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**HOUSE BILL NO. 897**

Offered January 12, 2022

Prefiled January 12, 2022

*A BILL to amend and reenact §§ 3.2-4112, 3.2-4113, 3.2-4114.2, 3.2-4116, 32.1-4118, 4.1-600, 4.1-601, 4.1-603, 4.1-604, 4.1-606, 18.2-247, 54.1-3401, and 54.1-3446; to amend the Code of Virginia by adding in Chapter 51 of Title 3.2 an article numbered 6, consisting of sections numbered 3.2-5145.6 through 3.2-5145.9, by adding in Title 4.1 a chapter numbered 8, consisting of a section numbered 4.1-800, and by adding in Title 4.1 a chapter numbered 14, consisting of sections numbered 4.1-1400 through 4.1-1407; and to repeal Article 5 (§§ 3.2-5145.1 through 3.2-5145.5) of Chapter 51 of Title 3.2 of the Code of Virginia and to repeal §§ 4.1-1101.1, 4.1-1105.1, 18.2-248.1, and 18.2-251.1 of the Code of Virginia, relating to regulated hemp products.*

Patron—Adams, D.M.

Committee Referral Pending

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

**1. That §§ 3.2-4112, 3.2-4113, 3.2-4114.2, 3.2-4116, 32.1-4118, 4.1-600, 4.1-601, 4.1-603, 4.1-604, 4.1-606, 18.2-247, 54.1-3401, and 54.1-3446 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 51 of Title 3.2 an article numbered 6, consisting of sections numbered 3.2-5145.6 through 3.2-5145.9, by adding in Title 4.1 a chapter numbered 8, consisting of a section numbered 4.1-800, and by adding in Title 4.1 a chapter numbered 14, consisting of sections numbered 4.1-1400 through 4.1-1407 as follows:**

**§ 3.2-4112. Definitions.**

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

"Cannabis" means any part of a plant of the genus *Cannabis*, whether growing or not, its seeds or resin; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, its resin, or any extract containing one or more cannabinoids. "Cannabis" does not include the mature stalks of such plant, fiber produced from such stalk, or oil or cake made from the seed of such plant, unless such stalks, fiber, oil, or cake is combined with other parts of plants of the genus *Cannabis*. "Cannabis" does not include (i) industrial hemp that is possessed by a person registered pursuant to subsection A of § 3.2-4115 or his agent or (ii) a hemp product that is grown, dealt, or processed in compliance with state or federal law.

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

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

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

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

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

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

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

"Hemp product" means a product, including any raw materials from industrial hemp that are used for or added to a food or beverage product, that (i) contains industrial hemp and has completed all stages of processing needed for the product and (ii) contains no more than 0.25 milligrams of tetrahydrocannabinol per unit dose or 1 milligram of tetrahydrocannabinol per package.

"Hemp sale" means the same of any product that contains industrial hemp that is not otherwise regulated by the Board of Pharmacy or the Cannabis Control Authority.

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

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

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

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

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

65 **§ 3.2-4113. Production of industrial hemp lawful.**

66 A. It is lawful for a grower, his agent, or a federally licensed hemp producer to grow, a dealer or his  
67 agent to deal in, or a processor or his agent to process industrial hemp in the Commonwealth for any  
68 lawful purpose. No federally licensed hemp producer or grower or his agent shall be prosecuted under  
69 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  
70 18.2-250 for the possession or growing of industrial hemp or any ~~Cannabis sativa~~ *cannabis* with a  
71 tetrahydrocannabinol concentration that does not exceed the total ~~delta-9~~ tetrahydrocannabinol  
72 concentration percentage established in federal regulations applicable to negligent violations located at 7  
73 C.F.R. 990.6(b)(3). No dealer or his agent or processor or his agent shall be prosecuted under Chapter  
74 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  
75 issued a summons or judgment for the possession, dealing, or processing of industrial hemp. In any  
76 complaint, information, or indictment, and in any action or proceeding brought for the enforcement of  
77 any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 or the Drug Control Act (§  
78 54.1-3400 et seq.), it shall not be necessary to negate any exception, excuse, proviso, or exemption  
79 contained in this chapter or the Drug Control Act, and the burden of proof of any such exception,  
80 excuse, proviso, or exemption shall be on the defendant.

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

83 C. No person shall be prosecuted under Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1 or § 18.2-247,  
84 18.2-248, 18.2-248.01, 18.2-248.1, or 18.2-250 for the involuntary growth of industrial hemp through the  
85 inadvertent natural spread of seeds or pollen as a result of proximity to a production field, dealership, or  
86 process site.

87 **§ 3.2-4114.2. Authority of Commissioner; notice to law enforcement; report.**

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

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

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

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

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

118 F. The Commissioner may monitor the industrial hemp grown, dealt, or processed by a person  
119 registered pursuant to subsection A of § 3.2-4115 and provide for random sampling and testing of the  
120 industrial hemp in accordance with any criteria established by the Commissioner and at the cost of the

grower, dealer, or processor, for compliance with tetrahydrocannabinol limits and for other appropriate purposes established pursuant to § 3.2-4114. In addition to any routine inspection and sampling, the Commissioner may inspect and sample the industrial hemp at any production field, dealership, or process site during normal business hours without advance notice if he has reason to believe a violation of this chapter is occurring or has occurred.

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

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

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

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

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

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

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

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

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

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

1. Maintain records that reflect compliance with this chapter;

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

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

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

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

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

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

B. If a registration is revoked as the result of an informal hearing, the decision may be appealed, and upon appeal an administrative hearing shall be conducted in accordance with the Administrative Process

182 Act (§ 2.2-4000 et seq.). The grower, dealer, or processor may appeal a final order to the circuit court  
183 in accordance with the Administrative Process Act.

184 C. A person issued a registration pursuant to subsection A of § 3.2-4115 who negligently (i) fails to  
185 provide a description and geographic data sufficient for locating his production field, dealership, or  
186 process site; (ii) grows, deals in, or processes ~~Cannabis sativa~~ *cannabis* with a tetrahydrocannabinol  
187 concentration greater than that allowed by federal law; or (iii) produces a ~~Cannabis sativa~~ *cannabis*  
188 product shall comply with any corrective action plan established by the Commissioner in accordance  
189 with the provisions of subsection E. The Commissioner shall not deem a grower negligent if such  
190 grower makes reasonable efforts to grow industrial hemp and grows ~~Cannabis sativa~~ *cannabis* with a  
191 tetrahydrocannabinol concentration that does not exceed the total ~~delta-9~~ tetrahydrocannabinol  
192 concentration percentage established in federal regulations applicable to negligent violations located at 7  
193 C.F.R. 990.6(b)(3).

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

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

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

#### 205 Article 6.

#### 206 Edible Hemp Products.

#### 207 § 3.2-5145.6. Definitions.

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

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

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

#### 213 § 3.2-5145.7. Edible hemp products; approved food; adulterated food.

214 A. A hemp product is a food and is subject to the requirements of this chapter and regulations  
215 adopted pursuant to this chapter.

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

#### 218 § 3.2-5145.8. Manufacturer of edible hemp products.

219 A manufacturer of an edible hemp product shall be an approved source if the manufacturer operates:

- 220 1. Under inspection by the Commissioner in the location in which such manufacturing occurs; and
- 221 2. In compliance with the laws, regulations, or criteria that pertain to the manufacture of edible  
222 hemp products in the location in which such manufacturing occurs.

#### 223 § 3.2-5145.9. Regulations.

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

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

#### 237 § 4.1-600. Definitions.

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

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

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

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

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

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

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

*"Edible hemp product" means a hemp product intended to be consumed orally that is or contains an industrial hemp extract.*

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

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

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

*"Regulated hemp testing facility" means a facility licensed under this subtitle to develop, research, or test regulated hemp products.*

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

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

*"Industrial hemp extract" means any phytochemical that has been removed from industrial hemp.*

*"Industrial hemp extract" (i) is not a hemp seed-derived ingredient that is approved by the U.S. Food and Drug Administration or the subject of a generally recognized as safe notice for which the U.S. Food and Drug Administration had no questions and (ii) does not include any chemically synthesized cannabinoid.*

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

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

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

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

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

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

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

"Marijuana manufacturing facility" means a facility licensed under this subtitle to manufacture, label, and package retail marijuana and retail marijuana products; to purchase or take possession of retail

305 marijuana from a marijuana cultivation facility or another marijuana manufacturing facility; and to  
306 transfer possession of and sell retail marijuana and retail marijuana products to marijuana wholesalers,  
307 retail marijuana stores, or other marijuana manufacturing facilities.

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

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

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

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

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

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

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

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

335 "*Regulated hemp product*" means a hemp product intended for smoking, edible hemp products, and  
336 topical hemp products.

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

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

342 "Retail marijuana products" means marijuana products that are manufactured and sold by a licensed  
343 marijuana establishment.

344 "Retail marijuana store" means a facility licensed under this subtitle to purchase or take possession of  
345 retail marijuana, retail marijuana products, immature marijuana plants, or marijuana seeds from a  
346 marijuana cultivation facility, marijuana manufacturing facility, or marijuana wholesaler and to sell retail  
347 marijuana, retail marijuana products, immature marijuana plants, or marijuana seeds to consumers.

348 "Sale" and "sell" includes soliciting or receiving an order for; keeping, offering, or exposing for sale;  
349 peddling, exchanging, or bartering; or delivering otherwise than gratuitously, by any means, retail  
350 marijuana, retail marijuana products, or industrial hemp products.

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

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

356 "*Topical hemp product*" means a hemp product intended to be applied to human body surfaces that  
357 is or contains an industrial hemp extract.

358 **§ 4.1-601. Virginia Cannabis Control Authority created; public purpose.**

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

conferred by this subtitle shall be deemed the performance of an essential governmental function and a matter of public necessity for which public moneys may be spent.

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

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

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

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

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

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

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

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

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

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

428 to fulfill its purpose as described in subsection A:

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

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

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

443 **§ 4.1-604. Powers and duties of the Board.**

444 The Board shall have the following powers and duties:

445 1. Promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) and  
446 § 4.1-606;

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

449 3. Grant, suspend, and revoke licenses for the cultivation, manufacture, distribution, sale, and testing  
450 of marijuana ~~and~~, marijuana products, *and industrial hemp products* as provided by law;

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B. The Board shall promulgate regulations that:

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

2. Establish requirements for securely transporting marijuana between marijuana establishments;

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

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

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

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

7. Establish a maximum tetrahydrocannabinol level for retail marijuana products; ~~which and regulated hemp products. Such tetrahydrocannabinol level for retail marijuana products~~ shall not exceed (i) five milligrams per serving for edible marijuana products and where practicable an equivalent amount for other marijuana products or (ii) 50 milligrams per package for edible marijuana products and where practicable an equivalent amount for other marijuana products. Such regulations may include other product and dispensing limitations on tetrahydrocannabinol. *Such tetrahydrocannabinol level for regulated hemp products shall not exceed 0.25 milligrams per unit dose or 1 milligram per package;*

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

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

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

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

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

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

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

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

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

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

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

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

C. The Board may promulgate regulations that:

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

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

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

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

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

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

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

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

677 F. The Board shall consult with the Cannabis Public Health Advisory Council in promulgating any  
678 regulations relating to public health, including regulations promulgated pursuant to subdivision B 3, 4, 6,  
679 7, 10, or 16, and shall not promulgate any such regulation that has not been approved by a majority of  
680 the members of the Cannabis Public Health Advisory Council.

681 G. With regard to regulations governing licensees that have been issued a permit by the Board of  
682 Pharmacy to operate as a pharmaceutical processor or cannabis dispensing facility pursuant to Article 4.2  
683 (§ 54.1-3442.5 et seq.) of the Drug Control Act, the Board shall make reasonable efforts (i) to align  
684 such regulations with any applicable regulations promulgated by the Board of Pharmacy that establish  
685 health, safety, and security requirements for pharmaceutical processors and cannabis dispensing facilities  
686 and (ii) to deem in compliance with applicable regulations promulgated pursuant to this subtitle such  
687 pharmaceutical processors and cannabis dispensing facilities that have been found to be in compliance  
688 with regulations promulgated by the Board of Pharmacy that mirror or are more extensive in scope than  
689 similar regulations promulgated pursuant to this subtitle.

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

#### 691 CHAPTER 8.

#### 692 ADMINISTRATION OF LICENSES; LICENSES GRANTED BY BOARD.

#### 693 § 4.1-800. *Regulated hemp testing facility license.*

694 A. The Board may issue regulated hemp testing facility licenses, which shall authorize the licensee to  
695 develop, research, or test regulated hemp products, in accordance with regulations of the Board.

696 B. A regulated hemp testing facility may develop, research, or test regulated hemp products for (i)  
697 that facility, (ii) another licensee, or (iii) a person who intends to use the regulated hemp product for  
698 personal use as authorized under § 4.1-1100.

699 C. Neither this subtitle nor the regulations adopted pursuant to this subtitle shall prevent a regulated  
700 hemp facility from developing, researching, or testing substances that are not regulated hemp products  
701 for that facility or for another person.

702 D. To obtain licensure from the Board, a regulated hemp facility shall be required to obtain and  
703 maintain accreditation pursuant to standard ISO/IEC 17025 of the International Organization for  
704 Standardization by a third-party accrediting body.

705 E. In accordance with the requirements of § 4.1-611, a regulated hemp facility licensee shall track  
706 all regulated hemp products it receives from a licensee for testing purposes from the point at which the  
707 regulated hemp products are delivered or transferred to the regulated hemp testing facility to the point  
708 at which the regulated hemp products are disposed of or destroyed.

709 F. Every licensed regulated hemp testing facility shall keep complete, accurate, and separate records  
710 in accordance with Board regulations of all regulated hemp products it developed, researched, or tested  
711 and the names and addresses of the licensees or persons who submitted the regulated hemp product to  
712 the regulated hemp testing facility.

713 G. The Board may suspend or revoke any licensed issued pursuant to this section if it has reason to  
714 believe the licensee has violated any provision of state or federal law or regulations.

#### 715 CHAPTER 14.

#### 716 REGULATED HEMP PRODUCT CONTROL, TESTING, AND ADVERTISING.

#### 717 § 4.1-1400. *Board to establish regulations for regulated hemp product testing.*

718 The Board shall establish a testing program for regulated hemp products. Except as otherwise  
719 provided in this subtitle or otherwise provided by law, the program shall require any persons, prior to  
720 selling a regulated hemp product, to submit a representative sample of the regulated hemp product, not  
721 to exceed 10 percent of the total harvest or batch, to a licensed regulated hemp testing facility for  
722 testing to ensure that the regulated hemp product does not exceed the maximum level of allowable  
723 contamination for any contaminant that is injurious to health and for which testing is required and to  
724 ensure correct labeling. The Board shall adopt regulations (i) establishing a testing program pursuant  
725 to this section; (ii) establishing acceptable testing and research practices, including regulations relating  
726 to testing practices, methods, and standards; quality control analysis; equipment certification and  
727 calibration; regulated hemp testing facility recordkeeping, documentation, and business practices;  
728 disposal of used, unused, and waste regulated hemp products; and reporting of test results; (iii)  
729 identifying the types of contaminants that are injurious to health for which regulated hemp products  
730 shall be tested under this subtitle; and (iv) establishing the maximum level of allowable contamination  
731 for each contaminant.

#### 732 § 4.1-1401. *Mandatory testing; scope; recordkeeping; notification; additional testing not required; 733 required destruction; random testing.*

734 A. No person shall sell a regulated hemp product unless a representative sample of the regulated  
735 hemp product has been tested pursuant to this subtitle and the regulations adopted pursuant to this

subtitle and that mandatory testing has demonstrated that (i) the regulated hemp product does not exceed the maximum level of allowable contamination for any contaminant that is injurious to health and for which testing is required and (ii) the labeling on the regulated hemp product is correct.

B. Mandatory testing of regulated hemp products under this section shall include testing for:

1. Residual solvents, poisons, and toxins;
2. Harmful chemicals;
3. Dangerous molds and mildew;
4. Harmful microbes, including but not limited to *Escherichia coli* and *Salmonella*;
5. Pesticides, fungicides, and insecticides; and
6. Tetrahydrocannabinol (THC) potency, homogeneity, and cannabinoid profiles to ensure correct labeling.

Testing shall be performed on the final form in which the regulated hemp product will be consumed.

C. A person who sells a regulated hemp product shall maintain a record of all mandatory testing that includes a description of the regulated hemp product that person sells, the identity of the regulated hemp testing facility, and the results of the mandatory test.

D. If the results of a mandatory test conducted pursuant to this section indicate that the tested regulated hemp product exceeds the maximum level of allowable tetrahydrocannabinol (THC) or contamination for any contaminant that is injurious to health and for which testing is required, the regulated hemp testing facility shall immediately quarantine, document, and properly destroy the regulated hemp product and within seven days of completing the test shall notify the Board of the test results.

A regulated hemp testing facility is not required to notify the Board of the results of any test:

1. Conducted on a regulated hemp product at the direction of any person pursuant to this section that demonstrates that the regulated hemp product does not exceed the maximum level of allowable tetrahydrocannabinol (THC) or contamination for any contaminant that is injurious to health and for which testing is required; or

2. Conducted on a regulated hemp product at the direction of any person for research and development purposes only, so long as the person notifies the regulated hemp testing facility prior to the performance of the test that the testing is for research and development purposes only.

E. Notwithstanding the foregoing, a person may sell a regulated hemp product that the person has not submitted for testing in accordance with this subtitle and regulations adopted pursuant to this subtitle if the following conditions are met:

1. The regulated hemp product has previously undergone testing in accordance with this subtitle and regulations adopted pursuant to this subtitle at the direction of another person and that testing demonstrated that the regulated hemp product does not exceed the maximum level of allowable tetrahydrocannabinol (THC) or contamination for any contaminant that is injurious to health and for which testing is required;

2. The mandatory testing process and the test results for the regulated hemp product are documented in accordance with the requirements of this subtitle and all applicable regulations adopted pursuant to this subtitle; and

3. The regulated hemp product has not undergone any further processing, manufacturing, or alteration subsequent to the performance of the prior testing under subsection A.

F. Any person shall be required to destroy any batch of a regulated hemp product whose testing samples indicate noncompliance with the health and safety standards required by this subtitle and the regulations adopted by the Board pursuant to this subtitle, unless remedial measures can bring the regulated hemp products into compliance with such required health and safety standards.

G. A person shall comply with all requests for samples of regulated hemp products for the purpose of random testing by a state-owned laboratory or state-approved private laboratory.

#### **§ 4.1-1402. Labeling and packaging requirements; prohibitions.**

A. Regulated hemp products to be sold or offered for sale by a person in accordance with the provisions of this subtitle shall be labeled with the following information:

1. Identification of the type of regulated hemp product and the date of cultivation, manufacturing, and packaging;

2. A statement of the net weight of the regulated hemp product;

3. Information concerning (i) pharmacologically active ingredients, including tetrahydrocannabinol (THC), cannabidiol (CBD), and other cannabinoid content; (ii) the THC and other cannabinoid amount in milligrams per serving, the total servings per package, and the THC and other cannabinoid amount in milligrams for the total package; and (iii) the potency of the THC and other cannabinoid content;

4. Information on gases, solvents, and chemicals used in the processing of a regulated hemp product, if applicable;

5. Instructions on usage;

797 6. A list of ingredients and possible allergens and a recommended use by date or expiration date;  
798 7. A nutritional fact panel;  
799 8. The following statement, prominently displayed in bold print and in a clear and legible fashion:  
800 "GOVERNMENT WARNING: THIS PACKAGE CONTAINS A REGULATED HEMP PRODUCT.  
801 REGULATED HEMP PRODUCTS ARE FOR USE BY ADULTS 21 YEARS OF AGE AND OLDER.  
802 KEEP OUT OF REACH OF CHILDREN. CONSUMPTION OF REGULATED HEMP PRODUCTS  
803 IMPAIRS COGNITION AND YOUR ABILITY TO DRIVE AND MAY BE HABIT FORMING.  
804 REGULATED HEMP PRODUCTS SHOULD NOT BE USED WHILE PREGNANT OR  
805 BREASTFEEDING. PLEASE USE CAUTION AND VISIT \_\_\_\_\_ (website maintained by the Board  
806 pursuant to § 4.1-604) FOR MORE INFORMATION."; and  
807 9. Any other information required by Board regulations.  
808 B. Regulated hemp products to be sold or offered for sale by a person in accordance with the  
809 provisions of this subtitle shall be packaged in the following manner:  
810 1. Regulated hemp products shall be prepackaged in child-resistant, tamper-evident, and resealable  
811 packaging that is opaque or shall be placed at the final point of sale to a consumer in child-resistant,  
812 tamper-evident, and resealable packaging that is opaque;  
813 2. Packaging for multiserving liquid regulated hemp products shall include an integral measurement  
814 component; and  
815 3. Packaging shall comply with any other requirements imposed by Board regulations.  
816 C. Regulated hemp products to be sold or offered for sale by a licensee to a consumer in accordance  
817 with the provisions of this subtitle shall not:  
818 1. Be labeled or packaged in violation of a federal trademark law or regulation;  
819 2. Be labeled or packaged in a manner that appeals particularly to persons younger than 21 years of  
820 age;  
821 3. Be labeled or packaged in a manner that obscures identifying information on the label;  
822 4. Be labeled or packaged using a false or misleading label;  
823 5. Be sold or offered for sale using a label or packaging that depicts a human, an animal, a vehicle,  
824 or fruit; and  
825 6. Be labeled or packaged in violation of any other labeling or packaging requirements imposed by  
826 Board regulations.  
827 **§ 4.1-1403. Other health and safety requirements for edible hemp products deemed applicable by**  
828 **the Authority; health and safety regulations.**  
829 A. In addition to all other applicable provisions of this subtitle, edible hemp products deemed  
830 applicable by the Authority to be sold or offered for sale by a person in accordance with this subtitle:  
831 1. Shall be manufactured by an approved source, as determined by § 3.2-5145.8;  
832 2. Shall comply with the provisions of Chapter 51 (§ 3.2-5100 et seq.) of Title 3.2;  
833 3. Shall be manufactured in a manner that results in the cannabinoid content within the product  
834 being homogeneous throughout the product or throughout each element of the product that has a  
835 cannabinoid content;  
836 4. Shall be manufactured in a manner that results in the amount of industrial hemp extract within  
837 the product being homogeneous throughout the product or throughout each element of the product that  
838 contains industrial hemp extract;  
839 5. Shall have a universal symbol stamped or embossed on the packaging of each product;  
840 6. Shall not contain more than 0.25 milligrams of tetrahydrocannabinol per unit dose or 1 milligram  
841 tetrahydrocannabinol per package;  
842 7. Shall not contain additives that (i) are toxic or harmful to human beings, (ii) are specifically  
843 designed to make the product more addictive, (iii) contain alcohol or nicotine, (iv) are misleading to  
844 consumers, or (v) are specifically designed to make the product appeal particularly to persons younger  
845 than 21 years of age; and  
846 8. Shall not involve the addition of any regulated hemp product to a trademarked food or drink  
847 product, except when the trademarked product is used as a component of or ingredient in the edible  
848 regulated hemp product and the edible regulated hemp product is not advertised or described for sale  
849 as containing the trademarked product.  
850 B. The Board shall adopt any additional labeling, packaging, or other health and safety regulations  
851 that it deems necessary for regulated hemp products to be sold or offered for sale by a person in  
852 accordance with this subtitle. Regulations adopted pursuant to this subsection shall establish mandatory  
853 health and safety standards applicable to processing of regulated hemp products, and the packaging and  
854 labeling of regulated hemp products sold by a person to any other person. Such regulations shall  
855 address:  
856 1. Requirements for the storage, warehousing, and transportation of regulated hemp products; and  
857 2. Sanitary standards for the manufacture of regulated hemp products.  
858 **§ 4.1-1404. Advertising and marketing restrictions.**

A. As used in this section, unless the context requires a different meaning, "health-related statement" means any statement related to health and includes statements of a curative or therapeutic nature that, expressly or by implication, suggest a relationship between the consumption of regulated hemp products and health benefits or effects on health.

B. No person shall advertise in or send any advertising matter into the Commonwealth about or concerning regulated hemp products other than those that may be legally manufactured in the Commonwealth under this subtitle or Article 4.2 (§ 54.1-3442.5 et seq.) of the Drug Control Act.

C. No person shall advertise regulated hemp products (i) through any means unless at least 85 percent of the audience is reasonably expected to be 21 years of age or older, as determined by reliable, up-to-date audience composition data or (ii) on television or the radio at any time outside of regular school hours for elementary and secondary schools.

D. No person shall engage in the use of pop-up digital advertisements for regulated hemp products but may list their establishment in public phone books and directories.

E. No person shall display any regulated hemp product pricing through any means of advertisement other than their website, which shall be registered with the Authority, or an opt-in subscription-based service, provided that the licensee utilizes proper age verification techniques to confirm that the person attempting to access the website or sign up for a subscription-based service is 21 years of age or older.

F. Advertising or marketing used by or on behalf of a person who sells a regulated hemp product:

1. Shall accurately and legibly identify the person responsible for its content by adding, at a minimum, the following statement: "For use by adults 21 years of age and older";

2. Shall not be misleading, deceptive, or false;

3. Shall not appeal particularly to persons younger than 21 years of age, including by using cartoons in any way; and

4. Shall comply with any other provisions imposed by Board regulations.

G. Any advertising or marketing involving direct, individualized communication or dialogue controlled by a person who sells a regulated hemp product shall utilize a method of age affirmation to verify that the recipient is 21 years of age or older before engaging in that communication or dialogue controlled by the person who sells a regulated hemp product. For the purposes of this subsection, such method of age affirmation may include user confirmation, birth date disclosure, or any other similar registration method.

H. A person who sells a regulated hemp product shall not give away any amount of regulated hemp product as part of a business promotion or other commercial activity.

I. A person who sells a regulated hemp product shall not include on the label of any regulated hemp product or publish or disseminate advertising or marketing containing any health-related statement that is untrue in any particular manner or tends to create a misleading impression as to the effects of consumption of regulated hemp products on health.

J. The provisions of this section shall not apply to noncommercial speech.

**§ 4.1-1405. Outdoor advertising; limitations; variances; compliance with Title 33.2.**

A. No outdoor regulated hemp products advertising shall be placed within 1,000 linear feet on the same side of the road, and parallel to such road, measured from the nearest edge of the sign face upon which the advertisement is placed to the nearest edge of a building or structure located on the real property of (i) a public, private, or parochial school or an institution of higher education; (ii) a public or private playground or similar recreational or child-centered facility; or (iii) a substance use disorder treatment facility.

B. However, (i) if there is no building or structure on a playground or similar recreational or child-centered facility, the measurement shall be from the nearest edge of the sign face upon which the advertisement is placed to the property line of such playground or similar recreational or child-centered facility and (ii) if a public, private, or parochial school providing grades kindergarten through 12 education is located across the road from a sign, the measurement shall be from the nearest edge of the sign face upon which the advertisement is placed to the nearest edge of a building or structure located on such real property across the road.

C. If at the time the advertisement was displayed, the advertisement was more than 1,000 feet from (i) a public, private, or parochial school or an institution of higher education; (ii) a public or private playground or similar recreational or child-centered facility; or (iii) a substance use disorder treatment facility, but the circumstances change such that the advertiser would otherwise be in violation of subsection A, the Board shall permit the advertisement to remain as displayed for the remainder of the term of any written advertising contract, but in no event more than one year from the date of the change in circumstances.

D. Provided that such signs are in compliance with local ordinances, the distance and zoning restrictions contained in this section shall not apply to:

1. Signs placed by licensees upon the property on which the licensed premises are located so long as

920 *such signs do not display imagery of regulated hemp products or the use of regulated hemp products or*  
921 *utilize long luminous gas-discharge tubes that contain rarefied neon or other gases; or*

922 *2. Directional signs placed by a person who sells a regulated hemp product with advertising limited*  
923 *to trade names and brand names.*

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

927 *F. A person who sells a regulated hemp product shall not advertise at any sporting event or use any*  
928 *billboard advertisements in the Commonwealth.*

929 *G. All lawfully erected outdoor regulated hemp products signs shall comply with the provisions of*  
930 *this subtitle, Board regulations, Chapter 12 (§ 33.2-1200 et seq.) of Title 33.2 and regulations adopted*  
931 *pursuant thereto by the Commonwealth Transportation Board, and federal laws and regulations.*  
932 *Further, any outdoor regulated hemp products directional sign located or to be located on highway*  
933 *rights of way shall also be governed by and comply with the Integrated Directional Sign Program*  
934 *administered by the Virginia Department of Transportation or its agents and federal laws and*  
935 *regulations.*

936 **§ 4.1-1406. Regulated hemp products; violations; penalties.**

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

942 **§ 4.1-1407. Hemp product not retail marijuana or retail marijuana product.**

943 *A regulated hemp product that is tested, labeled, packaged, and advertised in accordance with the*  
944 *provisions pertaining to a regulated hemp product in this chapter or Chapter 6 of this subtitle, or in*  
945 *any regulation promulgated thereunder, shall not be subject to the requirements in this subtitle or*  
946 *regulations adopted thereunder that pertain only to retail marijuana or retail marijuana products.*

947 **§ 18.2-247. Use of terms "controlled substances," "marijuana," "Schedules I, II, III, IV, V, and**  
948 **VI," "imitation controlled substance" and "counterfeit controlled substance" in Title 18.2.**

949 *A. Wherever the terms "controlled substances" and "Schedules I, II, III, IV, V, and VI" are used in*  
950 *Title 18.2, such terms refer to those terms as they are used or defined in the Drug Control Act (§*  
951 *54.1-3400 et seq.).*

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

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

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

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

971 *D. The term "marijuana" when used in this article means any part of a plant of the genus Cannabis,*  
972 *whether growing or not, its seeds or resin; and every compound, manufacture, salt, derivative, mixture,*  
973 *or preparation of such plant, its seeds, its resin, or any extract containing one or more cannabinoids.*  
974 *Marijuana does not include the mature stalks of such plant, fiber produced from such stalk, oil or cake*  
975 *made from the seed of such plant, unless such stalks, fiber, oil or cake is combined with other parts of*  
976 *plants of the genus Cannabis. Marijuana does not include (i) industrial hemp, as defined in § 3.2-4112,*  
977 *that is possessed by a person registered pursuant to subsection A of § 3.2-4115 or his agent; (ii)*  
978 *industrial hemp, as defined in § 3.2-4112, that is possessed by a person who holds a hemp producer*  
979 *license issued by the U.S. Department of Agriculture pursuant to 7 C.F.R. Part 990; or (iii) a hemp*  
980 *product, as defined in § 3.2-4112, other than a regulated hemp product, containing a*  
981 *tetrahydrocannabinol concentration of no greater than 0.3 percent that is derived from industrial hemp,*



as defined in § 3.2-4112, that is grown, dealt, or processed in compliance with state or federal law; or (iv) a regulated hemp product that does not exceed the maximum tetrahydrocannabinol concentration established pursuant to § 4.1-606 and that is derived from industrial hemp that is grown, dealt, or processed in compliance with state or federal law.

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

F. The Department of Forensic Science shall determine the proper methods for detecting the concentration of delta-9-tetrahydrocannabinol (THC) in substances for the purposes of this title and §§ 54.1-3401 and 54.1-3446. The testing methodology shall use post-decarboxylation testing or other equivalent method and shall consider the potential conversion of delta-9-tetrahydrocannabinol acid (THC-A) into THC. The test result shall include the total available THC derived from the sum of the THC and THC-A content.

#### § 54.1-3401. Definitions.

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

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

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

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

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

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

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

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

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

"Board" means the Board of Pharmacy.

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

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

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

1043 "Compounding" means the combining of two or more ingredients to fabricate such ingredients into a  
1044 single preparation and includes the mixing, assembling, packaging, or labeling of a drug or device (i) by  
1045 a pharmacist, or within a permitted pharmacy, pursuant to a valid prescription issued for a medicinal or  
1046 therapeutic purpose in the context of a bona fide practitioner-patient-pharmacist relationship, or in  
1047 expectation of receiving a valid prescription based on observed historical patterns of prescribing and  
1048 dispensing; (ii) by a practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine as  
1049 an incident to his administering or dispensing, if authorized to dispense, a controlled substance in the  
1050 course of his professional practice; or (iii) for the purpose of, or as incident to, research, teaching, or  
1051 chemical analysis and not for sale or for dispensing. The mixing, diluting, or reconstituting of a  
1052 manufacturer's product drugs for the purpose of administration to a patient, when performed by a  
1053 practitioner of medicine or osteopathy licensed under Chapter 29 (§ 54.1-2900 et seq.), a person  
1054 supervised by such practitioner pursuant to subdivision A 6 or 19 of § 54.1-2901, or a person  
1055 supervised by such practitioner or a licensed nurse practitioner or physician assistant pursuant to  
1056 subdivision A 4 of § 54.1-2901 shall not be considered compounding.

1057 "Controlled substance" means a drug, substance, or immediate precursor in Schedules I through VI of  
1058 this chapter. The term shall not include distilled spirits, wine, malt beverages, or tobacco as those terms  
1059 are defined or used in Title 3.2 or Title 4.1. The term "controlled substance" includes a controlled  
1060 substance analog that has been placed into Schedule I or II by the Board pursuant to the regulatory  
1061 authority in subsection D of § 54.1-3443.

1062 "Controlled substance analog" means a substance the chemical structure of which is substantially  
1063 similar to the chemical structure of a controlled substance in Schedule I or II and either (i) which has a  
1064 stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar  
1065 to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a  
1066 controlled substance in Schedule I or II or (ii) with respect to a particular person, which such person  
1067 represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous  
1068 system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect  
1069 on the central nervous system of a controlled substance in Schedule I or II. "Controlled substance  
1070 analog" does not include (a) any substance for which there is an approved new drug application as  
1071 defined under § 505 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. § 355) or that is generally  
1072 recognized as safe and effective pursuant to §§ 501, 502, and 503 of the federal Food, Drug, and  
1073 Cosmetic Act (21 U.S.C. §§ 351, 352, and 353) and 21 C.F.R. Part 330; (b) with respect to a particular  
1074 person, any substance for which an exemption is in effect for investigational use for that person under  
1075 § 505 of the federal Food, Drug, and Cosmetic Act to the extent that the conduct with respect to that  
1076 substance is pursuant to such exemption; or (c) any substance to the extent not intended for human  
1077 consumption before such an exemption takes effect with respect to that substance.

1078 "DEA" means the Drug Enforcement Administration, U.S. Department of Justice, or its successor  
1079 agency.

1080 "Deliver" or "delivery" means the actual, constructive, or attempted transfer of any item regulated by  
1081 this chapter, whether or not there exists an agency relationship, including delivery of a Schedule VI  
1082 prescription device to an ultimate user or consumer on behalf of a medical equipment supplier by a  
1083 manufacturer, nonresident manufacturer, wholesale distributor, nonresident wholesale distributor,  
1084 warehouse, nonresident warehouse, third-party logistics provider, or nonresident third-party logistics  
1085 provider at the direction of a medical equipment supplier in accordance with § 54.1-3415.1.

1086 "Device" means instruments, apparatus, and contrivances, including their components, parts, and  
1087 accessories, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in  
1088 man or animals or to affect the structure or any function of the body of man or animals.

1089 "Dialysis care technician" or "dialysis patient care technician" means an individual who is certified  
1090 by an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§  
1091 54.1-2729.1 et seq.) and who, under the supervision of a licensed physician, nurse practitioner, physician  
1092 assistant, or a registered nurse, assists in the care of patients undergoing renal dialysis treatments in a  
1093 Medicare-certified renal dialysis facility.

1094 "Dialysis solution" means either the commercially available, unopened, sterile solutions whose  
1095 purpose is to be instilled into the peritoneal cavity during the medical procedure known as peritoneal  
1096 dialysis, or commercially available solutions whose purpose is to be used in the performance of  
1097 hemodialysis not to include any solutions administered to the patient intravenously.

1098 "Dispense" means to deliver a drug to an ultimate user or research subject by or pursuant to the  
1099 lawful order of a practitioner, including the prescribing and administering, packaging, labeling, or  
1100 compounding necessary to prepare the substance for that delivery. However, dispensing shall not include  
1101 the transportation of drugs mixed, diluted, or reconstituted in accordance with this chapter to other sites  
1102 operated by such practitioner or that practitioner's medical practice for the purpose of administration of  
1103 such drugs to patients of the practitioner or that practitioner's medical practice at such other sites. For  
1104 practitioners of medicine or osteopathy, "dispense" shall only include the provision of drugs by a

practitioner to patients to take with them away from the practitioner's place of practice.

"Dispenser" means a practitioner who dispenses.

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

"Distributor" means a person who distributes.

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

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

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

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

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

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

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

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

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

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

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

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

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

"Narcotic drug" means any of the following, whether produced directly or indirectly by extraction

1166 from substances of vegetable origin, or independently by means of chemical synthesis, or by a  
1167 combination of extraction and chemical synthesis: (i) opium, opiates, and any salt, compound, derivative,  
1168 or preparation of opium or opiates; (ii) any salt, compound, isomer, derivative, or preparation thereof  
1169 which is chemically equivalent or identical with any of the substances referred to in clause (i), but not  
1170 including the isoquinoline alkaloids of opium; (iii) opium poppy and poppy straw; (iv) coca leaves and  
1171 any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, isomer,  
1172 derivative, or preparation thereof which is chemically equivalent or identical with any of these  
1173 substances, but not including decocainized coca leaves or extraction of coca leaves which do not contain  
1174 cocaine or ecgonine.

1175 "New drug" means (i) any drug, except a new animal drug or an animal feed bearing or containing a  
1176 new animal drug, the composition of which is such that such drug is not generally recognized, among  
1177 experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs,  
1178 as safe and effective for use under the conditions prescribed, recommended, or suggested in the labeling,  
1179 except that such a drug not so recognized shall not be deemed to be a "new drug" if at any time prior  
1180 to the enactment of this chapter it was subject to the Food and Drugs Act of June 30, 1906, as  
1181 amended, and if at such time its labeling contained the same representations concerning the conditions  
1182 of its use, or (ii) any drug, except a new animal drug or an animal feed bearing or containing a new  
1183 animal drug, the composition of which is such that such drug, as a result of investigations to determine  
1184 its safety and effectiveness for use under such conditions, has become so recognized, but which has not,  
1185 otherwise than in such investigations, been used to a material extent or for a material time under such  
1186 conditions.

1187 "Nuclear medicine technologist" means an individual who holds a current certification with the  
1188 American Registry of Radiological Technologists or the Nuclear Medicine Technology Certification  
1189 Board.

1190 "Official compendium" means the official United States Pharmacopoeia National Formulary, official  
1191 Homeopathic Pharmacopoeia of the United States, or any supplement to any of them.

1192 "Official written order" means an order written on a form provided for that purpose by the U.S. Drug  
1193 Enforcement Administration, under any laws of the United States making provision therefor, if such  
1194 order forms are authorized and required by federal law, and if no such order form is provided then on  
1195 an official form provided for that purpose by the Board of Pharmacy.

1196 "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to  
1197 morphine or being capable of conversion into a drug having such addiction-forming or  
1198 addiction-sustaining liability. It does not include, unless specifically designated as controlled under  
1199 Article 4 (§ 54.1-3437 et seq.), the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts  
1200 (dextromethorphan). It does include its racemic and levorotatory forms.

1201 "Opium poppy" means the plant of the species *Papaver somniferum* L., except the seeds thereof.

1202 "Original package" means the unbroken container or wrapping in which any drug or medicine is  
1203 enclosed together with label and labeling, put up by or for the manufacturer, wholesaler, or distributor  
1204 for use in the delivery or display of such article.

1205 "Outsourcing facility" means a facility that is engaged in the compounding of sterile drugs and is  
1206 currently registered as an outsourcing facility with the U.S. Secretary of Health and Human Services and  
1207 that complies with all applicable requirements of federal and state law, including the Federal Food,  
1208 Drug, and Cosmetic Act.

1209 "Person" means both the plural and singular, as the case demands, and includes an individual,  
1210 partnership, corporation, association, governmental agency, trust, or other institution or entity.

1211 "Pharmacist-in-charge" means the person who, being licensed as a pharmacist, signs the application  
1212 for a pharmacy permit and assumes full legal responsibility for the operation of the relevant pharmacy in  
1213 a manner complying with the laws and regulations for the practice of pharmacy and the sale and  
1214 dispensing of controlled substances; the "pharmacist-in-charge" shall personally supervise the pharmacy  
1215 and the pharmacy's personnel as required by § 54.1-3432.

1216 "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

1217 "Practitioner" means a physician, dentist, licensed nurse practitioner pursuant to § 54.1-2957.01,  
1218 licensed physician assistant pursuant to § 54.1-2952.1, pharmacist pursuant to § 54.1-3300, TPA-certified  
1219 optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32, veterinarian, scientific investigator,  
1220 or other person licensed, registered, or otherwise permitted to distribute, dispense, prescribe and  
1221 administer, or conduct research with respect to a controlled substance in the course of professional  
1222 practice or research in the Commonwealth.

1223 "Prescriber" means a practitioner who is authorized pursuant to §§ 54.1-3303 and 54.1-3408 to issue  
1224 a prescription.

1225 "Prescription" means an order for drugs or medical supplies, written or signed or transmitted by word  
1226 of mouth, telephone, telegraph, or other means of communication to a pharmacist by a duly licensed  
1227 physician, dentist, veterinarian, or other practitioner authorized by law to prescribe and administer such

drugs or medical supplies.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **§ 54.1-3446. Schedule I.**

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

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

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

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

- 1289 1-methyl-4-phenyl-4-propionoxypiperidine (other name: MPPP);
- 1290 2-methoxy-N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-acetamide (other name: Methoxyacetyl
- 1291 fentanyl);
- 1292 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methyl-benzamide (other name: U-47700);
- 1293 3,4-dichloro-N-[[1-(dimethylamino)cyclohexyl]methyl]benzamide (other name: AH-7921);
- 1294 Acetyl fentanyl (other name: desmethyl fentanyl);
- 1295 Acetylmethadol;
- 1296 Allylprodine;
- 1297 Alphacetylmethadol (except levo-alpha-acetylmethadol, also known as levo-alpha-acetylmethadol,
- 1298 levomethadyl acetate, or LAAM);
- 1299 Alphameprodine;
- 1300 Alphamethadol;
- 1301 Benzethidine;
- 1302 Betacetylmethadol;
- 1303 Betameprodine;
- 1304 Betamethadol;
- 1305 Betaprodine;
- 1306 Clonitazene;
- 1307 Dextromoramide;
- 1308 Diampromide;
- 1309 Diethylthiambutene;
- 1310 Difenoxy;
- 1311 Dimenoxadol;
- 1312 Dimepheptanol;
- 1313 Dimethylthiambutene;
- 1314 Dioxaphetylbutyrate;
- 1315 Dipipanone;
- 1316 Ethylmethylthiambutene;
- 1317 Etonitazene;
- 1318 Etozeridine;
- 1319 Furethidine;
- 1320 Hydroxypethidine;
- 1321 Ketobemidone;
- 1322 Levomoramide;
- 1323 Levophenacymorphan;
- 1324 Morpheridine;
- 1325 MT-45 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine);
- 1326 N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide (other name: Cyclopropyl fentanyl);
- 1327 N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide (other name: Tetrahydrofuranyl
- 1328 fentanyl);
- 1329 N-[1-[1-methyl-2-(2-thienyl)ethyl]-4-piperidyl]-N-phenylpropanamide (other name:
- 1330 alpha-methylthiofentanyl);
- 1331 N-[1-(1-methyl-2-phenylethyl)-4-piperidyl]-N-phenylacetamide (other name:
- 1332 acetyl-alpha-methylfentanyl);
- 1333 N-{1-[2-hydroxy-2-(2-thienyl)ethyl]-4-piperidinyl}-N-phenylpropanamide (other name:
- 1334 beta-hydroxythiofentanyl);
- 1335 N-[1-(2-hydroxy-2-phenyl)ethyl-4-piperidyl]-N-phenylpropanamide (other name:
- 1336 beta-hydroxyfentanyl);
- 1337 N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl]propionanilide (other names:
- 1338 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine, alpha-methylfentanyl);
- 1339 N-(2-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other names: 2-fluorofentanyl,
- 1340 ortho-fluorofentanyl);
- 1341 N-(3-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: 3-fluorofentanyl);
- 1342 N-[3-methyl-1-(2-hydroxy-2-phenylethyl)-4-piperidyl]-N-phenylpropanamide (other name:
- 1343 beta-hydroxy-3-methylfentanyl);
- 1344 N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide (other name: 3-methylfentanyl);
- 1345 N-[3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide (other name:
- 1346 3-methylthiofentanyl);
- 1347 N-(4-fluorophenyl)-2-methyl-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name:
- 1348 para-fluoroisobutyl fentanyl);
- 1349 N-(4-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-butanamide (other name:
- 1350 para-fluorobutylfentanyl);

- 1351 N-(4-fluorophenyl)-N-1-(2-phenylethyl)-4-piperidiny]-propanamide (other name: para-fluorofentanyl);  
 1352 N,N-diethyl-2-(2-(4-isopropoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine (other name: Isotonitazene);  
 1353 N-phenyl-N-[1-(2-phenylmethyl)-4-piperidiny]-2-furancarboxamide (other name: N-benzyl Furanyl norfentanyl);  
 1354 N-phenyl-N-(4-piperidiny)-propanamide (other name: Norfentanyl);  
 1355 Noracymethadol;  
 1356 Norlevorphanol;  
 1357 Normethadone;  
 1358 Norpipanone;  
 1359 N-phenyl-N-[1-(2-phenylethyl)-4-piperidiny]-2-furancarboxamide (other name: Furanyl fentanyl);  
 1360 N-phenyl-N-[1-(2-phenylethyl)-4-piperidiny]-2-propenamide (other name: Acryl fentanyl);  
 1361 N-phenyl-N-[1-(2-phenylethyl)-4-piperidiny]-butanamide (other name: butyryl fentanyl);  
 1362 N-phenyl-N-[1-(2-phenylethyl)-4-piperidiny]-pentanamide (other name: Pentanoyl fentanyl);  
 1363 N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidiny]-propanamide (other name: thiofentanyl);  
 1364 Phenadoxone;  
 1365 Phenampromide;  
 1366 Phenomorphan;  
 1367 Phenoperidine;  
 1368 Piritramide;  
 1369 Proheptazine;  
 1370 Properidine;  
 1371 Propiram;  
 1372 Racemoramide;  
 1373 Tilidine;  
 1374 Trimeperidine;  
 1375 N-phenyl-N-[1-(2-phenylethyl)-4-piperidiny]-1,3-benzodioxole-5-carboxamide (other name: Benzodioxole fentanyl);  
 1376 3,4-dichloro-N-[2-(diethylamino)cyclohexyl]-N-methylbenzamide (other name: U-49900);  
 1377 2-(2,4-dichlorophenyl)-N-[2-(dimethylamino)cyclohexyl]-N-methyl acetamide (other name: U-48800);  
 1378 2-(3,4-dichlorophenyl)-N-[2-(dimethylamino)cyclohexyl]-N-methyl acetamide (other name: U-51754);  
 1379 N-(2-fluorophenyl)-2-methoxy-N-[1-(2-phenylethyl)-4-piperidiny]-acetamide (other name: Ocfentanil);  
 1380 N-(4-methoxyphenyl)-N-[1-(2-phenylethyl)-4-piperidiny]-butanamide (other name: 4-methoxybutyrylfentanyl);  
 1381 N-phenyl-2-methyl-N-[1-(2-phenylethyl)-4-piperidiny]-propanamide (other name: Isobutyryl fentanyl);  
 1382 N-phenyl-N-[1-(2-phenylethyl)-4-piperidiny]-cyclopentanecarboxamide (other name: Cyclopentyl fentanyl);  
 1383 N-phenyl-N-(1-methyl-4-piperidiny)-propanamide (other name: N-methyl norfentanyl);  
 1384 N-[2-(dimethylamino)cyclohexyl]-N-methyl-1,3-benzodioxole-5-carboxamide (other names: 3,4-methylenedioxy U-47700 or 3,4-MDO-U-47700);  
 1385 N-phenyl-N-[1-(2-phenylethyl)-4-piperidiny]-2-butenamide (other name: Crotonyl fentanyl);  
 1386 N-phenyl-N-[4-phenyl-1-(2-phenylethyl)-4-piperidiny]-propanamide (other name: 4-phenylfentanyl);  
 1387 N-phenyl-N-[1-(2-phenylethyl)-4-piperidiny]-benzamide (other names: Phenyl fentanyl, Benzoyl fentanyl);  
 1388 N-[2-(dimethylamino)cyclohexyl]-N-phenylfuran-2-carboxamide (other name: Furanyl UF-17);  
 1389 N-[2-(dimethylamino)cyclohexyl]-N-phenylpropionamide (other name: UF-17);  
 1390 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-isopropyl-benzamide (other name: Isopropyl U-47700).  
 1391 2. Any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:  
 1400 Acetorphine;  
 1401 Acetyldihydrocodeine;  
 1402 Benzylmorphine;  
 1403 Codeine methylbromide;  
 1404 Codeine-N-Oxide;  
 1405 Cyprenorphine;  
 1406 Desomorphine;  
 1407 Dihydromorphine;  
 1408 Drotebanol;  
 1409 Etorphine;

- 1412 Heroin;  
 1413 Hydromorphenol;  
 1414 Methyldesorphine;  
 1415 Methyldihydromorphine;  
 1416 Morphine methylbromide;  
 1417 Morphine methylsulfonate;  
 1418 Morphine-N-Oxide;  
 1419 Myrophine;  
 1420 Nicocodeine;  
 1421 Nicomorphine;  
 1422 Normorphine;  
 1423 Pholcodine;  
 1424 Thebacon.
- 1425 3. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture,  
 1426 or preparation, which contains any quantity of the following hallucinogenic substances, or which  
 1427 contains any of its salts, isomers, and salts of isomers, whenever the existence of such salts, isomers,  
 1428 and salts of isomers is possible within the specific chemical designation (for purposes of this subdivision  
 1429 only, the term "isomer" includes the optical, position, and geometric isomers):
- 1430 Alpha-ethyltryptamine (some trade or other names: Monase; a-ethyl-1H-indole-3-ethanamine;  
 1431 3-2-aminobutyl] indole; a-ET; AET);  
 1432 4-Bromo-2,5-dimethoxyphenethylamine (some trade or other names:  
 1433 2-4-bromo-2,5-dimethoxyphenyl]-1-aminoethane; alpha-desmethyl DOB; 2C-B; Nexus);  
 1434 3,4-methylenedioxy amphetamine;  
 1435 5-methoxy-3,4-methylenedioxy amphetamine;  
 1436 3,4,5-trimethoxy amphetamine;  
 1437 Alpha-methyltryptamine (other name: AMT);  
 1438 Bufotenine;  
 1439 Diethyltryptamine;  
 1440 Dimethyltryptamine;  
 1441 4-methyl-2,5-dimethoxyamphetamine;  
 1442 2,5-dimethoxy-4-ethylamphetamine (DOET);  
 1443 4-fluoro-N-ethylamphetamine;  
 1444 2,5-dimethoxy-4-(n)-propylthiophenethylamine (other name: 2C-T-7);  
 1445 Ibogaine;  
 1446 5-methoxy-N,N-diisopropyltryptamine (other name: 5-MeO-DIPT);  
 1447 Lysergic acid diethylamide;  
 1448 Mescaline;  
 1449 Parahexyl (some trade or other names:  
 1450 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo [b,d] pyran; Synhexyl);  
 1451 Peyote;  
 1452 N-ethyl-3-piperidyl benzilate;  
 1453 N-methyl-3-piperidyl benzilate;  
 1454 Psilocybin;  
 1455 Psilocyn;  
 1456 Salvinorin A;
- 1457 Tetrahydrocannabinols, except as present in (i) industrial hemp, as defined in § 3.2-4112, that is  
 1458 possessed by a person registered pursuant to subsection A of § 3.2-4115 or his agent; (ii) a hemp  
 1459 product, *other than a regulated hemp product*, as defined in § 3.2-4112, containing a  
 1460 tetrahydrocannabinol concentration of no greater than 0.3 percent that is derived from industrial hemp,  
 1461 as defined in § 3.2-4112, that is grown, dealt, or processed in compliance with state or federal law; (iii)  
 1462 marijuana; (iv) dronabinol in sesame oil and encapsulated in a soft gelatin capsule in a drug product  
 1463 approved by the U.S. Food and Drug Administration; or (v) industrial hemp, as defined in § 3.2-4112,  
 1464 that is possessed by a person who holds a hemp producer license issued by the U.S. Department of  
 1465 Agriculture pursuant to 7 C.F.R. Part 990; or (vi) *a regulated hemp product that does not exceed the*  
 1466 *maximum tetrahydrocannabinol concentration established pursuant to § 4.1-606 and that is derived*  
 1467 *from industrial hemp, as defined in § 3.2-4112, that is grown, dealt, or processed in compliance with*  
 1468 *state or federal law*;  
 1469 2,5-dimethoxyamphetamine (some trade or other names: 2,5-dimethoxy-a-methylphenethylamine;  
 1470 2,5-DMA);  
 1471 3,4-methylenedioxymethamphetamine (MDMA), its optical, positional and geometric isomers, salts  
 1472 and salts of isomers;  
 1473 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4



- 1474 (methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA);
- 1475 N-hydroxy-3,4-methylenedioxyamphetamine (some other names:
- 1476 N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine, and N-hydroxy MDA);
- 1477 4-bromo-2,5-dimethoxyamphetamine (some trade or other names:
- 1478 4-bromo-2,5-dimethoxy-a-methylphenethylamine; 4-bromo-2,5-DMA);
- 1479 4-methoxyamphetamine (some trade or other names: 4-methoxy-a-methylphenethylamine;
- 1480 paramethoxyamphetamine; PMA);
- 1481 Ethylamine analog of phencyclidine (some other names: N-ethyl-1-phenylcyclohexylamine,
- 1482 (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE);
- 1483 Pyrrolidine analog of phencyclidine (some other names: 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy,
- 1484 PHP);
- 1485 Thiophene analog of phencyclidine (some other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine,
- 1486 2-thienyl analog of phencyclidine, TPCP, TCP);
- 1487 1-1-(2-thienyl)cyclohexyl]pyrrolidine (other name: TCPy);
- 1488 3,4-methylenedioxypropylpyrrolidine (other name: MDPV);
- 1489 4-methylmethcathinone (other names: mephedrone, 4-MMC);
- 1490 3,4-methylenedioxymethcathinone (other name: methylone);
- 1491 Naphthylpyrovalerone (other name: naphyrone);
- 1492 4-fluoromethcathinone (other names: flephedrone, 4-FMC);
- 1493 4-methoxymethcathinone (other names: methedrone; bk-PMMA);
- 1494 Ethcathinone (other name: N-ethylcathinone);
- 1495 3,4-methylenedioxyethcathinone (other name: ethylone);
- 1496 Beta-keto-N-methyl-3,4-benzodioxolylbutanamine (other name: butylone);
- 1497 N,N-dimethylcathinone (other name: metamfepramone);
- 1498 Alpha-pyrrolidinopropiophenone (other name: alpha-PPP);
- 1499 4-methoxy-alpha-pyrrolidinopropiophenone (other name: MOPPP);
- 1500 3,4-methylenedioxy-alpha-pyrrolidinopropiophenone (other name: MDPPP);
- 1501 Alpha-pyrrolidinovaleophenone (other name: alpha-PVP);
- 1502 6,7-dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine (other name: MDAI);
- 1503 3-fluoromethcathinone (other name: 3-FMC);
- 1504 4-Ethyl-2,5-dimethoxyphenethylamine (other name: 2C-E);
- 1505 4-Iodo-2,5-dimethoxyphenethylamine (other name: 2C-I);
- 1506 4-Methylethcathinone (other name: 4-MEC);
- 1507 4-Ethylmethcathinone (other name: 4-EMC);
- 1508 N,N-diallyl-5-methoxytryptamine (other name: 5-MeO-DALT);
- 1509 Beta-keto-methylbenzodioxolylpentanamine (other names: Pentylone, bk-MBDP);
- 1510 Alpha-methylamino-butyrophenone (other name: Buphedrone);
- 1511 Alpha-methylamino-valerophenone (other name: Pentedrone);
- 1512 3,4-Dimethylmethcathinone (other name: 3,4-DMMC);
- 1513 4-methyl-alpha-pyrrolidinopropiophenone (other name: MPPP);
- 1514 4-Iodo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names: 25-I,
- 1515 25I-NBOMe, 2C-I-NBOMe);
- 1516 Methoxetamine (other names: MXE, 3-MeO-2-Oxo-PCE);
- 1517 4-Fluoromethamphetamine (other name: 4-FMA);
- 1518 4-Fluoroamphetamine (other name: 4-FA);
- 1519 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (other name: 2C-D);
- 1520 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (other name: 2C-C);
- 1521 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (other name: 2C-T-2);
- 1522 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (other name: 2C-T-4);
- 1523 2-(2,5-Dimethoxyphenyl)ethanamine (other name: 2C-H);
- 1524 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (other name: 2C-N);
- 1525 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (other name: 2C-P);
- 1526 (2-aminopropyl)benzofuran (other name: APB);
- 1527 (2-aminopropyl)-2,3-dihydrobenzofuran (other name: APDB);
- 1528 4-chloro-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names:
- 1529 2C-C-NBOMe, 25C-NBOMe, 25C);
- 1530 4-bromo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names:
- 1531 2C-B-NBOMe, 25B-NBOMe, 25B);
- 1532 Acetoxydimethyltryptamine (other names: AcO-Psilocin, AcO-DMT, Psilacetin);
- 1533 Benocyclidine (other names: BCP, BTCP);
- 1534 Alpha-pyrrolidinobutiophenone (other name: alpha-PBP);

- 1535 3,4-methylenedioxy-N,N-dimethylcathinone (other names: Dimethylone, bk-MDDMA);
- 1536 4-bromomethcathinone (other name: 4-BMC);
- 1537 4-chloromethcathinone (other name: 4-CMC);
- 1538 4-Iodo-2,5-dimethoxy-N-[(2-hydroxyphenyl)methyl]-benzeneethanamine (other name: 25I-NBOH);
- 1539 Alpha-Pyrrolidinohexiophenone (other name: alpha-PHP);
- 1540 Alpha-Pyrrolidinoheptiophenone (other name: PV8);
- 1541 5-methoxy-N,N-methylisopropyltryptamine (other name: 5-MeO-MIPT);
- 1542 Beta-keto-N,N-dimethylbenzodioxolylbutanamine (other names: Dibutylone, bk-DMBDB);
- 1543 Beta-keto-4-bromo-2,5-dimethoxyphenethylamine (other name: bk-2C-B);
- 1544 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-1-pentanone (other name: N-ethylpentylone);
- 1545 1-[1-(3-methoxyphenyl)cyclohexyl]piperidine (other name: 3-methoxy PCP);
- 1546 1-[1-(4-methoxyphenyl)cyclohexyl]piperidine (other name: 4-methoxy PCP);
- 1547 4-Chloroethcathinone (other name: 4-CEC);
- 1548 3-Methoxy-2-(methylamino)-1-(4-methylphenyl)-1-propanone (other name: Mexedrone);
- 1549 1-propionyl lysergic acid diethylamide (other name: 1P-LSD);
- 1550 (2-Methylaminopropyl)benzofuran (other name: MAPB);
- 1551 1-(1,3-benzodioxol-5-yl)-2-(dimethylamino)-1-pentanone (other names: N,N-Dimethylpentylone, Dipentylone);
- 1552 1-(4-methoxyphenyl)-2-(pyrrolidin-1-yl)octan-1-one (other name: 4-methoxy-PV9);
- 1553 3,4-tetramethylene-alpha-pyrrolidinovalerophenone (other name: TH-PVP);
- 1554 4-allyloxy-3,5-dimethoxyphenethylamine (other name: Allylescaline);
- 1555 4-Bromo-2,5-dimethoxy-N-[(2-hydroxyphenyl)methyl]-benzeneethanamine (other name: 25B-NBOH);
- 1556 4-chloro-alpha-methylamino-valerophenone (other name: 4-chloropentedrone);
- 1557 4-chloro-alpha-Pyrrolidinovalerophenone (other name: 4-chloro-alpha-PVP);
- 1558 4-fluoro-alpha-Pyrrolidinoheptiophenone (other name: 4-fluoro-PV8);
- 1559 4-hydroxy-N,N-diisopropyltryptamine (other name: 4-OH-DIPT);
- 1560 4-methyl-alpha-ethylaminopentiophenone;
- 1561 4-methyl-alpha-Pyrrolidinohexiophenone (other name: MPHP);
- 1562 5-methoxy-N,N-dimethyltryptamine (other name: 5-MeO-DMT);
- 1563 5-methoxy-N-ethyl-N-isopropyltryptamine (other name: 5-MeO-EIPT);
- 1564 6-ethyl-6-nor-lysergic acid diethylamide (other name: ETH-LAD);
- 1565 6-allyl-6-nor-lysergic acid diethylamide (other name: AL-LAD);
- 1566 (N-methyl aminopropyl)-2,3-dihydrobenzofuran (other name: MAPDB);
- 1567 2-(methylamino)-2-phenyl-cyclohexanone (other name: Deschloroketamine);
- 1568 2-(ethylamino)-2-phenyl-cyclohexanone (other name: deschloro-N-ethyl-ketamine);
- 1569 2-methyl-1-(4-(methylthio)phenyl)-2-morpholinopropiophenone (other name: MMMP);
- 1570 Alpha-ethylaminohexanophenone (other name: N-ethylhexedrone);
- 1571 N-ethyl-1-(3-methoxyphenyl)cyclohexylamine (other name: 3-methoxy-PCE);
- 1572 4-fluoro-alpha-pyrrolidinohexiophenone (other name: 4-fluoro-alpha-PHP);
- 1573 N-ethyl-1,2-diphenylethylamine (other name: Ephedrine);
- 1574 2,5-dimethoxy-4-chloroamphetamine (other name: DOC);
- 1575 3,4-methylenedioxy-N-tert-butylcathinone;
- 1576 Alpha-pyrrolidinoisohexiophenone (other name: alpha-PiHP);
- 1577 1-[1-(3-hydroxyphenyl)cyclohexyl]piperidine (other name: 3-hydroxy PCP);
- 1578 4-acetyloxy-N,N-diallyltryptamine (other name: 4-AcO-DALT);
- 1579 4-hydroxy-N,N-methylisopropyltryptamine (other name: 4-hydroxy-MIPT);
- 1580 3,4-Methylenedioxy-alpha-pyrrolidinohexanophenone (other name: MDPHP);
- 1581 5-methoxy-N,N-dibutyltryptamine (other name: 5-methoxy-DBT);
- 1582 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-1-butanone (other names: Eutylone, bk-EBDB);
- 1583 1-(1,3-benzodioxol-5-yl)-2-(butylamino)-1-pentanone (other name: N-butylpentylone);
- 1584 N-benzyl-3,4-dimethoxyamphetamine (other name: N-benzyl-3,4-DMA);
- 1585 1-(benzo[d][1,3]dioxol-5-yl)-2-(sec-butylamino)pentan-1-one (other name: N-sec-butyl Pentylone);
- 1586 1-cyclopropionyl lysergic acid diethylamide (other name: 1cP-LSD);
- 1587 2-(ethylamino)-1-phenylheptan-1-one (other name: N-ethylheptedrone);
- 1588 (2-ethylaminopropyl)benzofuran (other name: EAPB);
- 1589 4-ethyl-2,5-dimethoxy-N-[(2-hydroxyphenyl)methyl]-benzeneethanamine (other name: 25E-NBOH);
- 1590 2-fluoro-Deschloroketamine (other name: 2-(2-fluorophenyl)-2-(methylamino)-cyclohexanone);
- 1591 4-hydroxy-N-ethyl-N-propyltryptamine (other name: 4-hydroxy-EPT);
- 1592 2-(isobutylamino)-1-phenylhexan-1-one (other names: N-Isobutyl Hexedrone, alpha-isobutylaminohexanphenone);
- 1593 1-(4-methoxyphenyl)-N-methylpropan-2-amine (other names: para-Methoxymethamphetamine, PMMA);

- 1597 N-ethyl-1-(3-hydroxyphenyl)cyclohexylamine (other name: 3-hydroxy-PCE);
- 1598 N-heptyl-3,4-dimethoxyamphetamine (other names: N-heptyl-3,4-DMA);
- 1599 N-hexyl-3,4-dimethoxyamphetamine (other names: N-hexyl-3,4-DMA).
- 1600 4. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture
- 1601 or preparation which contains any quantity of the following substances having a depressant effect on the
- 1602 central nervous system, including its salts, isomers and salts of isomers whenever the existence of such
- 1603 salts, isomers and salts of isomers is possible within the specific chemical designation:
- 1604 Clonazepam;
- 1605 Etizolam;
- 1606 Flualprazolam;
- 1607 Flubromazepam;
- 1608 Flubromazolam;
- 1609 Gamma hydroxybutyric acid (some other names include GHB; gamma hydroxybutyrate;
- 1610 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate);
- 1611 Mecloqualone;
- 1612 Methaqualone.
- 1613 5. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture
- 1614 or preparation which contains any quantity of the following substances having a stimulant effect on the
- 1615 central nervous system, including its salts, isomers and salts of isomers:
- 1616 2-(3-fluorophenyl)-3-methylmorpholine (other name: 3-fluorophenmetrazine);
- 1617 Aminorex (some trade or other names; aminoxaphen; 2-amino-5-phenyl-2-oxazoline;
- 1618 4,5-dihydro-5-phenyl-2-oxazolamine);
- 1619 Cathinone (some trade or other names: 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone,
- 1620 2-aminopropiophenone, norephedrone), and any plant material from which Cathinone may be derived;
- 1621 Cis-4-methylaminorex (other name: cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);
- 1622 Ethylamphetamine;
- 1623 Ethyl phenyl(piperidin-2-yl)acetate (other name: Ethylphenidate);
- 1624 Fenethylline;
- 1625 Methcathinone (some other names: 2-(methylamino)-propionophenone;
- 1626 alpha-(methylamino)-propionophenone; 2-(methylamino)-1-phenylpropan-1-one;
- 1627 alpha-N-methylaminopropiophenone; monomethylpropion; ephedrone; N-methylcathinone;
- 1628 methylcathinone; AL-464; AL-422; AL-463 and UR 1432);
- 1629 N-Benzylpiperazine (some other names: BZP, 1-benzylpiperazine);
- 1630 N,N-dimethylamphetamine (other names: N, N-alpha-trimethyl-benzeneethanamine, N,
- 1631 N-alpha-trimethylphenethylamine);
- 1632 Methyl 2-(4-fluorophenyl)-2-(2-piperidinyl)acetate (other name: 4-fluoromethylphenidate);
- 1633 Isopropyl-2-phenyl-2-(2-piperidinyl)acetate (other name: Isopropylphenidate);
- 1634 4-chloro-N,N-dimethylcathinone;
- 1635 3,4-methylenedioxy-N-benzylcathinone (other name: BMDP).
- 1636 6. Any substance that contains one or more cannabimimetic agents or that contains their salts,
- 1637 isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is
- 1638 possible within the specific chemical designation, and any preparation, mixture, or substance containing,
- 1639 or mixed or infused with, any detectable amount of one or more cannabimimetic agents.
- 1640 a. "Cannabimimetic agents" includes any substance that is within any of the following structural
- 1641 classes:
- 1642 2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or
- 1643 alkenyl, whether or not substituted on the cyclohexyl ring to any extent;
- 1644 3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane with substitution at the nitrogen atom of
- 1645 the indole ring, whether or not further substituted on the indole ring to any extent, whether or not
- 1646 substituted on the naphthoyl or naphthyl ring to any extent;
- 1647 3-(1-naphthoyl)pyrrole with substitution at the nitrogen atom of the pyrrole ring, whether or not
- 1648 further substituted in the pyrrole ring to any extent, whether or not substituted on the naphthoyl ring to
- 1649 any extent;
- 1650 1-(1-naphthylmethyl)indene with substitution of the 3-position of the indene ring, whether or not
- 1651 further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to
- 1652 any extent;
- 1653 3-phenylacetylindole or 3-benzoylindole with substitution at the nitrogen atom of the indole ring,
- 1654 whether or not further substituted in the indole ring to any extent, whether or not substituted on the
- 1655 phenyl ring to any extent;
- 1656 3-cyclopropoylindole with substitution at the nitrogen atom of the indole ring, whether or not further
- 1657 substituted on the indole ring to any extent, whether or not substituted on the cyclopropyl ring to any

- 1658 extent;
- 1659 3-adamantoylindole with substitution at the nitrogen atom of the indole ring, whether or not further
- 1660 substituted on the indole ring to any extent, whether or not substituted on the adamantyl ring to any
- 1661 extent;
- 1662 N-(adamantyl)-indole-3-carboxamide with substitution at the nitrogen atom of the indole ring,
- 1663 whether or not further substituted on the indole ring to any extent, whether or not substituted on the
- 1664 adamantyl ring to any extent; and
- 1665 N-(adamantyl)-indazole-3-carboxamide with substitution at a nitrogen atom of the indazole ring,
- 1666 whether or not further substituted on the indazole ring to any extent, whether or not substituted on the
- 1667 adamantyl ring to any extent.
- 1668 b. The term "cannabimimetic agents" includes:
- 1669 5-(1,1-Dimethylheptyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497);
- 1670 5-(1,1-Dimethylhexyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C6 homolog);
- 1671 5-(1,1-Dimethyloctyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C8 homolog);
- 1672 5-(1,1-Dimethylnonyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C9 homolog);
- 1673 1-pentyl-3-(1-naphthoyl)indole (other names: JWH-018, AM-678);
- 1674 1-butyl-3-(1-naphthoyl)indole (other name: JWH-073);
- 1675 1-pentyl-3-(2-methoxyphenylacetyl)indole (other name: JWH-250);
- 1676 1-hexyl-3-(naphthalen-1-oyl)indole (other name: JWH-019);
- 1677 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (other name: JWH-200);
- 1678 (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tet
- 1679 rahydrobenzo[c]chromen-1-ol (other name: HU-210);
- 1680 1-pentyl-3-(4-methoxy-1-naphthoyl)indole (other name: JWH-081);
- 1681 1-pentyl-3-(4-methyl-1-naphthoyl)indole (other name: JWH-122);
- 1682 1-pentyl-3-(2-chlorophenylacetyl)indole (other name: JWH-203);
- 1683 1-pentyl-3-(4-ethyl-1-naphthoyl)indole (other name: JWH-210);
- 1684 1-pentyl-3-(4-chloro-1-naphthoyl)indole (other name: JWH-398);
- 1685 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (other name: AM-694);
- 1686 1-((N-methylpiperidin-2-yl)methyl)-3-(1-naphthoyl)indole (other name: AM-1220);
- 1687 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (other name: AM-2201);
- 1688 1-[(N-methylpiperidin-2-yl)methyl]-3-(2-iodobenzoyl)indole (other name: AM-2233);
- 1689 Pravadoline (4-methoxyphenyl)-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-yl]methanone (other
- 1690 name: WIN 48,098);
- 1691 1-pentyl-3-(4-methoxybenzoyl)indole (other names: RCS-4, SR-19);
- 1692 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (other names: RCS-8, SR-18);
- 1693 1-pentyl-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other name: UR-144);
- 1694 1-(5-fluoropentyl)-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other names: XLR-11,
- 1695 5-fluoro-UR-144);
- 1696 N-adamantyl-1-fluoropentylindole-3-carboxamide (other name: STS-135);
- 1697 N-adamantyl-1-pentylindazole-3-carboxamide (other names: AKB48, APINACA);
- 1698 1-pentyl-3-(1-adamantoyl)indole (other name: AB-001);
- 1699 (8-quinoliny)(1-pentylindol-3-yl)carboxylate (other name: PB-22);
- 1700 (8-quinoliny)(1-(5-fluoropentyl)indol-3-yl)carboxylate (other name: 5-fluoro-PB-22);
- 1701 (8-quinoliny)(1-cyclohexylmethyl-indol-3-yl)carboxylate (other name: BB-22);
- 1702 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide (other name: AB-PINACA);
- 1703 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)indazole-3-carboxamide (other name:
- 1704 AB-FUBINACA);
- 1705 1-(5-fluoropentyl)-3-(1-naphthoyl)indazole (other name: THJ-2201);
- 1706 N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide (other name:
- 1707 ADB-PINACA);
- 1708 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide (other name:
- 1709 AB-CHMINACA);
- 1710 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)indazole-3-carboxamide (other name:
- 1711 5-fluoro-AB-PINACA);
- 1712 N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide (other
- 1713 names: ADB-CHMINACA, MAB-CHMINACA);
- 1714 Methyl-2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate (other name:
- 1715 5-fluoro-AMB);
- 1716 1-naphthalenyl 1-(5-fluoropentyl)-1H-indole-3-carboxylate (other name: NM-2201);
- 1717 1-(4-fluorobenzyl)-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other name: FUB-144);
- 1718 1-(5-fluoropentyl)-3-(4-methyl-1-naphthoyl)indole (other name MAM-2201);
- 1719 N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-[(4-fluorophenyl)methyl]-1H-indazole-3-carboxamide

1720 (other name: ADB-FUBINACA);  
 1721 Methyl 2-[1-[(4-fluorophenyl)methyl]-1H-indazole-3-carboxamido]-3,3-di methylbutanoate (other  
 1722 name: MDMB-FUBINACA);  
 1723 Methyl 2-[1-(5-fluoropentyl)-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other names:  
 1724 5-fluoro-ADB, 5-Fluoro-MDMB-PINACA);  
 1725 Methyl 2-({1-[(4-fluorophenyl)methyl]-1H-indazole-3-carbonyl}amino)-3-methylbutanoat e (other  
 1726 names: AMB-FUBINACA, FUB-AMB);  
 1727 N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (other name: FUB-AKB48);  
 1728 N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide (other name: 5F-AKB48);  
 1729 N-(adamantanyl)-1-(5-chloropentyl) indazole-3-carboxamide (other name: 5-chloro-AKB48);  
 1730 Naphthalen-1-yl 1-pentyl-1H-indazole-3-carboxylate (other name: SDB-005);  
 1731 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indole-3-carboxamide (other name:  
 1732 AB-CHMICA);  
 1733 1-pentyl-N-(phenylmethyl)-1H-indole-3-carboxamide (other name: SDB-006);  
 1734 Quinolin-8-yl 1-(4-fluorobenzyl)-1H-indole-3-carboxylate (other name: FUB-PB-22);  
 1735 Methyl N-[1-(cyclohexylmethyl)-1H-indole-3-carbonyl]valinate (other name: MMB-CHMICA);  
 1736 N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)indazole-3-carboxamid e (other name:  
 1737 5-fluoro-ADB-PINACA);  
 1738 1-(4-cyanobutyl)-N-(1-methyl-1-phenylethyl)-1H-indazole-3-carboxamide (other name: 4-cyano  
 1739 CUMYL-BUTINACA);  
 1740 Methyl 2-[1-(5-fluoropentyl)-1H-indole-3-carboxamido]-3,3-dimethylbutanoate (other name:  
 1741 5-Fluoro-MDMB-PICA);  
 1742 Ethyl 2-({1-[(4-fluorophenyl)methyl]-1H-indazole-3-carbonyl}amino)-3-methylbutanoat e (other name:  
 1743 EMB-FUBINACA);  
 1744 Methyl 2-[1-4-fluorobutyl)-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other name:  
 1745 4-fluoro-MDMB-BUTINACA);  
 1746 1-(5-fluoropentyl)-N-(1-methyl-1-phenylethyl)-1H-indole-3-carboxamide (other name: 5-fluoro  
 1747 CUMYL-PICA);  
 1748 Methyl 2-[1-(pent-4-enyl)-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other name:  
 1749 MDMB-4en-PINACA);  
 1750 Methyl 2-({1-[(4-fluorophenyl)methyl]-1H-indole-3-carbonyl}amino)-3-methylbutanoate (other names:  
 1751 MMB-FUBICA, AMB-FUBICA);  
 1752 Methyl 2-[1-(4-penten-1-yl)-1H-indole-3-carboxamido]-3-methylbutanoate (other names: MMB022,  
 1753 MMB-4en-PICA);  
 1754 Methyl 2-[1-(5-fluoropentyl)-1H-indole-3-carboxamido]-3-methylbutanoate (other name: MMB 2201);  
 1755 Methyl 2-[1-(5-fluoropentyl)-1H-indole-3-carboxamido]-3-phenylpropanoate (other name:  
 1756 5-fluoro-MPP-PICA);  
 1757 N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-butylindazole-3-carboxamide (other name:  
 1758 ADB-BUTINACA);  
 1759 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-chloropentyl)indazole-3-carboxamide (other name:  
 1760 5-chloro-AB-PINACA).  
 1761 **2. That Article 5 (§§ 3.2-5145.1 through 3.2-5145.5) of Chapter 51 of Title 3.2 of the Code of**  
 1762 **Virginia and §§ 4.1-1101.1, 4.1-1105.1, 18.2-248.1, and 18.2-251.1 of the Code of Virginia are**  
 1763 **repealed.**  
 1764 **3. That the repeal of Article 5 (§§ 3.2-5145.1 through 3.2-5145.5) of Chapter 51 of Title 3.2 of the**  
 1765 **Code of Virginia pursuant to the second enactment of this act shall become effective on the earlier**  
 1766 **of (i) the promulgation by the Board of Directors of the Virginia Cannabis Control Authority of**  
 1767 **final regulations governing regulated hemp products pursuant to § 4.1-606 of the Code of Virginia,**  
 1768 **as amended by this act, or (ii) July 1, 2023. Any regulation promulgated by the Department of**  
 1769 **Agriculture and Consumer Services pursuant to Article 5 of Chapter 51 of Title 3.2 of the Code of**  
 1770 **Virginia, as repealed by this act, shall remain in full force and effect and continue to be**  
 1771 **administered by the Department of Agriculture and Consumer Services until the effective date of**  
 1772 **the repeal of Article 5 of Chapter 51 of Title 3.2 of the Code of Virginia.**