing facility upon certification as a  
1227 pharmacy technician.

1228 I. A pharmaceutical processor to whom a permit has been issued by the Board may establish up to  
1229 five cannabis dispensing facilities for the dispensing of cannabis products that have been cultivated and  
1230 produced on the premises of a pharmaceutical processor permitted by the Board. Each cannabis dispensing  
1231 facility shall be located within the same health service area as the pharmaceutical processor.

1232 J. No person who has been convicted of a felony under the laws of the Commonwealth or another  
1233 jurisdiction within the last five years shall be employed by or act as an agent of a pharmaceutical processor  
1234 or cannabis dispensing facility.

1235 K. Every pharmaceutical processor or cannabis dispensing facility shall adopt policies for pre-  
1236 employment drug screening and regular, ongoing, random drug screening of employees.

1237 L. A pharmacist at the pharmaceutical processor's dispensing area and the cannabis dispensing  
1238 facility shall determine the number of pharmacy interns, pharmacy technicians, and pharmacy technician  
1239 trainees who can be safely and competently supervised at one time; however, no pharmacist shall supervise  
1240 more than six persons performing the duties of a pharmacy technician at one time in the pharmaceutical  
1241 processor's dispensing area or cannabis dispensing facility.

1242 M. A pharmaceutical processor may acquire industrial hemp extracts grown and processed in  
1243 Virginia, and in compliance with state or federal law, from a registered industrial hemp dealer or  
1244 processor. A pharmaceutical processor may process and formulate such extracts into an allowable dosage  
1245 of cannabis product. Industrial hemp extracts acquired and formulated by a pharmaceutical processor are  
1246 subject to the same third-party testing requirements that may apply to cannabis plant extract. Testing shall  
1247 be performed by a laboratory located in Virginia and in compliance with state law governing the testing  
1248 of cannabis products. The industrial hemp dealer or processor shall provide such third-party testing results  
1249 to the pharmaceutical processor before industrial hemp extracts may be acquired.

1250 N. With the exception of § 2.2-4031, neither the provisions of the Administrative Process Act (§  
1251 2.2-4000 et seq.) nor public participation guidelines adopted pursuant thereto shall apply to the adoption  
1252 of any regulation pursuant to this section. Prior to adopting any regulation pursuant to this section, the

1253 Board of Pharmacy shall publish a notice of opportunity to comment in the Virginia Register of  
1254 Regulations and post the action on the Virginia Regulatory Town Hall. Such notice of opportunity to  
1255 comment shall contain (i) a summary of the proposed regulation; (ii) the text of the proposed regulation;  
1256 and (iii) the name, address, and telephone number of the agency contact person responsible for receiving  
1257 public comments. Such notice shall be made at least 60 days in advance of the last date prescribed in such  
1258 notice for submittals of public comment. The legislative review provisions of subsections A and B of §  
1259 2.2-4014 shall apply to the promulgation or final adoption process for regulations pursuant to this section.  
1260 The Board of Pharmacy shall consider and keep on file all public comments received for any regulation  
1261 adopted pursuant to this section.

1262 O. The Board shall register all cannabis products that meet testing, labeling, and packaging  
1263 standards.

1264 **§ 54.1-3442.7. Dispensing cannabis products; report.**

1265 A. A pharmaceutical processor or cannabis dispensing facility shall dispense or deliver cannabis  
1266 products only in person to (i) a patient who is a Virginia resident or temporarily resides in Virginia and  
1267 has been issued a valid written certification; (ii) such patient's registered agent; or (iii) if such patient is a  
1268 minor or a vulnerable adult as defined in § 18.2-369, such patient's parent or legal guardian who is a  
1269 Virginia resident or temporarily resides in Virginia. A companion may accompany a patient into a  
1270 pharmaceutical processor's dispensing area or cannabis dispensing facility. Prior to the initial dispensing  
1271 of cannabis products pursuant to each written certification, a pharmacist or pharmacy technician employed  
1272 by the pharmaceutical processor or cannabis dispensing facility shall make and maintain, on site or  
1273 remotely by electronic means, for two years a paper or electronic copy of the written certification that  
1274 provides an exact image of the document that is clearly legible; shall view, in person or by audiovisual  
1275 means, a current photo identification of the patient, registered agent, parent, or legal guardian; and shall  
1276 verify current board registration of the practitioner and the corresponding registered agent if applicable.  
1277 Thereafter, an initial dispensing may be delivered to the patient, registered agent, parent, legal guardian,  
1278 or designated caregiver facility. Prior to any subsequent dispensing of cannabis products pursuant to each  
1279 written certification, an employee or delivery agent shall view a current photo identification of the patient,



1280 registered agent, parent, or legal guardian and the current board registration issued to the registered agent  
1281 if applicable. No pharmaceutical processor or cannabis dispensing facility shall dispense more than a 90-  
1282 day supply, as determined by the dispensing pharmacist or certifying practitioner, for any patient during  
1283 any 90-day period. A pharmaceutical processor or cannabis dispensing facility may dispense less than a  
1284 90-day supply of a cannabis product for any patient during any 90-day period; however, a pharmaceutical  
1285 processor or cannabis dispensing facility may dispense more than one cannabis product to a patient at one  
1286 time. No more than four ounces of botanical cannabis shall be dispensed for each 30-day period for which  
1287 botanical cannabis is dispensed. The Board shall establish in regulation an amount of cannabis oil that  
1288 constitutes a 90-day supply to treat or alleviate the symptoms of a patient's diagnosed condition or disease.  
1289 In determining the appropriate amount of a cannabis product to be dispensed to a patient, a pharmaceutical  
1290 processor or cannabis dispensing facility shall consider all cannabis products dispensed to the patient and  
1291 adjust the amount dispensed accordingly.

1292 B. A pharmaceutical processor or cannabis dispensing facility shall dispense only cannabis  
1293 products produced on the premises of a pharmaceutical processor permitted by the Board or cannabis  
1294 products that have been formulated with extracts from industrial hemp acquired by a pharmaceutical  
1295 processor from a registered industrial hemp dealer or processor pursuant to § 54.1-3442.6. A  
1296 pharmaceutical processor may begin cultivation upon being issued a permit by the Board.

1297 C. The Board shall report annually by December 1 to the Chairmen of the House Committee for  
1298 Health, Welfare and Institutions and the Senate Committee on Education and Health on the operation of  
1299 pharmaceutical processors and cannabis dispensing facilities issued a permit by the Board.

1300 D. The concentration of ~~delta-9-tetrahydrocannabinol~~ tetrahydrocannabinol in any cannabis  
1301 product on site may be up to 10 percent greater than or less than the level of ~~delta-9-tetrahydrocannabinol~~  
1302 tetrahydrocannabinol measured for labeling. A pharmaceutical processor and cannabis dispensing facility  
1303 shall ensure that such concentration in any cannabis product on site is within such range. A pharmaceutical  
1304 processor producing cannabis products shall establish a stability testing schedule of cannabis products.

1305 **§ 54.1-3443. Board to administer article.**

**1306** A. The Board shall administer this article and may add substances to or deschedule or reschedule  
**1307** all substances enumerated in the schedules in this article pursuant to the procedures of the Administrative  
**1308** Process Act (§ 2.2-4000 et seq.). In making a determination regarding a substance, the Board shall consider  
**1309** the following:

- 1310** 1. The actual or relative potential for abuse;
- 1311** 2. The scientific evidence of its pharmacological effect, if known;
- 1312** 3. The state of current scientific knowledge regarding the substance;
- 1313** 4. The history and current pattern of abuse;
- 1314** 5. The scope, duration, and significance of abuse;
- 1315** 6. The risk to the public health;
- 1316** 7. The potential of the substance to produce psychic or physical dependence; and
- 1317** 8. Whether the substance is an immediate precursor of a substance already controlled under this  
**1318** article.

**1319** B. After considering the factors enumerated in subsection A, the Board shall make findings and  
**1320** issue a regulation controlling the substance if it finds the substance has a potential for abuse.

**1321** C. If the Board designates a substance as an immediate precursor, substances which are precursors  
**1322** of the controlled precursor shall not be subject to control solely because they are precursors of the  
**1323** controlled precursor.

**1324** D. If the Board, in consultation with the Department of Forensic Science, determines the substance  
**1325** shall be placed into Schedule I or II pursuant to § 54.1-3445 or 54.1-3447, the Board may amend its  
**1326** regulations pursuant to Article 2 (§ 2.2-4006 et seq.) of the Administrative Process Act. Prior to making  
**1327** such amendments, the Board shall conduct a public hearing. At least 30 days prior to conducting such  
**1328** hearing, it shall post notice of the hearing on the Virginia Regulatory Town Hall and shall send notice of  
**1329** the hearing to any persons requesting to be notified of a regulatory action. In the notice, the Board shall  
**1330** include a list of all substances it intends to schedule by regulation. The Board shall notify the House  
**1331** Committee for Courts of Justice and the Senate Committee on the Judiciary of any new substance added  
**1332** to Schedule I or II pursuant to this subsection. Any substance added to Schedule I or II pursuant to this

1333 subsection shall remain on Schedule I or II for a period of 18 months. Upon expiration of such 18-month  
1334 period, such substance shall be descheduled unless a general law is enacted adding such substance to  
1335 Schedule I or II. Nothing in this subsection shall preclude the Board from adding substances to or  
1336 descheduling or rescheduling all substances enumerated in the schedules pursuant to the provisions of  
1337 subsections A, B, and E.

1338 E. If any substance is designated, rescheduled, or descheduled as a controlled substance under  
1339 federal law and notice of such action is given to the Board, the Board may similarly control the substance  
1340 under this chapter after the expiration of 30 days from publication in the Federal Register of a final or  
1341 interim final order or rule designating a substance as a controlled substance or rescheduling or  
1342 descheduling a substance by amending its regulations in accordance with the requirements of Article 2 (§  
1343 2.2-4006 et seq.) of the Administrative Process Act. Prior to making such amendments, the Board shall  
1344 post notice of the hearing on the Virginia Regulatory Town Hall and shall send notice of the hearing to  
1345 any persons requesting to be notified of a regulatory action. The Board shall include a list of all substances  
1346 it intends to schedule by regulation in such notice.

1347 F. Authority to control under this section does not extend to distilled spirits, wine, malt beverages,  
1348 or tobacco as those terms are defined or used in Title 4.1.

1349 G. The Board shall exempt any nonnarcotic substance from a schedule if such substance may,  
1350 under the provisions of the federal Food, Drug, and Cosmetic Act (21 U.S.C. § 301 et seq.) or state law,  
1351 be lawfully sold over the counter without a prescription.

1352 H. Any tetrahydrocannabinol isomer, ester, ether, salt, or salts of such isomer, ester, or ether  
1353 scheduled pursuant to this section shall not be included in the definition of marijuana set forth in § 4.1-  
1354 600, 18.2-247, or 54.1-3401.

1355 **§ 54.1-3446. Schedule I.**

1356 The controlled substances listed in this section are included in Schedule I:

1357 1. Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers,  
1358 esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and  
1359 salts is possible within the specific chemical designation:

- 1360** 1-{1-[1-(4-bromophenyl)ethyl]-4-piperidinyl}-1,3-dihydro-2H-benzimidazol-2-one (other name:  
**1361** Brorphine);
- 1362** 1-[2-methyl-4-(3-phenyl-2-propen-1-yl)-1-piperazinyl]-1-butanone (other name: 2-methyl AP-  
**1363** 237);
- 1364** 1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine (other name: PEPAP);
- 1365** 1-methyl-4-phenyl-4-propionoxypiperidine (other name: MPPP);
- 1366** 2-[(4-methoxyphenyl)methyl]-N,N-diethyl-5-nitro-1H-benzimidazole-1-ethanamine (other name:  
**1367** Metonitazene);
- 1368** 2-methoxy-N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-acetamide (other name: Methoxyacetyl  
**1369** fentanyl);
- 1370** 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methyl-benzamide (other name: U-47700);
- 1371** 3,4-dichloro-N-[[1-(dimethylamino)cyclohexyl]methyl]benzamide (other name: AH-7921);
- 1372** Acetyl fentanyl (other name: desmethyl fentanyl);
- 1373** Acetylmethadol;
- 1374** Allylprodine;
- 1375** Alphacetylmethadol (except levo-alphacetylmethadol, also known as levo-alpha-acetylmethadol,  
**1376** levomethadyl acetate, or LAAM);
- 1377** Alphameprodine;
- 1378** Alphamethadol;
- 1379** Benzethidine;
- 1380** Betacetylmethadol;
- 1381** Betameprodine;
- 1382** Betamethadol;
- 1383** Betaprodine;
- 1384** Clonitazene;
- 1385** Dextromoramide;
- 1386** Diampromide;

- 1387** Diethylthiambutene;
- 1388** Difenoxin;
- 1389** Dimenoxadol;
- 1390** Dimepheptanol;
- 1391** Dimethylthiambutene;
- 1392** Dioxaphetylbutyrate;
- 1393** Dipipanone;
- 1394** Ethylmethylthiambutene;
- 1395** Etonitazene;
- 1396** Etoxidine;
- 1397** Furethidine;
- 1398** Hydroxypethidine;
- 1399** Ketobemidone;
- 1400** Levomoramide;
- 1401** Levophenacymorphan;
- 1402** Morpheridine;
- 1403** MT-45 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine);
- 1404** N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide (other name: Cyclopropyl
- 1405** fentanyl);
- 1406** N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide (other name:
- 1407** Tetrahydrofuranyl fentanyl);
- 1408** N-[1-[1-methyl-2-(2-thienyl)ethyl]-4-piperidyl]-N-phenylpropanamide (other name: alpha-
- 1409** methylthiofentanyl);
- 1410** N-[1-(1-methyl-2-phenylethyl)-4-piperidyl]-N-phenylacetamide (other name: acetyl-alpha-
- 1411** methylfentanyl);
- 1412** N-{1-[2-hydroxy-2-(2-thienyl)ethyl]-4-piperidinyl}-N-phenylpropanamide (other name: beta-
- 1413** hydroxythiofentanyl);

- 1414** N-[1-(2-hydroxy-2-phenyl)ethyl-4-piperidyl]-N-phenylpropanamide (other name: beta-  
**1415** hydroxyfentanyl);
- 1416** N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl]propionanilide (other names: 1-(1-methyl-2-  
**1417** phenylethyl)-4-(N-propanilido) piperidine, alpha-methylfentanyl);
- 1418** N-(2-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other names: 2-  
**1419** fluorofentanyl, ortho-fluorofentanyl);
- 1420** N-(3-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: 3-  
**1421** fluorofentanyl);
- 1422** N-[3-methyl-1-(2-hydroxy-2-phenylethyl)4-piperidyl]-N-phenylpropanamide (other name: beta-  
**1423** hydroxy-3-methylfentanyl);
- 1424** N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide (other name: 3-  
**1425** methylfentanyl);
- 1426** N-[3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide (other name: 3-  
**1427** methylthiofentanyl);
- 1428** N-(4-chlorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other names: para-  
**1429** chlorofentanyl, 4-chlorofentanyl);
- 1430** N-(4-fluorophenyl)-2-methyl-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name:  
**1431** para-fluoroisobutyryl fentanyl);
- 1432** N-(4-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-butanamide (other name: para-  
**1433** fluorobutyrylfentanyl);
- 1434** N-(4-fluorophenyl)-N-1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: para-  
**1435** fluorofentanyl);
- 1436** N,N-diethyl-2-(2-(4-isopropoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine (other  
**1437** name: Isotonitazene);
- 1438** N,N-diethyl-2-[[4-ethoxyphenyl methyl]-1H-benzimidazol-1-yl]-ethan-1-amine (other names:  
**1439** Etazene, Desnitroetonitazene);

- 1440** N,N-diethyl-2-[(4-methoxyphenyl)methyl]-1H-benzimidazole-1-ethanamine (other name:  
**1441** Metodesnitazene);
- 1442** N-phenyl-N-[1-(2-phenylmethyl)-4-piperidinyl]-2-furancarboxamide (other name: N-benzyl  
**1443** Furanyl norfentanyl);
- 1444** N-phenyl-N-(4-piperidinyl)-propanamide (other name: Norfentanyl);
- 1445** Noracymethadol;
- 1446** Norlevorphanol;
- 1447** Normethadone;
- 1448** Norpipanone;
- 1449** N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-2-furancarboxamide (other name: Furanyl  
**1450** fentanyl);
- 1451** N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-2-propenamide (other name: Acryl fentanyl);
- 1452** N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-butanamide (other name: butyryl fentanyl);
- 1453** N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-pentanamide (other name: Pentanoyl fentanyl);
- 1454** N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide (other name: thiofentanyl);
- 1455** Phenadoxone;
- 1456** Phenampromide;
- 1457** Phenomorphan;
- 1458** Phenoperidine;
- 1459** Piritramide;
- 1460** Proheptazine;
- 1461** Properidine;
- 1462** Propiram;
- 1463** Racemoramide;
- 1464** Tilidine;
- 1465** Trimeperidine;

- 1466** N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-1,3-benzodioxole-5-carboxamide (other name:  
**1467** Benzodioxole fentanyl);
- 1468** 3,4-dichloro-N-[2-(diethylamino)cyclohexyl]-N-methylbenzamide (other name: U-49900);
- 1469** 2-(2,4-dichlorophenyl)-N-[2-(dimethylamino)cyclohexyl]-N-methyl acetamide (other name: U-  
**1470** 48800);
- 1471** 2-(3,4-dichlorophenyl)-N-[2-(dimethylamino)cyclohexyl]-N-methyl acetamide (other name: U-  
**1472** 51754);
- 1473** N-(2-fluorophenyl)-2-methoxy-N-[1-(2-phenylethyl)-4-piperidinyl]-acetamide (other name:  
**1474** Ocfentanil);
- 1475** N-(4-methoxyphenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-butanamide (other name: 4-  
**1476** methoxybutyrylfentanyl);
- 1477** N-phenyl-2-methyl-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: Isobutyryl  
**1478** fentanyl);
- 1479** N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-cyclopentanecarboxamide (other name:  
**1480** Cyclopentyl fentanyl);
- 1481** N-phenyl-N-(1-methyl-4-piperidinyl)-propanamide (other name: N-methyl norfentanyl);
- 1482** N-[2-(dimethylamino)cyclohexyl]-N-methyl-1,3-benzodioxole-5-carboxamide (other names: 3,4-  
**1483** methylenedioxy U-47700 or 3,4-MDO-U-47700);
- 1484** N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-2-butenamide (other name: Crotonyl fentanyl);
- 1485** N-phenyl-N-[4-phenyl-1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: 4-  
**1486** phenylfentanyl);
- 1487** N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-benzamide (other names: Phenyl fentanyl, Benzoyl  
**1488** fentanyl);
- 1489** N-[2-(dimethylamino)cyclohexyl]-N-phenylfuran-2-carboxamide (other name: Furanyl UF-17);
- 1490** N-[2-(dimethylamino)cyclohexyl]-N-phenylpropionamide (other name: UF-17);
- 1491** 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-isopropyl-benzamide (other name: Isopropyl  
**1492** U-47700).



**1493** 2. Any of the following opium derivatives, their salts, isomers and salts of isomers, unless  
**1494** specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within  
**1495** the specific chemical designation:

- 1496** Acetorphine;
- 1497** Acetyldihydrocodeine;
- 1498** Benzylmorphine;
- 1499** Codeine methylbromide;
- 1500** Codeine-N-Oxide;
- 1501** Cyprenorphine;
- 1502** Desomorphine;
- 1503** Dihydromorphine;
- 1504** Drotebanol;
- 1505** Etorphine;
- 1506** Heroin;
- 1507** Hydromorphanol;
- 1508** Methyldesorphine;
- 1509** Methyldihydromorphine;
- 1510** Morphine methylbromide;
- 1511** Morphine methylsulfonate;
- 1512** Morphine-N-Oxide;
- 1513** Myrophine;
- 1514** Nicocodeine;
- 1515** Nicomorphine;
- 1516** Normorphine;
- 1517** Pholcodine;
- 1518** Thebacon.

**1519** 3. Unless specifically excepted or unless listed in another schedule, any material, compound,  
**1520** mixture, or preparation, which contains any quantity of the following hallucinogenic substances, or which  
**1521** contains any of its salts, isomers, and salts of isomers, whenever the existence of such salts, isomers, and  
**1522** salts of isomers is possible within the specific chemical designation (for purposes of this subdivision only,  
**1523** the term "isomer" includes the optical, position, and geometric isomers):

**1524** Alpha-ethyltryptamine (some trade or other names: Monase; a-ethyl-1H-indole-3-ethanamine; 3-  
**1525** 2-aminobutyl] indole; a-ET; AET);

**1526** 4-Bromo-2,5-dimethoxyphenethylamine (some trade or other names: 2-4-bromo-2,5-  
**1527** dimethoxyphenyl]-1-aminoethane; alpha-desmethyl DOB; 2C-B; Nexus);

**1528** 3,4-methylenedioxy amphetamine;

**1529** 5-methoxy-3,4-methylenedioxy amphetamine;

**1530** 3,4,5-trimethoxy amphetamine;

**1531** Alpha-methyltryptamine (other name: AMT);

**1532** Bufotenine;

**1533** Diethyltryptamine;

**1534** Dimethyltryptamine;

**1535** 4-methyl-2,5-dimethoxyamphetamine;

**1536** 2,5-dimethoxy-4-ethylamphetamine (DOET);

**1537** 4-fluoro-N-ethylamphetamine;

**1538** 2,5-dimethoxy-4-(n)-propylthiophenethylamine (other name: 2C-T-7);

**1539** Ibogaine;

**1540** 5-methoxy-N,N-diisopropyltryptamine (other name: 5-MeO-DIPT);

**1541** Lysergic acid diethylamide;

**1542** Mescaline;

**1543** Parahexyl (some trade or other names: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-  
**1544** 6H-dibenzo [b,d] pyran; Synhexyl);

**1545** Peyote;

- 1546 N-ethyl-3-piperidyl benzilate;
- 1547 N-methyl-3-piperidyl benzilate;
- 1548 Psilocybin;
- 1549 Psilocyn;
- 1550 Salvinorin A;
- 1551 ~~Tetrahydrocannabinols, except as present in (i) industrial hemp, as defined in § 3.2-4112, that is~~
- 1552 ~~possessed by a person registered pursuant to subsection A of § 3.2-4115 or his agent; (ii) a hemp product,~~
- 1553 ~~as defined in § 3.2-4112, containing a tetrahydrocannabinol concentration of no greater than 0.3 percent~~
- 1554 ~~that is derived from industrial hemp, as defined in § 3.2-4112, that is grown, dealt, or processed in~~
- 1555 ~~compliance with state or federal law; (iii) marijuana; (iv) dronabinol in sesame oil and encapsulated in a~~
- 1556 ~~soft gelatin capsule in a drug product approved by the U.S. Food and Drug Administration; or (v) industrial~~
- 1557 ~~hemp, as defined in § 3.2-4112, that is possessed by a person who holds a hemp producer license issued~~
- 1558 ~~by the U.S. Department of Agriculture pursuant to 7 C.F.R. Part 990;~~
- 1559 2,5-dimethoxyamphetamine (some trade or other names: 2,5-dimethoxy-a-methylphenethylamine;
- 1560 2,5-DMA);
- 1561 3,4-methylenedioxyamphetamine (MDMA), its optical, positional and geometric isomers,
- 1562 salts and salts of isomers;
- 1563 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4
- 1564 (methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA);
- 1565 N-hydroxy-3,4-methylenedioxyamphetamine (some other names: N-hydroxy-alpha-methyl-
- 1566 3,4(methylenedioxy)phenethylamine, and N-hydroxy MDA);
- 1567 4-bromo-2,5-dimethoxyamphetamine (some trade or other names: 4-bromo-2,5-dimethoxy-a-
- 1568 methylphenethylamine; 4-bromo-2,5-DMA);
- 1569 4-methoxyamphetamine (some trade or other names: 4-methoxy-a-methylphenethylamine;
- 1570 paramethoxyamphetamine; PMA);
- 1571 Ethylamine analog of phencyclidine (some other names: N-ethyl-1-phenylcyclohexylamine, (1-
- 1572 phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE);

- 1573** Pyrrolidine analog of phencyclidine (some other names: 1-(1-phenylcyclohexyl)-pyrrolidine,  
**1574** PCPy, PHP);
- 1575** Thiophene analog of phencyclidine (some other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine,  
**1576** 2-thienyl analog of phencyclidine, TPCP, TCP);
- 1577** 1-1-(2-thienyl)cyclohexyl]pyrrolidine (other name: TCPy);
- 1578** 3,4-methylenedioxypropylvalerone (other name: MDPV);
- 1579** 4-methylmethcathinone (other names: mephedrone, 4-MMC);
- 1580** 3,4-methylenedioxymethcathinone (other name: methylone);
- 1581** Naphthylpropylvalerone (other name: naphyrone);
- 1582** 4-fluoromethcathinone (other names: flephedrone, 4-FMC);
- 1583** 4-methoxymethcathinone (other names: methedrone; bk-PMMA);
- 1584** Ethcathinone (other name: N-ethylcathinone);
- 1585** 3,4-methylenedioxyethylcathinone (other name: ethylone);
- 1586** Beta-keto-N-methyl-3,4-benzodioxolylbutanamine (other name: butylone);
- 1587** N,N-dimethylcathinone (other name: metamfepramone);
- 1588** Alpha-pyrrolidinopropiophenone (other name: alpha-PPP);
- 1589** 4-methoxy-alpha-pyrrolidinopropiophenone (other name: MOPPP);
- 1590** 3,4-methylenedioxy-alpha-pyrrolidinopropiophenone (other name: MDPPP);
- 1591** Alpha-pyrrolidinovalerophenone (other name: alpha-PVP);
- 1592** 6,7-dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine (other name: MDAI);
- 1593** 3-fluoromethcathinone (other name: 3-FMC);
- 1594** 4-Ethyl-2,5-dimethoxyphenethylamine (other name: 2C-E);
- 1595** 4-Iodo-2,5-dimethoxyphenethylamine (other name: 2C-I);
- 1596** 4-Methylethcathinone (other name: 4-MEC);
- 1597** 4-Ethylmethcathinone (other name: 4-EMC);
- 1598** N,N-diallyl-5-methoxytryptamine (other name: 5-MeO-DALT);
- 1599** Beta-keto-methylbenzodioxolylpentanamine (other names: Pentylone, bk-MBDP);

- 1600** Alpha-methylamino-butyrophenone (other name: Buphedrone);
- 1601** Alpha-methylamino-valerophenone (other name: Pentedrone);
- 1602** 3,4-Dimethylmethcathinone (other name: 3,4-dmmc);
- 1603** 4-methyl-alpha-pyrrolidinopropiophenone (other name: MPPP);
- 1604** 4-Iodo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names: 25-I,
- 1605** 25I-NBOMe, 2C-I-NBOMe);
- 1606** Methoxetamine (other names: MXE, 3-MeO-2-Oxo-PCE);
- 1607** 4-Fluoromethamphetamine (other name: 4-FMA);
- 1608** 4-Fluoroamphetamine (other name: 4-FA);
- 1609** 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (other name: 2C-D);
- 1610** 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (other name: 2C-C);
- 1611** 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (other name: 2C-T-2);
- 1612** 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (other name: 2C-T-4);
- 1613** 2-(2,5-Dimethoxyphenyl)ethanamine (other name: 2C-H);
- 1614** 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (other name: 2C-N);
- 1615** 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (other name: 2C-P);
- 1616** (2-aminopropyl)benzofuran (other name: APB);
- 1617** (2-aminopropyl)-2,3-dihydrobenzofuran (other name: APDB);
- 1618** 4-chloro-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names: 2C-C-
- 1619** NBOMe, 25C-NBOMe, 25C);
- 1620** 4-bromo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names: 2C-B-
- 1621** NBOMe, 25B-NBOMe, 25B);
- 1622** Acetoxymethyltryptamine (other names: AcO-Psilocin, AcO-DMT, Psilacetin);
- 1623** Benocyclidine (other names: BCP, BTCP);
- 1624** Alpha-pyrrolidinobutiophenone (other name: alpha-PBP);
- 1625** 3,4-methylenedioxy-N,N-dimethylcathinone (other names: Dimethylone, bk-MDDMA);
- 1626** 4-bromomethcathinone (other name: 4-BMC);

- 1627** 4-chloromethcathinone (other name: 4-CMC);
- 1628** 4-Iodo-2,5-dimethoxy-N-[(2-hydroxyphenyl)methyl]-benzeneethanamine (other name: 25I-  
**1629** NBOH);
- 1630** Alpha-Pyrrolidinohexiophenone (other name: alpha-PHP);
- 1631** Alpha-Pyrrolidinoheptiophenone (other name: PV8);
- 1632** 5-methoxy-N,N-methylisopropyltryptamine (other name: 5-MeO-MIPT);
- 1633** Beta-keto-N,N-dimethylbenzodioxolylbutanamine (other names: Dibutylone, bk-DMBDB);
- 1634** Beta-keto-4-bromo-2,5-dimethoxyphenethylamine (other name: bk-2C-B);
- 1635** 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-1-pentanone (other name: N-ethylpentylone);
- 1636** 1-[1-(3-methoxyphenyl)cyclohexyl]piperidine (other name: 3-methoxy PCP);
- 1637** 1-[1-(4-methoxyphenyl)cyclohexyl]piperidine (other name: 4-methoxy PCP);
- 1638** 4-Chloroethcathinone (other name: 4-CEC);
- 1639** 3-Methoxy-2-(methylamino)-1-(4-methylphenyl)-1-propanone (other name: Mexedrone);
- 1640** 1-propionyl lysergic acid diethylamide (other name: 1P-LSD);
- 1641** (2-Methylaminopropyl)benzofuran (other name: MAPB);
- 1642** 1-(1,3-benzodioxol-5-yl)-2-(dimethylamino)-1-pentanone (other names: N,N-Dimethylpentylone,  
**1643** Dipentylone);
- 1644** 1-(4-methoxyphenyl)-2-(pyrrolidin-1-yl)octan-1-one (other name: 4-methoxy-PV9);
- 1645** 3,4-tetramethylene-alpha-pyrrolidinovalerophenone (other name: TH-PVP);
- 1646** 4-allyloxy-3,5-dimethoxyphenethylamine (other name: Allylescaline);
- 1647** 4-Bromo-2,5-dimethoxy-N-[(2-hydroxyphenyl)methyl]-benzeneethanamine (other name: 25B-  
**1648** NBOH);
- 1649** 4-chloro-alpha-methylamino-valerophenone (other name: 4-chloropentedrone);
- 1650** 4-chloro-alpha-Pyrrolidinovalerophenone (other name: 4-chloro-alpha-PVP);
- 1651** 4-fluoro-alpha-Pyrrolidinoheptiophenone (other name: 4-fluoro-PV8);
- 1652** 4-hydroxy-N,N-diisopropyltryptamine (other name: 4-OH-DIPT);
- 1653** 4-methyl-alpha-ethylaminopentiophenone;

- 1654** 4-methyl-alpha-Pyrrolidinohexiophenone (other name: MPHP);
- 1655** 5-methoxy-N,N-dimethyltryptamine (other name: 5-MeO-DMT);
- 1656** 5-methoxy-N-ethyl-N-isopropyltryptamine (other name: 5-MeO-EIPT);
- 1657** 6-ethyl-6-nor-lysergic acid diethylamide (other name: ETH-LAD);
- 1658** 6-allyl-6-nor-lysergic acid diethylamide (other name: AL-LAD);
- 1659** (N-methyl aminopropyl)-2,3-dihydrobenzofuran (other name: MAPDB);
- 1660** 2-(methylamino)-2-phenyl-cyclohexanone (other name: Deschloroketamine);
- 1661** 2-(ethylamino)-2-phenyl-cyclohexanone (other name: deschloro-N-ethyl-ketamine);
- 1662** 2-methyl-1-(4-(methylthio)phenyl)-2-morpholinopropiophenone (other name: MMMP);
- 1663** Alpha-ethylaminohexanophenone (other name: N-ethylhexedrone);
- 1664** N-ethyl-1-(3-methoxyphenyl)cyclohexylamine (other name: 3-methoxy-PCE);
- 1665** 4-fluoro-alpha-pyrrolidinohexiophenone (other name: 4-fluoro-alpha-PHP);
- 1666** N-ethyl-1,2-diphenylethylamine (other name: Ephedrine);
- 1667** 2,5-dimethoxy-4-chloroamphetamine (other name: DOC);
- 1668** 3,4-methylenedioxy-N-tert-butylcathinone;
- 1669** Alpha-pyrrolidinoisohexiophenone (other name: alpha-PiHP);
- 1670** 1-[1-(3-hydroxyphenyl)cyclohexyl]piperidine (other name: 3-hydroxy PCP);
- 1671** 4-acetyloxy-N,N-diallyltryptamine (other name: 4-AcO-DALT);
- 1672** 4-hydroxy-N,N-methylisopropyltryptamine (other name: 4-hydroxy-MiPT);
- 1673** 3,4-Methylenedioxy-alpha-pyrrolidinohexanophenone (other name: MDPHP);
- 1674** 5-methoxy-N,N-dibutyltryptamine (other name: 5-methoxy-DBT);
- 1675** 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-1-butanone (other names: Eutylone, bk-EBDB);
- 1676** 1-(1,3-benzodioxol-5-yl)-2-(butylamino)-1-pentanone (other name: N-butylpentylone);
- 1677** N-benzyl-3,4-dimethoxyamphetamine (other name: N-benzyl-3,4-DMA);
- 1678** 1-(benzo[d][1,3]dioxol-5-yl)-2-(sec-butylamino)pentan-1-one (other name: N-sec-butyl
- 1679** Pentylone);
- 1680** 1-cyclopropionyl lysergic acid diethylamide (other name: 1cP-LSD);

- 1681** 2-(ethylamino)-1-phenylheptan-1-one (other name: N-ethylheptedrone);
- 1682** (2-ethylaminopropyl)benzofuran (other name: EAPB);
- 1683** 4-ethyl-2,5-dimethoxy-N-[(2-hydroxyphenyl)methyl]-benzeneethanamine (other name: 25E-
- 1684** NBOH);
- 1685** 2-fluoro-Deschloroketamine (other name: 2-(2-fluorophenyl)-2-(methylamino)-cyclohexanone);
- 1686** 4-hydroxy-N-ethyl-N-propyltryptamine (other name: 4-hydroxy-EPT);
- 1687** 2-(isobutylamino)-1-phenylhexan-1-one (other names: N-Isobutyl Hexedrone, alpha-
- 1688** isobutylaminohexanphenone);
- 1689** 1-(4-methoxyphenyl)-N-methylpropan-2-amine (other names: para-Methoxymethamphetamine,
- 1690** PMMA);
- 1691** N-ethyl-1-(3-hydroxyphenyl)cyclohexylamine (other name: 3-hydroxy-PCE);
- 1692** N-heptyl-3,4-dimethoxyamphetamine (other name: N-heptyl-3,4-DMA);
- 1693** N-hexyl-3,4-dimethoxyamphetamine (other name: N-hexyl-3,4-DMA);
- 1694** 4-fluoro-3-methyl-alpha-pyrrolidinovalerophenone (other name: 4-fluoro-3-methyl-alpha-PVP);
- 1695** 4-fluoro-alpha-methylamino-valerophenone (other name: 4-fluoropentedrone);
- 1696** N-(1,4-dimethylpentyl)-3,4-dimethoxyamphetamine (other name: N-(1,4-dimethylpentyl)-3,4-
- 1697** DMA);
- 1698** 4,5-methylenedioxy-N,N-diisopropyltryptamine (other name: 4,5-MDO-DiPT);
- 1699** Alpha-pyrrolidinocyclohexanophenone (other name: alpha-PCYP);
- 1700** 3,4-methylenedioxy-alpha-pyrrolidinoheptiophenone (other name: MDPV8);
- 1701** 4-chloro-alpha-methylaminobutiophenone (other name: 4-chloro Buphedrone).
- 1702** 4. Unless specifically excepted or unless listed in another schedule, any material, compound,
- 1703** mixture or preparation which contains any quantity of the following substances having a depressant effect
- 1704** on the central nervous system, including its salts, isomers and salts of isomers whenever the existence of
- 1705** such salts, isomers and salts of isomers is possible within the specific chemical designation:
- 1706** 5-(2-chlorophenyl)-1,3-dihydro-3-methyl-7-nitro-2H-1,4-benzodiazepin-2-one (other name:
- 1707** Meclonazepam);



- 1708** 7-chloro-5-(2-fluorophenyl)-1,3-dihydro-1,4-benzodiazepin-2-one (other name:  
**1709** Norfludiazepam);
- 1710** Bromazolam;
- 1711** Clonazolam;
- 1712** Deschloroetizolam;
- 1713** Etizolam;
- 1714** Flualprazolam;
- 1715** Flubromazepam;
- 1716** Flubromazolam;
- 1717** Gamma hydroxybutyric acid (some other names include GHB; gamma hydroxybutyrate; 4-  
**1718** hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate);
- 1719** Mecloqualone;
- 1720** Methaqualone.
- 1721** 5. Unless specifically excepted or unless listed in another schedule, any material, compound,  
**1722** mixture or preparation which contains any quantity of the following substances having a stimulant effect  
**1723** on the central nervous system, including its salts, isomers and salts of isomers:
- 1724** 2-(3-fluorophenyl)-3-methylmorpholine (other name: 3-fluorophenmetrazine);
- 1725** Aminorex (some trade or other names; aminoxaphen; 2-amino-5-phenyl-2-oxazoline; 4,5-dihydro-  
**1726** 5-phenyl-2-oxazolamine);
- 1727** Cathinone (some trade or other names: 2-amino-1-phenyl-1-propanone, alpha-  
**1728** aminopropiophenone, 2-aminopropiophenone, norephedrone), and any plant material from which  
**1729** Cathinone may be derived;
- 1730** Cis-4-methylaminorex (other name: cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);
- 1731** Ethylamphetamine;
- 1732** Ethyl phenyl(piperidin-2-yl)acetate (other name: Ethylphenidate);
- 1733** Fenethylamine;

- 1734** Methcathinone (some other names: 2-(methylamino)-propiofenone; alpha-(methylamino)-  
**1735** propiofenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-N-methylaminopropiofenone;  
**1736** monomethylpropion; ephedrone; N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463 and  
**1737** UR 1432);
- 1738** N-Benzylpiperazine (some other names: BZP, 1-benzylpiperazine);
- 1739** N,N-dimethylamphetamine (other names: N,N-alpha-trimethyl-benzeneethanamine, N,N-alpha-  
**1740** trimethylphenethylamine);
- 1741** Methyl 2-(4-fluorophenyl)-2-(2-piperidinyl)acetate (other name: 4-fluoromethylphenidate);
- 1742** Isopropyl-2-phenyl-2-(2-piperidinyl)acetate (other name: Isopropylphenidate);
- 1743** 4-chloro-N,N-dimethylcathinone;
- 1744** 3,4-methylenedioxy-N-benzylcathinone (other name: BMDP).
- 1745** 6. Any substance that contains one or more cannabimimetic agents or that contains their salts,  
**1746** isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible  
**1747** within the specific chemical designation, and any preparation, mixture, or substance containing, or mixed  
**1748** or infused with, any detectable amount of one or more cannabimimetic agents.
- 1749** a. "Cannabimimetic agents" includes any substance that is within any of the following structural  
**1750** classes:
- 1751** 2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or  
**1752** alkenyl, whether or not substituted on the cyclohexyl ring to any extent;
- 1753** 3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane with substitution at the nitrogen  
**1754** atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not  
**1755** substituted on the naphthoyl or naphthyl ring to any extent;
- 1756** 3-(1-naphthoyl)pyrrole with substitution at the nitrogen atom of the pyrrole ring, whether or not  
**1757** further substituted in the pyrrole ring to any extent, whether or not substituted on the naphthoyl ring to  
**1758** any extent;

**1759** 1-(1-naphthylmethyl)indene with substitution of the 3-position of the indene ring, whether or not  
**1760** further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to any  
**1761** extent;

**1762** 3-phenylacetylindole or 3-benzoylindole with substitution at the nitrogen atom of the indole ring,  
**1763** whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl  
**1764** ring to any extent;

**1765** 3-cyclopropoylindole with substitution at the nitrogen atom of the indole ring, whether or not  
**1766** further substituted on the indole ring to any extent, whether or not substituted on the cyclopropyl ring to  
**1767** any extent;

**1768** 3-adamantoylindole with substitution at the nitrogen atom of the indole ring, whether or not further  
**1769** substituted on the indole ring to any extent, whether or not substituted on the adamantyl ring to any extent;

**1770** N-(adamantyl)-indole-3-carboxamide with substitution at the nitrogen atom of the indole ring,  
**1771** whether or not further substituted on the indole ring to any extent, whether or not substituted on the  
**1772** adamantyl ring to any extent; and

**1773** N-(adamantyl)-indazole-3-carboxamide with substitution at a nitrogen atom of the indazole ring,  
**1774** whether or not further substituted on the indazole ring to any extent, whether or not substituted on the  
**1775** adamantyl ring to any extent.

**1776** b. The term "cannabimimetic agents" includes:

**1777** 5-(1,1-Dimethylheptyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497);

**1778** 5-(1,1-Dimethylhexyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C6 homolog);

**1779** 5-(1,1-Dimethyloctyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C8 homolog);

**1780** 5-(1,1-Dimethylnonyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C9 homolog);

**1781** 1-pentyl-3-(1-naphthoyl)indole (other names: JWH-018, AM-678);

**1782** 1-butyl-3-(1-naphthoyl)indole (other name: JWH-073);

**1783** 1-pentyl-3-(2-methoxyphenylacetyl)indole (other name: JWH-250);

**1784** 1-hexyl-3-(naphthalen-1-oyl)indole (other name: JWH-019);

**1785** 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (other name: JWH-200);

- 1786** (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (other name: HU-210);
- 1787** 1-pentyl-3-(4-methoxy-1-naphthoyl)indole (other name: JWH-081);
- 1788** 1-pentyl-3-(4-methyl-1-naphthoyl)indole (other name: JWH-122);
- 1790** 1-pentyl-3-(2-chlorophenylacetyl)indole (other name: JWH-203);
- 1791** 1-pentyl-3-(4-ethyl-1-naphthoyl)indole (other name: JWH-210);
- 1792** 1-pentyl-3-(4-chloro-1-naphthoyl)indole (other name: JWH-398);
- 1793** 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (other name: AM-694);
- 1794** 1-((N-methylpiperidin-2-yl)methyl)-3-(1-naphthoyl)indole (other name: AM-1220);
- 1795** 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (other name: AM-2201);
- 1796** 1-[(N-methylpiperidin-2-yl)methyl]-3-(2-iodobenzoyl)indole (other name: AM-2233);
- 1797** Pravadoline (4-methoxyphenyl)-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-yl]methanone
- 1798** (other name: WIN 48,098);
- 1799** 1-pentyl-3-(4-methoxybenzoyl)indole (other names: RCS-4, SR-19);
- 1800** 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (other names: RCS-8, SR-18);
- 1801** 1-pentyl-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other name: UR-144);
- 1802** 1-(5-fluoropentyl)-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other names: XLR-11, 5-fluoro-UR-144);
- 1803** fluoro-UR-144);
- 1804** N-adamantyl-1-fluoropentylindole-3-carboxamide (other name: STS-135);
- 1805** N-adamantyl-1-pentylindazole-3-carboxamide (other names: AKB48, APINACA);
- 1806** 1-pentyl-3-(1-adamantoyl)indole (other name: AB-001);
- 1807** (8-quinolinyl)(1-pentylindol-3-yl)carboxylate (other name: PB-22);
- 1808** (8-quinolinyl)(1-(5-fluoropentyl)indol-3-yl)carboxylate (other name: 5-fluoro-PB-22);
- 1809** (8-quinolinyl)(1-cyclohexylmethyl-indol-3-yl)carboxylate (other name: BB-22);
- 1810** N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide (other name: AB-
- 1811** PINACA);

- 1812** N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)indazole-3-carboxamide (other name:  
**1813** AB-FUBINACA);
- 1814** 1-(5-fluoropentyl)-3-(1-naphthoyl)indazole (other name: THJ-2201);
- 1815** N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide (other name: ADB-  
**1816** PINACA);
- 1817** N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide (other  
**1818** name: AB-CHMINACA);
- 1819** N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)indazole-3-carboxamide (other name:  
**1820** 5-fluoro-AB-PINACA);
- 1821** N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide (other  
**1822** names: ADB-CHMINACA, MAB-CHMINACA);
- 1823** Methyl-2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate (other name: 5-  
**1824** fluoro-AMB);
- 1825** 1-naphthalenyl 1-(5-fluoropentyl)-1H-indole-3-carboxylate (other name: NM-2201);
- 1826** 1-(4-fluorobenzyl)-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other name: FUB-144);
- 1827** 1-(5-fluoropentyl)-3-(4-methyl-1-naphthoyl)indole (other name MAM-2201);
- 1828** N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-[(4-fluorophenyl)methyl]-1H-indazole-3-  
**1829** carboxamide (other name: ADB-FUBINACA);
- 1830** Methyl 2-[1-[(4-fluorophenyl)methyl]-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate  
**1831** (other name: MDMA-FUBINACA);
- 1832** Methyl 2-[1-(5-fluoropentyl)-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other names:  
**1833** 5-fluoro-ADB, 5-Fluoro-MDMA-PINACA);
- 1834** Methyl 2-({1-[(4-fluorophenyl)methyl]-1H-indazole-3-carbonyl} amino)-3-methylbutanoate  
**1835** (other names: AMB-FUBINACA, FUB-AMB);
- 1836** N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (other names: FUB-AKB48,  
**1837** 5F-APINACA);
- 1838** N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide (other name: 5F-AKB48);

- 1839** N-(adamantanyl)-1-(5-chloropentyl) indazole-3-carboxamide (other name: 5-chloro-AKB48);
- 1840** Naphthalen-1-yl 1-pentyl-1H-indazole-3-carboxylate (other name: SDB-005);
- 1841** N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indole-3-carboxamide (other name:
- 1842** AB-CHMICA);
- 1843** 1-pentyl-N-(phenylmethyl)-1H-indole-3-carboxamide (other name: SDB-006);
- 1844** Quinolin-8-yl 1-(4-fluorobenzyl)-1H-indole-3-carboxylate (other name: FUB-PB-22);
- 1845** Methyl N-[1-(cyclohexylmethyl)-1H-indole-3-carbonyl]valinate (other name: MMB-CHMICA);
- 1846** N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)indazole-3-carboxamide (other
- 1847** name: 5-fluoro-ADB-PINACA);
- 1848** 1-(4-cyanobutyl)-N-(1-methyl-1-phenylethyl)-1H-indazole-3-carboxamide (other name: 4-cyano
- 1849** CUMYL-BUTINACA);
- 1850** Methyl 2-[1-(5-fluoropentyl)-1H-indole-3-carboxamido]-3,3-dimethylbutanoate (other names: 5-
- 1851** fluoro MDMB-PICA, 5F-MDMB-PICA);
- 1852** Ethyl 2-({1-[(4-fluorophenyl)methyl]-1H-indazole-3-carbonyl} amino)-3-methylbutanoate (other
- 1853** name: EMB-FUBINACA);
- 1854** Methyl 2-[1-(4-fluorobutyl)-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other name: 4-
- 1855** fluoro-MDMB-BUTINACA);
- 1856** 1-(5-fluoropentyl)-N-(1-methyl-1-phenylethyl)-1H-indole-3-carboxamide (other name: 5-fluoro
- 1857** CUMYL-PICA);
- 1858** Methyl 2-[1-(pent-4-enyl)-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other name:
- 1859** MDMB-4en-PINACA);
- 1860** Methyl 2-({1-[(4-fluorophenyl)methyl]-1H-indole-3-carbonyl} amino)-3-methylbutanoate (other
- 1861** names: MMB-FUBICA, AMB-FUBICA);
- 1862** Methyl 2-[1-(4-penten-1-yl)-1H-indole-3-carboxamido]-3-methylbutanoate (other names:
- 1863** MMB022, MMB-4en-PICA);
- 1864** Methyl 2-[1-(5-fluoropentyl)-1H-indole-3-carboxamido]-3-methylbutanoate (other name: MMB
- 1865** 2201);

- 1866** Methyl 2-[1-(5-fluoropentyl)-1H-indole-3-carboxamido]-3-phenylpropanoate (other name: 5-  
**1867** fluoro-MPP-PICA);
- 1868** N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-butylindazole-3-carboxamide (other name: ADB-  
**1869** BUTINACA);
- 1870** N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-chloropentyl)indazole-3-carboxamide (other name:  
**1871** 5-chloro-AB-PINACA);
- 1872** 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide (other names: 5F-  
**1873** CUMYL-PINACA, 5-fluoro CUMYL-PINACA, CUMYL-5F-PINACA);
- 1874** Ethyl 2-[1-(5-fluoropentyl)-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other names:  
**1875** 5F-EDMB-PINACA, 5-fluoro EDMB-PINACA);
- 1876** Ethyl-2-[1-(5-fluoropentyl)-1H-indazole-3-carboxamido]-3-methylbutanoate (other names: 5-  
**1877** fluoro-EMB-PINACA, 5F-AEB);
- 1878** Ethyl 2-[1-(5-fluoropentyl)-1H-indole-3-carboxamido]-3-methylbutanoate (other name: 5-fluoro-  
**1879** EMB-PICA);
- 1880** Ethyl-2-[1-(5-fluoropentyl)-1H-indole-3-carboxamido]-3,3-dimethylbutanoate (other name: 5-  
**1881** fluoro EDMB-PICA);
- 1882** Methyl 2-[1-(4-fluorobutyl)-1H-indole-3-carboxamido]-3,3-dimethylbutanoate (other name: 4-  
**1883** fluoro-MDMB-BUTICA);
- 1884** Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate (other names:  
**1885** MDMB-CHMICA, MMB-CHMINACA);
- 1886** N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(pent-4-enyl)indazole-3-carboxamide (other name:  
**1887** ADB-4en-PINACA).

**1888** § 59.1-200. Prohibited practices.

**1889** A. The following fraudulent acts or practices committed by a supplier in connection with a  
**1890** consumer transaction are hereby declared unlawful:

- 1891** 1. Misrepresenting goods or services as those of another;
- 1892** 2. Misrepresenting the source, sponsorship, approval, or certification of goods or services;

**1893** 3. Misrepresenting the affiliation, connection, or association of the supplier, or of the goods or  
**1894** services, with another;

**1895** 4. Misrepresenting geographic origin in connection with goods or services;

**1896** 5. Misrepresenting that goods or services have certain quantities, characteristics, ingredients, uses,  
**1897** or benefits;

**1898** 6. Misrepresenting that goods or services are of a particular standard, quality, grade, style, or  
**1899** model;

**1900** 7. Advertising or offering for sale goods that are used, secondhand, repossessed, defective,  
**1901** blemished, deteriorated, or reconditioned, or that are "seconds," irregulars, imperfects, or "not first class,"  
**1902** without clearly and unequivocally indicating in the advertisement or offer for sale that the goods are used,  
**1903** secondhand, repossessed, defective, blemished, deteriorated, reconditioned, or are "seconds," irregulars,  
**1904** imperfects or "not first class";

**1905** 8. Advertising goods or services with intent not to sell them as advertised, or with intent not to sell  
**1906** at the price or upon the terms advertised.

**1907** In any action brought under this subdivision, the refusal by any person, or any employee, agent,  
**1908** or servant thereof, to sell any goods or services advertised or offered for sale at the price or upon the terms  
**1909** advertised or offered, shall be prima facie evidence of a violation of this subdivision. This paragraph shall  
**1910** not apply when it is clearly and conspicuously stated in the advertisement or offer by which such goods  
**1911** or services are advertised or offered for sale, that the supplier or offeror has a limited quantity or amount  
**1912** of such goods or services for sale, and the supplier or offeror at the time of such advertisement or offer  
**1913** did in fact have or reasonably expected to have at least such quantity or amount for sale;

**1914** 9. Making false or misleading statements of fact concerning the reasons for, existence of, or  
**1915** amounts of price reductions;

**1916** 10. Misrepresenting that repairs, alterations, modifications, or services have been performed or  
**1917** parts installed;

**1918** 11. Misrepresenting by the use of any written or documentary material that appears to be an invoice  
**1919** or bill for merchandise or services previously ordered;



1920 12. Notwithstanding any other provision of law, using in any manner the words "wholesale,"  
1921 "wholesaler," "factory," or "manufacturer" in the supplier's name, or to describe the nature of the supplier's  
1922 business, unless the supplier is actually engaged primarily in selling at wholesale or in manufacturing the  
1923 goods or services advertised or offered for sale;

1924 13. Using in any contract or lease any liquidated damage clause, penalty clause, or waiver of  
1925 defense, or attempting to collect any liquidated damages or penalties under any clause, waiver, damages,  
1926 or penalties that are void or unenforceable under any otherwise applicable laws of the Commonwealth, or  
1927 under federal statutes or regulations;

1928 13a. Failing to provide to a consumer, or failing to use or include in any written document or  
1929 material provided to or executed by a consumer, in connection with a consumer transaction any statement,  
1930 disclosure, notice, or other information however characterized when the supplier is required by 16 C.F.R.  
1931 Part 433 to so provide, use, or include the statement, disclosure, notice, or other information in connection  
1932 with the consumer transaction;

1933 14. Using any other deception, fraud, false pretense, false promise, or misrepresentation in  
1934 connection with a consumer transaction;

1935 15. Violating any provision of § 3.2-6509, 3.2-6512, 3.2-6513, 3.2-6513.1, 3.2-6514, 3.2-6515,  
1936 3.2-6516, or 3.2-6519 is a violation of this chapter;

1937 16. Failing to disclose all conditions, charges, or fees relating to:

1938 a. The return of goods for refund, exchange, or credit. Such disclosure shall be by means of a sign  
1939 attached to the goods, or placed in a conspicuous public area of the premises of the supplier, so as to be  
1940 readily noticeable and readable by the person obtaining the goods from the supplier. If the supplier does  
1941 not permit a refund, exchange, or credit for return, he shall so state on a similar sign. The provisions of  
1942 this subdivision shall not apply to any retail merchant who has a policy of providing, for a period of not  
1943 less than 20 days after date of purchase, a cash refund or credit to the purchaser's credit card account for  
1944 the return of defective, unused, or undamaged merchandise upon presentation of proof of purchase. In the  
1945 case of merchandise paid for by check, the purchase shall be treated as a cash purchase and any refund  
1946 may be delayed for a period of 10 banking days to allow for the check to clear. This subdivision does not

1947 apply to sale merchandise that is obviously distressed, out of date, post season, or otherwise reduced for  
1948 clearance; nor does this subdivision apply to special order purchases where the purchaser has requested  
1949 the supplier to order merchandise of a specific or unusual size, color, or brand not ordinarily carried in the  
1950 store or the store's catalog; nor shall this subdivision apply in connection with a transaction for the sale or  
1951 lease of motor vehicles, farm tractors, or motorcycles as defined in § 46.2-100;

1952 b. A layaway agreement. Such disclosure shall be furnished to the consumer (i) in writing at the  
1953 time of the layaway agreement, or (ii) by means of a sign placed in a conspicuous public area of the  
1954 premises of the supplier, so as to be readily noticeable and readable by the consumer, or (iii) on the bill of  
1955 sale. Disclosure shall include the conditions, charges, or fees in the event that a consumer breaches the  
1956 agreement;

1957 16a. Failing to provide written notice to a consumer of an existing open-end credit balance in  
1958 excess of \$5 (i) on an account maintained by the supplier and (ii) resulting from such consumer's  
1959 overpayment on such account. Suppliers shall give consumers written notice of such credit balances within  
1960 60 days of receiving overpayments. If the credit balance information is incorporated into statements of  
1961 account furnished consumers by suppliers within such 60-day period, no separate or additional notice is  
1962 required;

1963 17. If a supplier enters into a written agreement with a consumer to resolve a dispute that arises in  
1964 connection with a consumer transaction, failing to adhere to the terms and conditions of such an  
1965 agreement;

1966 18. Violating any provision of the Virginia Health Club Act, Chapter 24 (§ 59.1-294 et seq.);

1967 19. Violating any provision of the Virginia Home Solicitation Sales Act, Chapter 2.1 (§ 59.1-21.1  
1968 et seq.);

1969 20. Violating any provision of the Automobile Repair Facilities Act, Chapter 17.1 (§ 59.1-207.1  
1970 et seq.);

1971 21. Violating any provision of the Virginia Lease-Purchase Agreement Act, Chapter 17.4 (§ 59.1-  
1972 207.17 et seq.);

1973 22. Violating any provision of the Prizes and Gifts Act, Chapter 31 (§ 59.1-415 et seq.);

- 1974** 23. Violating any provision of the Virginia Public Telephone Information Act, Chapter 32 (§ 59.1-  
**1975** 424 et seq.);
- 1976** 24. Violating any provision of § 54.1-1505;
- 1977** 25. Violating any provision of the Motor Vehicle Manufacturers' Warranty Adjustment Act,  
**1978** Chapter 17.6 (§ 59.1-207.34 et seq.);
- 1979** 26. Violating any provision of § 3.2-5627, relating to the pricing of merchandise;
- 1980** 27. Violating any provision of the Pay-Per-Call Services Act, Chapter 33 (§ 59.1-429 et seq.);
- 1981** 28. Violating any provision of the Extended Service Contract Act, Chapter 34 (§ 59.1-435 et seq.);
- 1982** 29. Violating any provision of the Virginia Membership Camping Act, Chapter 25 (§ 59.1-311 et  
**1983** seq.);
- 1984** 30. Violating any provision of the Comparison Price Advertising Act, Chapter 17.7 (§ 59.1-207.40  
**1985** et seq.);
- 1986** 31. Violating any provision of the Virginia Travel Club Act, Chapter 36 (§ 59.1-445 et seq.);
- 1987** 32. Violating any provision of §§ 46.2-1231 and 46.2-1233.1;
- 1988** 33. Violating any provision of Chapter 40 (§ 54.1-4000 et seq.) of Title 54.1;
- 1989** 34. Violating any provision of Chapter 10.1 (§ 58.1-1031 et seq.) of Title 58.1;
- 1990** 35. Using the consumer's social security number as the consumer's account number with the  
**1991** supplier, if the consumer has requested in writing that the supplier use an alternate number not associated  
**1992** with the consumer's social security number;
- 1993** 36. Violating any provision of Chapter 18 (§ 6.2-1800 et seq.) of Title 6.2;
- 1994** 37. Violating any provision of § 8.01-40.2;
- 1995** 38. Violating any provision of Article 7 (§ 32.1-212 et seq.) of Chapter 6 of Title 32.1;
- 1996** 39. Violating any provision of Chapter 34.1 (§ 59.1-441.1 et seq.);
- 1997** 40. Violating any provision of Chapter 20 (§ 6.2-2000 et seq.) of Title 6.2;
- 1998** 41. Violating any provision of the Virginia Post-Disaster Anti-Price Gouging Act, Chapter 46 (§  
**1999** 59.1-525 et seq.);
- 2000** 42. Violating any provision of Chapter 47 (§ 59.1-530 et seq.);

- 2001** 43. Violating any provision of § 59.1-443.2;
- 2002** 44. Violating any provision of Chapter 48 (§ 59.1-533 et seq.);
- 2003** 45. Violating any provision of Chapter 25 (§ 6.2-2500 et seq.) of Title 6.2;
- 2004** 46. Violating the provisions of clause (i) of subsection B of § 54.1-1115;
- 2005** 47. Violating any provision of § 18.2-239;
- 2006** 48. Violating any provision of Chapter 26 (§ 59.1-336 et seq.);
- 2007** 49. Selling, offering for sale, or manufacturing for sale a children's product the supplier knows or
- 2008** has reason to know was recalled by the U.S. Consumer Product Safety Commission. There is a rebuttable
- 2009** presumption that a supplier has reason to know a children's product was recalled if notice of the recall has
- 2010** been posted continuously at least 30 days before the sale, offer for sale, or manufacturing for sale on the
- 2011** website of the U.S. Consumer Product Safety Commission. This prohibition does not apply to children's
- 2012** products that are used, secondhand or "seconds";
- 2013** 50. Violating any provision of Chapter 44.1 (§ 59.1-518.1 et seq.);
- 2014** 51. Violating any provision of Chapter 22 (§ 6.2-2200 et seq.) of Title 6.2;
- 2015** 52. Violating any provision of § 8.2-317.1;
- 2016** 53. Violating subsection A of § 9.1-149.1;
- 2017** 54. Selling, offering for sale, or using in the construction, remodeling, or repair of any residential
- 2018** dwelling in the Commonwealth, any drywall that the supplier knows or has reason to know is defective
- 2019** drywall. This subdivision shall not apply to the sale or offering for sale of any building or structure in
- 2020** which defective drywall has been permanently installed or affixed;
- 2021** 55. Engaging in fraudulent or improper or dishonest conduct as defined in § 54.1-1118 while
- 2022** engaged in a transaction that was initiated (i) during a declared state of emergency as defined in § 44-
- 2023** 146.16 or (ii) to repair damage resulting from the event that prompted the declaration of a state of
- 2024** emergency, regardless of whether the supplier is licensed as a contractor in the Commonwealth pursuant
- 2025** to Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1;
- 2026** 56. Violating any provision of Chapter 33.1 (§ 59.1-434.1 et seq.);
- 2027** 57. Violating any provision of § 18.2-178, 18.2-178.1, or 18.2-200.1;

- 2028 58. Violating any provision of Chapter 17.8 (§ 59.1-207.45 et seq.);
- 2029 59. Violating any provision of subsection E of § 32.1-126;
- 2030 60. Violating any provision of § 54.1-111 relating to the unlicensed practice of a profession
- 2031 licensed under Chapter 11 (§ 54.1-1100 et seq.) or Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1;
- 2032 61. Violating any provision of § 2.2-2001.5;
- 2033 62. Violating any provision of Chapter 5.2 (§ 54.1-526 et seq.) of Title 54.1;
- 2034 63. Violating any provision of § 6.2-312;
- 2035 64. Violating any provision of Chapter 20.1 (§ 6.2-2026 et seq.) of Title 6.2;
- 2036 65. Violating any provision of Chapter 26 (§ 6.2-2600 et seq.) of Title 6.2;
- 2037 66. Violating any provision of Chapter 54 (§ 59.1-586 et seq.);
- 2038 67. Knowingly violating any provision of § 8.01-27.5;
- 2039 68. Failing to make available a conspicuous online option to cancel a recurring purchase of a good
- 2040 or service as required by § 59.1-207.46;
- 2041 69. Selling or offering for sale any substance intended for human consumption, orally or by
- 2042 inhalation, that contains a synthetic derivative of tetrahydrocannabinol. As used in this subdivision,
- 2043 "synthetic derivative" means a chemical compound produced by man through a chemical transformation
- 2044 to turn a compound into a different compound by adding or subtracting molecules to or from the original
- 2045 compound. This subdivision shall not (i) apply to products that are approved for marketing by the U.S. Food
- 2046 and Drug Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed
- 2047 to prohibit any conduct permitted under Article 4.2 (§ 54.1-3442.5 et seq.) of Chapter 34 of Title 54.1.
- 2048 70. Selling or offering for sale to a person younger than 21 years of age any substance intended
- 2049 for human consumption, orally or by inhalation, that contains tetrahydrocannabinol. This subdivision shall
- 2050 not (i) apply to products that are approved for marketing by the U.S. Food and Drug Administration and
- 2051 scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct
- 2052 permitted under Article 4.2 of Chapter 34 of Title 54.1 of the Code of Virginia;
- 2053 ~~70-71.~~ Selling or offering for sale any substance intended for human consumption, orally or by
- 2054 inhalation, that contains tetrahydrocannabinol, unless such substance is (i) contained in child-resistant

2055 packaging, as defined in § 4.1-600; (ii) equipped with a label that states, in English and in a font no less  
2056 than 1/16 of an inch, (a) that the substance contains tetrahydrocannabinol and may not be sold to persons  
2057 younger than 21 years of age, (b) all ingredients contained in the substance, (c) the amount of such  
2058 substance that constitutes a single serving, and (d) the total percentage and milligrams of  
2059 tetrahydrocannabinol included in the substance and the number of milligrams of tetrahydrocannabinol that  
2060 are contained in each serving; and (iii) accompanied by a certificate of analysis, produced by an  
2061 independent laboratory that is registered with the U.S. Drug Enforcement Administration and accredited  
2062 pursuant to standard ISO/IEC 17025 of the International Organization of Standardization by a third-party  
2063 accrediting body, that states the tetrahydrocannabinol concentration of the substance or the  
2064 tetrahydrocannabinol concentration of the batch from which the substance originates. This subdivision  
2065 shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug Administration  
2066 and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct  
2067 permitted under Article 4.2 of Chapter 34 of Title 54.1 of the Code of Virginia;

2068 ~~71.~~ 72. Manufacturing, offering for sale at retail, or selling at retail an industrial hemp extract, as  
2069 defined in § 3.2-5145.1, a food containing an industrial hemp extract, or a substance containing  
2070 tetrahydrocannabinol that depicts or is in the shape of a human, animal, vehicle, or fruit; ~~and~~

2071 ~~72.~~ 73. Selling or offering for sale any substance intended for human consumption, orally or by  
2072 inhalation, that contains tetrahydrocannabinol and, without authorization, bears, is packaged in a container  
2073 or wrapper that bears, or is otherwise labeled to bear the trademark, trade name, famous mark as defined  
2074 in 15 U.S.C. § 1125, or other identifying mark, imprint, or device, or any likeness thereof, of a  
2075 manufacturer, processor, packer, or distributor of a product intended for human consumption other than  
2076 the manufacturer, processor, packer, or distributor that did in fact so manufacture, process, pack, or  
2077 distribute such substance; and

2078 74. Selling or offering for sale a topical hemp product that does not contain a bittering agent that  
2079 renders the product unpalatable. As used in this subdivision, "topical hemp product" means a hemp  
2080 product, as defined in § 3.2-4112, that (i) is intended to be rubbed, poured, sprinkled, or sprayed on,  
2081 introduced into, or otherwise applied to the human body and (ii) is not intended to be consumed orally or

2082 by inhalation. This subdivision shall not (a) apply to products that are approved for marketing by the U.S.  
2083 Food and Drug Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (b) be  
2084 construed to prohibit any conduct permitted under Article 4.2 (§ 54.1-3442.5 et seq.) of Chapter 34 of  
2085 Title 54.1.

2086 B. Nothing in this section shall be construed to invalidate or make unenforceable any contract or  
2087 lease solely by reason of the failure of such contract or lease to comply with any other law of the  
2088 Commonwealth or any federal statute or regulation, to the extent such other law, statute, or regulation  
2089 provides that a violation of such law, statute, or regulation shall not invalidate or make unenforceable such  
2090 contract or lease.

2091 **§ 59.1-203. Restraining prohibited acts.**

2092 A. Notwithstanding any other provisions of law to the contrary, the Attorney General, any attorney  
2093 for the Commonwealth, or the attorney for any city, county, or town may cause an action to be brought in  
2094 the appropriate circuit court in the name of the Commonwealth, or of the county, city, or town to enjoin  
2095 any violation of § 59.1-200 or 59.1-200.1. The circuit court having jurisdiction may enjoin such violations  
2096 notwithstanding the existence of an adequate remedy at law. In any action under this section, it shall not  
2097 be necessary that damages be proved.

2098 B. Unless the Attorney General, any attorney for the Commonwealth, or the attorney for any  
2099 county, city, or town determines that a person subject to the provisions of this chapter intends to depart  
2100 from this Commonwealth or to remove his property herefrom, or to conceal himself or his property herein,  
2101 or on a reasonable determination that irreparable harm may occur if immediate action is not taken, he  
2102 shall, before initiating any legal proceedings as provided in this section, give notice in writing that such  
2103 proceedings are contemplated, and allow such person a reasonable opportunity to appear before said  
2104 attorney and show that a violation did not occur or execute an assurance of voluntary compliance, as  
2105 provided in § 59.1-202.

2106 C. The circuit courts are authorized to issue temporary or permanent injunctions to restrain and  
2107 prevent violations of § 59.1-200 or 59.1-200.1.

2108 D. The Commissioner of the Department of Agriculture and Consumer Services, or his duly  
2109 authorized representative, shall have the power to inquire into possible violations of subdivisions A 18,  
2110 28, 29, 31, 39, ~~and~~ 41, as it relates to motor fuels, 69, 70, 71, 72, 73, and 74 of § 59.1-200 and § 59.1-  
2111 335.12, and, if necessary, to request, but not to require, an appropriate legal official to bring an action to  
2112 enjoin such violation.

2113 **§ 59.1-206. Civil penalties; attorney's fees.**

2114 A. In any action brought under this chapter, if the court finds that a person has willfully engaged  
2115 in an act or practice in violation of § 59.1-200 or 59.1-200.1, the Attorney General, the attorney for the  
2116 Commonwealth, or the attorney for the county, city, or town may recover for the Literary Fund, upon  
2117 petition to the court, a civil penalty of not more than \$2,500 per violation. If the court finds that a person  
2118 has willfully committed a second or subsequent violation of subdivision A 69, 70, 71, 72, 73, or 74 of §  
2119 59.1-200, the Attorney General, the attorney for the Commonwealth, or the attorney for the county, city,  
2120 or town may recover for the Literary Fund, upon petition to the court, a civil penalty of not more than  
2121 \$5,000 per violation.

2122 B. For purposes of this section, prima facie evidence of a willful violation may be shown when the  
2123 Attorney General, the attorney for the Commonwealth, or the attorney for the county, city, or town notifies  
2124 the alleged violator by certified mail that an act or practice is a violation of § 59.1-200 or 59.1-200.1, and  
2125 the alleged violator, after receipt of said notice, continues to engage in the act or practice.

2126 ~~B.~~ C. Any person who willfully violates the terms of an assurance of voluntary compliance or an  
2127 injunction issued under § 59.1-203 shall forfeit and pay to the Literary Fund a civil penalty of not more  
2128 than \$5,000 per violation. For purposes of this section, the circuit court issuing an injunction shall retain  
2129 jurisdiction, and the cause shall be continued, and in such cases the Attorney General, the attorney for the  
2130 Commonwealth, or the attorney for the county, city, or town may petition for recovery of civil penalties.

2131 ~~C.~~ D. In any action pursuant to subsection A-~~F~~, B, or C and in addition to any other amount  
2132 awarded, the Attorney General, the attorney for the Commonwealth, or the attorney for the county, city,  
2133 or town may recover any applicable civil penalty or penalties, costs, reasonable expenses incurred by the  
2134 state or local agency in investigating and preparing the case not to exceed \$1,000 per violation, and



2135 attorney's fees. Such civil penalty or penalties, costs, reasonable expenses, and attorney's fees shall be paid  
2136 into the general fund of the Commonwealth or of the county, city, or town which such attorney  
2137 represented.

2138 ~~D.~~E. Nothing in this section shall be construed as limiting the power of the court to punish as  
2139 contempt the violation of any order issued by the court, or as limiting the power of the court to enter other  
2140 orders under § 59.1-203 or 59.1-205.

2141 ~~E.~~F. The right of trial by jury as provided by law shall be preserved in actions brought under this  
2142 section.

2143 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**  
2144 **commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary**  
2145 **appropriation is \_\_\_\_\_ for periods of imprisonment in state adult correctional facilities;**  
2146 **therefore, Chapter 2 of the Acts of Assembly of 2022, Special Session I, requires the Virginia**  
2147 **Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-**  
2148 **19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is \_\_\_\_\_ for**  
2149 **periods of commitment to the custody of the Department of Juvenile Justice.**

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