

SENATE BILL NO. 903

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Rehabilitation and Social Services

on January 27, 2023)

(Patron Prior to Substitute--Senator Hanger)

A BILL to amend and reenact §§ 3.2-4112, 3.2-4113, 3.2-4114, 3.2-4114.2, 3.2-4115, 3.2-4116, 3.2-4118, 3.2-4119, 3.2-4121, 3.2-5145.1, 3.2-5145.2:1, 3.2-5145.4, 3.2-5145.5, 4.1-600, 18.2-247, 18.2-251.1:3, 18.2-371.2, 54.1-3401, 54.1-3408.3, 54.1-3423, 54.1-3443, and 54.1-3446 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 41.1 of Title 3.2 an article numbered 4, consisting of sections numbered 3.2-4122 through 3.2-4126, and by adding a section numbered 3.2-5145.4:1, relating to tetrahydrocannabinol; industrial hemp; regulated hemp products.

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

**1. That §§ 3.2-4112, 3.2-4113, 3.2-4114, 3.2-4114.2, 3.2-4115, 3.2-4116, 3.2-4118, 3.2-4119, 3.2-4121, 3.2-5145.1, 3.2-5145.2:1, 3.2-5145.4, 3.2-5145.5, 4.1-600, 18.2-247, 18.2-251.1:3, 18.2-371.2, 54.1-3401, 54.1-3408.3, 54.1-3423, 54.1-3443, and 54.1-3446 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 41.1 of Title 3.2 an article numbered 4, consisting of sections numbered 3.2-4122 through 3.2-4126, and by adding a section numbered 3.2-5145.4:1 as follows:**

Article 1.

General Provisions.

**§ 3.2-4112. Definitions.**

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

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

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

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

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

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

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

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

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

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

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

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

49 "Hemp product" means a product, including any raw materials from industrial hemp that are used  
50 for or added to a food or beverage product, that (i) contains industrial hemp and has completed all stages  
51 of processing needed for the product and (ii) contains a total tetrahydrocannabinol concentration of no  
52 greater than 0.3 percent and no more than two milligrams of total tetrahydrocannabinol per package.

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

55 "Industrial hemp" means any part of the plant Cannabis sativa, including seeds thereof, whether  
56 growing or not, with a concentration of tetrahydrocannabinol that is no greater than that allowed by federal  
57 law. "Industrial hemp" includes an industrial hemp extract that has not completed all stages of processing  
58 needed to convert the extract into a hemp product.

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

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

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

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

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

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

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

74 "Topical hemp product" means a hemp product that (i) is intended to be rubbed, poured, sprinkled,  
75 or sprayed on, introduced into, or otherwise applied to the human body and (ii) is not a regulated hemp  
76 product.

77 "Total tetrahydrocannabinol" means the sum, after the application of any necessary conversion  
78 factor, of the percentage by weight of tetrahydrocannabinol and the percentage by weight of  
79 tetrahydrocannabinolic acid.

Article 2.

Industrial Hemp Crop Production, Handling, and Processing.

**§ 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~~ handler or his agent to ~~deal in~~ handle, 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~~ handler 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~~ handling, 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 Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 or the Drug Control Act (§ 54.1-3400 et seq.), it shall not be necessary to negate any exception, excuse, proviso, or exemption contained in this ~~chapter~~ article or the Drug Control Act, and the burden of proof of any such exception, excuse, proviso, or exemption shall be on the defendant.

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

C. No person 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 involuntary growth of industrial hemp through the inadvertent natural spread of seeds or pollen as a result of proximity to a production field, ~~dealership~~ handler's storage site, or process site.

**§ 3.2-4114. Regulations.**

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

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

112 **§ 3.2-4114.2. Authority of Commissioner; notice to law enforcement; report.**

113 A. The Commissioner may charge a nonrefundable fee not to exceed \$250 for any application for  
114 registration or renewal of registration allowed under this ~~chapter~~ article. The Commissioner may charge a  
115 nonrefundable fee for the tetrahydrocannabinol testing allowed under this ~~chapter~~ article. All fees  
116 collected by the Commissioner shall be deposited in the state treasury.

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

134 C. The Commissioner may establish an application period for a registration or renewal of  
135 registration allowed under this ~~chapter~~ article.

136 D. The Commissioner shall notify the Superintendent of State Police of each registration issued  
137 by the Commissioner under this ~~chapter~~ article and each license submitted to the Commissioner by a  
138 federally licensed hemp producer.

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

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

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

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

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

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

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

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

177 K. The Commissioner may establish a corrective action plan to address a negligent violation of  
178 any provision of this ~~chapter~~ article.

179 **§ 3.2-4115. Issuance of registrations; exemption.**

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

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

- 185 1. The name and mailing address of the applicant;
- 186 2. The legal description and geographic data sufficient for locating (i) the land on which the  
187 applicant intends to grow industrial hemp, (ii) the site at which the applicant intends to ~~deal in~~ handle

188 industrial hemp, or (iii) the site at which the applicant intends to process industrial hemp. A registration  
189 shall authorize industrial hemp growth, ~~dealing in~~ handling, or processing only at the location specified in  
190 the registration;

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

194 4. Written consent allowing the sheriff's office, police department, or Department of State Police,  
195 if a registration is ultimately issued to the applicant, to enter the premises on which the industrial hemp is  
196 grown, ~~dealt in~~ handled, or processed to conduct physical inspections of the industrial hemp and to ensure  
197 compliance with the requirements of this ~~chapter~~ article. No more than two physical inspections shall be  
198 conducted under this subdivision per year, unless a valid search warrant for an inspection has been issued  
199 by a court of competent jurisdiction;

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

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

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

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

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

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

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

218 **§ 3.2-4116. Registration conditions.**

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

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

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

239 **§ 3.2-4118. Forfeiture of industrial hemp grower, handler, or processor registration;**  
240 **violations.**

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

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

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

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

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

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

270 **§ 3.2-4119. Eligibility to receive tobacco settlement funds.**

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

274 Article 3.

275 Virginia Industrial Hemp Fund.

276 **§ 3.2-4121. Virginia Industrial Hemp Fund.**

277 There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia  
 278 Industrial Hemp Fund, ~~hereafter~~ referred to as "the Fund;" for the purposes of this article. The Fund shall  
 279 be established on the books of the Comptroller. All moneys levied and collected under the provisions of  
 280 this chapter shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the  
 281 Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest  
 282 thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund.  
 283 Moneys in the Fund shall be used by the Department solely for carrying out the purposes of this chapter.  
 284 Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued  
 285 by the Comptroller upon written request signed by the Commissioner.

286 Article 4.

287 Regulated Hemp Products.

288 **§ 3.2-4122. Annual retail facility registration required; fee.**

289 A. The Commissioner shall issue regulated hemp product retail facility registrations, which shall  
 290 authorize the registration holder to offer for sale or sell a regulated hemp product. No person that does not  
 291 hold a regulated hemp product retail facility registration shall offer for sale or sell in the Commonwealth  
 292 (i) a regulated hemp product or (ii) any substance that is intended to be consumed orally or by inhalation  
 293 that is advertised or labeled as containing an industrial hemp-derived cannabinoid.

294 B. A nonrefundable annual registration fee of \$1,000 shall be required with each application for a  
295 regulated hemp product retail facility registration.

296 C. Each registration issued pursuant to this section shall be valid for a period of one year from the  
297 date of issuance and may be renewed in successive years. Each annual renewal shall require the payment  
298 of the nonrefundable annual registration fee prescribed in subsection B.

299 D. An annual regulated hemp product retail facility registration shall be required for each location  
300 that offers for sale or sells a regulated hemp product.

301 E. Any person seeking to offer for sale or sell a regulated hemp product in the Commonwealth  
302 shall apply to the Commissioner for a regulated hemp product retail facility registration on a form provided  
303 by the Commissioner. At a minimum, the application shall include:

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

305 2. The physical address of the facility from which the applicant intends to offer for sale or sell a  
306 regulated hemp product. A registration shall authorize the offering for sale or sale of a regulated hemp  
307 product only at the location specified in the registration;

308 3. Written consent allowing the Commissioner or his designee to enter the location from which the  
309 regulated hemp product is offered for sale or sold to ensure compliance with the requirements of this  
310 article;

311 4. If the applicant intends to offer for sale or sell an edible hemp product, a copy of the permit  
312 issued by the Commissioner pursuant to § 3.2-5100;

313 5. Any other information required by the Commissioner; and

314 6. The payment of a nonrefundable application fee.

315 F. This section shall not apply to a person authorized to offer for sale or sell products (i) that are  
316 approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act  
317 (§ 54.1-3400 et seq.) or (ii) dispensed pursuant to Article 4.2 (§ 54.1-3442.5 et seq.) of Chapter 34 of Title  
318 54.1.

319 **§ 3.2-4123. Product packaging, labeling, and testing.**

320 A. No person shall offer for sale or sell a regulated hemp product unless the product is:

- 321 1. Contained in child-resistant packaging, as defined in § 4.1-600;  
322 2. Equipped with a label that states, in English and in a font no less than 1/16 of an inch, (i) all  
323 ingredients contained in the substance; (ii) the amount of such substance that constitutes a single serving;  
324 (iii) the total percentage and milligrams of all tetrahydrocannabinols included in the substance and the  
325 total number of milligrams of all tetrahydrocannabinols that are contained in each serving; and (iv) if the  
326 substance contains tetrahydrocannabinol, that the product may not be sold to persons younger than 21  
327 years of age; and
- 328 3. Accompanied by a certificate of analysis, produced by an independent laboratory that is  
329 accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a  
330 third-party accrediting body, that states the total tetrahydrocannabinol concentration of the substance or  
331 the total tetrahydrocannabinol concentration of the batch from which the substance originates. The  
332 certificate of accreditation pursuant to standard ISO/IEC 17025 issued by the third-party accrediting body  
333 to the independent laboratory shall be available for review at the location at which the regulated hemp  
334 product is offered for sale or sold.

335 This subsection shall not (i) apply to products that are approved for marketing by the U.S. Food  
336 and Drug Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed  
337 to prohibit any conduct permitted under Article 4.2 (§ 54.1-3442.5 et seq.) of Chapter 34 of Title 54.1.

338 B. No person shall offer for sale or sell a regulated hemp product that depicts or is in the shape of  
339 a human, animal, vehicle, or fruit.

340 C. No person shall offer for sale or sell a regulated hemp product that, without authorization, bears,  
341 is packaged in a container or wrapper that bears, or is otherwise labeled to bear the trademark, trade name,  
342 famous mark as defined in 15 U.S.C. § 1125, or other identifying mark, imprint, or device, or any likeness  
343 thereof, of a manufacturer, processor, packer, or distributor of a product intended for human consumption  
344 other than the manufacturer, processor, packer, or distributor that did in fact so manufacture, process,  
345 pack, or distribute such substance.

346 **§ 3.2-4124. Topical hemp products; bittering agent; civil penalty.**

347 A. All topical hemp products offered for sale or sold shall contain a bittering agent so as to render  
348 the product unpalatable.

349 B. A person who offers for sale or sells a topical hemp product that does not contain a bittering  
350 agent is subject to a civil penalty not to exceed \$500 for each day a violation occurs. Such penalty shall  
351 be collected by the Commissioner and the proceeds shall be payable to the State Treasurer for remittance  
352 to the Department.

353 C. Notwithstanding the provisions of subsection A, a person may offer for sale or sell a topical  
354 hemp product that does not contain a bittering agent if the product was manufactured prior to July 1, 2023,  
355 and the person provides documentation of the date of manufacture to the Commissioner if requested.

356 D. This section shall not apply to a person authorized to offer for sale or sell products that are (i)  
357 approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act  
358 (§ 54.1-3400 et seq.) or (ii) dispensed pursuant to Article 4.2 (§ 54.1-3442.5 et seq.) of Chapter 34 of Title  
359 54.1.

360 **§ 3.2-4125. Commissioner to have access to retail facilities.**

361 A. For the purpose of identifying violations of this article, the Commissioner shall have access  
362 during business hours to all registered regulated hemp product retail facilities and any business that offers  
363 for sale or sells a substance intended to be consumed orally or by inhalation that is advertised or labeled  
364 as containing an industrial hemp-derived cannabinoid for the purpose of:

365 1. Conducting an inspection; or

366 2. Securing a sample of any regulated hemp product or substance intended to be consumed orally  
367 or by inhalation that is advertised or labeled as containing a cannabinoid. The Commissioner shall conduct  
368 or cause to be conducted examinations or laboratory analysis of such samples.

369 B. This section shall not apply to a person authorized to offer for sale or sell products that are (i)  
370 approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act  
371 (§ 54.1-3400 et seq.) or (ii) dispensed pursuant to Article 4.2 (§ 54.1-3442.5 et seq.) of Chapter 34 of Title  
372 54.1.

373 **§ 3.2-4126. Civil penalties.**

374 A. The Commissioner may, in accordance with the Administrative Process Act (§ 2.2-4000 et  
375 seq.), deny the application for a regulated hemp product retail facility registration or suspend or revoke  
376 the regulated hemp product retail facility registration of any person who violates the provisions of this  
377 article.

378 B. Any person who (i) offers for sale or sells a regulated hemp product without first obtaining a  
379 registration to do so from the Commissioner in accordance with § 3.2-4122; (ii) continues to offer for sale  
380 or sell a regulated hemp product after revocation or suspension of such registration; (iii) offers for sale or  
381 sells a regulated hemp product that (a) has a total tetrahydrocannabinol concentration greater than 0.3  
382 percent or (b) contains more than two milligrams of total tetrahydrocannabinol per package; (iv) offers  
383 for sale or sells a regulated hemp product in violation of § 3.2-4123; or (v) offers for sale or sells a  
384 substance intended to be consumed orally or by inhalation that is advertised or labeled as containing an  
385 industrial hemp-derived cannabinoid without a regulated hemp product retail facility registration, in  
386 addition to any other penalties provided, is subject to a civil penalty not to exceed \$10,000 for each day a  
387 violation occurs. Such penalty shall be collected by the Commissioner and the proceeds shall be payable  
388 to the State Treasurer for remittance to the Department.

389 **§ 3.2-5145.1. Definitions.**

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

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

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

396 "Industrial hemp extract" means an extract (i) of a Cannabis sativa plant that has a concentration  
397 of tetrahydrocannabinol that is no greater than that allowed for hemp by federal law ~~and~~, (ii) that is  
398 intended for human consumption, and (iii) that has a total tetrahydrocannabinol concentration that is no  
399 greater than 0.3 percent and no more than two milligrams of total tetrahydrocannabinol per package.

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

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

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

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

405 **§ 3.2-5145.2:1. Sellers or manufacturers of industrial hemp extract; penalties.**

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

409 B. Any person who (i) manufactures, sells, or offers for sale an industrial hemp extract or food  
410 containing an industrial hemp extract without first obtaining a permit to do so from the Commissioner  
411 pursuant to § 3.2-5100; (ii) continues to manufacture, sell, or offer for sale an industrial hemp extract or  
412 food containing an industrial hemp extract after revocation or suspension of such permit; (iii)  
413 manufactures, sells, or offers for sale a food that (a) has a total tetrahydrocannabinol concentration that is  
414 greater than 0.3 percent or (b) contains more than two milligrams of total tetrahydrocannabinol per  
415 package; (iv) manufactures, offers for sale, or sells in violation of this chapter or a regulation adopted  
416 pursuant to this chapter a substance intended to be consumed orally that is advertised or labeled as  
417 containing an industrial hemp-derived cannabinoid; or (v) otherwise violates any provision of this chapter  
418 or a regulation adopted pursuant to this chapter, in addition to any other penalties provided, is subject to  
419 a civil penalty not to exceed \$10,000 for each day a violation occurs. Such penalty shall be collected by  
420 the Commissioner and the proceeds shall be payable to the State Treasurer for remittance to the  
421 Department.

422 C. Any person who (i) manufactures, sells, or offers for sale an industrial hemp extract or food  
423 containing an industrial hemp extract without first obtaining a permit to do so from the Commissioner  
424 pursuant to § 3.2-5100; (ii) continues to manufacture, sell, or offer for sale an industrial hemp extract or  
425 food containing an industrial hemp extract after revocation or suspension of such permit; (iii)  
426 manufactures, offers for sale, or sells in violation of this chapter or a regulation adopted pursuant to this  
427 chapter a substance intended to be consumed orally that is advertised or labeled as containing an industrial

428 hemp-derived cannabinoid; or (iv) otherwise violates any provision of this chapter or a regulation adopted  
429 pursuant to this chapter, in addition to any other penalties provided, is guilty of a Class 1 misdemeanor.  
430 Each day in which a violation occurs shall constitute a separate offense.

431 D. This section shall not apply to a person authorized to offer for sale or sell products that are (i)  
432 approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act  
433 (§ 54.1-3400 et seq.) or (ii) dispensed pursuant to Article 4.2 (§ 54.1-3442.5 et seq.) of Chapter 34 of Title  
434 54.1.

435 **§ 3.2-5145.4. Industrial hemp extract requirements.**

436 A. An industrial hemp extract shall (i) be produced from industrial hemp grown in compliance  
437 with applicable law and (ii) ~~notwithstanding any authority under federal law to have a greater~~  
438 ~~concentration of tetrahydrocannabinol,~~ have a total tetrahydrocannabinol concentration of no greater than  
439 0.3 percent.

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

442 **§ 3.2-5145.4:1. Labeling and packaging requirements.**

443 A. An industrial hemp extract or food containing an industrial hemp extract shall be packaged and  
444 equipped with a label that states, in English and in a font no less than 1/16 of an inch, (i) all ingredients  
445 contained in the industrial hemp extract or food containing an industrial hemp extract, (ii) the amount of  
446 such industrial hemp extract or food containing an industrial hemp extract that constitutes a single serving,  
447 and (iii) the number of milligrams and percent of total tetrahydrocannabinol per serving and number of  
448 milligrams and percent of total tetrahydrocannabinol per package.

449 B. Any industrial hemp extract or food containing an industrial hemp extract that contains  
450 tetrahydrocannabinol shall (i) be equipped with a label that states that the industrial hemp extract or food  
451 containing an industrial hemp extract contains tetrahydrocannabinol and (ii) may not be sold to persons  
452 younger than 21 years of age.

453 C. A manufacturer shall identify each batch of an industrial hemp extract or a food containing an  
454 industrial hemp extract with a unique code for traceability. Julian date coding or any other system

455 developed and documented by the manufacturer for assigning a unique code to a batch may be used. The  
456 batch identification shall appear and be legible on the label of an industrial hemp extract or food containing  
457 an industrial hemp extract.

458 D. The label of an industrial hemp extract or food containing an industrial hemp extract shall not  
459 contain a claim indicating the product is intended for diagnosis, cure, mitigation, treatment, or prevention  
460 of disease, which shall render the product a drug, as that term is defined in 21 U.S.C. § 321(g)(1). An  
461 industrial hemp extract or food containing an industrial hemp extract with a label that contains a claim  
462 indicating the product is intended for diagnosis, cure, mitigation, treatment, or prevention of disease shall  
463 be considered misbranded.

464 **§ 3.2-5145.5. Regulations.**

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

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

468 ~~C. The Board shall adopt regulations establishing labeling requirements for an industrial hemp~~  
469 ~~extract or a food containing an industrial hemp extract. Such regulations shall require that any industrial~~  
470 ~~hemp extract or food containing an industrial hemp extract that contains tetrahydrocannabinol be equipped~~  
471 ~~with a label that states (i) that the industrial hemp extract or food containing an industrial hemp extract~~  
472 ~~contains tetrahydrocannabinol and may not be sold to persons younger than 21 years of age, (ii) all~~  
473 ~~ingredients contained in the industrial hemp extract or food containing an industrial hemp extract, (iii) the~~  
474 ~~amount of such industrial hemp extract or food containing an industrial hemp extract that constitutes a~~  
475 ~~single serving, and (iv) the total percentage and milligrams of tetrahydrocannabinol included in the~~  
476 ~~industrial hemp extract or food containing an industrial hemp extract and the number of milligrams of~~  
477 ~~tetrahydrocannabinol that are contained in each serving.~~

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

481           E-D. With the exception of § 2.2-4031, neither the provisions of the Administrative Process Act  
482 (§ 2.2-4000 et seq.) nor public participation guidelines adopted pursuant thereto shall apply to the adoption  
483 of any regulation pursuant to this section. Prior to adopting any regulation pursuant to this section, the  
484 Board shall publish a notice of opportunity to comment in the Virginia Register of Regulations and post  
485 the action on the Virginia Regulatory Town Hall. Such notice of opportunity to comment shall contain (i)  
486 a summary of the proposed regulation; (ii) the text of the proposed regulation; and (iii) the name, address,  
487 and telephone number of the agency contact person responsible for receiving public comments. Such  
488 notice shall be made at least 60 days in advance of the last date prescribed in such notice for submittals of  
489 public comment. The legislative review provisions of subsections A and B of § 2.2-4014 shall apply to  
490 the promulgation or final adoption process for regulations pursuant to this section. The Board shall  
491 consider and keep on file all public comments received for any regulation adopted pursuant to this section.

492           **§ 4.1-600. Definitions.**

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

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

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

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

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

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

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

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

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

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

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

514 "Manufacturing" or "manufacture" means the production of marijuana products or the blending,  
515 infusing, compounding, or other preparation of marijuana and marijuana products, including marijuana  
516 extraction or preparation by means of chemical synthesis. "Manufacturing" or "manufacture" does not  
517 include cultivation or testing.

518 "Marijuana" means (i) any part of a plant of the genus Cannabis, whether growing or not, its seeds  
519 or resin; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its  
520 seeds, its resin, or any extract containing one or more cannabinoids. "Marijuana" does not include (i) the  
521 mature stalks of such plant, fiber produced from such stalk, or oil or cake made from the seed of such  
522 plant, unless such stalks, fiber, oil, or cake is combined with other parts of plants of the genus Cannabis-  
523 ~~"Marijuana" does not include (i);~~ (ii) industrial hemp, as defined in § 3.2-4112, that is possessed by a  
524 person registered pursuant to subsection A of § 3.2-4115 or his agent ~~or (ii);~~ (iii) industrial hemp, as  
525 defined in § 3.2-4112, that is possessed by a person who holds a hemp producer license issued by the U.S.  
526 Department of Agriculture pursuant to 7 C.F.R. Part 990; (iv) a hemp product, as defined in § 3.2-4112,  
527 containing a total tetrahydrocannabinol concentration of no greater than 0.3 percent that is derived from  
528 industrial hemp, as defined in § 3.2-4112, that is grown, ~~dealt~~ handled, or processed in compliance with  
529 state or federal law; (v) an industrial hemp extract, as defined in § 3.2-5145.1; or (vi) any substance  
530 containing a tetrahydrocannabinol isomer or salts of such isomer where such tetrahydrocannabinol isomer  
531 or salts of such isomer have been placed by the Board of Pharmacy into one of the schedules set forth in  
532 the Drug Control Act (§ 54.1-3400 et seq.) pursuant to § 54.1-3443.

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

536 "Marijuana cultivation facility" means a facility licensed under this subtitle to cultivate, label, and  
537 package retail marijuana; to purchase or take possession of marijuana plants and seeds from other  
538 marijuana cultivation facilities; to transfer possession of and sell retail marijuana, immature marijuana  
539 plants, and marijuana seeds to marijuana wholesalers and retail marijuana stores; to transfer possession of  
540 and sell retail marijuana, marijuana plants, and marijuana seeds to other marijuana cultivation facilities;  
541 to transfer possession of and sell retail marijuana to marijuana manufacturing facilities; and to sell  
542 immature marijuana plants and marijuana seeds to consumers for the purpose of cultivating marijuana at  
543 home for personal use.

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

546 "Marijuana manufacturing facility" means a facility licensed under this subtitle to manufacture,  
547 label, and package retail marijuana and retail marijuana products; to purchase or take possession of retail  
548 marijuana from a marijuana cultivation facility or another marijuana manufacturing facility; and to transfer  
549 possession of and sell retail marijuana and retail marijuana products to marijuana wholesalers, retail  
550 marijuana stores, or other marijuana manufacturing facilities.

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

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

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

560 "Marijuana wholesaler" means a facility licensed under this subtitle to purchase or take possession  
561 of retail marijuana, retail marijuana products, immature marijuana plants, and marijuana seeds from a  
562 marijuana cultivation facility, a marijuana manufacturing facility, or another marijuana wholesaler and to  
563 transfer possession and sell or resell retail marijuana, retail marijuana products, immature marijuana  
564 plants, and marijuana seeds to a marijuana cultivation facility, marijuana manufacturing facility, retail  
565 marijuana store, or another marijuana wholesaler.

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

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

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

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

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

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

583 "Retail marijuana products" means marijuana products that are manufactured and sold by a  
584 licensed marijuana establishment.

585 "Retail marijuana store" means a facility licensed under this subtitle to purchase or take possession  
586 of retail marijuana, retail marijuana products, immature marijuana plants, or marijuana seeds from a

587 marijuana cultivation facility, marijuana manufacturing facility, or marijuana wholesaler and to sell retail  
588 marijuana, retail marijuana products, immature marijuana plants, or marijuana seeds to consumers.

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

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

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

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

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

599 **§ 18.2-247. Use of terms "controlled substances," "marijuana," "Schedules I, II, III, IV, V,**  
600 **and VI," "imitation controlled substance," and "counterfeit controlled substance" in Title 18.2.**

601 A. Wherever the terms "controlled substances" and "Schedules I, II, III, IV, V, and VI" are used  
602 in Title 18.2, such terms refer to those terms as they are used or defined in the Drug Control Act (§ 54.1-  
603 3400 et seq.).

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

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

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

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

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

623 D. The term "marijuana" when used in this article means any part of a plant of the genus Cannabis,  
624 whether growing or not, its seeds or resin; and every compound, manufacture, salt, derivative, mixture, or  
625 preparation of such plant, its seeds, its resin, or any extract containing one or more cannabinoids.  
626 "Marijuana" does not include (i) the mature stalks of such plant, fiber produced from such stalk, oil or  
627 cake made from the seed of such plant, unless such stalks, fiber, oil or cake is combined with other parts  
628 of plants of the genus Cannabis. ~~Marijuana does not include (i);~~ (ii) industrial hemp, as defined in § 3.2-  
629 4112, that is possessed by a person registered pursuant to subsection A of § 3.2-4115 or his agent; ~~(ii) (iii)~~  
630 industrial hemp, as defined in § 3.2-4112, that is possessed by a person who holds a hemp producer license  
631 issued by the U.S. Department of Agriculture pursuant to 7 C.F.R. Part 990; ~~or (iii) (iv)~~ (iv) a hemp product,  
632 as defined in § 3.2-4112, containing a total tetrahydrocannabinol concentration of no greater than 0.3  
633 percent that is derived from industrial hemp, as defined in § 3.2-4112, that is grown, ~~dealt~~ handled, or  
634 processed in compliance with state or federal law; (v) an industrial hemp extract, as defined in § 3.2-  
635 5145.1; or (vi) any substance containing a tetrahydrocannabinol isomer or salts of such isomer where such  
636 tetrahydrocannabinol isomer or salts of such isomer have been placed by the Board of Pharmacy into one  
637 of the schedules set forth in the Drug Control Act (§ 54.1-3400 et seq.) pursuant to § 54.1-3443.

638 E. The term "counterfeit controlled substance" means a controlled substance that, without  
639 authorization, bears, is packaged in a container or wrapper that bears, or is otherwise labeled to bear, the  
640 trademark, trade name, or other identifying mark, imprint or device or any likeness thereof, of a drug

641 manufacturer, processor, packer, or distributor other than the manufacturer, processor, packer, or  
642 distributor who did in fact so manufacture, process, pack or distribute such drug.

643 F. The term "tetrahydrocannabinol" means any naturally occurring or synthetic  
644 tetrahydrocannabinol, including its salts, isomers, and salts of isomers whenever the existence of such  
645 salts, isomers, and salts of isomers is possible within the specific chemical designation and any  
646 preparation, mixture, or substance containing, or mixed or infused with, any detectable amount of  
647 tetrahydrocannabinol. "Tetrahydrocannabinol" includes delta-6a(10a), delta-7, delta-8, delta-9, and delta-  
648 10-tetrahydrocannabinol. For the purposes of this definition, "isomer" means the optical, position, and  
649 geometric isomers.

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

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

660 **§ 18.2-251.1:3. Possession or distribution of cannabis oil, or industrial hemp; laboratories;**  
661 **Department of Agriculture and Consumer Services, Department of Law employees.**

662 A. No person employed by an analytical laboratory to retrieve, deliver, or possess cannabis oil or  
663 industrial hemp samples from a permitted pharmaceutical processor, a registered industrial hemp grower,  
664 a federally licensed hemp producer, or a registered industrial hemp processor for the purpose of  
665 performing required testing shall be prosecuted under Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1 or §  
666 18.2-248, 18.2-248.1, 18.2-250, or 18.2-255 for the possession or distribution of cannabis oil or industrial

667 hemp or for storing cannabis oil or industrial hemp for testing purposes in accordance with regulations  
668 promulgated by the Board of Pharmacy and the Board of Agriculture and Consumer Services.

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

674 § 18.2-371.2. **Prohibiting purchase or possession of tobacco products, nicotine vapor**  
675 **products, alternative nicotine products, and hemp products intended for smoking by a person under**  
676 **21 years of age or sale of tobacco products, nicotine vapor products, alternative nicotine products,**  
677 **and hemp products intended for smoking to persons under 21 years of age; civil penalties.**

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

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

689 B. No person less than 21 years of age shall attempt to purchase, purchase, or possess any tobacco  
690 product, nicotine vapor product, alternative nicotine product, or hemp product intended for smoking. The  
691 provisions of this subsection shall not be applicable to the possession of tobacco products, nicotine vapor  
692 products, alternative nicotine products, or hemp products intended for smoking by a person less than 21  
693 years of age (i) making a delivery of tobacco products, nicotine vapor products, alternative nicotine

694 products, or hemp products intended for smoking in pursuance of his employment or (ii) as part of a  
695 scientific study being conducted by an organization for the purpose of medical research to further efforts  
696 in cigarette and tobacco use prevention and cessation and tobacco product regulation, provided that such  
697 medical research has been approved by an institutional review board pursuant to applicable federal  
698 regulations or by a research review committee pursuant to Chapter 5.1 (§ 32.1-162.16 et seq.) of Title  
699 32.1. This subsection shall not apply to purchase, attempt to purchase, or possession by a law-enforcement  
700 officer or his agent when the same is necessary in the performance of his duties.

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

711 This subsection shall not apply to mail order or Internet sales, provided that the person offering  
712 the tobacco product, nicotine vapor product, alternative nicotine product, or hemp product intended for  
713 smoking for sale through mail order or the Internet (i) prior to the sale of the tobacco product, nicotine  
714 vapor product, alternative nicotine product, or hemp product intended for smoking verifies that the  
715 purchaser is at least 21 years of age through a commercially available database that is regularly used by  
716 businesses or governmental entities for the purpose of age and identity verification and (ii) uses a method  
717 of mailing, shipping, or delivery that requires the signature of a person at least 21 years of age before the  
718 tobacco product, nicotine vapor product, alternative nicotine product, or hemp product intended for  
719 smoking will be released to the purchaser.

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

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

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

738 A violation of subsection B is punishable by a civil penalty not to exceed \$100 for a first violation  
739 and a civil penalty not to exceed \$250 for a second or subsequent violation. A court may, as an alternative  
740 to the civil penalty, and upon motion of the defendant, prescribe the performance of up to 20 hours of  
741 community service for a first violation of subsection B and up to 40 hours of community service for a  
742 second or subsequent violation. If the defendant fails or refuses to complete the community service as  
743 prescribed, the court may impose the civil penalty. Upon a violation of subsection B, the judge may enter  
744 an order pursuant to subdivision A 9 of § 16.1-278.8.

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

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

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

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

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

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

769 I. As used in this section:

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

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

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

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

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

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

788 "Tobacco product" means any product made of tobacco and includes cigarettes, cigars, smokeless  
789 tobacco, pipe tobacco, bidis, and wrappings. "Tobacco product" does not include any nicotine vapor  
790 product, alternative nicotine product, or product that is regulated by the FDA under Chapter V (21 U.S.C.  
791 § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.

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

794 **§ 54.1-3401. Definitions.**

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

796 "Administer" means the direct application of a controlled substance, whether by injection,  
797 inhalation, ingestion, or any other means, to the body of a patient or research subject by (i) a practitioner

798 or by his authorized agent and under his direction or (ii) the patient or research subject at the direction and  
799 in the presence of the practitioner.

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

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

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

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

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

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

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

823 "Board" means the Board of Pharmacy.

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

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

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

840 "Compounding" means the combining of two or more ingredients to fabricate such ingredients into  
841 a single preparation and includes the mixing, assembling, packaging, or labeling of a drug or device (i) by  
842 a pharmacist, or within a permitted pharmacy, pursuant to a valid prescription issued for a medicinal or  
843 therapeutic purpose in the context of a bona fide practitioner-patient-pharmacist relationship, or in  
844 expectation of receiving a valid prescription based on observed historical patterns of prescribing and  
845 dispensing; (ii) by a practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine as an  
846 incident to his administering or dispensing, if authorized to dispense, a controlled substance in the course  
847 of his professional practice; or (iii) for the purpose of, or as incident to, research, teaching, or chemical  
848 analysis and not for sale or for dispensing. The mixing, diluting, or reconstituting of a manufacturer's  
849 product drugs for the purpose of administration to a patient, when performed by a practitioner of medicine  
850 or osteopathy licensed under Chapter 29 (§ 54.1-2900 et seq.), a person supervised by such practitioner

851 pursuant to subdivision A 6 or 19 of § 54.1-2901, or a person supervised by such practitioner or a licensed  
852 nurse practitioner or physician assistant pursuant to subdivision A 4 of § 54.1-2901 shall not be considered  
853 compounding.

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

859 "Controlled substance analog" means a substance the chemical structure of which is substantially  
860 similar to the chemical structure of a controlled substance in Schedule I or II and either (i) which has a  
861 stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar  
862 to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a  
863 controlled substance in Schedule I or II or (ii) with respect to a particular person, which such person  
864 represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous  
865 system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on  
866 the central nervous system of a controlled substance in Schedule I or II. "Controlled substance analog"  
867 does not include (a) any substance for which there is an approved new drug application as defined under  
868 § 505 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. § 355) or that is generally recognized as  
869 safe and effective pursuant to §§ 501, 502, and 503 of the federal Food, Drug, and Cosmetic Act (21  
870 U.S.C. §§ 351, 352, and 353) and 21 C.F.R. Part 330; (b) with respect to a particular person, any substance  
871 for which an exemption is in effect for investigational use for that person under § 505 of the federal Food,  
872 Drug, and Cosmetic Act to the extent that the conduct with respect to that substance is pursuant to such  
873 exemption; or (c) any substance to the extent not intended for human consumption before such an  
874 exemption takes effect with respect to that substance.

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

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

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

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

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

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

903 "Dispenser" means a practitioner who dispenses.

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

905 "Distributor" means a person who distributes.

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

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

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

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

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

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

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

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

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

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

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

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

942 "Marijuana" means any part of a plant of the genus Cannabis whether growing or not, its seeds, or  
943 its resin; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its  
944 seeds, its resin, or any extract containing one or more cannabinoids. "Marijuana" does not include (i) the  
945 mature stalks of such plant, fiber produced from such stalk, or oil or cake made from the seeds of such  
946 plant, unless such stalks, fiber, oil, or cake is combined with other parts of plants of the genus Cannabis;  
947 ~~Marijuana does not include (i);~~ (ii) industrial hemp, as defined in § 3.2-4112, that is possessed by a person  
948 registered pursuant to subsection A of § 3.2-4115 or his agent; ~~(ii);~~ (iii) industrial hemp, as defined in §  
949 3.2-4112, that is possessed by a person who holds a hemp producer license issued by the U.S. Department  
950 of Agriculture pursuant to 7 C.F.R. Part 990; ~~or (iii);~~ (iv) a hemp product, as defined in § 3.2-4112,  
951 containing a total tetrahydrocannabinol concentration of no greater than 0.3 percent that is derived from  
952 industrial hemp, as defined in § 3.2-4112, that is grown, ~~dealt~~ handled, or processed in compliance with  
953 state or federal law; (v) an industrial hemp extract, as defined in § 3.2-5145.1; or (vi) any substance  
954 containing a tetrahydrocannabinol isomer or salts of such isomer where such tetrahydrocannabinol isomer  
955 or salts of such isomer have been placed by the Board of Pharmacy into one of the schedules set forth in  
956 the Drug Control Act (§ 54.1-3400 et seq.) pursuant to § 54.1-3443.

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

962 "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction  
963 from substances of vegetable origin, or independently by means of chemical synthesis, or by a  
964 combination of extraction and chemical synthesis: (i) opium, opiates, and any salt, compound, derivative,  
965 or preparation of opium or opiates; (ii) any salt, compound, isomer, derivative, or preparation thereof  
966 which is chemically equivalent or identical with any of the substances referred to in clause (i), but not  
967 including the isoquinoline alkaloids of opium; (iii) opium poppy and poppy straw; (iv) coca leaves and  
968 any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, isomer, derivative,  
969 or preparation thereof which is chemically equivalent or identical with any of these substances, but not  
970 including decocainized coca leaves or extraction of coca leaves which do not contain cocaine or ecgonine.

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

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

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

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

991 "Opiate" means any substance having an addiction-forming or addiction-sustaining liability  
992 similar to morphine or being capable of conversion into a drug having such addiction-forming or  
993 addiction-sustaining liability. It does not include, unless specifically designated as controlled under Article  
994 4 (§ 54.1-3437 et seq.), the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts  
995 (dextromethorphan). It does include its racemic and levorotatory forms.

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

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

1000 "Outsourcing facility" means a facility that is engaged in the compounding of sterile drugs and is  
1001 currently registered as an outsourcing facility with the U.S. Secretary of Health and Human Services and  
1002 that complies with all applicable requirements of federal and state law, including the Federal Food, Drug,  
1003 and Cosmetic Act.

1004 "Person" means both the plural and singular, as the case demands, and includes an individual,  
1005 partnership, corporation, association, governmental agency, trust, or other institution or entity.

1006 "Pharmacist-in-charge" means the person who, being licensed as a pharmacist, signs the  
1007 application for a pharmacy permit and assumes full legal responsibility for the operation of the relevant  
1008 pharmacy in a manner complying with the laws and regulations for the practice of pharmacy and the sale

1009 and dispensing of controlled substances; the "pharmacist-in-charge" shall personally supervise the  
1010 pharmacy and the pharmacy's personnel as required by § 54.1-3432.

1011 "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

1012 "Practitioner" means a physician, dentist, licensed nurse practitioner pursuant to § 54.1-2957.01,  
1013 licensed physician assistant pursuant to § 54.1-2952.1, pharmacist pursuant to § 54.1-3300, TPA-certified  
1014 optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32, veterinarian, scientific investigator,  
1015 or other person licensed, registered, or otherwise permitted to distribute, dispense, prescribe and  
1016 administer, or conduct research with respect to a controlled substance in the course of professional practice  
1017 or research in the Commonwealth.

1018 "Prescriber" means a practitioner who is authorized pursuant to §§ 54.1-3303 and 54.1-3408 to  
1019 issue a prescription.

1020 "Prescription" means an order for drugs or medical supplies, written or signed or transmitted by  
1021 word of mouth, telephone, telegraph, or other means of communication to a pharmacist by a duly licensed  
1022 physician, dentist, veterinarian, or other practitioner authorized by law to prescribe and administer such  
1023 drugs or medical supplies.

1024 "Prescription drug" means any drug required by federal law or regulation to be dispensed only  
1025 pursuant to a prescription, including finished dosage forms and active ingredients subject to § 503(b) of  
1026 the Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 353(b)).

1027 "Production" or "produce" includes the manufacture, planting, cultivation, growing, or harvesting  
1028 of a controlled substance or marijuana.

1029 "Proprietary medicine" means a completely compounded nonprescription drug in its unbroken,  
1030 original package which does not contain any controlled substance or marijuana as defined in this chapter  
1031 and is not in itself poisonous, and which is sold, offered, promoted, or advertised directly to the general  
1032 public by or under the authority of the manufacturer or primary distributor, under a trademark, trade name,  
1033 or other trade symbol privately owned, and the labeling of which conforms to the requirements of this  
1034 chapter and applicable federal law. However, this definition shall not include a drug that is only advertised  
1035 or promoted professionally to licensed practitioners, a narcotic or drug containing a narcotic, a drug that

1036 may be dispensed only upon prescription or the label of which bears substantially the statement "Warning  
1037 — may be habit-forming," or a drug intended for injection.

1038 "Radiopharmaceutical" means any drug that exhibits spontaneous disintegration of unstable nuclei  
1039 with the emission of nuclear particles or photons and includes any non-radioactive reagent kit or  
1040 radionuclide generator that is intended to be used in the preparation of any such substance, but does not  
1041 include drugs such as carbon-containing compounds or potassium-containing salts that include trace  
1042 quantities of naturally occurring radionuclides. The term also includes any biological product that is  
1043 labeled with a radionuclide or intended solely to be labeled with a radionuclide.

1044 "Reference biological product" means the single biological product licensed pursuant to 42 U.S.C.  
1045 § 262(a) against which a biological product is evaluated in an application submitted to the U.S. Food and  
1046 Drug Administration for licensure of biological products as biosimilar or interchangeable pursuant to 42  
1047 U.S.C. § 262(k).

1048 "Sale" includes barter, exchange, or gift, or offer therefor, and each such transaction made by any  
1049 person, whether as an individual, proprietor, agent, servant, or employee.

1050 "Tetrahydrocannabinol" means any naturally occurring or synthetic tetrahydrocannabinol,  
1051 including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts  
1052 of isomers is possible within the specific chemical designation and any preparation, mixture, or substance  
1053 containing, or mixed or infused with, any detectable amount of tetrahydrocannabinol.

1054 "Tetrahydrocannabinol" includes delta-6a(10a), delta-7, delta-8, delta-9, and delta-10  
1055 tetrahydrocannabinol. For the purposes of this definition, "isomer" means the optical, position, and  
1056 geometric isomers.

1057 "Therapeutically equivalent drug products" means drug products that contain the same active  
1058 ingredients and are identical in strength or concentration, dosage form, and route of administration and  
1059 that are classified as being therapeutically equivalent by the U.S. Food and Drug Administration pursuant  
1060 to the definition of "therapeutically equivalent drug products" set forth in the most recent edition of the  
1061 Approved Drug Products with Therapeutic Equivalence Evaluations, otherwise known as the "Orange  
1062 Book."

1063 "Third-party logistics provider" means a person that provides or coordinates warehousing of or  
1064 other logistics services for a drug or device in interstate commerce on behalf of a manufacturer, wholesale  
1065 distributor, or dispenser of the drug or device but does not take ownership of the product or have  
1066 responsibility for directing the sale or disposition of the product.

1067 "Total tetrahydrocannabinol" means the sum, after the application of any necessary conversion  
1068 factor, of the percentage by weight of tetrahydrocannabinol and the percentage by weight of  
1069 tetrahydrocannabinolic acid.

1070 "USP-NF" means the current edition of the United States Pharmacopeia-National Formulary.

1071 "Warehouser" means any person, other than a wholesale distributor, manufacturer, or third-party  
1072 logistics provider, engaged in the business of (i) selling or otherwise distributing prescription drugs or  
1073 devices to any person who is not the ultimate user or consumer and (ii) delivering Schedule VI prescription  
1074 devices to the ultimate user or consumer pursuant to § 54.1-3415.1. No person shall be subject to any state  
1075 or local tax by reason of this definition.

1076 "Wholesale distribution" means (i) distribution of prescription drugs to persons other than  
1077 consumers or patients and (ii) delivery of Schedule VI prescription devices to the ultimate user or  
1078 consumer pursuant to § 54.1-3415.1, subject to the exemptions set forth in the federal Drug Supply Chain  
1079 Security Act.

1080 "Wholesale distributor" means any person other than a manufacturer, a manufacturer's co-licensed  
1081 partner, a third-party logistics provider, or a repackager that engages in wholesale distribution.

1082 The words "drugs" and "devices" as used in Chapter 33 (§ 54.1-3300 et seq.) and in this chapter  
1083 shall not include surgical or dental instruments, physical therapy equipment, X-ray apparatus, or glasses  
1084 or lenses for the eyes.

1085 The terms "pharmacist," "pharmacy," and "practice of pharmacy" as used in this chapter shall be  
1086 defined as provided in Chapter 33 (§ 54.1-3300 et seq.) unless the context requires a different meaning.

1087 **§ 54.1-3408.3. Certification for use of cannabis oil for treatment.**

1088 A. As used in this section:

1089 "Botanical cannabis" means cannabis that is composed wholly of usable cannabis from the same  
1090 parts of the same chemovar of cannabis plant.

1091 "Cannabis oil" means any formulation of processed Cannabis plant extract, which may include  
1092 industrial hemp extracts, including isolates and distillates, acquired by a pharmaceutical processor  
1093 pursuant to § 54.1-3442.6, or a dilution of the resin of the Cannabis plant that contains no more than 10  
1094 milligrams of delta-9-tetrahydrocannabinol per dose. "Cannabis oil" does not include industrial hemp, as  
1095 defined in § 3.2-4112, that is grown, ~~dealt~~ handled, or processed in compliance with state or federal law,  
1096 unless it has been grown and processed in the Commonwealth by a registered industrial hemp processor  
1097 and acquired and formulated by a pharmaceutical processor.

1098 "Cannabis product" means a product that is (i) produced by a pharmaceutical processor, registered  
1099 with the Board, and compliant with testing requirements and (ii) composed of cannabis oil or botanical  
1100 cannabis.

1101 "Designated caregiver facility" means any hospice or hospice facility licensed pursuant to § 32.1-  
1102 162.3, or home care organization as defined in § 32.1-162.7 that provides pharmaceutical services or home  
1103 health services, private provider licensed by the Department of Behavioral Health and Developmental  
1104 Services pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2, assisted living facility  
1105 licensed pursuant to § 63.2-1701, or adult day care center licensed pursuant to § 63.2-1701.

1106 "Practitioner" means a practitioner of medicine or osteopathy licensed by the Board of Medicine,  
1107 a physician assistant licensed by the Board of Medicine, or a nurse practitioner jointly licensed by the  
1108 Board of Medicine and the Board of Nursing.

1109 "Registered agent" means an individual designated by a patient who has been issued a written  
1110 certification, or, if such patient is a minor or a vulnerable adult as defined in § 18.2-369, designated by  
1111 such patient's parent or legal guardian, and registered with the Board pursuant to subsection G.

1112 "Usable cannabis" means any cannabis plant material, including seeds, but not (i) resin that has  
1113 been extracted from any part of the cannabis plant, its seeds, or its resin; (ii) the mature stalks, fiber  
1114 produced from the stalks, or any other compound, manufacture, salt, or derivative, mixture, or preparation  
1115 of the mature stalks; or (iii) oil or cake made from the seeds of the plant.

1116 B. A practitioner in the course of his professional practice may issue a written certification for the  
1117 use of cannabis products for treatment or to alleviate the symptoms of any diagnosed condition or disease  
1118 determined by the practitioner to benefit from such use. The practitioner shall use his professional  
1119 judgment to determine the manner and frequency of patient care and evaluation and may employ the use  
1120 of telemedicine, provided that the use of telemedicine includes the delivery of patient care through real-  
1121 time interactive audio-visual technology. If a practitioner determines it is consistent with the standard of  
1122 care to dispense botanical cannabis to a minor, the written certification shall specifically authorize such  
1123 dispensing. If not specifically included on the initial written certification, authorization for botanical  
1124 cannabis may be communicated verbally or in writing to the pharmacist at the time of dispensing.

1125 C. The written certification shall be on a form provided by the Board of Pharmacy. Such written  
1126 certification shall contain the name, address, and telephone number of the practitioner; the name and  
1127 address of the patient issued the written certification; the date on which the written certification was made;  
1128 and the signature or authentic electronic signature of the practitioner. Such written certification issued  
1129 pursuant to subsection B shall expire no later than one year after its issuance unless the practitioner  
1130 provides in such written certification an earlier expiration. A written certification shall not be issued to a  
1131 patient by more than one practitioner during any given time period.

1132 D. No practitioner shall be prosecuted under § 18.2-248 or 18.2-248.1 for the issuance of a  
1133 certification for the use of cannabis products for the treatment or to alleviate the symptoms of a patient's  
1134 diagnosed condition or disease pursuant to a written certification issued pursuant to subsection B. Nothing  
1135 in this section shall preclude the Board of Medicine from sanctioning a practitioner for failing to properly  
1136 evaluate or treat a patient's medical condition or otherwise violating the applicable standard of care for  
1137 evaluating or treating medical conditions.

1138 E. A practitioner who issues a written certification to a patient pursuant to this section shall register  
1139 with the Board and shall hold sufficient education and training to exercise appropriate professional  
1140 judgment in the certification of patients. The Board shall not limit the number of patients to whom a  
1141 practitioner may issue a written certification. The Board may report information to the applicable licensing  
1142 board on unusual patterns of certifications issued by a practitioner.

1143 F. No patient shall be required to physically present the written certification after the initial  
1144 dispensing by any pharmaceutical processor or cannabis dispensing facility under each written  
1145 certification, provided that the pharmaceutical processor or cannabis dispensing facility maintains an  
1146 electronic copy of the written certification. Pharmaceutical processors and cannabis dispensing facilities  
1147 shall electronically transmit, on a monthly basis, all new written certifications received by the  
1148 pharmaceutical processor or cannabis dispensing facility to the Board.

1149 G. A patient, or, if such patient is a minor or a vulnerable adult as defined in § 18.2-369, such  
1150 patient's parent or legal guardian, may designate an individual to act as his registered agent for the purposes  
1151 of receiving cannabis products pursuant to a valid written certification. Such designated individual shall  
1152 register with the Board. The Board may set a limit on the number of patients for whom any individual is  
1153 authorized to act as a registered agent.

1154 H. Upon delivery of a cannabis product by a pharmaceutical processor or cannabis dispensing  
1155 facility to a designated caregiver facility, any employee or contractor of a designated caregiver facility,  
1156 who is licensed or registered by a health regulatory board and who is authorized to possess, distribute, or  
1157 administer medications, may accept delivery of the cannabis product on behalf of a patient or resident for  
1158 subsequent delivery to the patient or resident and may assist in the administration of the cannabis product  
1159 to the patient or resident as necessary.

1160 I. Information obtained under the registration process shall be confidential and shall not be subject  
1161 to the disclosure provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). However,  
1162 reasonable access to registry information shall be provided to (i) the Chairmen of the House Committee  
1163 for Courts of Justice and the Senate Committee on the Judiciary, (ii) state and federal agencies or local  
1164 law enforcement for the purpose of investigating or prosecuting a specific individual for a specific  
1165 violation of law, (iii) licensed practitioners or pharmacists, or their agents, for the purpose of providing  
1166 patient care and drug therapy management and monitoring of drugs obtained by a patient, (iv) a  
1167 pharmaceutical processor or cannabis dispensing facility involved in the treatment of a patient, or (v) a  
1168 registered agent, but only with respect to information related to such patient.

1169 § 54.1-3423. Board to issue registration unless inconsistent with public interest;  
1170 authorization to conduct research; application and fees.

1171 A. The Board shall register an applicant to manufacture or distribute controlled substances  
1172 included in Schedules I through V unless it determines that the issuance of that registration would be  
1173 inconsistent with the public interest. In determining the public interest, the Board shall consider the  
1174 following factors:

1175 1. Maintenance of effective controls against diversion of controlled substances into other than  
1176 legitimate medical, scientific, or industrial channels;

1177 2. Compliance with applicable state and local law;

1178 3. Any convictions of the applicant under any federal and state laws relating to any controlled  
1179 substance;

1180 4. Past experience in the manufacture or distribution of controlled substances, and the existence in  
1181 the applicant's establishment of effective controls against diversion;

1182 5. Furnishing by the applicant of false or fraudulent material in any application filed under this  
1183 chapter;

1184 6. Suspension or revocation of the applicant's federal registration to manufacture, distribute, or  
1185 dispense controlled substances as authorized by federal law; and

1186 7. Any other factors relevant to and consistent with the public health and safety.

1187 B. Registration under subsection A does not entitle a registrant to manufacture and distribute  
1188 controlled substances in Schedule I or II other than those specified in the registration.

1189 C. Practitioners must be registered to conduct research or laboratory analysis with controlled  
1190 substances in Schedules II through VI, ~~tetrahydrocannabinol~~, or marijuana. Practitioners registered under  
1191 federal law to conduct research with Schedule I substances, other than ~~tetrahydrocannabinol~~ marijuana,  
1192 may conduct research with Schedule I substances within ~~this~~ the Commonwealth upon furnishing the  
1193 evidence of that federal registration.

1194 D. The Board may register other persons or entities to possess controlled substances listed on  
1195 Schedules II through VI upon a determination that (i) there is a documented need, (ii) the issuance of the

1196 registration is consistent with the public interest, (iii) the possession and subsequent use of the controlled  
1197 substances complies with applicable state and federal laws and regulations, and (iv) the subsequent  
1198 storage, use, and recordkeeping of the controlled substances will be under the general supervision of a  
1199 licensed pharmacist, practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine as  
1200 specified in the Board's regulations. The Board shall consider, at a minimum, the factors listed in  
1201 subsection A of this section in determining whether the registration shall be issued. Notwithstanding the  
1202 exceptions listed in § 54.1-3422 A, the Board may mandate a controlled substances registration for sites  
1203 maintaining certain types and quantities of Schedules II through VI controlled substances as it may specify  
1204 in its regulations. The Board shall promulgate regulations related to requirements or criteria for the  
1205 issuance of such controlled substances registration, storage, security, supervision, and recordkeeping.

1206 E. The Board may register a public or private animal shelter as defined in § 3.2-6500 to purchase,  
1207 possess, and administer certain Schedule II through VI controlled substances approved by the State  
1208 Veterinarian for the purpose of euthanizing injured, sick, homeless, and unwanted domestic pets and  
1209 animals and to purchase, possess, and administer certain Schedule VI drugs and biological products for  
1210 the purpose of preventing, controlling, and treating certain communicable diseases that failure to control  
1211 would result in transmission to the animal population in the shelter. Controlled substances used for  
1212 euthanasia shall be administered only in accordance with protocols established by the State Veterinarian  
1213 and only by persons trained in accordance with instructions by the State Veterinarian. The list of Schedule  
1214 VI drugs and biological products used for treatment and prevention of communicable diseases within the  
1215 shelter shall be determined by the supervising veterinarian of the shelter and the drugs and biological  
1216 products shall be administered only pursuant to written protocols established or approved by the  
1217 supervising veterinarian of the shelter and only by persons who have been trained in accordance with  
1218 instructions established or approved by the supervising veterinarian. The shelter shall maintain a copy of  
1219 the approved list of drugs and biological products, written protocols for administering, and training records  
1220 of those persons administering drugs and biological products on the premises of the shelter.

1221 F. The Board may register a crisis stabilization unit established pursuant to § 37.2-500 or 37.2-601  
1222 and licensed by the Department of Behavioral Health and Developmental Services to maintain a stock of

1223 Schedule VI controlled substances necessary for immediate treatment of patients admitted to the crisis  
1224 stabilization unit, which may be accessed and administered by a nurse pursuant to a written or oral order  
1225 of a prescriber in the absence of a prescriber. Schedule II through Schedule V controlled substances shall  
1226 only be maintained if so authorized by federal law and Board regulations.

1227 G. The Board may register an entity at which a patient is treated by the use of instrumentation and  
1228 diagnostic equipment through which images and medical records may be transmitted electronically for the  
1229 purpose of establishing a bona fide practitioner-patient relationship and is prescribed Schedule II through  
1230 VI controlled substances when such prescribing is in compliance with federal requirements for the practice  
1231 of telemedicine and the patient is not in the physical presence of a practitioner registered with the U.S.  
1232 Drug Enforcement Administration. In determining whether the registration shall be issued, the Board shall  
1233 consider (i) the factors listed in subsection A, (ii) whether there is a documented need for such registration,  
1234 and (iii) whether the issuance of the registration is consistent with the public interest.

1235 H. Applications for controlled substances registration certificates and renewals thereof shall be  
1236 made on a form prescribed by the Board and such applications shall be accompanied by a fee in an amount  
1237 to be determined by the Board.

1238 I. Upon (i) any change in ownership or control of a business, (ii) any change of location of the  
1239 controlled substances stock, (iii) the termination of authority by or of the person named as the responsible  
1240 party on a controlled substances registration, or (iv) a change in the supervising practitioner, if applicable,  
1241 the registrant or responsible party shall immediately surrender the registration. The registrant shall, within  
1242 14 days following surrender of a registration, file a new application and, if applicable, name the new  
1243 responsible party or supervising practitioner.

1244 **§ 54.1-3443. Board to administer article.**

1245 A. The Board shall administer this article and may add substances to or deschedule or reschedule  
1246 all substances enumerated in the schedules in this article pursuant to the procedures of the Administrative  
1247 Process Act (§ 2.2-4000 et seq.). In making a determination regarding a substance, the Board shall consider  
1248 the following:

1249 1. The actual or relative potential for abuse;

- 1250 2. The scientific evidence of its pharmacological effect, if known;
- 1251 3. The state of current scientific knowledge regarding the substance;
- 1252 4. The history and current pattern of abuse;
- 1253 5. The scope, duration, and significance of abuse;
- 1254 6. The risk to the public health;
- 1255 7. The potential of the substance to produce psychic or physical dependence; and
- 1256 8. Whether the substance is an immediate precursor of a substance already controlled under this
- 1257 article.
- 1258 B. After considering the factors enumerated in subsection A, the Board shall make findings and
- 1259 issue a regulation controlling the substance if it finds the substance has a potential for abuse.
- 1260 C. If the Board designates a substance as an immediate precursor, substances which are precursors
- 1261 of the controlled precursor shall not be subject to control solely because they are precursors of the
- 1262 controlled precursor.
- 1263 D. If the Board, in consultation with the Department of Forensic Science, determines the substance
- 1264 shall be placed into Schedule I or II pursuant to § 54.1-3445 or 54.1-3447, the Board may amend its
- 1265 regulations pursuant to Article 2 (§ 2.2-4006 et seq.) of the Administrative Process Act. Prior to making
- 1266 such amendments, the Board shall conduct a public hearing. At least 30 days prior to conducting such
- 1267 hearing, it shall post notice of the hearing on the Virginia Regulatory Town Hall and shall send notice of
- 1268 the hearing to any persons requesting to be notified of a regulatory action. In the notice, the Board shall
- 1269 include a list of all substances it intends to schedule by regulation. The Board shall notify the House
- 1270 Committee for Courts of Justice and the Senate Committee on the Judiciary of any new substance added
- 1271 to Schedule I or II pursuant to this subsection. Any substance added to Schedule I or II pursuant to this
- 1272 subsection shall remain on Schedule I or II for a period of 18 months. Upon expiration of such 18-month
- 1273 period, such substance shall be descheduled unless a general law is enacted adding such substance to
- 1274 Schedule I or II. Nothing in this subsection shall preclude the Board from adding substances to or
- 1275 descheduling or rescheduling all substances enumerated in the schedules pursuant to the provisions of
- 1276 subsections A, B, and E.

1277 E. If any substance is designated, rescheduled, or descheduled as a controlled substance under  
1278 federal law and notice of such action is given to the Board, the Board may similarly control the substance  
1279 under this chapter after the expiration of 30 days from publication in the Federal Register of a final or  
1280 interim final order or rule designating a substance as a controlled substance or rescheduling or  
1281 descheduling a substance by amending its regulations in accordance with the requirements of Article 2 (§  
1282 2.2-4006 et seq.) of the Administrative Process Act. Prior to making such amendments, the Board shall  
1283 post notice of the hearing on the Virginia Regulatory Town Hall and shall send notice of the hearing to  
1284 any persons requesting to be notified of a regulatory action. The Board shall include a list of all substances  
1285 it intends to schedule by regulation in such notice.

1286 F. Authority to control under this section does not extend to distilled spirits, wine, malt beverages,  
1287 or tobacco as those terms are defined or used in Title 4.1.

1288 G. The Board shall exempt any nonnarcotic substance from a schedule if such substance may,  
1289 under the provisions of the federal Food, Drug, and Cosmetic Act (21 U.S.C. § 301 et seq.) or state law,  
1290 be lawfully sold over the counter without a prescription.

1291 H. The Board of Pharmacy may schedule, deschedule, or reschedule a tetrahydrocannabinol  
1292 isomer, except delta-9-tetrahydrocannabinol, or salts of such isomer in accordance with the provisions of  
1293 subsections A, B, D, and E. Any tetrahydrocannabinol isomer or salts of such isomer scheduled pursuant  
1294 to this section shall not be included in the definition of marijuana set forth in § 4.1-600, 18.2-247, or 54.1-  
1295 3401.

1296 **§ 54.1-3446. Schedule I.**

1297 The controlled substances listed in this section are included in Schedule I:

1298 1. Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers,  
1299 esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and  
1300 salts is possible within the specific chemical designation:

1301 1-{1-[1-(4-bromophenyl)ethyl]-4-piperidinyl}-1,3-dihydro-2H-benzimidazol-2-one (other name:  
1302 Brorphine);

- 1303** 1-[2-methyl-4-(3-phenyl-2-propen-1-yl)-1-piperazinyl]-1-butanone (other name: 2-methyl AP-  
**1304** 237);
- 1305** 1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine (other name: PEPAP);
- 1306** 1-methyl-4-phenyl-4-propionoxypiperidine (other name: MPPP);
- 1307** 2-[(4-methoxyphenyl)methyl]-N,N-diethyl-5-nitro-1H-benzimidazole-1-ethanamine (other name:  
**1308** Metonitazene);
- 1309** 2-methoxy-N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-acetamide (other name: Methoxyacetyl  
**1310** fentanyl);
- 1311** 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methyl-benzamide (other name: U-47700);
- 1312** 3,4-dichloro-N-{[1-(dimethylamino)cyclohexyl]methyl}benzamide (other name: AH-7921);
- 1313** Acetyl fentanyl (other name: desmethyl fentanyl);
- 1314** Acetylmethadol;
- 1315** Allylprodine;
- 1316** Alphacetylmethadol (except levo-alphacetylmethadol, also known as levo-alpha-acetylmethadol,  
**1317** levomethadyl acetate, or LAAM);
- 1318** Alphameprodine;
- 1319** Alphamethadol;
- 1320** Benzethidine;
- 1321** Betacetylmethadol;
- 1322** Betameprodine;
- 1323** Betamethadol;
- 1324** Betaprodine;
- 1325** Clonitazene;
- 1326** Dextromoramide;
- 1327** Diampromide;
- 1328** Diethylthiambutene;
- 1329** Difenoxin;

- 1330 Dimenoxadol;
- 1331 Dimepheptanol;
- 1332 Dimethylthiambutene;
- 1333 Dioxaphetylbutyrate;
- 1334 Dipipanone;
- 1335 Ethylmethylthiambutene;
- 1336 Etonitazene;
- 1337 Etoxidine;
- 1338 Furethidine;
- 1339 Hydroxypethidine;
- 1340 Ketobemidone;
- 1341 Levomoramide;
- 1342 Levophenacymorphan;
- 1343 Morpheridine;
- 1344 MT-45 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine);
- 1345 N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide (other name: Cyclopropyl  
1346 fentanyl);
- 1347 N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide (other name:  
1348 Tetrahydrofuranyl fentanyl);
- 1349 N-[1-[1-methyl-2-(2-thienyl)ethyl]-4-piperidyl]-N-phenylpropanamide (other name: alpha-  
1350 methylthiofentanyl);
- 1351 N-[1-(1-methyl-2-phenylethyl)-4-piperidyl]-N-phenylacetamide (other name: acetyl-alpha-  
1352 methylfentanyl);
- 1353 N-{1-[2-hydroxy-2-(2-thienyl)ethyl]-4-piperidinyl}-N-phenylpropanamide (other name: beta-  
1354 hydroxythiofentanyl);
- 1355 N-[1-(2-hydroxy-2-phenyl)ethyl-4-piperidyl]-N-phenylpropanamide (other name: beta-  
1356 hydroxyfentanyl);

- 1357** N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl]propionanilide (other names: 1-(1-methyl-2-  
**1358** phenylethyl)-4-(N-propanilido) piperidine, alpha-methylfentanyl);
- 1359** N-(2-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other names: 2-  
**1360** fluorofentanyl, ortho-fluorofentanyl);
- 1361** N-(3-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: 3-  
**1362** fluorofentanyl);
- 1363** N-[3-methyl-1-(2-hydroxy-2-phenylethyl)4-piperidyl]-N-phenylpropanamide (other name: beta-  
**1364** hydroxy-3-methylfentanyl);
- 1365** N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide (other name: 3-  
**1366** methylfentanyl);
- 1367** N-[3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide (other name: 3-  
**1368** methylthiofentanyl);
- 1369** N-(4-chlorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other names: para-  
**1370** chlorofentanyl, 4-chlorofentanyl);
- 1371** N-(4-fluorophenyl)-2-methyl-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name:  
**1372** para-fluoroisobutyryl fentanyl);
- 1373** N-(4-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-butanamide (other name: para-  
**1374** fluorobutyrylfentanyl);
- 1375** N-(4-fluorophenyl)-N-1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: para-  
**1376** fluorofentanyl);
- 1377** N,N-diethyl-2-(2-(4-isopropoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine (other  
**1378** name: Isotonitazene);
- 1379** N,N-diethyl-2-[(4-ethoxyphenyl) methyl]-1H-benzimidazol-1-yl}-ethan-1-amine (other names:  
**1380** Etazene, Desnitroetonitazene);
- 1381** N,N-diethyl-2-[(4-methoxyphenyl)methyl]-1H-benzimidazole-1-ethanamine (other name:  
**1382** Metodesnitazene);

- 1383 N-phenyl-N-[1-(2-phenylmethyl)-4-piperidinyl]-2-furancarboxamide (other name: N-benzyl  
1384 Furanyl norfentanyl);
- 1385 N-phenyl-N-(4-piperidinyl)-propanamide (other name: Norfentanyl);
- 1386 Noracymethadol;
- 1387 Norlevorphanol;
- 1388 Normethadone;
- 1389 Norpipanone;
- 1390 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-2-furancarboxamide (other name: Furanyl  
1391 fentanyl);
- 1392 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-2-propenamide (other name: Acryl fentanyl);
- 1393 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-butanamide (other name: butyryl fentanyl);
- 1394 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-pentanamide (other name: Pentanoyl fentanyl);
- 1395 N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide (other name: thiofentanyl);
- 1396 Phenadoxone;
- 1397 Phenampromide;
- 1398 Phenomorphan;
- 1399 Phenoperidine;
- 1400 Piritramide;
- 1401 Proheptazine;
- 1402 Properidine;
- 1403 Propiram;
- 1404 Racemoramide;
- 1405 Tilidine;
- 1406 Trimeperidine;
- 1407 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-1,3-benzodioxole-5-carboxamide (other name:  
1408 Benzodioxole fentanyl);
- 1409 3,4-dichloro-N-[2-(diethylamino)cyclohexyl]-N-methylbenzamide (other name: U-49900);

- 1410 2-(2,4-dichlorophenyl)-N-[2-(dimethylamino)cyclohexyl]-N-methyl acetamide (other name: U-  
1411 48800);
- 1412 2-(3,4-dichlorophenyl)-N-[2-(dimethylamino)cyclohexyl]-N-methyl acetamide (other name: U-  
1413 51754);
- 1414 N-(2-fluorophenyl)-2-methoxy-N-[1-(2-phenylethyl)-4-piperidinyl]-acetamide (other name:  
1415 Ocfentanil);
- 1416 N-(4-methoxyphenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-butanamide (other name: 4-  
1417 methoxybutyrylfentanyl);
- 1418 N-phenyl-2-methyl-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: Isobutyryl  
1419 fentanyl);
- 1420 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-cyclopentanecarboxamide (other name:  
1421 Cyclopentyl fentanyl);
- 1422 N-phenyl-N-(1-methyl-4-piperidinyl)-propanamide (other name: N-methyl norfentanyl);
- 1423 N-[2-(dimethylamino)cyclohexyl]-N-methyl-1,3-benzodioxole-5-carboxamide (other names: 3,4-  
1424 methylenedioxy U-47700 or 3,4-MDO-U-47700);
- 1425 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-2-butenamide (other name: Crotonyl fentanyl);
- 1426 N-phenyl-N-[4-phenyl-1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: 4-  
1427 phenylfentanyl);
- 1428 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-benzamide (other names: Phenyl fentanyl, Benzoyl  
1429 fentanyl);
- 1430 N-[2-(dimethylamino)cyclohexyl]-N-phenylfuran-2-carboxamide (other name: Furanyl UF-17);
- 1431 N-[2-(dimethylamino)cyclohexyl]-N-phenylpropionamide (other name: UF-17);
- 1432 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-isopropyl-benzamide (other name: Isopropyl  
1433 U-47700).
- 1434 2. Any of the following opium derivatives, their salts, isomers and salts of isomers, unless  
1435 specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within  
1436 the specific chemical designation:

- 1437 Acetorphine;
- 1438 Acetyldihydrocodeine;
- 1439 Benzylmorphine;
- 1440 Codeine methylbromide;
- 1441 Codeine-N-Oxide;
- 1442 Cyprenorphine;
- 1443 Desomorphine;
- 1444 Dihydromorphine;
- 1445 Drotebanol;
- 1446 Etorphine;
- 1447 Heroin;
- 1448 Hydromorphanol;
- 1449 Methyldesorphine;
- 1450 Methyldihydromorphine;
- 1451 Morphine methylbromide;
- 1452 Morphine methylsulfonate;
- 1453 Morphine-N-Oxide;
- 1454 Myrophine;
- 1455 Nicocodeine;
- 1456 Nicomorphine;
- 1457 Normorphine;
- 1458 Pholcodine;
- 1459 Thebacon.
- 1460 3. Unless specifically excepted or unless listed in another schedule, any material, compound,
- 1461 mixture, or preparation, which contains any quantity of the following hallucinogenic substances, or which
- 1462 contains any of its salts, isomers, and salts of isomers, whenever the existence of such salts, isomers, and

- 1463 salts of isomers is possible within the specific chemical designation (for purposes of this subdivision only,  
1464 the term "isomer" includes the optical, position, and geometric isomers):
- 1465       Alpha-ethyltryptamine (some trade or other names: Monase; a-ethyl-1H-indole-3-ethanamine; 3-  
1466 2-aminobutyl] indole; a-ET; AET);
- 1467       4-Bromo-2,5-dimethoxyphenethylamine (some trade or other names: 2-4-bromo-2,5-  
1468 dimethoxyphenyl]-1-aminoethane;alpha-desmethyl DOB; 2C-B; Nexus);
- 1469       3,4-methylenedioxy amphetamine;
- 1470       5-methoxy-3,4-methylenedioxy amphetamine;
- 1471       3,4,5-trimethoxy amphetamine;
- 1472       Alpha-methyltryptamine (other name: AMT);
- 1473       Bufotenine;
- 1474       Diethyltryptamine;
- 1475       Dimethyltryptamine;
- 1476       4-methyl-2,5-dimethoxyamphetamine;
- 1477       2,5-dimethoxy-4-ethylamphetamine (DOET);
- 1478       4-fluoro-N-ethylamphetamine;
- 1479       2,5-dimethoxy-4-(n)-propylthiophenethylamine (other name: 2C-T-7);
- 1480       Ibogaine;
- 1481       5-methoxy-N,N-diisopropyltryptamine (other name: 5-MeO-DIPT);
- 1482       Lysergic acid diethylamide;
- 1483       Mescaline;
- 1484       Parahexyl (some trade or other names: 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-  
1485 6H-dibenzo [b,d] pyran; Synhexyl);
- 1486       Peyote;
- 1487       N-ethyl-3-piperidyl benzilate;
- 1488       N-methyl-3-piperidyl benzilate;
- 1489       Psilocybin;

- 1490 Psilocyn;
- 1491 Salvinorin A;
- 1492 ~~Tetrahydrocannabinols, except as present in (i) industrial hemp, as defined in § 3.2-4112, that is~~  
1493 ~~possessed by a person registered pursuant to subsection A of § 3.2-4115 or his agent; (ii) a hemp product,~~  
1494 ~~as defined in § 3.2-4112, containing a tetrahydrocannabinol concentration of no greater than 0.3 percent~~  
1495 ~~that is derived from industrial hemp, as defined in § 3.2-4112, that is grown, dealt, or processed in~~  
1496 ~~compliance with state or federal law; (iii) marijuana; (iv) dronabinol in sesame oil and encapsulated in a~~  
1497 ~~soft gelatin capsule in a drug product approved by the U.S. Food and Drug Administration; or (v) industrial~~  
1498 ~~hemp, as defined in § 3.2-4112, that is possessed by a person who holds a hemp producer license issued~~  
1499 ~~by the U.S. Department of Agriculture pursuant to 7 C.F.R. Part 990;~~
- 1500 2,5-dimethoxyamphetamine (some trade or other names: 2,5-dimethoxy-a-methylphenethylamine;
- 1501 2,5-DMA);
- 1502 3,4-methylenedioxyamphetamine (MDMA), its optical, positional and geometric isomers,
- 1503 salts and salts of isomers;
- 1504 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4
- 1505 (methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA);
- 1506 N-hydroxy-3,4-methylenedioxyamphetamine (some other names: N-hydroxy-alpha-methyl-
- 1507 3,4(methylenedioxy)phenethylamine, and N-hydroxy MDA);
- 1508 4-bromo-2,5-dimethoxyamphetamine (some trade or other names: 4-bromo-2,5-dimethoxy-a-
- 1509 methylphenethylamine; 4-bromo-2,5-DMA);
- 1510 4-methoxyamphetamine (some trade or other names: 4-methoxy-a-methylphenethylamine;
- 1511 paramethoxyamphetamine; PMA);
- 1512 Ethylamine analog of phencyclidine (some other names: N-ethyl-1-phenylcyclohexylamine, (1-
- 1513 phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE);
- 1514 Pyrrolidine analog of phencyclidine (some other names: 1-(1-phenylcyclohexyl)-pyrrolidine,
- 1515 PCPy, PHP);

- 1516 Thiophene analog of phencyclidine (some other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine,  
1517 2-thienyl analog of phencyclidine, TPCP, TCP);
- 1518 1-1-(2-thienyl)cyclohexyl]pyrrolidine (other name: TCPy);
- 1519 3,4-methylenedioxypropylvalerone (other name: MDPV);
- 1520 4-methylmethcathinone (other names: mephedrone, 4-MMC);
- 1521 3,4-methylenedioxypropylmethcathinone (other name: methylone);
- 1522 Naphthylpropylvalerone (other name: naphyrone);
- 1523 4-fluoromethcathinone (other names: flephedrone, 4-FMC);
- 1524 4-methoxypropylmethcathinone (other names: methedrone; bk-PMMA);
- 1525 Ethcathinone (other name: N-ethylcathinone);
- 1526 3,4-methylenedioxypropylmethcathinone (other name: ethylone);
- 1527 Beta-keto-N-methyl-3,4-benzodioxolylbutanamine (other name: butylone);
- 1528 N,N-dimethylcathinone (other name: metamfepramone);
- 1529 Alpha-pyrrolidinopropiophenone (other name: alpha-PPP);
- 1530 4-methoxy-alpha-pyrrolidinopropiophenone (other name: MOPPP);
- 1531 3,4-methylenedioxy-alpha-pyrrolidinopropiophenone (other name: MDPPP);
- 1532 Alpha-pyrrolidinovalerophenone (other name: alpha-PVP);
- 1533 6,7-dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine (other name: MDAI);
- 1534 3-fluoromethcathinone (other name: 3-FMC);
- 1535 4-Ethyl-2,5-dimethoxyphenethylamine (other name: 2C-E);
- 1536 4-Iodo-2,5-dimethoxyphenethylamine (other name: 2C-I);
- 1537 4-Methylethcathinone (other name: 4-MEC);
- 1538 4-Ethylmethcathinone (other name: 4-EMC);
- 1539 N,N-diallyl-5-methoxytryptamine (other name: 5-MeO-DALT);
- 1540 Beta-keto-methylbenzodioxolylpentanamine (other names: Pentylone, bk-MBDP);
- 1541 Alpha-methylamino-butylphenone (other name: Buphedrone);
- 1542 Alpha-methylamino-valerophenone (other name: Pentedrone);

- 1543 3,4-Dimethylmethcathinone (other name: 3,4-dmmc);
- 1544 4-methyl-alpha-pyrrolidinopropiophenone (other name: MPPP);
- 1545 4-Iodo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names: 25-I,
- 1546 25I-NBOMe, 2C-I-NBOMe);
- 1547 Methoxetamine (other names: MXE, 3-MeO-2-Oxo-PCE);
- 1548 4-Fluoromethamphetamine (other name: 4-FMA);
- 1549 4-Fluoroamphetamine (other name: 4-FA);
- 1550 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (other name: 2C-D);
- 1551 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (other name: 2C-C);
- 1552 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (other name: 2C-T-2);
- 1553 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (other name: 2C-T-4);
- 1554 2-(2,5-Dimethoxyphenyl)ethanamine (other name: 2C-H);
- 1555 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (other name: 2C-N);
- 1556 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (other name: 2C-P);
- 1557 (2-aminopropyl)benzofuran (other name: APB);
- 1558 (2-aminopropyl)-2,3-dihydrobenzofuran (other name: APDB);
- 1559 4-chloro-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names: 2C-C-
- 1560 NBOMe, 25C-NBOMe, 25C);
- 1561 4-bromo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names: 2C-B-
- 1562 NBOMe, 25B-NBOMe, 25B);
- 1563 Acetoxymethyltryptamine (other names: AcO-Psilocin, AcO-DMT, Psilacetin);
- 1564 Benocyclidine (other names: BCP, BTCP);
- 1565 Alpha-pyrrolidinobutiophenone (other name: alpha-PBP);
- 1566 3,4-methylenedioxy-N,N-dimethylcathinone (other names: Dimethylone, bk-MDDMA);
- 1567 4-bromomethcathinone (other name: 4-BMC);
- 1568 4-chloromethcathinone (other name: 4-CMC);

- 1569 4-Iodo-2,5-dimethoxy-N-[(2-hydroxyphenyl)methyl]-benzeneethanamine (other name: 25I-  
1570 NBOH);
- 1571 Alpha-Pyrrolidinohexiophenone (other name: alpha-PHP);
- 1572 Alpha-Pyrrolidinoheptiophenone (other name: PV8);
- 1573 5-methoxy-N,N-methylisopropyltryptamine (other name: 5-MeO-MIPT);
- 1574 Beta-keto-N,N-dimethylbenzodioxolylbutanamine (other names: Dibutylone, bk-DMBDB);
- 1575 Beta-keto-4-bromo-2,5-dimethoxyphenethylamine (other name: bk-2C-B);
- 1576 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-1-pentanone (other name: N-ethylpentylone);
- 1577 1-[1-(3-methoxyphenyl)cyclohexyl]piperidine (other name: 3-methoxy PCP);
- 1578 1-[1-(4-methoxyphenyl)cyclohexyl]piperidine (other name: 4-methoxy PCP);
- 1579 4-Chloroethcathinone (other name: 4-CEC);
- 1580 3-Methoxy-2-(methylamino)-1-(4-methylphenyl)-1-propanone (other name: Mexedrone);
- 1581 1-propionyl lysergic acid diethylamide (other name: 1P-LSD);
- 1582 (2-Methylaminopropyl)benzofuran (other name: MAPB);
- 1583 1-(1,3-benzodioxol-5-yl)-2-(dimethylamino)-1-pentanone (other names: N,N-Dimethylpentylone,  
1584 Dipentylone);
- 1585 1-(4-methoxyphenyl)-2-(pyrrolidin-1-yl)octan-1-one (other name: 4-methoxy-PV9);
- 1586 3,4-tetramethylene-alpha-pyrrolidinovalerophenone (other name: TH-PVP);
- 1587 4-allyloxy-3,5-dimethoxyphenethylamine (other name: Allylescaline);
- 1588 4-Bromo-2,5-dimethoxy-N-[(2-hydroxyphenyl)methyl]-benzeneethanamine (other name: 25B-  
1589 NBOH);
- 1590 4-chloro-alpha-methylamino-valerophenone (other name: 4-chloropentedrone);
- 1591 4-chloro-alpha-Pyrrolidinovalerophenone (other name: 4-chloro-alpha-PVP);
- 1592 4-fluoro-alpha-Pyrrolidinoheptiophenone (other name: 4-fluoro-PV8);
- 1593 4-hydroxy-N,N-diisopropyltryptamine (other name: 4-OH-DIPT);
- 1594 4-methyl-alpha-ethylaminopentiophenone;
- 1595 4-methyl-alpha-Pyrrolidinohexiophenone (other name: MPHP);

- 1596 5-methoxy-N,N-dimethyltryptamine (other name: 5-MeO-DMT);
- 1597 5-methoxy-N-ethyl-N-isopropyltryptamine (other name: 5-MeO-EIPT);
- 1598 6-ethyl-6-nor-lysergic acid diethylamide (other name: ETH-LAD);
- 1599 6-allyl-6-nor-lysergic acid diethylamide (other name: AL-LAD);
- 1600 (N-methyl aminopropyl)-2,3-dihydrobenzofuran (other name: MAPDB);
- 1601 2-(methylamino)-2-phenyl-cyclohexanone (other name: Deschloroketamine);
- 1602 2-(ethylamino)-2-phenyl-cyclohexanone (other name: deschloro-N-ethyl-ketamine);
- 1603 2-methyl-1-(4-(methylthio)phenyl)-2-morpholinopropiophenone (other name: MMMP);
- 1604 Alpha-ethylaminohexanophenone (other name: N-ethylhexedrone);
- 1605 N-ethyl-1-(3-methoxyphenyl)cyclohexylamine (other name: 3-methoxy-PCE);
- 1606 4-fluoro-alpha-pyrrolidinohexiophenone (other name: 4-fluoro-alpha-PHP);
- 1607 N-ethyl-1,2-diphenylethylamine (other name: Ephedrine);
- 1608 2,5-dimethoxy-4-chloroamphetamine (other name: DOC);
- 1609 3,4-methylenedioxy-N-tert-butylcathinone;
- 1610 Alpha-pyrrolidinoisohexiophenone (other name: alpha-PiHP);
- 1611 1-[1-(3-hydroxyphenyl)cyclohexyl]piperidine (other name: 3-hydroxy PCP);
- 1612 4-acetyloxy-N,N-diallyltryptamine (other name: 4-AcO-DALT);
- 1613 4-hydroxy-N,N-methylisopropyltryptamine (other name: 4-hydroxy-MiPT);
- 1614 3,4-Methylenedioxy-alpha-pyrrolidinohexanophenone (other name: MDPHP);
- 1615 5-methoxy-N,N-dibutyltryptamine (other name: 5-methoxy-DBT);
- 1616 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-1-butanone (other names: Eutylone, bk-EBDB);
- 1617 1-(1,3-benzodioxol-5-yl)-2-(butylamino)-1-pentanone (other name: N-butylpentylone);
- 1618 N-benzyl-3,4-dimethoxyamphetamine (other name: N-benzyl-3,4-DMA);
- 1619 1-(benzo[d][1,3]dioxol-5-yl)-2-(sec-butylamino)pentan-1-one (other name: N-sec-butyl
- 1620 Pentylone);
- 1621 1-cyclopropionyl lysergic acid diethylamide (other name: 1cP-LSD);
- 1622 2-(ethylamino)-1-phenylheptan-1-one (other name: N-ethylheptedrone);

- 1623 (2-ethylaminopropyl)benzofuran (other name: EAPB);
- 1624 4-ethyl-2,5-dimethoxy-N-[(2-hydroxyphenyl)methyl]-benzeneethanamine (other name: 25E-  
1625 NBOH);
- 1626 2-fluoro-Deschloroketamine (other name: 2-(2-fluorophenyl)-2-(methylamino)-cyclohexanone);
- 1627 4-hydroxy-N-ethyl-N-propyltryptamine (other name: 4-hydroxy-EPT);
- 1628 2-(isobutylamino)-1-phenylhexan-1-one (other names: N-Isobutyl Hexedrone, alpha-  
1629 isobutylaminohexanphenone);
- 1630 1-(4-methoxyphenyl)-N-methylpropan-2-amine (other names: para-Methoxymethamphetamine,  
1631 PMMA);
- 1632 N-ethyl-1-(3-hydroxyphenyl)cyclohexylamine (other name: 3-hydroxy-PCE);
- 1633 N-heptyl-3,4-dimethoxyamphetamine (other name: N-heptyl-3,4-DMA);
- 1634 N-hexyl-3,4-dimethoxyamphetamine (other name: N-hexyl-3,4-DMA);
- 1635 4-fluoro-3-methyl-alpha-pyrrolidinovalerophenone (other name: 4-fluoro-3-methyl-alpha-PVP);
- 1636 4-fluoro-alpha-methylamino-valerophenone (other name: 4-fluoropentedrone);
- 1637 N-(1,4-dimethylpentyl)-3,4-dimethoxyamphetamine (other name: N-(1,4-dimethylpentyl)-3,4-  
1638 DMA);
- 1639 4,5-methylenedioxy-N,N-diisopropyltryptamine (other name: 4,5-MDO-DiPT);
- 1640 Alpha-pyrrolidinocyclohexanophenone (other name: alpha-PCYP);
- 1641 3,4-methylenedioxy-alpha-pyrrolidinoheptiophenone (other name: MDPV8);
- 1642 4-chloro-alpha-methylaminobutiophenone (other name: 4-chloro Buphedrone).
- 1643 4. Unless specifically excepted or unless listed in another schedule, any material, compound,  
1644 mixture or preparation which contains any quantity of the following substances having a depressant effect  
1645 on the central nervous system, including its salts, isomers and salts of isomers whenever the existence of  
1646 such salts, isomers and salts of isomers is possible within the specific chemical designation:
- 1647 5-(2-chlorophenyl)-1,3-dihydro-3-methyl-7-nitro-2H-1,4-benzodiazepin-2-one (other name:  
1648 Meclonazepam);

- 1649 7-chloro-5-(2-fluorophenyl)-1,3-dihydro-1,4-benzodiazepin-2-one (other name:  
1650 Norfludiazepam);
- 1651 Bromazolam;
- 1652 Clonazolam;
- 1653 Deschloroetizolam;
- 1654 Etizolam;
- 1655 Flualprazolam;
- 1656 Flubromazepam;
- 1657 Flubromazolam;
- 1658 Gamma hydroxybutyric acid (some other names include GHB; gamma hydroxybutyrate; 4-  
1659 hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate);
- 1660 Mecloqualone;
- 1661 Methaqualone.
- 1662 5. Unless specifically excepted or unless listed in another schedule, any material, compound,  
1663 mixture or preparation which contains any quantity of the following substances having a stimulant effect  
1664 on the central nervous system, including its salts, isomers and salts of isomers:
- 1665 2-(3-fluorophenyl)-3-methylmorpholine (other name: 3-fluorophenmetrazine);
- 1666 Aminorex (some trade or other names; aminoxaphen; 2-amino-5-phenyl-2-oxazoline; 4,5-dihydro-  
1667 5-phenyl-2-oxazolamine);
- 1668 Cathinone (some trade or other names: 2-amino-1-phenyl-1-propanone, alpha-  
1669 aminopropiophenone, 2-aminopropiophenone, norephedrone), and any plant material from which  
1670 Cathinone may be derived;
- 1671 Cis-4-methylaminorex (other name: cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);
- 1672 Ethylamphetamine;
- 1673 Ethyl phenyl(piperidin-2-yl)acetate (other name: Ethylphenidate);
- 1674 Fenethylamine;

- 1675 Methcathinone (some other names: 2-(methylamino)-propiofenone; alpha-(methylamino)-  
1676 propiofenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-N-methylaminopropiofenone;  
1677 monomethylpropion; ephedrone; N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463 and  
1678 UR 1432);
- 1679 N-Benzylpiperazine (some other names: BZP, 1-benzylpiperazine);
- 1680 N,N-dimethylamphetamine (other names: N,N-alpha-trimethyl-benzeneethanamine, N,N-alpha-  
1681 trimethylphenethylamine);
- 1682 Methyl 2-(4-fluorophenyl)-2-(2-piperidinyl)acetate (other name: 4-fluoromethylphenidate);
- 1683 Isopropyl-2-phenyl-2-(2-piperidinyl)acetate (other name: Isopropylphenidate);
- 1684 4-chloro-N,N-dimethylcathinone;
- 1685 3,4-methylenedioxy-N-benzylcathinone (other name: BMDP).
- 1686 6. Any substance that contains one or more cannabimimetic agents or that contains their salts,  
1687 isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible  
1688 within the specific chemical designation, and any preparation, mixture, or substance containing, or mixed  
1689 or infused with, any detectable amount of one or more cannabimimetic agents.
- 1690 a. "Cannabimimetic agents" includes any substance that is within any of the following structural  
1691 classes:
- 1692 2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or  
1693 alkenyl, whether or not substituted on the cyclohexyl ring to any extent;
- 1694 3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane with substitution at the nitrogen  
1695 atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not  
1696 substituted on the naphthoyl or naphthyl ring to any extent;
- 1697 3-(1-naphthoyl)pyrrole with substitution at the nitrogen atom of the pyrrole ring, whether or not  
1698 further substituted in the pyrrole ring to any extent, whether or not substituted on the naphthoyl ring to  
1699 any extent;

1700 1-(1-naphthylmethyl)indene with substitution of the 3-position of the indene ring, whether or not  
1701 further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to any  
1702 extent;

1703 3-phenylacetylindole or 3-benzoylindole with substitution at the nitrogen atom of the indole ring,  
1704 whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl  
1705 ring to any extent;

1706 3-cyclopropoylindole with substitution at the nitrogen atom of the indole ring, whether or not  
1707 further substituted on the indole ring to any extent, whether or not substituted on the cyclopropyl ring to  
1708 any extent;

1709 3-adamantoylindole with substitution at the nitrogen atom of the indole ring, whether or not further  
1710 substituted on the indole ring to any extent, whether or not substituted on the adamantyl ring to any extent;

1711 N-(adamantyl)-indole-3-carboxamide with substitution at the nitrogen atom of the indole ring,  
1712 whether or not further substituted on the indole ring to any extent, whether or not substituted on the  
1713 adamantyl ring to any extent; and

1714 N-(adamantyl)-indazole-3-carboxamide with substitution at a nitrogen atom of the indazole ring,  
1715 whether or not further substituted on the indazole ring to any extent, whether or not substituted on the  
1716 adamantyl ring to any extent.

1717 b. The term "cannabimimetic agents" includes:

1718 5-(1,1-Dimethylheptyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497);

1719 5-(1,1-Dimethylhexyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C6 homolog);

1720 5-(1,1-Dimethyloctyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C8 homolog);

1721 5-(1,1-Dimethylnonyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C9 homolog);

1722 1-pentyl-3-(1-naphthoyl)indole (other names: JWH-018, AM-678);

1723 1-butyl-3-(1-naphthoyl)indole (other name: JWH-073);

1724 1-pentyl-3-(2-methoxyphenylacetyl)indole (other name: JWH-250);

1725 1-hexyl-3-(naphthalen-1-oyl)indole (other name: JWH-019);

1726 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (other name: JWH-200);

- 1727 (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (other name: HU-210);
- 1728 1-pentyl-3-(4-methoxy-1-naphthoyl)indole (other name: JWH-081);
- 1729 1-pentyl-3-(4-methyl-1-naphthoyl)indole (other name: JWH-122);
- 1730 1-pentyl-3-(2-chlorophenylacetyl)indole (other name: JWH-203);
- 1731 1-pentyl-3-(4-ethyl-1-naphthoyl)indole (other name: JWH-210);
- 1732 1-pentyl-3-(4-chloro-1-naphthoyl)indole (other name: JWH-398);
- 1733 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (other name: AM-694);
- 1734 1-((N-methylpiperidin-2-yl)methyl)-3-(1-naphthoyl)indole (other name: AM-1220);
- 1735 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (other name: AM-2201);
- 1736 1-[(N-methylpiperidin-2-yl)methyl]-3-(2-iodobenzoyl)indole (other name: AM-2233);
- 1737 Pravadoline (4-methoxyphenyl)-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-yl]methanone (other name: WIN 48,098);
- 1738 1-pentyl-3-(4-methoxybenzoyl)indole (other names: RCS-4, SR-19);
- 1739 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (other names: RCS-8, SR-18);
- 1740 1-pentyl-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other name: UR-144);
- 1741 1-(5-fluoropentyl)-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other names: XLR-11, 5-fluoro-UR-144);
- 1742 N-adamantyl-1-fluoropentylindole-3-carboxamide (other name: STS-135);
- 1743 N-adamantyl-1-pentylindazole-3-carboxamide (other names: AKB48, APINACA);
- 1744 1-pentyl-3-(1-adamantoyl)indole (other name: AB-001);
- 1745 (8-quinolinyl)(1-pentylindol-3-yl)carboxylate (other name: PB-22);
- 1746 (8-quinolinyl)(1-(5-fluoropentyl)indol-3-yl)carboxylate (other name: 5-fluoro-PB-22);
- 1747 (8-quinolinyl)(1-cyclohexylmethyl-indol-3-yl)carboxylate (other name: BB-22);
- 1748 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide (other name: AB-PINACA);
- 1749 PINACA);

- 1753** N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)indazole-3-carboxamide (other name:  
**1754** AB-FUBINACA);
- 1755** 1-(5-fluoropentyl)-3-(1-naphthoyl)indazole (other name: THJ-2201);
- 1756** N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide (other name: ADB-  
**1757** PINACA);
- 1758** N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide (other  
**1759** name: AB-CHMINACA);
- 1760** N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)indazole-3-carboxamide (other name:  
**1761** 5-fluoro-AB-PINACA);
- 1762** N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide (other  
**1763** names: ADB-CHMINACA, MAB-CHMINACA);
- 1764** Methyl-2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate (other name: 5-  
**1765** fluoro-AMB);
- 1766** 1-naphthalenyl 1-(5-fluoropentyl)-1H-indole-3-carboxylate (other name: NM-2201);
- 1767** 1-(4-fluorobenzyl)-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other name: FUB-144);
- 1768** 1-(5-fluoropentyl)-3-(4-methyl-1-naphthoyl)indole (other name MAM-2201);
- 1769** N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-[(4-fluorophenyl)methyl]-1H-indazole-3-  
**1770** carboxamide (other name: ADB-FUBINACA);
- 1771** Methyl 2-[1-[(4-fluorophenyl)methyl]-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate  
**1772** (other name: MDMB-FUBINACA);
- 1773** Methyl 2-[1-(5-fluoropentyl)-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other names:  
**1774** 5-fluoro-ADB, 5-Fluoro-MDMB-PINACA);
- 1775** Methyl 2-({1-[(4-fluorophenyl)methyl]-1H-indazole-3-carbonyl} amino)-3-methylbutanoate  
**1776** (other names: AMB-FUBINACA, FUB-AMB);
- 1777** N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (other names: FUB-AKB48,  
**1778** 5F-APINACA);
- 1779** N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide (other name: 5F-AKB48);

- 1780 N-(adamantanyl)-1-(5-chloropentyl) indazole-3-carboxamide (other name: 5-chloro-AKB48);
- 1781 Naphthalen-1-yl 1-pentyl-1H-indazole-3-carboxylate (other name: SDB-005);
- 1782 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indole-3-carboxamide (other name:
- 1783 AB-CHMICA);
- 1784 1-pentyl-N-(phenylmethyl)-1H-indole-3-carboxamide (other name: SDB-006);
- 1785 Quinolin-8-yl 1-(4-fluorobenzyl)-1H-indole-3-carboxylate (other name: FUB-PB-22);
- 1786 Methyl N-[1-(cyclohexylmethyl)-1H-indole-3-carbonyl]valinate (other name: MMB-CHMICA);
- 1787 N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)indazole-3-carboxamide (other
- 1788 name: 5-fluoro-ADB-PINACA);
- 1789 1-(4-cyanobutyl)-N-(1-methyl-1-phenylethyl)-1H-indazole-3-carboxamide (other name: 4-cyano
- 1790 CUMYL-BUTINACA);
- 1791 Methyl 2-[1-(5-fluoropentyl)-1H-indole-3-carboxamido]-3,3-dimethylbutanoate (other names: 5-
- 1792 fluoro MDMB-PICA, 5F-MDMB-PICA);
- 1793 Ethyl 2-({1-[(4-fluorophenyl)methyl]-1H-indazole-3-carbonyl} amino)-3-methylbutanoate (other
- 1794 name: EMB-FUBINACA);
- 1795 Methyl 2-[1-4-fluorobutyl)-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other name: 4-
- 1796 fluoro-MDMB-BUTINACA);
- 1797 1-(5-fluoropentyl)-N-(1-methyl-1-phenylethyl)-1H-indazole-3-carboxamide (other name: 5-fluoro
- 1798 CUMYL-PICA);
- 1799 Methyl 2-[1-(pent-4-enyl)-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other name:
- 1800 MDMB-4en-PINACA);
- 1801 Methyl 2-({1-[(4-fluorophenyl)methyl]-1H-indole-3-carbonyl} amino)-3-methylbutanoate (other
- 1802 names: MMB-FUBICA, AMB-FUBICA);
- 1803 Methyl 2-[1-(4-penten-1-yl)-1H-indole-3-carboxamido]-3-methylbutanoate (other names:
- 1804 MMB022, MMB-4en-PICA);
- 1805 Methyl 2-[1-(5-fluoropentyl)-1H-indole-3-carboxamido]-3-methylbutanoate (other name: MMB
- 1806 2201);

1807 Methyl 2-[1-(5-fluoropentyl)-1H-indole-3-carboxamido]-3-phenylpropanoate (other name: 5-  
1808 fluoro-MPP-PICA);

1809 N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-butylindazole-3-carboxamide (other name: ADB-  
1810 BUTINACA);

1811 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-chloropentyl)indazole-3-carboxamide (other name:  
1812 5-chloro-AB-PINACA);

1813 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide (other names: 5F-  
1814 CUMYL-PINACA, 5-fluoro CUMYL-PINACA, CUMYL-5F-PINACA);

1815 Ethyl 2-[1-(5-fluoropentyl)-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other names:  
1816 5F-EDMB-PINACA, 5-fluoro EDMB-PINACA);

1817 Ethyl-2-[1-(5-fluoropentyl)-1H-indazole-3-carboxamido]-3-methylbutanoate (other names: 5-  
1818 fluoro-EMB-PINACA, 5F-AEB);

1819 Ethyl 2-[1-(5-fluoropentyl)-1H-indole-3-carboxamido]-3-methylbutanoate (other name: 5-fluoro-  
1820 EMB-PICA);

1821 Ethyl-2-[1-(5-fluoropentyl)-1H-indole-3-carboxamido]-3,3-dimethylbutanoate (other name: 5-  
1822 fluoro EDMB-PICA);

1823 Methyl 2-[1-(4-fluorobutyl)-1H-indole-3-carboxamido]-3,3-dimethylbutanoate (other name: 4-  
1824 fluoro-MDMB-BUTICA);

1825 Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate (other names:  
1826 MDMB-CHMICA, MMB-CHMINACA);

1827 N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(pent-4-enyl)indazole-3-carboxamide (other name:  
1828 ADB-4en-PINACA).

1829 **2. That the provisions of Article 4 (§ 3.2-4122 et seq.) of Chapter 41.1 of Title 3.2 of the Code of**  
1830 **Virginia, as created by this act, shall become effective on the date on which the Department of**  
1831 **Agriculture and Consumer Services has established the registration process provided in such**  
1832 **Article 4, as created by this act. The Commissioner of Agriculture and Consumer Services shall**  
1833 **certify the effective date of such registration process to the Virginia Code Commission. On July 1,**

1834 2024, (i) all powers and duties vested in the Virginia Department of Agriculture and Consumer  
1835 Services and the Commissioner of Agriculture and Consumer Services granted under Article 4 (§  
1836 3.2-4122 et seq.) of Chapter 41.1 of Title 3.2 of the Code of Virginia, as created by this act, shall  
1837 transfer to the Virginia Cannabis Control Authority and (ii) the Virginia Code Commission shall  
1838 move the provisions of Article 4 (§ 3.2-4122 et seq.) of Chapter 41.1 of Title 3.2 of the Code of  
1839 Virginia, as created by this act, and all applicable definitions to Subtitle II of Title 4.1.

1840 3. That the provisions of this act may result in a net increase in periods of imprisonment or  
1841 commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary  
1842 appropriation is \_\_\_\_\_ for periods of imprisonment in state adult correctional facilities;  
1843 therefore, Chapter 2 of the Acts of Assembly of 2022, Special Session I, requires the Virginia  
1844 Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-  
1845 19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is \_\_\_\_\_ for  
1846 periods of commitment to the custody of the Department of Juvenile Justice.

1847 #