

SENATE BILL NO. 591

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on the Judiciary

on _____)

(Patron Prior to Substitute--Senator Hanger)

A BILL to amend and reenact §§ 3.2-4113, 3.2-4118, 4.1-600, 4.1-606, 9.1-1101, 18.2-247, 18.2-251.1, 19.2-188.1, 54.1-3401, 54.1-3408.3, 54.1-3423, 54.1-3442.6, 54.1-3442.7, 54.1-3446 of the Code of Virginia, relating to marijuana; shape prohibitions; definitions of marijuana and tetrahydrocannabinol.

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2-4113, 3.2-4118, 4.1-600, 4.1-606, 9.1-1101, 18.2-247, 18.2-251.1, 19.2-188.1, 54.1-3401, 54.1-3408.3, 54.1-3423, 54.1-3442.6, 54.1-3442.7, 54.1-3446 of the Code of Virginia are amended and reenacted as follows:

§ 3.2-4113. Production of industrial hemp lawful.

A. It is lawful for a grower, his agent, or a federally licensed hemp producer to grow, a dealer or his agent to deal in, or a processor or his agent to process industrial hemp in the Commonwealth for any lawful purpose. No federally licensed hemp producer or grower or his agent shall be prosecuted under Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1 or § 18.2-247, 18.2-248, 18.2-248.01, 18.2-248.1, or 18.2-250 for the possession or growing of industrial hemp or any Cannabis sativa with a tetrahydrocannabinol concentration that does not exceed the total-~~delta~~-9 tetrahydrocannabinol concentration percentage established in federal regulations applicable to negligent violations located at 7 C.F.R. 990.6(b)(3). No dealer or his agent or processor or his agent shall be prosecuted under Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1 or § 18.2-247, 18.2-248, 18.2-248.01, 18.2-248.1, or 18.2-250 or issued a summons or judgment for the possession, dealing, or processing of industrial hemp. In any complaint, information, or indictment, and in any action or proceeding brought for the enforcement of any provision of Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1 or Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 or the Drug Control Act (§

27 54.1-3400 et seq.), it shall not be necessary to negate any exception, excuse, proviso, or exemption
28 contained in this chapter or the Drug Control Act, and the burden of proof of any such exception, excuse,
29 proviso, or exemption shall be on the defendant.

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

32 C. No person shall be prosecuted under Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1 or § 18.2-247,
33 18.2-248, 18.2-248.01, 18.2-248.1, or 18.2-250 for the involuntary growth of industrial hemp through the
34 inadvertent natural spread of seeds or pollen as a result of proximity to a production field, dealership, or
35 process site.

36 **§ 3.2-4118. Forfeiture of industrial hemp grower, dealer, or processor registration;**
37 **violations.**

38 A. The Commissioner shall deny the application, or suspend or revoke the registration, of any
39 person who, with a culpable mental state greater than negligence, violates any provision of this chapter.
40 The Commissioner shall provide reasonable notice of an informal fact-finding conference pursuant to §
41 2.2-4019 to any person in connection with the denial, suspension, or revocation of a registration.

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

46 C. A person issued a registration pursuant to subsection A of § 3.2-4115 who negligently (i) fails
47 to provide a description and geographic data sufficient for locating his production field, dealership, or
48 process site; (ii) grows, deals in, or processes Cannabis sativa with a tetrahydrocannabinol concentration
49 greater than that allowed by federal law; or (iii) produces a Cannabis sativa product shall comply with any
50 corrective action plan established by the Commissioner in accordance with the provisions of subsection

51 E. The Commissioner shall not deem a grower negligent if such grower makes reasonable efforts to grow
52 industrial hemp and grows Cannabis sativa with a tetrahydrocannabinol concentration that does not exceed

53 the total—~~delta-9~~ tetrahydrocannabinol concentration percentage established in federal regulations
54 applicable to negligent violations located at 7 C.F.R. 990.6(b)(3).

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

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

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

66 **§ 4.1-600. Definitions.**

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

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

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

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

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

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

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

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

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

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

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

88 "Manufacturing" or "manufacture" means the production of marijuana products or the blending,
89 infusing, compounding, or other preparation of marijuana and marijuana products, including marijuana
90 extraction or preparation by means of chemical synthesis. "Manufacturing" or "manufacture" does not
91 include cultivation or testing.

92 "Marijuana" means (i) any part of a plant of the genus Cannabis, whether growing or not, its seeds
93 or resin; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its
94 seeds, its resin, or any extract containing one or more cannabinoids ~~or (ii) any substance containing a total~~
95 ~~tetrahydrocannabinol concentration that exceeds 0.3 percent, including a hemp product, as defined in §~~
96 ~~3.2-4112, or an industrial hemp extract, as defined in § 3.2-5145.1.~~ "Marijuana" does not include (a) the
97 mature stalks of such plant, fiber produced from such stalk, or oil or cake made from the seed of such
98 plant, unless such stalks, fiber, oil, or cake is combined with other parts of plants of the genus Cannabis-
99 ~~"Marijuana" does not include (i);~~ (b) industrial hemp, as defined in § 3.2-4112, that is possessed by a
100 person registered pursuant to subsection A of § 3.2-4115 or his agent ~~or (ii);~~ (c) industrial hemp, as defined
101 in § 3.2-4112, that is possessed by a person who holds a hemp producer license issued by the U.S.
102 Department of Agriculture pursuant to 7 C.F.R. Part 990 or his agent; (d) a hemp product, as defined in §
103 3.2-4112, containing a tetrahydrocannabinol concentration of no greater than 0.3 percent that is derived
104 from industrial hemp, as defined in § 3.2-4112, that is grown, dealt, or processed in compliance with state
105 or federal law; (e) an industrial hemp extract, as defined in § 3.2-5145.1, containing a

106 tetrahydrocannabinol concentration of no greater than 0.3 percent that is derived from industrial hemp, as
107 defined in § 3.2-4112, grown, dealt, or processed in compliance with state or federal law; or (f) any drug
108 product containing tetrahydrocannabinol that is approved for marketing by the U.S. Food and Drug
109 Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) by the Board of Pharmacy
110 pursuant to § 54.1-3443.

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

114 "Marijuana cultivation facility" means a facility licensed under this subtitle to cultivate, label, and
115 package retail marijuana; to purchase or take possession of marijuana plants and seeds from other
116 marijuana cultivation facilities; to transfer possession of and sell retail marijuana, immature marijuana
117 plants, and marijuana seeds to marijuana wholesalers and retail marijuana stores; to transfer possession of
118 and sell retail marijuana, marijuana plants, and marijuana seeds to other marijuana cultivation facilities;
119 to transfer possession of and sell retail marijuana to marijuana manufacturing facilities; and to sell
120 immature marijuana plants and marijuana seeds to consumers for the purpose of cultivating marijuana at
121 home for personal use.

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

124 "Marijuana manufacturing facility" means a facility licensed under this subtitle to manufacture,
125 label, and package retail marijuana and retail marijuana products; to purchase or take possession of retail
126 marijuana from a marijuana cultivation facility or another marijuana manufacturing facility; and to transfer
127 possession of and sell retail marijuana and retail marijuana products to marijuana wholesalers, retail
128 marijuana stores, or other marijuana manufacturing facilities.

129 "Marijuana paraphernalia" means all equipment, products, and materials of any kind that are either
130 designed for use or are intended for use in planting, propagating, cultivating, growing, harvesting,
131 manufacturing, compounding, converting, producing, processing, preparing, strength testing, analyzing,

132 packaging, repackaging, storing, containing, concealing, ingesting, inhaling, or otherwise introducing into
133 the human body marijuana.

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

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

138 "Marijuana wholesaler" means a facility licensed under this subtitle to purchase or take possession
139 of retail marijuana, retail marijuana products, immature marijuana plants, and marijuana seeds from a
140 marijuana cultivation facility, a marijuana manufacturing facility, or another marijuana wholesaler and to
141 transfer possession and sell or resell retail marijuana, retail marijuana products, immature marijuana
142 plants, and marijuana seeds to a marijuana cultivation facility, marijuana manufacturing facility, retail
143 marijuana store, or another marijuana wholesaler.

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

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

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

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

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

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

161 "Retail marijuana products" means marijuana products that are manufactured and sold by a
162 licensed marijuana establishment.

163 "Retail marijuana store" means a facility licensed under this subtitle to purchase or take possession
164 of retail marijuana, retail marijuana products, immature marijuana plants, or marijuana seeds from a
165 marijuana cultivation facility, marijuana manufacturing facility, or marijuana wholesaler and to sell retail
166 marijuana, retail marijuana products, immature marijuana plants, or marijuana seeds to consumers.

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

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

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

175 "Tetrahydrocannabinol" or "THC" means any naturally occurring or synthetic
176 tetrahydrocannabinol, including its salts, isomers, or salts of isomers.

177 "Total tetrahydrocannabinol concentration" means the total available tetrahydrocannabinol
178 derived from the molar sum of tetrahydrocannabinol and tetrahydrocannabinolic acid.

179 **§ 4.1-606. Regulations of the Board.**

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

185 B. The Board shall promulgate regulations that:

- 186 1. Govern the outdoor cultivation of marijuana by a marijuana cultivation facility licensee,
187 including security requirements to include lighting, physical security, and alarm requirements, provided
188 that such requirements do not prohibit the cultivation of marijuana outdoors or in a greenhouse;
- 189 2. Establish requirements for securely transporting marijuana between marijuana establishments;
- 190 3. Establish sanitary standards for retail marijuana product preparation;
- 191 4. Establish a testing program for retail marijuana and retail marijuana products pursuant to
192 Chapter 14 (§ 4.1-1400 et seq.);
- 193 5. Establish an application process for licensure as a marijuana establishment pursuant to this
194 subtitle in a way that, when possible, prevents disparate impacts on historically disadvantaged
195 communities;
- 196 6. Establish requirements for health and safety warning labels to be placed on retail marijuana and
197 retail marijuana products to be sold or offered for sale by a licensee to a consumer in accordance with the
198 provisions of this subtitle;
- 199 7. Establish a maximum tetrahydrocannabinol level for retail marijuana products, which shall not
200 exceed (i) five milligrams per serving for edible marijuana products and where practicable an equivalent
201 amount for other marijuana products or (ii) 50 milligrams per package for edible marijuana products and
202 where practicable an equivalent amount for other marijuana products. Such regulations may include other
203 product and dispensing limitations on tetrahydrocannabinol;
- 204 8. Establish requirements for the form, content, and retention of all records and accounts by all
205 licensees;
- 206 9. Provide alternative methods for licensees to maintain and store business records that are subject
207 to Board inspection, including methods for Board-approved electronic and offsite storage;
- 208 10. Establish (i) criteria by which to evaluate new licensees based on the density of retail marijuana
209 stores in the community and (ii) metrics that have similarly shown an association with negative
210 community-level health outcomes or health disparities. In promulgating such regulations, the Board shall
211 coordinate with the Cannabis Public Health Advisory Council established pursuant to § 4.1-603;

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

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

217 13. Establish criteria by which to evaluate social equity license applicants, which shall be an
218 applicant who has lived or been domiciled for at least 12 months in the Commonwealth and is either (i)
219 an applicant with at least 66 percent ownership by a person or persons who have been convicted of or
220 adjudicated delinquent for any misdemeanor violation of § 18.2-248.1, former § 18.2-250.1, or subsection
221 A of § 18.2-265.3 as it relates to marijuana; (ii) an applicant with at least 66 percent ownership by a person
222 or persons who is the parent, child, sibling, or spouse of a person who has been convicted of or adjudicated
223 delinquent for any misdemeanor violation of § 18.2-248.1, former § 18.2-250.1, or subsection A of § 18.2-
224 265.3 as it relates to marijuana; (iii) an applicant with at least 66 percent ownership by a person or persons
225 who have resided for at least three of the past five years in a jurisdiction that is determined by the Board
226 after utilizing census tract data made available by the United States Census Bureau to have been
227 disproportionately policed for marijuana crimes; (iv) an applicant with at least 66 percent ownership by a
228 person or persons who have resided for at least three of the last five years in a jurisdiction determined by
229 the Board after utilizing census tract data made available by the United States Census Bureau to be
230 economically distressed; or (v) an applicant with at least 66 percent ownership by a person or persons who
231 graduated from a historically black college or university located in the Commonwealth;

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

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

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

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

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

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

253 20. Prohibit the production and sale of retail marijuana and retail marijuana products that depict or
254 are in the shape of a human, animal, vehicle, or fruit.

255 C. The Board may promulgate regulations that:

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

- 258 a. Retail marijuana stores, 400;
- 259 b. Marijuana wholesalers, 25;
- 260 c. Marijuana manufacturing facilities, 60; and
- 261 d. Marijuana cultivation facilities, 450.

262 In determining the number of licenses issued pursuant to this subdivision, the Board shall not
263 consider any license granted pursuant to subsection C of § 4.1-805 to (i) a pharmaceutical processor that
264 has been issued a permit by the Board of Pharmacy pursuant to Article 4.2 (§ 54.1-3442.5 et seq.) of the

265 Drug Control Act or (ii) an industrial hemp processor registered with the Commissioner of Agriculture
266 and Consumer Services pursuant to Chapter 41.1 (§ 3.2-4112 et seq.) of Title 3.2.

267 2. Prescribe any requirements deemed appropriate for the administration of taxes under §§ 4.1-
268 1003 and 4.1-1004, including method of filing a return, information required on a return, and form of
269 payment.

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

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

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

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

280 F. The Board shall consult with the Cannabis Public Health Advisory Council in promulgating any
281 regulations relating to public health, including regulations promulgated pursuant to subdivision B 3, 4, 6,
282 7, 10, or 16, and shall not promulgate any such regulation that has not been approved by a majority of the
283 members of the Cannabis Public Health Advisory Council.

284 G. With regard to regulations governing licensees that have been issued a permit by the Board of
285 Pharmacy to operate as a pharmaceutical processor or cannabis dispensing facility pursuant to Article 4.2
286 (§ 54.1-3442.5 et seq.) of the Drug Control Act, the Board shall make reasonable efforts (i) to align such
287 regulations with any applicable regulations promulgated by the Board of Pharmacy that establish health,
288 safety, and security requirements for pharmaceutical processors and cannabis dispensing facilities and (ii)
289 to deem in compliance with applicable regulations promulgated pursuant to this subtitle such
290 pharmaceutical processors and cannabis dispensing facilities that have been found to be in compliance

291 with regulations promulgated by the Board of Pharmacy that mirror or are more extensive in scope than
292 similar regulations promulgated pursuant to this subtitle.

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

294 **§ 9.1-1101. Powers and duties of the Department.**

295 A. It shall be the responsibility of the Department to provide forensic laboratory services upon
296 request of the Superintendent of State Police; the Chief Medical Examiner, the Assistant Chief Medical
297 Examiners, and local medical examiners; any attorney for the Commonwealth; any chief of police, sheriff,
298 or sergeant responsible for law enforcement in the jurisdiction served by him; any local fire department;
299 the head of any private police department that has been designated as a criminal justice agency by the
300 Department of Criminal Justice Services as defined by § 9.1-101; or any state agency in any criminal
301 matter. The Department shall provide such services to any federal investigatory agency within available
302 resources.

303 B. The Department shall:

304 1. Provide forensic laboratory services to all law-enforcement agencies throughout the
305 Commonwealth and provide laboratory services, research, and scientific investigations for agencies of the
306 Commonwealth as needed;

307 2. Establish and maintain a DNA testing program in accordance with Article 1.1 (§ 19.2-310.2 et
308 seq.) of Chapter 18 of Title 19.2 to determine identification characteristics specific to an individual; and

309 3. Test the accuracy of equipment used to test the blood alcohol content of breath at least once
310 every six months. Only equipment found to be accurate shall be used to test the blood alcohol content of
311 breath.

312 C. The Department shall have the power and duty to:

313 1. Receive, administer, and expend all funds and other assistance available for carrying out the
314 purposes of this chapter;

315 2. Make and enter into all contracts and agreements necessary or incidental to the performance of
316 its duties and execution of its powers under this chapter including, but not limited to, contracts with the

317 United States, units of general local government or combinations thereof in Virginia or other states, and
318 with agencies and departments of the Commonwealth; ~~and~~

319 3. Perform such other acts as may be necessary or convenient for the effective performance of its
320 duties; and

321 4. Determine the proper methods for detecting the concentration of tetrahydrocannabinol (THC)
322 in substances for the purposes of Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1, Chapter 7 (§ 18.2-247 et
323 seq.) of Title 18.2, and §§ 54.1-3401 and 54.1-3446. The testing methodology shall use post-
324 decarboxylation testing or another equivalent method and shall consider the potential conversion of
325 tetrahydrocannabinolic acid (THC-A) into THC. The test result shall include the total available THC
326 derived from the sum of the THC and THC-A content.

327 D. The Director may appoint and employ a deputy director and such other personnel as are needed
328 to carry out the duties and responsibilities conferred by this chapter.

329 **§ 18.2-247. Use of terms "controlled substances," "marijuana," "Schedules I, II, III, IV, V,**
330 **and VI," "imitation controlled substance" and "counterfeit controlled substance" in Title 18.2.**

331 A. ~~Wherever the terms~~ As used in this title, "controlled substances" substance and "Schedules I,
332 II, III, IV, V, and VI" ~~are used in Title 18.2, such terms refer to~~ mean the same as those terms as they are
333 used or defined in the Drug Control Act (§ 54.1-3400 et seq.).

334 B. ~~The term~~ When used in this article, "imitation controlled substance" when used in this article
335 means (i) a counterfeit controlled substance or (ii) a pill, capsule, tablet, or substance in any form
336 whatsoever ~~which~~ that is not a controlled substance subject to abuse; and:

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

342 2. Which by express or implied representations purports to act like a controlled substance as a
343 stimulant or depressant of the central nervous system and which is not commonly used or recognized for

344 use in that particular formulation for any purpose other than for such stimulant or depressant effect, unless
345 marketed, promoted, or sold as permitted by the U.S. Food and Drug Administration.

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

353 D. ~~The term "marijuana" when~~ As used in this article:

354 "Counterfeit controlled substance" means a controlled substance that, without authorization, bears,
355 is packaged in a container or wrapper that bears, or is otherwise labeled to bear the trademark, trade name,
356 or other identifying mark, imprint, or device or any likeness thereof of a drug manufacturer, processor,
357 packer, or distributor other than the manufacturer, processor, packer, or distributor that did in fact so
358 manufacture, process, pack, or distribute such drug.

359 "Marijuana" means (i) any part of a plant of the genus Cannabis, whether growing or not, its seeds
360 or resin; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its
361 seeds, its resin, or any extract containing one or more cannabinoids or (ii) any substance containing a total
362 tetrahydrocannabinol concentration that exceeds 0.3 percent, including a hemp product, as defined in §
363 3.2-4112, or an industrial hemp extract, as defined in § 3.2-5145.1. "Marijuana" does not include (a) the
364 mature stalks of such plant, fiber produced from such stalk, oil or cake made from the seed of such plant,
365 unless such stalks, fiber, oil or cake is combined with other parts of plants of the genus Cannabis;
366 ~~Marijuana does not include (i);~~ (b) industrial hemp, as defined in § 3.2-4112, that is possessed by a person
367 registered pursuant to subsection A of § 3.2-4115 or his agent; ~~(ii);~~ (c) industrial hemp, as defined in § 3.2-
368 4112, that is possessed by a person who holds a hemp producer license issued by the U.S. Department of
369 Agriculture pursuant to 7 C.F.R. Part 990; ~~or (iii);~~ (d) a hemp product, as defined in § 3.2-4112, containing
370 a tetrahydrocannabinol concentration of no greater than 0.3 percent that is derived from industrial hemp,

371 as defined in § 3.2-4112, that is grown, dealt, or processed in compliance with state or federal law; (e) an
372 industrial hemp extract, as defined in § 3.2-5145.1, containing a tetrahydrocannabinol concentration of no
373 greater than 0.3 percent that is derived from industrial hemp, as defined in § 3.2-4112, grown, dealt, or
374 processed in compliance with state or federal law; or (f) any drug product containing tetrahydrocannabinol
375 that is approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug
376 Control Act (§ 54.1-3400 et seq.) by the Board of Pharmacy pursuant to § 54.1-3443.

377 "Tetrahydrocannabinol" or "THC" means any naturally occurring or synthetic
378 tetrahydrocannabinol, including its salts, isomers, or salts of isomers.

379 "Total tetrahydrocannabinol concentration" means the total available tetrahydrocannabinol
380 derived from the molar sum of tetrahydrocannabinol and tetrahydrocannabinolic acid.

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

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

392 **§ 18.2-251.1. Possession or distribution of marijuana for medical purposes permitted.**

393 A. No person shall be prosecuted under § 18.2-250 or ~~§ 18.2-250.1~~ for the possession of marijuana
394 ~~or tetrahydrocannabinol~~ when that possession occurs pursuant to a valid prescription issued by a medical
395 doctor in the course of his professional practice for treatment of cancer or glaucoma.

396 B. No medical doctor shall be prosecuted under § 18.2-248 or ~~§ 18.2-248.1~~ for dispensing or
397 distributing marijuana or tetrahydrocannabinol for medical purposes when such action occurs in the course
398 of his professional practice for treatment of cancer or glaucoma.

399 C. No pharmacist shall be prosecuted under §§ 18.2-248 to 18.2-248.1 for dispensing or
400 distributing marijuana or tetrahydrocannabinol to any person who holds a valid prescription of a medical
401 doctor for such substance issued in the course of such doctor's professional practice for treatment of cancer
402 or glaucoma.

403 **§ 19.2-188.1. Testimony regarding identification of controlled substances.**

404 A. In any preliminary hearing on a violation of Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1, Article
405 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, or subdivision 6 of § 53.1-203, any law-enforcement
406 officer shall be permitted to testify as to the results of field tests that have been approved by the Department
407 of Forensic Science pursuant to regulations adopted in accordance with the Administrative Process Act (§
408 2.2-4000 et seq.), regarding whether or not any substance the identity of which is at issue in such hearing
409 is a controlled substance, imitation controlled substance, or marijuana, as defined in § 4.1-600 or 18.2-
410 247.

411 B. In any trial for a violation of § 4.1-1105.1, any law-enforcement officer shall be permitted to
412 testify as to the results of any marijuana field test approved as accurate and reliable by the Department of
413 Forensic Science pursuant to regulations adopted in accordance with the Administrative Process Act (§
414 2.2-4000 et seq.), regarding whether or not any plant material, the identity of which is at issue, is marijuana
415 provided the defendant has been given written notice of his right to request a full chemical analysis. Such
416 notice shall be on a form approved by the Supreme Court and shall be provided to the defendant prior to
417 trial.

418 In any case in which the person accused of a violation of § 4.1-1105.1, or the attorney of record
419 for the accused, desires a full chemical analysis of the alleged plant material, he may, by motion prior to
420 trial before the court in which the charge is pending, request such a chemical analysis. Upon such motion,
421 the court shall order that the analysis be performed by the Department of Forensic Science in accordance

422 with the provisions of § 18.2-247 and shall prescribe in its order the method of custody, transfer, and
423 return of evidence submitted for chemical analysis.

424 **§ 54.1-3401. Definitions.**

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

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

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

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

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

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

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

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

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

453 "Board" means the Board of Pharmacy.

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

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

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

470 "Compounding" means the combining of two or more ingredients to fabricate such ingredients into
471 a single preparation and includes the mixing, assembling, packaging, or labeling of a drug or device (i) by
472 a pharmacist, or within a permitted pharmacy, pursuant to a valid prescription issued for a medicinal or
473 therapeutic purpose in the context of a bona fide practitioner-patient-pharmacist relationship, or in
474 expectation of receiving a valid prescription based on observed historical patterns of prescribing and

475 dispensing; (ii) by a practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine as an
476 incident to his administering or dispensing, if authorized to dispense, a controlled substance in the course
477 of his professional practice; or (iii) for the purpose of, or as incident to, research, teaching, or chemical
478 analysis and not for sale or for dispensing. The mixing, diluting, or reconstituting of a manufacturer's
479 product drugs for the purpose of administration to a patient, when performed by a practitioner of medicine
480 or osteopathy licensed under Chapter 29 (§ 54.1-2900 et seq.), a person supervised by such practitioner
481 pursuant to subdivision A 6 or 19 of § 54.1-2901, or a person supervised by such practitioner or a licensed
482 nurse practitioner or physician assistant pursuant to subdivision A 4 of § 54.1-2901 shall not be considered
483 compounding.

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

489 "Controlled substance analog" means a substance the chemical structure of which is substantially
490 similar to the chemical structure of a controlled substance in Schedule I or II and either (i) which has a
491 stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar
492 to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a
493 controlled substance in Schedule I or II or (ii) with respect to a particular person, which such person
494 represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous
495 system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on
496 the central nervous system of a controlled substance in Schedule I or II. "Controlled substance analog"
497 does not include (a) any substance for which there is an approved new drug application as defined under
498 § 505 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. § 355) or that is generally recognized as
499 safe and effective pursuant to §§ 501, 502, and 503 of the federal Food, Drug, and Cosmetic Act (21
500 U.S.C. §§ 351, 352, and 353) and 21 C.F.R. Part 330; (b) with respect to a particular person, any substance
501 for which an exemption is in effect for investigational use for that person under § 505 of the federal Food,

502 Drug, and Cosmetic Act to the extent that the conduct with respect to that substance is pursuant to such
503 exemption; or (c) any substance to the extent not intended for human consumption before such an
504 exemption takes effect with respect to that substance.

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

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

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

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

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

525 "Dispense" means to deliver a drug to an ultimate user or research subject by or pursuant to the
526 lawful order of a practitioner, including the prescribing and administering, packaging, labeling, or
527 compounding necessary to prepare the substance for that delivery. However, dispensing shall not include
528 the transportation of drugs mixed, diluted, or reconstituted in accordance with this chapter to other sites

529 operated by such practitioner or that practitioner's medical practice for the purpose of administration of
530 such drugs to patients of the practitioner or that practitioner's medical practice at such other sites. For
531 practitioners of medicine or osteopathy, "dispense" shall only include the provision of drugs by a
532 practitioner to patients to take with them away from the practitioner's place of practice.

533 "Dispenser" means a practitioner who dispenses.

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

535 "Distributor" means a person who distributes.

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

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

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

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

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

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

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

558 "Label" means a display of written, printed, or graphic matter upon the immediate container of any
559 article. A requirement made by or under authority of this chapter that any word, statement, or other
560 information appear on the label shall not be considered to be complied with unless such word, statement,
561 or other information also appears on the outside container or wrapper, if any, of the retail package of such
562 article or is easily legible through the outside container or wrapper.

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

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

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

572 "Marijuana" means (i) any part of a plant of the genus Cannabis whether growing or not, its seeds,
573 or its resin; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its
574 seeds, its resin, or any extract containing one or more cannabinoids or (ii) any substance containing a total
575 tetrahydrocannabinol concentration that exceeds 0.3 percent, including a hemp product, as defined in §
576 3.2-4112, or an industrial hemp extract, as defined in § 3.2-5145.1. Marijuana does not include (a) the
577 mature stalks of such plant, fiber produced from such stalk, or oil or cake made from the seeds of such
578 plant, unless such stalks, fiber, oil, or cake is combined with other parts of plants of the genus Cannabis-
579 ~~Marijuana does not include (i);~~ (b) industrial hemp, as defined in § 3.2-4112, that is possessed by a person
580 registered pursuant to subsection A of § 3.2-4115 or his agent, ~~(ii);~~ (c) industrial hemp, as defined in §
581 3.2-4112, that is possessed by a person who holds a hemp producer license issued by the U.S. Department
582 of Agriculture pursuant to 7 C.F.R. Part 990, ~~or (iii);~~ (d) a hemp product, as defined in § 3.2-4112,

583 containing a tetrahydrocannabinol concentration of no greater than 0.3 percent that is derived from
584 industrial hemp, as defined in § 3.2-4112, that is grown, dealt, or processed in compliance with state or
585 federal law; (e) an industrial hemp extract, as defined in § 3.2-5145.1, containing a tetrahydrocannabinol
586 concentration of no greater than 0.3 percent that is derived from industrial hemp, as defined in § 3.2-4112,
587 grown, dealt, or processed in compliance with state or federal law; or (f) any drug product containing
588 tetrahydrocannabinol that is approved for marketing by the U.S. Food and Drug Administration and
589 scheduled in the Drug Control Act (§ 54.1-3400 et seq.) by the Board of Pharmacy pursuant to § 54.1-
590 3443.

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

596 "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction
597 from substances of vegetable origin, or independently by means of chemical synthesis, or by a
598 combination of extraction and chemical synthesis: (i) opium, opiates, and any salt, compound, derivative,
599 or preparation of opium or opiates; (ii) any salt, compound, isomer, derivative, or preparation thereof
600 which is chemically equivalent or identical with any of the substances referred to in clause (i), but not
601 including the isoquinoline alkaloids of opium; (iii) opium poppy and poppy straw; (iv) coca leaves and
602 any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, isomer, derivative,
603 or preparation thereof which is chemically equivalent or identical with any of these substances, but not
604 including decocainized coca leaves or extraction of coca leaves which do not contain cocaine or ecgonine.

605 "New drug" means (i) any drug, except a new animal drug or an animal feed bearing or containing
606 a new animal drug, the composition of which is such that such drug is not generally recognized, among
607 experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, as
608 safe and effective for use under the conditions prescribed, recommended, or suggested in the labeling,
609 except that such a drug not so recognized shall not be deemed to be a "new drug" if at any time prior to

610 the enactment of this chapter it was subject to the Food and Drugs Act of June 30, 1906, as amended, and
611 if at such time its labeling contained the same representations concerning the conditions of its use, or (ii)
612 any drug, except a new animal drug or an animal feed bearing or containing a new animal drug, the
613 composition of which is such that such drug, as a result of investigations to determine its safety and
614 effectiveness for use under such conditions, has become so recognized, but which has not, otherwise than
615 in such investigations, been used to a material extent or for a material time under such conditions.

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

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

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

625 "Opiate" means any substance having an addiction-forming or addiction-sustaining liability
626 similar to morphine or being capable of conversion into a drug having such addiction-forming or
627 addiction-sustaining liability. It does not include, unless specifically designated as controlled under Article
628 4 (§ 54.1-3437 et seq.), the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts
629 (dextromethorphan). It does include its racemic and levorotatory forms.

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

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

634 "Outsourcing facility" means a facility that is engaged in the compounding of sterile drugs and is
635 currently registered as an outsourcing facility with the U.S. Secretary of Health and Human Services and

636 that complies with all applicable requirements of federal and state law, including the Federal Food, Drug,
637 and Cosmetic Act.

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

640 "Pharmacist-in-charge" means the person who, being licensed as a pharmacist, signs the
641 application for a pharmacy permit and assumes full legal responsibility for the operation of the relevant
642 pharmacy in a manner complying with the laws and regulations for the practice of pharmacy and the sale
643 and dispensing of controlled substances; the "pharmacist-in-charge" shall personally supervise the
644 pharmacy and the pharmacy's personnel as required by § 54.1-3432.

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

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

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

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

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

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

663 "Proprietary medicine" means a completely compounded nonprescription drug in its unbroken,
664 original package which does not contain any controlled substance or marijuana as defined in this chapter
665 and is not in itself poisonous, and which is sold, offered, promoted, or advertised directly to the general
666 public by or under the authority of the manufacturer or primary distributor, under a trademark, trade name,
667 or other trade symbol privately owned, and the labeling of which conforms to the requirements of this
668 chapter and applicable federal law. However, this definition shall not include a drug that is only advertised
669 or promoted professionally to licensed practitioners, a narcotic or drug containing a narcotic, a drug that
670 may be dispensed only upon prescription or the label of which bears substantially the statement "Warning
671 — may be habit-forming," or a drug intended for injection.

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

678 "Reference biological product" means the single biological product licensed pursuant to 42 U.S.C.
679 § 262(a) against which a biological product is evaluated in an application submitted to the U.S. Food and
680 Drug Administration for licensure of biological products as biosimilar or interchangeable pursuant to 42
681 U.S.C. § 262(k).

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

684 "Tetrahydrocannabinol" or "THC" means any naturally occurring or synthetic
685 tetrahydrocannabinol, including its salts, isomers, or salts of isomers.

686 "Therapeutically equivalent drug products" means drug products that contain the same active
687 ingredients and are identical in strength or concentration, dosage form, and route of administration and
688 that are classified as being therapeutically equivalent by the U.S. Food and Drug Administration pursuant
689 to the definition of "therapeutically equivalent drug products" set forth in the most recent edition of the

690 Approved Drug Products with Therapeutic Equivalence Evaluations, otherwise known as the "Orange
691 Book."

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

696 "Total tetrahydrocannabinol concentration" means the total available tetrahydrocannabinol
697 derived from the molar sum of tetrahydrocannabinol and tetrahydrocannabinolic acid.

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

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

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

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

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

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

715 **§ 54.1-3408.3. Certification for use of cannabis oil for treatment.**

716 A. As used in this section:

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

719 "Cannabis oil" means any formulation of processed Cannabis plant extract, which may include oil
720 from industrial hemp extract acquired by a pharmaceutical processor pursuant to § 54.1-3442.6, or a
721 dilution of the resin of the Cannabis plant that contains at least five milligrams of cannabidiol (CBD) or
722 tetrahydrocannabinolic acid (THC-A) and no more than 10 milligrams of ~~delta-9-tetrahydrocannabinol~~
723 tetrahydrocannabinol per dose. "Cannabis oil" does not include industrial hemp, as defined in § 3.2-4112,
724 that is grown, dealt, or processed in compliance with state or federal law, unless it has been acquired and
725 formulated with cannabis plant extract by a pharmaceutical processor.

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

729 "Designated caregiver facility" means any hospice or hospice facility licensed pursuant to § 32.1-
730 162.3, or home care organization as defined in § 32.1-162.7 that provides pharmaceutical services or home
731 health services, private provider licensed by the Department of Behavioral Health and Developmental
732 Services pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2, assisted living facility
733 licensed pursuant to § 63.2-1701, or adult day care center licensed pursuant to § 63.2-1701.

734 "Practitioner" means a practitioner of medicine or osteopathy licensed by the Board of Medicine,
735 a physician assistant licensed by the Board of Medicine, or a nurse practitioner jointly licensed by the
736 Board of Medicine and the Board of Nursing.

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

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

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

753 C. The written certification shall be on a form provided by the Office of the Executive Secretary
754 of the Supreme Court developed in consultation with the Board of Medicine. Such written certification
755 shall contain the name, address, and telephone number of the practitioner, the name and address of the
756 patient issued the written certification, the date on which the written certification was made, and the
757 signature or authentic electronic signature of the practitioner. Such written certification issued pursuant to
758 subsection B shall expire no later than one year after its issuance unless the practitioner provides in such
759 written certification an earlier expiration.

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

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

771 F. A patient who has been issued a written certification shall register with the Board or, if such
772 patient is a minor or an incapacitated adult as defined in § 18.2-369, a patient's parent or legal guardian
773 shall register and shall register such patient with the Board. No patient shall be required to physically
774 present the written certification after the initial dispensing by any pharmaceutical processor or cannabis
775 dispensing facility under each written certification, provided that the pharmaceutical processor or cannabis
776 dispensing facility maintains an electronic copy of the written certification.

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

782 H. Upon delivery of cannabis oil by a pharmaceutical processor or cannabis dispensing facility to
783 a designated caregiver facility, any employee or contractor of a designated caregiver facility, who is
784 licensed or registered by a health regulatory board and who is authorized to possess, distribute, or
785 administer medications, may accept delivery of the cannabis oil on behalf of a patient or resident for
786 subsequent delivery to the patient or resident and may assist in the administration of the cannabis oil to
787 the patient or resident as necessary.

788 I. The Board shall promulgate regulations to implement the registration process. Such regulations
789 shall include (i) a mechanism for sufficiently identifying the practitioner issuing the written certification,
790 the patient being treated by the practitioner, his registered agent, and, if such patient is a minor or an
791 incapacitated adult as defined in § 18.2-369, the patient's parent or legal guardian; (ii) a process for
792 ensuring that any changes in the information are reported in an appropriate timeframe; and (iii) a
793 prohibition for the patient to be issued a written certification by more than one practitioner during any
794 given time period.

795 J. Information obtained under the registration process shall be confidential and shall not be subject
796 to the disclosure provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). However,
797 reasonable access to registry information shall be provided to (i) the Chairmen of the House Committee

798 for Courts of Justice and the Senate Committee on the Judiciary, (ii) state and federal agencies or local
799 law enforcement for the purpose of investigating or prosecuting a specific individual for a specific
800 violation of law, (iii) licensed practitioners or pharmacists, or their agents, for the purpose of providing
801 patient care and drug therapy management and monitoring of drugs obtained by a registered patient, (iv)
802 a pharmaceutical processor or cannabis dispensing facility involved in the treatment of a registered patient,
803 or (v) a registered patient, his registered agent, or, if such patient is a minor or an incapacitated adult as
804 defined in § 18.2-369, the patient's parent or legal guardian, but only with respect to information related
805 to such registered patient.

806 **§ 54.1-3423. Board to issue registration unless inconsistent with public interest;**
807 **authorization to conduct research; application and fees.**

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

- 812 1. Maintenance of effective controls against diversion of controlled substances into other than
813 legitimate medical, scientific, or industrial channels;
- 814 2. Compliance with applicable state and local law;
- 815 3. Any convictions of the applicant under any federal and state laws relating to any controlled
816 substance;
- 817 4. Past experience in the manufacture or distribution of controlled substances, and the existence in
818 the applicant's establishment of effective controls against diversion;
- 819 5. Furnishing by the applicant of false or fraudulent material in any application filed under this
820 chapter;
- 821 6. Suspension or revocation of the applicant's federal registration to manufacture, distribute, or
822 dispense controlled substances as authorized by federal law; and
- 823 7. Any other factors relevant to and consistent with the public health and safety.

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

826 C. Practitioners must be registered to conduct research or laboratory analysis with controlled
827 substances in Schedules II through VI, ~~tetrahydrocannabinol~~, or marijuana. Practitioners registered under
828 federal law to conduct research with Schedule I substances, other than ~~tetrahydrocannabinol~~ marijuana,
829 may conduct research with Schedule I substances within this Commonwealth upon furnishing the evidence
830 of that federal registration.

831 D. The Board may register other persons or entities to possess controlled substances listed on
832 Schedules II through VI upon a determination that (i) there is a documented need, (ii) the issuance of the
833 registration is consistent with the public interest, (iii) the possession and subsequent use of the controlled
834 substances complies with applicable state and federal laws and regulations, and (iv) the subsequent
835 storage, use, and recordkeeping of the controlled substances will be under the general supervision of a
836 licensed pharmacist, practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine as
837 specified in the Board's regulations. The Board shall consider, at a minimum, the factors listed in
838 subsection A ~~of this section~~ in determining whether the registration shall be issued. Notwithstanding the
839 exceptions listed in § 54.1-3422 A, the Board may mandate a controlled substances registration for sites
840 maintaining certain types and quantities of Schedules II through VI controlled substances as it may specify
841 in its regulations. The Board shall promulgate regulations related to requirements or criteria for the
842 issuance of such controlled substances registration, storage, security, supervision, and recordkeeping.

843 E. The Board may register a public or private animal shelter as defined in § 3.2-6500 to purchase,
844 possess, and administer certain Schedule II through VI controlled substances approved by the State
845 Veterinarian for the purpose of euthanizing injured, sick, homeless, and unwanted domestic pets and
846 animals and to purchase, possess, and administer certain Schedule VI drugs and biological products for
847 the purpose of preventing, controlling, and treating certain communicable diseases that failure to control
848 would result in transmission to the animal population in the shelter. Controlled substances used for
849 euthanasia shall be administered only in accordance with protocols established by the State Veterinarian
850 and only by persons trained in accordance with instructions by the State Veterinarian. The list of Schedule

851 VI drugs and biological products used for treatment and prevention of communicable diseases within the
852 shelter shall be determined by the supervising veterinarian of the shelter and the drugs and biological
853 products shall be administered only pursuant to written protocols established or approved by the
854 supervising veterinarian of the shelter and only by persons who have been trained in accordance with
855 instructions established or approved by the supervising veterinarian. The shelter shall maintain a copy of
856 the approved list of drugs and biological products, written protocols for administering, and training records
857 of those persons administering drugs and biological products on the premises of the shelter.

858 F. The Board may register a crisis stabilization unit established pursuant to § 37.2-500 or 37.2-601
859 and licensed by the Department of Behavioral Health and Developmental Services to maintain a stock of
860 Schedule VI controlled substances necessary for immediate treatment of patients admitted to the crisis
861 stabilization unit, which may be accessed and administered by a nurse pursuant to a written or oral order
862 of a prescriber in the absence of a prescriber. Schedule II through Schedule V controlled substances shall
863 only be maintained if so authorized by federal law and Board regulations.

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

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

875 I. Upon (i) any change in ownership or control of a business, (ii) any change of location of the
876 controlled substances stock, (iii) the termination of authority by or of the person named as the responsible
877 party on a controlled substances registration, or (iv) a change in the supervising practitioner, if applicable,

878 the registrant or responsible party shall immediately surrender the registration. The registrant shall, within
879 14 days following surrender of a registration, file a new application and, if applicable, name the new
880 responsible party or supervising practitioner.

881 **§ 54.1-3442.6. Permit to operate pharmaceutical processor or cannabis dispensing facility.**

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

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

892 C. The Board shall adopt regulations establishing health, safety, and security requirements for
893 pharmaceutical processors and cannabis dispensing facilities. Such regulations shall include requirements
894 for (i) physical standards; (ii) location restrictions; (iii) security systems and controls; (iv) minimum
895 equipment and resources; (v) recordkeeping; (vi) labeling, including the potency of each botanical
896 cannabis product and the amounts recommended by the practitioner or dispensing pharmacist, and
897 packaging; (vii) routine inspections no more frequently than once annually; (viii) processes for safely and
898 securely dispensing and delivering in person cannabis products to a registered patient, his registered agent,
899 or, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, such patient's parent or
900 legal guardian; (ix) dosage limitations for cannabis oil that provide that each dispensed dose of cannabis
901 oil not exceed 10 milligrams of ~~delta-9-tetrahydrocannabinol~~ tetrahydrocannabinol; (x) a process for the
902 wholesale distribution of and the transfer of usable cannabis, botanical cannabis, cannabis oil, and
903 cannabis products between pharmaceutical processors, between a pharmaceutical processor and a
904 cannabis dispensing facility, and between cannabis dispensing facilities; (xi) an allowance for the sale of

905 devices for administration of dispensed cannabis products and hemp-based CBD products that meet the
906 applicable standards set forth in state and federal law, including the laboratory testing standards set forth
907 in subsection M; (xii) an allowance for the use and distribution of inert product samples containing no
908 cannabinoids for patient demonstration exclusively at the pharmaceutical processor or cannabis dispensing
909 facility, and not for further distribution or sale, without the need for a written certification; (xiii) a process
910 for acquiring oil from industrial hemp extract and formulating such oil extract with Cannabis plant extract
911 into allowable dosages of cannabis oil; and (xiv) an allowance for the advertising and promotion of the
912 pharmaceutical processor's products and operations, which shall not limit the pharmaceutical processor
913 from the provision of educational material to practitioners who issue written certifications and registered
914 patients. The Board shall also adopt regulations for pharmaceutical processors that include requirements
915 for (a) processes for safely and securely cultivating Cannabis plants intended for producing cannabis
916 products, (b) the secure disposal of agricultural waste, and (c) a process for registering cannabis oil
917 products.

918 D. The Board shall require that, after processing and before dispensing any cannabis products, a
919 pharmaceutical processor shall make a sample available from each batch of cannabis product for testing
920 by an independent laboratory located in Virginia meeting Board requirements. A valid sample size for
921 testing shall be determined by each laboratory and may vary due to sample matrix, analytical method, and
922 laboratory-specific procedures. A minimum sample size of 0.5 percent of individual units for dispensing
923 or distribution from each homogenized batch of cannabis oil is required to achieve a representative
924 cannabis oil sample for analysis. A minimum sample size, to be determined by the certified testing
925 laboratory, from each batch of botanical cannabis is required to achieve a representative botanical cannabis
926 sample for analysis. Botanical cannabis products shall only be tested for the following: total cannabidiol
927 (CBD); total tetrahydrocannabinol (THC); terpenes; pesticide chemical residue; heavy metals;
928 mycotoxins; moisture; and microbiological contaminants. Testing thresholds shall be consistent with
929 generally accepted cannabis industry thresholds. The pharmaceutical processor may remediate cannabis
930 oil that fails any quality testing standard. Following remediation, all remediated cannabis oil shall be
931 subject to laboratory testing and approved upon satisfaction of testing standards applied to cannabis oil

932 generally. If the batch fails retesting, it shall be considered usable cannabis and may be processed into
933 cannabis oil, unless the failure is related to pesticide requirements, in which case the batch shall not be
934 considered usable cannabis and shall not be processed into cannabis oil. Stability testing shall not be
935 required for any cannabis oil product with an expiration date assigned by the pharmaceutical processor of
936 six months or less from the date of packaging.

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

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

945 Every pharmaceutical processor shall designate a person who shall have oversight of the
946 cultivation and production areas of the pharmaceutical processor and shall provide such information to
947 the Board. The Board shall direct all communications related to enforcement of requirements related to
948 cultivation and production of cannabis oil products by the pharmaceutical processor to such designated
949 person.

950 G. The Board shall require the material owners of an applicant for a pharmaceutical processor or
951 cannabis dispensing facility permit to submit to fingerprinting and provide personal descriptive
952 information to be forwarded along with his fingerprints through the Central Criminal Records Exchange
953 to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information
954 regarding the applicant's material owners. The cost of fingerprinting and the criminal history record search
955 shall be paid by the applicant. The Central Criminal Records Exchange shall forward the results of the
956 criminal history background check to the Board or its designee, which shall be a governmental entity. A
957 pharmaceutical processor shall maintain evidence of criminal background checks for all employees and

958 delivery agents of the pharmaceutical processor. Criminal background checks of employees and delivery
959 agents may be conducted by any service sufficient to disclose any federal and state criminal convictions.

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

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

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

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

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

982 M. A pharmaceutical processor may acquire industrial hemp extract processed in Virginia, and in
983 compliance with state or federal law, from a registered industrial hemp dealer or processor. A
984 pharmaceutical processor may process and formulate such extract with cannabis plant extract into an

985 allowable dosage of cannabis oil. Industrial hemp extract acquired by a pharmaceutical processor is
986 subject to the same third-party testing requirements that may apply to cannabis plant extract. Testing shall
987 be performed by a laboratory located in Virginia and in compliance with state law. The industrial hemp
988 dealer or processor shall provide such third-party testing results to the pharmaceutical processor before
989 industrial hemp extract may be acquired.

990 N. With the exception of § 2.2-4031, neither the provisions of the Administrative Process Act (§
991 2.2-4000 et seq.) nor public participation guidelines adopted pursuant thereto shall apply to the adoption
992 of any regulation pursuant to this section. Prior to adopting any regulation pursuant to this section, the
993 Board of Pharmacy shall publish a notice of opportunity to comment in the Virginia Register of
994 Regulations and post the action on the Virginia Regulatory Town Hall. Such notice of opportunity to
995 comment shall contain (i) a summary of the proposed regulation; (ii) the text of the proposed regulation;
996 and (iii) the name, address, and telephone number of the agency contact person responsible for receiving
997 public comments. Such notice shall be made at least 60 days in advance of the last date prescribed in such
998 notice for submittals of public comment. The legislative review provisions of subsections A and B of §
999 2.2-4014 shall apply to the promulgation or final adoption process for regulations pursuant to this section.
1000 The Board of Pharmacy shall consider and keep on file all public comments received for any regulation
1001 adopted pursuant to this section.

1002 O. The Board shall register all cannabis products that meet testing, labeling, and packaging
1003 standards.

1004 **§ 54.1-3442.7. Dispensing cannabis products; report.**

1005 A. A pharmaceutical processor or cannabis dispensing facility shall dispense or deliver cannabis
1006 products only in person to (i) a patient who is a Virginia resident or temporarily resides in Virginia as
1007 made evident to the Board, has been issued a valid written certification, and is registered with the Board
1008 pursuant to § 54.1-3408.3; (ii) such patient's registered agent; or (iii) if such patient is a minor or an
1009 incapacitated adult as defined in § 18.2-369, such patient's parent or legal guardian who is a Virginia
1010 resident or temporarily resides in Virginia as made evident to the Board and is registered with the Board
1011 pursuant to § 54.1-3408.3. A companion may accompany a registered patient into a pharmaceutical

1012 processor's dispensing area or cannabis dispensing facility. Prior to the initial dispensing of cannabis oil
1013 pursuant to each written certification, a pharmacist or pharmacy technician employed by the
1014 pharmaceutical processor or cannabis dispensing facility shall make and maintain, on site or remotely by
1015 electronic means, for two years a paper or electronic copy of the written certification that provides an
1016 exact image of the document that is clearly legible; shall view, in person or by audiovisual means, a current
1017 photo identification of the patient, registered agent, parent, or legal guardian; and shall verify current board
1018 registration of the practitioner and the corresponding patient, registered agent, parent, or legal guardian.
1019 Thereafter, an initial dispensing may be delivered to the patient, registered agent, parent, legal guardian,
1020 or designated caregiver facility. Prior to any subsequent dispensing of cannabis oil pursuant to each written
1021 certification, an employee or delivery agent shall view a current photo identification of the patient,
1022 registered agent, or legal guardian and the current board registration issued to the patient, registered agent,
1023 parent, or legal guardian. No pharmaceutical processor or cannabis dispensing facility shall dispense more
1024 than a 90-day supply of a cannabis product, as determined by the dispensing pharmacist or certifying
1025 practitioner, for any patient during any 90-day period; however, a pharmaceutical processor or cannabis
1026 dispensing facility may dispense more than one cannabis product to a patient at one time. No more than
1027 four ounces of botanical cannabis shall be dispensed for each 30-day period for which botanical cannabis
1028 is dispensed. A pharmaceutical processor or cannabis dispensing facility may dispense less than a 90-day
1029 supply. In determining the appropriate amount of a cannabis product to be dispensed to a patient, a
1030 pharmaceutical processor or cannabis dispensing facility shall consider all cannabis products dispensed to
1031 the patient and adjust the amount dispensed accordingly.

1032 B. A pharmaceutical processor or cannabis dispensing facility shall dispense only cannabis
1033 products produced on the premises of a pharmaceutical processor permitted by the Board or cannabis oil
1034 that has been formulated with oil from industrial hemp acquired by a pharmaceutical processor from a
1035 registered industrial hemp dealer or processor pursuant to § 54.1-3442.6. A pharmaceutical processor may
1036 begin cultivation upon being issued a permit by the Board.

1037 C. The Board shall report annually by December 1 to the Chairmen of the House Committee for
1038 Health, Welfare and Institutions and the Senate Committee on Education and Health on the operation of

1039 pharmaceutical processors and cannabis dispensing facilities issued a permit by the Board, including the
1040 number of practitioners, patients, registered agents, and parents or legal guardians of patients who have
1041 registered with the Board and the number of written certifications issued pursuant to § 54.1-3408.3.

1042 D. The concentration of ~~delta-9-tetrahydrocannabinol~~ tetrahydrocannabinol in any cannabis
1043 product on site may be up to 10 percent greater than or less than the level of ~~delta-9-tetrahydrocannabinol~~
1044 tetrahydrocannabinol measured for labeling. A pharmaceutical processor and cannabis dispensing facility
1045 shall ensure that such concentration in any cannabis product on site is within such range. A pharmaceutical
1046 processor producing cannabis products shall establish a stability testing schedule of cannabis products.

1047 **§ 54.1-3446. Schedule I.**

1048 The controlled substances listed in this section are included in Schedule I:

1049 1. Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers,
1050 esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and
1051 salts is possible within the specific chemical designation:

1052 1-[2-methyl-4-(3-phenyl-2-propen-1-yl)-1-piperazinyl]-1-butanone (other name: 2-methyl AP-
1053 237);

1054 1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine (other name: PEPAP);

1055 1-methyl-4-phenyl-4-propionoxypiperidine (other name: MPPP);

1056 2-methoxy-N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-acetamide (other name: Methoxyacetyl
1057 fentanyl);

1058 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methyl-benzamide (other name: U-47700);

1059 3,4-dichloro-N-[[1-(dimethylamino)cyclohexyl]methyl]benzamide (other name: AH-7921);

1060 Acetyl fentanyl (other name: desmethyl fentanyl);

1061 Acetylmethadol;

1062 Allylprodine;

1063 Alphacetylmethadol (except levo-alphacetylmethadol, also known as levo-alpha-acetylmethadol,
1064 levomethadyl acetate, or LAAM);

1065 Alphameprodine;

1066	Alphamethadol;
1067	Benzethidine;
1068	Betacetylmethadol;
1069	Betameprodine;
1070	Betamethadol;
1071	Betaprodine;
1072	Clonitazene;
1073	Dextromoramide;
1074	Diampromide;
1075	Diethylthiambutene;
1076	Difenoxin;
1077	Dimenoxadol;
1078	Dimepheptanol;
1079	Dimethylthiambutene;
1080	Dioxaphetylbutyrate;
1081	Dipipanone;
1082	Ethylmethylthiambutene;
1083	Etonitazene;
1084	Etoxidine;
1085	Furethidine;
1086	Hydroxypethidine;
1087	Ketobemidone;
1088	Levomoramide;
1089	Levophenacymorphan;
1090	Morpheridine;
1091	MT-45 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine);

- 1092** N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide (other name: Cyclopropyl
1093 fentanyl);
- 1094** N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide (other name:
1095 Tetrahydrofuranyl fentanyl);
- 1096** N-[1-[1-methyl-2-(2-thienyl)ethyl]-4-piperidyl]-N-phenylpropanamide (other name: alpha-
1097 methylthiofentanyl);
- 1098** N-[1-(1-methyl-2-phenylethyl)-4-piperidyl]-N-phenylacetamide (other name: acetyl-alpha-
1099 methylfentanyl);
- 1100** N-{1-[2-hydroxy-2-(2-thienyl)ethyl]-4-piperidinyl}-N-phenylpropanamide (other name: beta-
1101 hydroxythiofentanyl);
- 1102** N-[1-(2-hydroxy-2-phenyl)ethyl-4-piperidyl]-N-phenylpropanamide (other name: beta-
1103 hydroxyfentanyl);
- 1104** N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl]propionanilide (other names: 1-(1-methyl-2-
1105 phenylethyl)-4-(N-propanilido) piperidine, alpha-methylfentanyl);
- 1106** N-(2-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other names: 2-
1107 fluorofentanyl, ortho-fluorofentanyl);
- 1108** N-(3-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: 3-
1109 fluorofentanyl);
- 1110** N-[3-methyl-1-(2-hydroxy-2-phenylethyl)-4-piperidyl]-N-phenylpropanamide (other name: beta-
1111 hydroxy-3-methylfentanyl);
- 1112** N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide (other name: 3-
1113 methylfentanyl);
- 1114** N-[3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide (other name: 3-
1115 methylthiofentanyl);
- 1116** N-(4-fluorophenyl)-2-methyl-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name:
1117 para-fluoroisobutyryl fentanyl);

- 1118 N-(4-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-butanamide (other name: para-
1119 fluorobutyrylfentanyl);
- 1120 N-(4-fluorophenyl)-N-1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: para-
1121 fluorofentanyl);
- 1122 N,N-diethyl-2-(2-(4-isopropoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine (other
1123 name: Isotonitazene);
- 1124 N-phenyl-N-[1-(2-phenylmethyl)-4-piperidinyl]-2-furancarboxamide (other name: N-benzyl
1125 Furanyl norfentanyl);
- 1126 N-phenyl-N-(4-piperidinyl)-propanamide (other name: Norfentanyl);
- 1127 Noracymethadol;
- 1128 Norlevorphanol;
- 1129 Normethadone;
- 1130 Norpipanone;
- 1131 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-2-furancarboxamide (other name: Furanyl
1132 fentanyl);
- 1133 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-2-propenamide (other name: Acryl fentanyl);
- 1134 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-butanamide (other name: butyryl fentanyl);
- 1135 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-pentanamide (other name: Pentanoyl fentanyl);
- 1136 N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide (other name: thiofentanyl);
- 1137 Phenadoxone;
- 1138 Phenampromide;
- 1139 Phenomorphan;
- 1140 Phenoperidine;
- 1141 Piritramide;
- 1142 Proheptazine;
- 1143 Properidine;
- 1144 Propiram;

- 1145 Racemoramide;
- 1146 Tilidine;
- 1147 Trimeperidine;
- 1148 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-1,3-benzodioxole-5-carboxamide (other name:
- 1149 Benzodioxole fentanyl);
- 1150 3,4-dichloro-N-[2-(diethylamino)cyclohexyl]-N-methylbenzamide (other name: U-49900);
- 1151 2-(2,4-dichlorophenyl)-N-[2-(dimethylamino)cyclohexyl]-N-methyl acetamide (other name: U-
- 1152 48800);
- 1153 2-(3,4-dichlorophenyl)-N-[2-(dimethylamino)cyclohexyl]-N-methyl acetamide (other name: U-
- 1154 51754);
- 1155 N-(2-fluorophenyl)-2-methoxy-N-[1-(2-phenylethyl)-4-piperidinyl]-acetamide (other name:
- 1156 Ocfentanil);
- 1157 N-(4-methoxyphenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-butanamide (other name: 4-
- 1158 methoxybutyrylfentanyl);
- 1159 N-phenyl-2-methyl-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: Isobutyryl
- 1160 fentanyl);
- 1161 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-cyclopentanecarboxamide (other name:
- 1162 Cyclopentyl fentanyl);
- 1163 N-phenyl-N-(1-methyl-4-piperidinyl)-propanamide (other name: N-methyl norfentanyl);
- 1164 N-[2-(dimethylamino)cyclohexyl]-N-methyl-1,3-benzodioxole-5-carboxamide (other names: 3,4-
- 1165 methylenedioxy U-47700 or 3,4-MDO-U-47700);
- 1166 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-2-butenamide (other name: Crotonyl fentanyl);
- 1167 N-phenyl-N-[4-phenyl-1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: 4-
- 1168 phenylfentanyl);
- 1169 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-benzamide (other names: Phenyl fentanyl, Benzoyl
- 1170 fentanyl);
- 1171 N-[2-(dimethylamino)cyclohexyl]-N-phenylfuran-2-carboxamide (other name: Furanyl UF-17);

- 1172 N-[2-(dimethylamino)cyclohexyl]-N-phenylpropionamide (other name: UF-17);
- 1173 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-isopropyl-benzamide (other name: Isopropyl
- 1174 U-47700).
- 1175 2. Any of the following opium derivatives, their salts, isomers and salts of isomers, unless
- 1176 specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within
- 1177 the specific chemical designation:
- 1178 Acetorphine;
- 1179 Acetyldihydrocodeine;
- 1180 Benzylmorphine;
- 1181 Codeine methylbromide;
- 1182 Codeine-N-Oxide;
- 1183 Cyprenorphine;
- 1184 Desomorphine;
- 1185 Dihydromorphine;
- 1186 Drotebanol;
- 1187 Etorphine;
- 1188 Heroin;
- 1189 Hydromorphanol;
- 1190 Methyldesorphine;
- 1191 Methyldihydromorphine;
- 1192 Morphine methylbromide;
- 1193 Morphine methylsulfonate;
- 1194 Morphine-N-Oxide;
- 1195 Myrophine;
- 1196 Nicocodeine;
- 1197 Nicomorphine;
- 1198 Normorphine;

- 1199 Pholcodine;
- 1200 Thebacon.
- 1201 3. Unless specifically excepted or unless listed in another schedule, any material, compound,
1202 mixture, or preparation, which contains any quantity of the following hallucinogenic substances, or which
1203 contains any of its salts, isomers, and salts of isomers, whenever the existence of such salts, isomers, and
1204 salts of isomers is possible within the specific chemical designation (for purposes of this subdivision only,
1205 the term "isomer" includes the optical, position, and geometric isomers):
- 1206 Alpha-ethyltryptamine (some trade or other names: Monase; a-ethyl-1H-indole-3-ethanamine; 3-
1207 2-aminobutyl] indole; a-ET; AET);
- 1208 4-Bromo-2,5-dimethoxyphenethylamine (some trade or other names: 2-4-bromo-2,5-
1209 dimethoxyphenyl]-1-aminoethane;alpha-desmethyl DOB; 2C-B; Nexus);
- 1210 3,4-methylenedioxy amphetamine;
- 1211 5-methoxy-3,4-methylenedioxy amphetamine;
- 1212 3,4,5-trimethoxy amphetamine;
- 1213 Alpha-methyltryptamine (other name: AMT);
- 1214 Bufotenine;
- 1215 Diethyltryptamine;
- 1216 Dimethyltryptamine;
- 1217 4-methyl-2,5-dimethoxyamphetamine;
- 1218 2,5-dimethoxy-4-ethylamphetamine (DOET);
- 1219 4-fluoro-N-ethylamphetamine;
- 1220 2,5-dimethoxy-4-(n)-propylthiophenethylamine (other name: 2C-T-7);
- 1221 Ibogaine;
- 1222 5-methoxy-N,N-diisopropyltryptamine (other name: 5-MeO-DIPT);
- 1223 Lysergic acid diethylamide;
- 1224 Mescaline;

- 1225 Parahexyl (some trade or other names: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-
1226 6H-dibenzo [b,d] pyran; Synhexyl);
- 1227 Peyote;
- 1228 N-ethyl-3-piperidyl benzilate;
- 1229 N-methyl-3-piperidyl benzilate;
- 1230 Psilocybin;
- 1231 Psilocyn;
- 1232 Salvinorin A;
- 1233 3-heptyl-1-hydroxy-6a,7,8,10a-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran (other names:
1234 delta-9-Tetrahydrocannabiphorol, THCP, delta-9-THC-C7);
- 1235 1-acetoxy-3-pentyl-6a,7,8,10a-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran (other names:
1236 delta-9-Tetrahydrocannabinol Acetate, THC-O-Acetate, THC-O);
- 1237 ~~Tetrahydrocannabinols, except as present in (i) industrial hemp, as defined in § 3.2-4112, that is~~
1238 ~~possessed by a person registered pursuant to subsection A of § 3.2-4115 or his agent; (ii) a hemp product,~~
1239 ~~as defined in § 3.2-4112, containing a tetrahydrocannabinol concentration of no greater than 0.3 percent~~
1240 ~~that is derived from industrial hemp, as defined in § 3.2-4112, that is grown, dealt, or processed in~~
1241 ~~compliance with state or federal law; (iii) marijuana; (iv) dronabinol in sesame oil and encapsulated in a~~
1242 ~~soft gelatin capsule in a drug product approved by the U.S. Food and Drug Administration; or (v) industrial~~
1243 ~~hemp, as defined in § 3.2-4112, that is possessed by a person who holds a hemp producer license issued~~
1244 ~~by the U.S. Department of Agriculture pursuant to 7 C.F.R. Part 990;~~
- 1245 2,5-dimethoxyamphetamine (some trade or other names: 2,5-dimethoxy-a-methylphenethylamine;
1246 2,5-DMA);
- 1247 3,4-methylenedioxyamphetamine (MDMA), its optical, positional and geometric isomers,
1248 salts and salts of isomers;
- 1249 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4
1250 (methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA);

- 1251** N-hydroxy-3,4-methylenedioxyamphetamine (some other names: N-hydroxy-alpha-methyl-
1252 3,4(methylenedioxy)phenethylamine, and N-hydroxy MDA);
- 1253** 4-bromo-2,5-dimethoxyamphetamine (some trade or other names: 4-bromo-2,5-dimethoxy-a-
1254 methylphenethylamine; 4-bromo-2,5-DMA);
- 1255** 4-methoxyamphetamine (some trade or other names: 4-methoxy-a-methylphenethylamine;
1256 paramethoxyamphetamine; PMA);
- 1257** Ethylamine analog of phencyclidine (some other names: N-ethyl-1-phenylcyclohexylamine, (1-
1258 phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE);
- 1259** Pyrrolidine analog of phencyclidine (some other names: 1-(1-phenylcyclohexyl)-pyrrolidine,
1260 PCPy, PHP);
- 1261** Thiophene analog of phencyclidine (some other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine,
1262 2-thienyl analog of phencyclidine, TPCP, TCP);
- 1263** 1-1-(2-thienyl)cyclohexyl]pyrrolidine (other name: TCPy);
- 1264** 3,4-methylenedioxypropylone (other name: MDPV);
- 1265** 4-methylmethcathinone (other names: mephedrone, 4-MMC);
- 1266** 3,4-methylenedioxypropylone (other name: methylone);
- 1267** Naphthylpropylone (other name: naphyrone);
- 1268** 4-fluoromethcathinone (other names: flephedrone, 4-FMC);
- 1269** 4-methoxymethcathinone (other names: methedrone; bk-PMMA);
- 1270** Ethcathinone (other name: N-ethylcathinone);
- 1271** 3,4-methylenedioxypropylone (other name: ethylone);
- 1272** Beta-keto-N-methyl-3,4-benzodioxolylbutanamine (other name: butylone);
- 1273** N,N-dimethylcathinone (other name: metamfepramone);
- 1274** Alpha-pyrrolidinopropylone (other name: alpha-PPP);
- 1275** 4-methoxy-alpha-pyrrolidinopropylone (other name: MOPPP);
- 1276** 3,4-methylenedioxy-alpha-pyrrolidinopropylone (other name: MDPPP);
- 1277** Alpha-pyrrolidinopropylone (other name: alpha-PVP);

- 1278 6,7-dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine (other name: MDAI);
- 1279 3-fluoromethcathinone (other name: 3-FMC);
- 1280 4-Ethyl-2,5-dimethoxyphenethylamine (other name: 2C-E);
- 1281 4-Iodo-2,5-dimethoxyphenethylamine (other name: 2C-I);
- 1282 4-Methylethcathinone (other name: 4-MEC);
- 1283 4-Ethylmethcathinone (other name: 4-EMC);
- 1284 N,N-diallyl-5-methoxytryptamine (other name: 5-MeO-DALT);
- 1285 Beta-keto-methylbenzodioxolypentanamine (other names: Pentylone, bk-MBDP);
- 1286 Alpha-methylamino-butyrophenone (other name: Buphedrone);
- 1287 Alpha-methylamino-valerophenone (other name: Pentedrone);
- 1288 3,4-Dimethylmethcathinone (other name: 3.4-DMMC);
- 1289 4-methyl-alpha-pyrrolidinopropiophenone (other name: MPPP);
- 1290 4-Iodo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names: 25-I,
- 1291 25I-NBOMe, 2C-I-NBOMe);
- 1292 Methoxetamine (other names: MXE, 3-MeO-2-Oxo-PCE);
- 1293 4-Fluoromethamphetamine (other name: 4-FMA);
- 1294 4-Fluoroamphetamine (other name: 4-FA);
- 1295 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (other name: 2C-D);
- 1296 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (other name: 2C-C);
- 1297 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (other name: 2C-T-2);
- 1298 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (other name: 2C-T-4);
- 1299 2-(2,5-Dimethoxyphenyl)ethanamine (other name: 2C-H);
- 1300 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (other name: 2C-N);
- 1301 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (other name: 2C-P);
- 1302 (2-aminopropyl)benzofuran (other name: APB);
- 1303 (2-aminopropyl)-2,3-dihydrobenzofuran (other name: APDB);

- 1304** 4-chloro-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names: 2C-C-
1305 NBOMe, 25C-NBOMe, 25C);
- 1306** 4-bromo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names: 2C-B-
1307 NBOMe, 25B-NBOMe, 25B);
- 1308** Acetoxymethyltryptamine (other names: AcO-Psilocin, AcO-DMT, Psilacetin);
- 1309** Benocyclidine (other names: BCP, BTCP);
- 1310** Alpha-pyrrolidinobutiophenone (other name: alpha-PBP);
- 1311** 3,4-methylenedioxy-N,N-dimethylcathinone (other names: Dimethylone, bk-MDDMA);
- 1312** 4-bromomethylcathinone (other name: 4-BMC);
- 1313** 4-chloromethylcathinone (other name: 4-CMC);
- 1314** 4-Iodo-2,5-dimethoxy-N-[(2-hydroxyphenyl)methyl]-benzeneethanamine (other name: 25I-
1315 NBOH);
- 1316** Alpha-Pyrrolidinohexiophenone (other name: alpha-PHP);
- 1317** Alpha-Pyrrolidinoheptiophenone (other name: PV8);
- 1318** 5-methoxy-N,N-methylisopropyltryptamine (other name: 5-MeO-MIPT);
- 1319** Beta-keto-N,N-dimethylbenzodioxolylbutanamine (other names: Dibutylone, bk-DMBDB);
- 1320** Beta-keto-4-bromo-2,5-dimethoxyphenethylamine (other name: bk-2C-B);
- 1321** 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-1-pentanone (other name: N-ethylpentylone);
- 1322** 1-[1-(3-methoxyphenyl)cyclohexyl]piperidine (other name: 3-methoxy PCP);
- 1323** 1-[1-(4-methoxyphenyl)cyclohexyl]piperidine (other name: 4-methoxy PCP);
- 1324** 4-Chloroethylcathinone (other name: 4-CEC);
- 1325** 3-Methoxy-2-(methylamino)-1-(4-methylphenyl)-1-propanone (other name: Mexedrone);
- 1326** 1-propionyl lysergic acid diethylamide (other name: 1P-LSD);
- 1327** (2-Methylaminopropyl)benzofuran (other name: MAPB);
- 1328** 1-(1,3-benzodioxol-5-yl)-2-(dimethylamino)-1-pentanone (other names: N,N-Dimethylpentylone,
1329 Dipentylone);
- 1330** 1-(4-methoxyphenyl)-2-(pyrrolidin-1-yl)octan-1-one (other name: 4-methoxy-PV9);

- 1331 3,4-tetramethylene-alpha-pyrrolidinovalerophenone (other name: TH-PVP);
- 1332 4-allyloxy-3,5-dimethoxyphenethylamine (other name: Allylescaline);
- 1333 4-Bromo-2,5-dimethoxy-N-[(2-hydroxyphenyl)methyl]-benzeneethanamine (other name: 25B-
1334 NBOH);
- 1335 4-chloro-alpha-methylamino-valerophenone (other name: 4-chloropentedrone);
- 1336 4-chloro-alpha-Pyrrolidinovalerophenone (other name: 4-chloro-alpha-PVP);
- 1337 4-fluoro-alpha-Pyrrolidinoheptiophenone (other name: 4-fluoro-PV8);
- 1338 4-hydroxy-N,N-diisopropyltryptamine (other name: 4-OH-DIPT);
- 1339 4-methyl-alpha-ethylaminopentiophenone;
- 1340 4-methyl-alpha-Pyrrolidinohexiophenone (other name: MPHP);
- 1341 5-methoxy-N,N-dimethyltryptamine (other name: 5-MeO-DMT);
- 1342 5-methoxy-N-ethyl-N-isopropyltryptamine (other name: 5-MeO-EIPT);
- 1343 6-ethyl-6-nor-lysergic acid diethylamide (other name: ETH-LAD);
- 1344 6-allyl-6-nor-lysergic acid diethylamide (other name: AL-LAD);
- 1345 (N-methyl aminopropyl)-2,3-dihydrobenzofuran (other name: MAPDB);
- 1346 2-(methylamino)-2-phenyl-cyclohexanone (other name: Deschloroketamine);
- 1347 2-(ethylamino)-2-phenyl-cyclohexanone (other name: deschloro-N-ethyl-ketamine);
- 1348 2-methyl-1-(4-(methylthio)phenyl)-2-morpholinopropiophenone (other name: MMMP);
- 1349 Alpha-ethylaminohexanophenone (other name: N-ethylhexedrone);
- 1350 N-ethyl-1-(3-methoxyphenyl)cyclohexylamine (other name: 3-methoxy-PCE);
- 1351 4-fluoro-alpha-pyrrolidinohexiophenone (other name: 4-fluoro-alpha-PHP);
- 1352 N-ethyl-1,2-diphenylethylamine (other name: Ephenedine);
- 1353 2,5-dimethoxy-4-chloroamphetamine (other name: DOC);
- 1354 3,4-methylenedioxy-N-tert-butylcathinone;
- 1355 Alpha-pyrrolidinoisohexiophenone (other name: alpha-PiHP);
- 1356 1-[1-(3-hydroxyphenyl)cyclohexyl]piperidine (other name: 3-hydroxy PCP);
- 1357 4-acetyloxy-N,N-diallyltryptamine (other name: 4-AcO-DALT);

- 1358 4-hydroxy-N,N-methylisopropyltryptamine (other name: 4-hydroxy-MiPT);
- 1359 3,4-Methylenedioxy-alpha-pyrrolidinohexanophenone (other name: MDPHP);
- 1360 5-methoxy-N,N-dibutyltryptamine (other name: 5-methoxy-DBT);
- 1361 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-1-butanone (other names: Eutylone, bk-EBDB);
- 1362 1-(1,3-benzodioxol-5-yl)-2-(butylamino)-1-pentanone (other name: N-butylpentylone);
- 1363 N-benzyl-3,4-dimethoxyamphetamine (other name: N-benzyl-3,4-DMA);
- 1364 1-(benzo[d][1,3]dioxol-5-yl)-2-(sec-butylamino)pentan-1-one (other name: N-sec-butyl
- 1365 Pentylone);
- 1366 1-cyclopropionyl lysergic acid diethylamide (other name: 1cP-LSD);
- 1367 2-(ethylamino)-1-phenylheptan-1-one (other name: N-ethylheptedrone);
- 1368 (2-ethylaminopropyl)benzofuran (other name: EAPB);
- 1369 4-ethyl-2,5-dimethoxy-N-[(2-hydroxyphenyl)methyl]-benzeneethanamine (other name: 25E-
- 1370 NBOH);
- 1371 2-fluoro-Deschloroketamine (other name: 2-(2-fluorophenyl)-2-(methylamino)-cyclohexanone);
- 1372 4-hydroxy-N-ethyl-N-propyltryptamine (other name: 4-hydroxy-EPT);
- 1373 2-(isobutylamino)-1-phenylhexan-1-one (other names: N-Isobutyl Hexedrone, alpha-
- 1374 isobutylaminohexanphenone);
- 1375 1-(4-methoxyphenyl)-N-methylpropan-2-amine (other names: para-Methoxymethamphetamine,
- 1376 PMMA);
- 1377 N-ethyl-1-(3-hydroxyphenyl)cyclohexylamine (other name: 3-hydroxy-PCE);
- 1378 N-heptyl-3,4-dimethoxyamphetamine (other names: N-heptyl-3,4-DMA);
- 1379 N-hexyl-3,4-dimethoxyamphetamine (other names: N-hexyl-3,4-DMA).
- 1380 4. Unless specifically excepted or unless listed in another schedule, any material, compound,
- 1381 mixture or preparation which contains any quantity of the following substances having a depressant effect
- 1382 on the central nervous system, including its salts, isomers and salts of isomers whenever the existence of
- 1383 such salts, isomers and salts of isomers is possible within the specific chemical designation:
- 1384 Clonazolam;

- 1385 Etizolam;
- 1386 Flualprazolam;
- 1387 Flubromazepam;
- 1388 Flubromazolam;
- 1389 Gamma hydroxybutyric acid (some other names include GHB; gamma hydroxybutyrate; 4-
- 1390 hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate);
- 1391 Mecloqualone;
- 1392 Methaqualone.
- 1393 5. Unless specifically excepted or unless listed in another schedule, any material, compound,
- 1394 mixture or preparation which contains any quantity of the following substances having a stimulant effect
- 1395 on the central nervous system, including its salts, isomers and salts of isomers:
- 1396 2-(3-fluorophenyl)-3-methylmorpholine (other name: 3-fluorophenmetrazine);
- 1397 Aminorex (some trade or other names; aminoxaphen; 2-amino-5-phenyl-2-oxazoline; 4,5-dihydro-
- 1398 5-phenyl-2-oxazolamine);
- 1399 Cathinone (some trade or other names: 2-amino-1-phenyl-1-propanone, alpha-
- 1400 aminopropiophenone, 2-aminopropiophenone, norephedrone), and any plant material from which
- 1401 Cathinone may be derived;
- 1402 Cis-4-methylaminorex (other name: cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);
- 1403 Ethylamphetamine;
- 1404 Ethyl phenyl(piperidin-2-yl)acetate (other name: Ethylphenidate);
- 1405 Fenethylamine;
- 1406 Methcathinone (some other names: 2-(methylamino)-propionophenone; alpha-(methylamino)-
- 1407 propionophenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-N-methylaminopropionophenone;
- 1408 monomethylpropion; ephedrone; N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463 and
- 1409 UR 1432);
- 1410 N-Benzylpiperazine (some other names: BZP, 1-benzylpiperazine);

- 1411 N,N-dimethylamphetamine (other names: N, N-alpha-trimethyl-benzeneethanamine, N, N-alpha-
1412 trimethylphenethylamine);
- 1413 Methyl 2-(4-fluorophenyl)-2-(2-piperidinyl)acetate (other name: 4-fluoromethylphenidate);
- 1414 Isopropyl-2-phenyl-2-(2-piperidinyl)acetate (other name: Isopropylphenidate);
- 1415 4-chloro-N,N-dimethylcathinone;
- 1416 3,4-methylenedioxy-N-benzylcathinone (other name: BMDP).
- 1417 6. Any substance that contains one or more cannabimimetic agents or that contains their salts,
1418 isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible
1419 within the specific chemical designation, and any preparation, mixture, or substance containing, or mixed
1420 or infused with, any detectable amount of one or more cannabimimetic agents.
- 1421 a. "Cannabimimetic agents" includes any substance that is within any of the following structural
1422 classes:
- 1423 2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or
1424 alkenyl, whether or not substituted on the cyclohexyl ring to any extent;
- 1425 3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane with substitution at the nitrogen
1426 atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not
1427 substituted on the naphthoyl or naphthyl ring to any extent;
- 1428 3-(1-naphthoyl)pyrrole with substitution at the nitrogen atom of the pyrrole ring, whether or not
1429 further substituted in the pyrrole ring to any extent, whether or not substituted on the naphthoyl ring to
1430 any extent;
- 1431 1-(1-naphthylmethyl)indene with substitution of the 3-position of the indene ring, whether or not
1432 further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to any
1433 extent;
- 1434 3-phenylacetylindole or 3-benzoylindole with substitution at the nitrogen atom of the indole ring,
1435 whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl
1436 ring to any extent;

1437 3-cyclopropoylindole with substitution at the nitrogen atom of the indole ring, whether or not
1438 further substituted on the indole ring to any extent, whether or not substituted on the cyclopropyl ring to
1439 any extent;

1440 3-adamantoylindole with substitution at the nitrogen atom of the indole ring, whether or not further
1441 substituted on the indole ring to any extent, whether or not substituted on the adamantyl ring to any extent;

1442 N-(adamantyl)-indole-3-carboxamide with substitution at the nitrogen atom of the indole ring,
1443 whether or not further substituted on the indole ring to any extent, whether or not substituted on the
1444 adamantyl ring to any extent; and

1445 N-(adamantyl)-indazole-3-carboxamide with substitution at a nitrogen atom of the indazole ring,
1446 whether or not further substituted on the indazole ring to any extent, whether or not substituted on the
1447 adamantyl ring to any extent.

1448 b. The term "cannabimimetic agents" includes:

1449 5-(1,1-Dimethylheptyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497);

1450 5-(1,1-Dimethylhexyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C6 homolog);

1451 5-(1,1-Dimethyloctyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C8 homolog);

1452 5-(1,1-Dimethylnonyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C9 homolog);

1453 1-pentyl-3-(1-naphthoyl)indole (other names: JWH-018, AM-678);

1454 1-butyl-3-(1-naphthoyl)indole (other name: JWH-073);

1455 1-pentyl-3-(2-methoxyphenylacetyl)indole (other name: JWH-250);

1456 1-hexyl-3-(naphthalen-1-oyl)indole (other name: JWH-019);

1457 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (other name: JWH-200);

1458 (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tet

1459 rahydrobenzo[c]chromen-1-ol (other name: HU-210);

1460 1-pentyl-3-(4-methoxy-1-naphthoyl)indole (other name: JWH-081);

1461 1-pentyl-3-(4-methyl-1-naphthoyl)indole (other name: JWH-122);

1462 1-pentyl-3-(2-chlorophenylacetyl)indole (other name: JWH-203);

1463 1-pentyl-3-(4-ethyl-1-naphthoyl)indole (other name: JWH-210);

- 1464 1-pentyl-3-(4-chloro-1-naphthoyl)indole (other name: JWH-398);
- 1465 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (other name: AM-694);
- 1466 1-((N-methylpiperidin-2-yl)methyl)-3-(1-naphthoyl)indole (other name: AM-1220);
- 1467 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (other name: AM-2201);
- 1468 1-[(N-methylpiperidin-2-yl)methyl]-3-(2-iodobenzoyl)indole (other name: AM-2233);
- 1469 Pravadoline (4-methoxyphenyl)-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-yl]methanone
- 1470 (other name: WIN 48,098);
- 1471 1-pentyl-3-(4-methoxybenzoyl)indole (other names: RCS-4, SR-19);
- 1472 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (other names: RCS-8, SR-18);
- 1473 1-pentyl-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other name: UR-144);
- 1474 1-(5-fluoropentyl)-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other names: XLR-11, 5-
- 1475 fluoro-UR-144);
- 1476 N-adamantyl-1-fluoropentylindole-3-carboxamide (other name: STS-135);
- 1477 N-adamantyl-1-pentylindazole-3-carboxamide (other names: AKB48, APINACA);
- 1478 1-pentyl-3-(1-adamantoyl)indole (other name: AB-001);
- 1479 (8-quinolinyl)(1-pentylindol-3-yl)carboxylate (other name: PB-22);
- 1480 (8-quinolinyl)(1-(5-fluoropentyl)indol-3-yl)carboxylate (other name: 5-fluoro-PB-22);
- 1481 (8-quinolinyl)(1-cyclohexylmethyl-indol-3-yl)carboxylate (other name: BB-22);
- 1482 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide (other name: AB-
- 1483 PINACA);
- 1484 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)indazole-3-carboxamide (other name:
- 1485 AB-FUBINACA);
- 1486 1-(5-fluoropentyl)-3-(1-naphthoyl)indazole (other name: THJ-2201);
- 1487 N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide (other name: ADB-
- 1488 PINACA);
- 1489 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide (other
- 1490 name: AB-CHMINACA);

- 1491** N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)indazole-3-carboxamide (other name:
1492 5-fluoro-AB-PINACA);
- 1493** N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide (other
1494 names: ADB-CHMINACA, MAB-CHMINACA);
- 1495** Methyl-2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate (other name: 5-
1496 fluoro-AMB);
- 1497** 1-naphthalenyl 1-(5-fluoropentyl)-1H-indole-3-carboxylate (other name: NM-2201);
- 1498** 1-(4-fluorobenzyl)-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other name: FUB-144);
- 1499** 1-(5-fluoropentyl)-3-(4-methyl-1-naphthoyl)indole (other name MAM-2201);
- 1500** N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-[(4-fluorophenyl)methyl]-1H-indazole-3-
1501 carboxamide (other name: ADB-FUBINACA);
- 1502** Methyl 2-[1-[(4-fluorophenyl)methyl]-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate
1503 (other name: MDMB-FUBINACA);
- 1504** Methyl 2-[1-(5-fluoropentyl)-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other names:
1505 5-fluoro-ADB, 5-Fluoro-MDMB-PINACA);
- 1506** Methyl 2-({1-[(4-fluorophenyl)methyl]-1H-indazole-3-carbonyl}amino)-3-methylbutanoate
1507 (other names: AMB-FUBINACA, FUB-AMB);
- 1508** N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (other name: FUB-AKB48);
- 1509** N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide (other name: 5F-AKB48);
- 1510** N-(adamantanyl)-1-(5-chloropentyl) indazole-3-carboxamide (other name: 5-chloro-AKB48);
- 1511** Naphthalen-1-yl 1-pentyl-1H-indazole-3-carboxylate (other name: SDB-005);
- 1512** N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indole-3-carboxamide (other name:
1513 AB-CHMICA);
- 1514** 1-pentyl-N-(phenylmethyl)-1H-indole-3-carboxamide (other name: SDB-006);
- 1515** Quinolin-8-yl 1-(4-fluorobenzyl)-1H-indole-3-carboxylate (other name: FUB-PB-22);
- 1516** Methyl N-[1-(cyclohexylmethyl)-1H-indole-3-carbonyl]valinate (other name: MMB-CHMICA);

- 1517** N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)indazole-3-carboxamide (other
1518 name: 5-fluoro-ADB-PINACA);
- 1519** 1-(4-cyanobutyl)-N-(1-methyl-1-phenylethyl)-1H-indazole-3-carboxamide (other name: 4-cyano
1520 CUMYL-BUTINACA);
- 1521** Methyl 2-[1-(5-fluoropentyl)-1H-indole-3-carboxamido]-3,3-dimethylbutanoate (other name: 5-
1522 Fluoro-MDMB-PICA);
- 1523** Ethyl 2-({1-[(4-fluorophenyl)methyl]-1H-indazole-3-carbonyl}amino)-3-methylbutanoate (other
1524 name: EMB-FUBINACA);
- 1525** Methyl 2-[1-(4-fluorobutyl)-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other name: 4-
1526 fluoro-MDMB-BUTINACA);
- 1527** 1-(5-fluoropentyl)-N-(1-methyl-1-phenylethyl)-1H-indole-3-carboxamide (other name: 5-fluoro
1528 CUMYL-PICA);
- 1529** Methyl 2-[1-(pent-4-enyl)-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other name:
1530 MDMB-4en-PINACA);
- 1531** Methyl 2-({1-[(4-fluorophenyl)methyl]-1H-indole-3-carbonyl}amino)-3-methylbutanoate (other
1532 names: MMB-FUBICA, AMB-FUBICA);
- 1533** Methyl 2-[1-(4-penten-1-yl)-1H-indole-3-carboxamido]-3-methylbutanoate (other names:
1534 MMB022, MMB-4en-PICA);
- 1535** Methyl 2-[1-(5-fluoropentyl)-1H-indole-3-carboxamido]-3-methylbutanoate (other name: MMB
1536 2201);
- 1537** Methyl 2-[1-(5-fluoropentyl)-1H-indole-3-carboxamido]-3-phenylpropanoate (other name: 5-
1538 fluoro-MPP-PICA);
- 1539** N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-butylindazole-3-carboxamide (other name: ADB-
1540 BUTINACA);
- 1541** N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-chloropentyl)indazole-3-carboxamide (other name:
1542 5-chloro-AB-PINACA).

1543 2. That the provisions of this act amending §§ 54.1-3408.3, 54.1-3442.6, and 54.1-3442.7 of the Code
1544 of Virginia shall become effective when the Virginia Cannabis Control Authority provides written
1545 notice to the Division of Legislative Services that persons are allowed to apply for, obtain, and fully
1546 utilize a license from the Virginia Cannabis Control Authority to sell retail marijuana, retail
1547 marijuana products, immature marijuana plants, and marijuana seeds to the public.

1548 3. That, notwithstanding any other provision of law, if an act of assembly is passed by the 2022
1549 Session of the General Assembly that establishes a regulatory and licensing structure for the retail
1550 sale of marijuana and marijuana products to persons 21 years of age or older, such regulatory and
1551 licensing requirements that pertain only to retail marijuana or retail marijuana products shall not
1552 apply to industrial hemp extract that (i) is processed by an industrial hemp processor that is
1553 registered with the Commissioner of Agriculture and Consumer Services pursuant to Chapter 41.1
1554 (§ 3.2-4112 et seq.) of Title 3.2 and is operating in compliance with all laws and regulations governing
1555 such processors and manufacturers of edible hemp products operating in accordance with Article
1556 6 (§ 3.2-5145.6 et seq.) of Chapter 51 of Title 3.2; (ii) does not contain a total tetrahydrocannabinol
1557 concentration that exceeds 0.3 percent at the time such industrial hemp extract is offered for sale at
1558 retail and does not contain more than 0.25 milligram of tetrahydrocannabinol per serving or more
1559 than one milligram per package; and (iii) is tested, labeled, packaged, and advertised in accordance
1560 with any applicable provisions of such act of assembly or regulations promulgated thereto.

1561 4. That the provisions of this act may result in a net increase in periods of imprisonment or
1562 commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary
1563 appropriation is _____ for periods of imprisonment in state adult correctional facilities;
1564 therefore, Chapter 552 of the Acts of Assembly of 2021, Special Session I, requires the Virginia
1565 Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-
1566 19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is _____ for
1567 periods of commitment to the custody of the Department of Juvenile Justice.

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