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SENATE BILL NO. 591

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Governor
on April 11, 2022)

(Patron Prior to Substitute—Senator Hanger)

A BILL to amend and reenact §§ 3.2-4113, 3.2-4118, 3.2-5145.4, 3.2-5145.5, 4.1-600, 4.1-606, 4.1-1100, 9.1-1101, 18.2-247, 18.2-251.1, 19.2-188.1, 54.1-3401, 54.1-3408.3, 54.1-3423, 54.1-3442.6, 54.1-3442.7, 54.1-3446, and 59.1-200 of the Code of Virginia, relating to marijuana; shape prohibitions; definitions of marijuana and tetrahydrocannabinol.

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2-4113, 3.2-4118, 3.2-5145.4, 3.2-5145.5, 4.1-600, 4.1-606, 4.1-1100, 9.1-1101, 18.2-247, 18.2-251.1, 19.2-188.1, 54.1-3401, 54.1-3408.3, 54.1-3423, 54.1-3442.6, 54.1-3442.7, 54.1-3446, and 59.1-200 of the Code of Virginia are amended and reenacted as follows:

§ 3.2-4113. Production of industrial hemp lawful.

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

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

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

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

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

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

E. A corrective action plan established by the Commissioner in response to a negligent violation of a provision of this chapter shall identify a reasonable date by which the person who is the subject of the plan shall correct the negligent violation and shall require such person to report periodically for not less

60 than two calendar years to the Commissioner on the person's compliance with the provisions of this
61 chapter.

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

65 **§ 3.2-5145.4. Industrial hemp extract requirements.**

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

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

71 *C. No person shall manufacture, offer for sale at retail, or sell at retail an industrial hemp extract*
72 *or food containing an industrial hemp extract that depicts or is in the shape of a human, animal,*
73 *vehicle, or fruit.*

74 **§ 3.2-5145.5. Regulations.**

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

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

78 C. The Board shall adopt regulations establishing labeling requirements for an industrial hemp extract
79 or a food containing an industrial hemp extract *and may adopt other packaging requirements for an*
80 *industrial hemp extract or a food containing an industrial hemp extract that is offered for sale at retail,*
81 *including per-package and per-serving tetrahydrocannabinol limits.*

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

85 E. With the exception of § 2.2-4031, neither the provisions of the Administrative Process Act
86 (§ 2.2-4000 et seq.) nor public participation guidelines adopted pursuant thereto shall apply to the
87 adoption of any regulation pursuant to this section. Prior to adopting any regulation pursuant to this
88 section, the Board shall publish a notice of opportunity to comment in the Virginia Register of
89 Regulations and post the action on the Virginia Regulatory Town Hall. Such notice of opportunity to
90 comment shall contain (i) a summary of the proposed regulation; (ii) the text of the proposed regulation;
91 and (iii) the name, address, and telephone number of the agency contact person responsible for receiving
92 public comments. Such notice shall be made at least 60 days in advance of the last date prescribed in
93 such notice for submittals of public comment. The legislative review provisions of subsections A and B
94 of § 2.2-4014 shall apply to the promulgation or final adoption process for regulations pursuant to this
95 section. The Board shall consider and keep on file all public comments received for any regulation
96 adopted pursuant to this section.

97 **§ 4.1-600. Definitions.**

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

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

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

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

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

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

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

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

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

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

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

119 "Manufacturing" or "manufacture" means the production of marijuana products or the blending,
120 infusing, compounding, or other preparation of marijuana and marijuana products, including marijuana
121 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 (i) 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);~~ (ii) 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);~~ (iii) *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 his agent;* (iv) a 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, *provided that the sale of such hemp product complies with the provisions of subdivision A 67 of § 59.1-200; or* (v) *any drug product containing tetrahydrocannabinol that is approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) by the Board of Pharmacy pursuant to § 54.1-3443.*

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

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

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

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

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

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

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

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

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

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

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

188 "Retail marijuana products" means marijuana products that are manufactured and sold by a licensed
189 marijuana establishment.

190 "Retail marijuana store" means a facility licensed under this subtitle to purchase or take possession of
191 retail marijuana, retail marijuana products, immature marijuana plants, or marijuana seeds from a
192 marijuana cultivation facility, marijuana manufacturing facility, or marijuana wholesaler and to sell retail
193 marijuana, retail marijuana products, immature marijuana plants, or marijuana seeds to consumers.

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

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

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

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

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

206 **§ 4.1-606. Regulations of the Board.**

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

213 B. The Board shall promulgate regulations that:

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

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

218 3. Establish sanitary standards for retail marijuana product preparation;

219 4. Establish a testing program for retail marijuana and retail marijuana products pursuant to Chapter
220 14 (§ 4.1-1400 et seq.);

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

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

226 7. Establish a maximum tetrahydrocannabinol level for retail marijuana products, which shall not
227 exceed (i) five milligrams per serving for edible marijuana products and where practicable an equivalent
228 amount for other marijuana products or (ii) 50 milligrams per package for edible marijuana products and
229 where practicable an equivalent amount for other marijuana products. Such regulations may include
230 other product and dispensing limitations on tetrahydrocannabinol;

231 8. Establish requirements for the form, content, and retention of all records and accounts by all
232 licensees;

233 9. Provide alternative methods for licensees to maintain and store business records that are subject to
234 Board inspection, including methods for Board-approved electronic and offsite storage;

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

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

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

244 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 § 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 § 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, 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; *and*

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

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.

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

licensees.

E. Courts shall take judicial notice of Board regulations.

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

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

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

§ 4.1-1100. Possession, etc., of marijuana and marijuana products by persons 21 years of age or older; when lawful and when unlawful; penalties.

A. Except as otherwise provided in this subtitle and notwithstanding any other provision of law, a person 21 years of age or older may lawfully possess on his person or in any public place not more than one ounce of marijuana or an equivalent amount of marijuana product as determined by regulation promulgated by the Board.

B. Any person who possesses on his person or in any public place marijuana or marijuana products in excess of the amounts set forth in subsection A is subject to a civil penalty of no more than \$25. The penalty for any violations of this section by an adult shall be prepayable according to the procedures in § 16.1-69.40:2.

C. With the exception of a licensee in the course of his duties related to such licensee's marijuana establishment, any person who possesses on his person or in any public place (i) *more than two ounces but not more than six ounces of marijuana or an equivalent amount of marijuana product as determined by regulation promulgated by the Board is guilty of a Class 2 misdemeanor*, (ii) *more than six ounces but not more than one pound of marijuana or an equivalent amount of marijuana product as determined by regulation promulgated by the Board is guilty of a Class 1 misdemeanor*, and (iii) more than one pound of marijuana or an equivalent amount of marijuana product as determined by regulation promulgated by the Board is guilty of a felony punishable by a term of imprisonment of not less than one year nor more than 10 years and a fine of not more than \$250,000, or both.

D. The provisions of this section shall not apply to members of federal, state, county, city, or town law-enforcement agencies, jail officers, or correctional officers, as defined in § 53.1-1, certified as handlers of dogs trained in the detection of controlled substances when possession of marijuana is necessary for the performance of their duties.

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

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

B. The Department shall:

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

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

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

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

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

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

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

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

4. Determine the proper methods for detecting the concentration of tetrahydrocannabinol (THC) in substances for the purposes of Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1, Chapter 7 (§ 18.2-247 et seq.) of Title 18.2, and §§ 54.1-3401 and 54.1-3446. The testing methodology shall use post-decarboxylation testing or another equivalent method and shall consider the potential conversion of tetrahydrocannabinolic 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.

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

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

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

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

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

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

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

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

"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 that did in fact so manufacture, process, pack, or distribute such drug.

"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 (i) the mature stalks of such plant, fiber produced from such stalk, 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);~~ (ii) 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)~~ (iii) 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 his agent; ~~or (iii)~~ (iv) a 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, provided that the sale of such hemp product complies with the provisions of subdivision A 67 of § 59.1-200; or (v) any drug product containing tetrahydrocannabinol that is approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) by the Board of Pharmacy pursuant to § 54.1-3443.

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

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

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

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

440 **§ 18.2-251.1. Possession or distribution of marijuana for medical purposes permitted.**

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

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

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

451 **§ 19.2-188.1. Testimony regarding identification of controlled substances.**

452 A. In any preliminary hearing on a violation of Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1, Article 1
453 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, or subdivision 6 of § 53.1-203, any law-enforcement
454 officer shall be permitted to testify as to the results of field tests that have been approved by the
455 Department of Forensic Science pursuant to regulations adopted in accordance with the Administrative
456 Process Act (§ 2.2-4000 et seq.), regarding whether or not any substance the identity of which is at issue
457 in such hearing is a controlled substance, imitation controlled substance, or marijuana, as defined in §
458 *4.1-600 or 18.2-247*.

459 B. In any trial for a violation of § 4.1-1105.1, any law-enforcement officer shall be permitted to
460 testify as to the results of any marijuana field test approved as accurate and reliable by the Department
461 of Forensic Science pursuant to regulations adopted in accordance with the Administrative Process Act
462 (§ 2.2-4000 et seq.), regarding whether or not any plant material, the identity of which is at issue, is
463 marijuana provided the defendant has been given written notice of his right to request a full chemical
464 analysis. Such notice shall be on a form approved by the Supreme Court and shall be provided to the
465 defendant prior to trial.

466 In any case in which the person accused of a violation of § 4.1-1105.1, or the attorney of record for
467 the accused, desires a full chemical analysis of the alleged plant material, he may, by motion prior to
468 trial before the court in which the charge is pending, request such a chemical analysis. Upon such
469 motion, the court shall order that the analysis be performed by the Department of Forensic Science in
470 accordance with the provisions of § 18.2-247 and shall prescribe in its order the method of custody,
471 transfer, and return of evidence submitted for chemical analysis.

472 **§ 54.1-3401. Definitions.**

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

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

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

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

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

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

487 "Automated drug dispensing system" means a mechanical or electronic system that performs
488 operations or activities, other than compounding or administration, relating to pharmacy services,
489 including the storage, dispensing, or distribution of drugs and the collection, control, and maintenance of
490 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.

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

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

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

552 consumption before such an exemption takes effect with respect to that substance.

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

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

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

564 "Dialysis care technician" or "dialysis patient care technician" means an individual who is certified
565 by an organization approved by the Board of Health Professions pursuant to Chapter 27.01
566 (§ 54.1-2729.1 et seq.) and who, under the supervision of a licensed physician, nurse practitioner,
567 physician assistant, or a registered nurse, assists in the care of patients undergoing renal dialysis
568 treatments in a Medicare-certified renal dialysis facility.

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

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

581 "Dispenser" means a practitioner who dispenses.

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

583 "Distributor" means a person who distributes.

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

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

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

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

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

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

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

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

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

613 "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 (i) 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);~~ (ii) 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);~~ (iii) 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) or his agent;~~ (iv) a 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, *provided that the sale of such hemp product complies with the provisions of subdivision A 67 of § 59.1-200; or (v) any drug product containing tetrahydrocannabinol that is approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) by the Board of Pharmacy pursuant to § 54.1-3443.*

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

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

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

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

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

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

675 (dextromethorphan). It does include its racemic and levorotatory forms.

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

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

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

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

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

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

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

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

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

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

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

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

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

724 "Reference biological product" means the single biological product licensed pursuant to 42 U.S.C.
725 § 262(a) against which a biological product is evaluated in an application submitted to the U.S. Food
726 and Drug Administration for licensure of biological products as biosimilar or interchangeable pursuant to
727 42 U.S.C. § 262(k).

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

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

732 "Therapeutically equivalent drug products" means drug products that contain the same active
733 ingredients and are identical in strength or concentration, dosage form, and route of administration and
734 that are classified as being therapeutically equivalent by the U.S. Food and Drug Administration
735 pursuant to the definition of "therapeutically equivalent drug products" set forth in the most recent
736 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.

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

"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.

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

A. As used in this section:

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

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

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

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

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

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

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

B. A practitioner in the course of his professional practice may issue a written certification for the use of cannabis products for treatment or to alleviate the symptoms of any diagnosed condition or disease determined by the practitioner to benefit from such use. The practitioner shall use his professional judgment to determine the manner and frequency of patient care and evaluation and may employ the use of telemedicine, provided that the use of telemedicine includes the delivery of patient care through real-time interactive audio-visual technology. If a practitioner determines it is consistent with the standard of care to dispense botanical cannabis to a minor, the written certification shall

specifically authorize such dispensing. If not specifically included on the initial written certification, authorization for botanical cannabis may be communicated verbally or in writing to the pharmacist at the time of dispensing.

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

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

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

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

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

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

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

J. Information obtained under the registration process shall be confidential and shall not be subject to the disclosure provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). However, reasonable access to registry information shall be provided to (i) the Chairmen of the House Committee for Courts of Justice and the Senate Committee on the Judiciary, (ii) state and federal agencies or local law enforcement for the purpose of investigating or prosecuting a specific individual for a specific violation of law, (iii) licensed practitioners or pharmacists, or their agents, for the purpose of providing patient care and drug therapy management and monitoring of drugs obtained by a registered patient, (iv) a pharmaceutical processor or cannabis dispensing facility involved in the treatment of a registered patient, or (v) a registered patient, his registered agent, or, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, the patient's parent or legal guardian, but only with respect to information related to such registered patient.

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

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

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

2. Compliance with applicable state and local law;

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

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

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

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

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

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

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

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

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

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

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

921 for such registration, and (iii) whether the issuance of the registration is consistent with the public
922 interest.

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

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

932 **§ 54.1-3442.6. Permit to operate pharmaceutical processor or cannabis dispensing facility.**

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

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

943 C. The Board shall adopt regulations establishing health, safety, and security requirements for
944 pharmaceutical processors and cannabis dispensing facilities. Such regulations shall include requirements
945 for (i) physical standards; (ii) location restrictions; (iii) security systems and controls; (iv) minimum
946 equipment and resources; (v) recordkeeping; (vi) labeling, including the potency of each botanical
947 cannabis product and the amounts recommended by the practitioner or dispensing pharmacist, and
948 packaging; (vii) routine inspections no more frequently than once annually; (viii) processes for safely
949 and securely dispensing and delivering in person cannabis products to a registered patient, his registered
950 agent, or, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, such patient's
951 parent or legal guardian; (ix) dosage limitations for cannabis oil that provide that each dispensed dose of
952 cannabis oil not exceed 10 milligrams of ~~delta-9-tetrahydrocannabinol~~ *tetrahydrocannabinol*; (x) a
953 process for the wholesale distribution of and the transfer of usable cannabis, botanical cannabis, cannabis
954 oil, and cannabis products between pharmaceutical processors, between a pharmaceutical processor and a
955 cannabis dispensing facility, and between cannabis dispensing facilities; (xi) an allowance for the sale of
956 devices for administration of dispensed cannabis products and hemp-based CBD products that meet the
957 applicable standards set forth in state and federal law, including the laboratory testing standards set forth
958 in subsection M; (xii) an allowance for the use and distribution of inert product samples containing no
959 cannabinoids for patient demonstration exclusively at the pharmaceutical processor or cannabis
960 dispensing facility, and not for further distribution or sale, without the need for a written certification;
961 (xiii) a process for acquiring oil from industrial hemp extract and formulating such oil extract with
962 Cannabis plant extract into allowable dosages of cannabis oil; and (xiv) an allowance for the advertising
963 and promotion of the pharmaceutical processor's products and operations, which shall not limit the
964 pharmaceutical processor from the provision of educational material to practitioners who issue written
965 certifications and registered patients. The Board shall also adopt regulations for pharmaceutical
966 processors that include requirements for (a) processes for safely and securely cultivating Cannabis plants
967 intended for producing cannabis products, (b) the secure disposal of agricultural waste, and (c) a process
968 for registering cannabis oil products.

969 D. The Board shall require that, after processing and before dispensing any cannabis products, a
970 pharmaceutical processor shall make a sample available from each batch of cannabis product for testing
971 by an independent laboratory located in Virginia meeting Board requirements. A valid sample size for
972 testing shall be determined by each laboratory and may vary due to sample matrix, analytical method,
973 and laboratory-specific procedures. A minimum sample size of 0.5 percent of individual units for
974 dispensing or distribution from each homogenized batch of cannabis oil is required to achieve a
975 representative cannabis oil sample for analysis. A minimum sample size, to be determined by the
976 certified testing laboratory, from each batch of botanical cannabis is required to achieve a representative
977 botanical cannabis sample for analysis. Botanical cannabis products shall only be tested for the
978 following: total cannabidiol (CBD); total tetrahydrocannabinol (THC); terpenes; pesticide chemical
979 residue; heavy metals; mycotoxins; moisture; and microbiological contaminants. Testing thresholds shall
980 be consistent with generally accepted cannabis industry thresholds. The pharmaceutical processor may
981 remediate cannabis oil that fails any quality testing standard. Following remediation, all remediated
982 cannabis oil shall be subject to laboratory testing and approved upon satisfaction of testing standards

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

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

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

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

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

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

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

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

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

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

M. A pharmaceutical processor may acquire industrial hemp extract processed in Virginia, and in compliance with state or federal law, from a registered industrial hemp dealer or processor. A pharmaceutical processor may process and formulate such extract with cannabis plant extract into an allowable dosage of cannabis oil. Industrial hemp extract acquired by a pharmaceutical processor is subject to the same third-party testing requirements that may apply to cannabis plant extract. Testing shall be performed by a laboratory located in Virginia and in compliance with state law. The industrial hemp dealer or processor shall provide such third-party testing results to the pharmaceutical processor before industrial hemp extract may be acquired.

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

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

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

§ 54.1-3442.7. Dispensing cannabis products; report.

A. A pharmaceutical processor or cannabis dispensing facility shall dispense or deliver cannabis products only in person to (i) a patient who is a Virginia resident or temporarily resides in Virginia as made evident to the Board, has been issued a valid written certification, and is registered with the Board pursuant to § 54.1-3408.3; (ii) such patient's registered agent; or (iii) if such patient is a minor or an incapacitated adult as defined in § 18.2-369, such patient's parent or legal guardian who is a Virginia resident or temporarily resides in Virginia as made evident to the Board and is registered with the Board pursuant to § 54.1-3408.3. A companion may accompany a registered patient into a pharmaceutical processor's dispensing area or cannabis dispensing facility. Prior to the initial dispensing of cannabis oil pursuant to each written certification, a pharmacist or pharmacy technician employed by the pharmaceutical processor or cannabis dispensing facility shall make and maintain, on site or remotely by electronic means, for two years a paper or electronic copy of the written certification that provides an exact image of the document that is clearly legible; shall view, in person or by audiovisual means, a current photo identification of the patient, registered agent, parent, or legal guardian; and shall verify current board registration of the practitioner and the corresponding patient, registered agent, parent, or legal guardian. Thereafter, an initial dispensing may be delivered to the patient, registered agent, parent, legal guardian, or designated caregiver facility. Prior to any subsequent dispensing of cannabis oil pursuant to each written certification, an employee or delivery agent shall view a current photo identification of the patient, registered agent, or legal guardian and the current board registration issued to the patient, registered agent, parent, or legal guardian. No pharmaceutical processor or cannabis dispensing facility shall dispense more than a 90-day supply of a cannabis product, as determined by the dispensing pharmacist or certifying practitioner, for any patient during any 90-day period; however, a pharmaceutical processor or cannabis dispensing facility may dispense more than one cannabis product to a patient at one time. No more than four ounces of botanical cannabis shall be dispensed for each 30-day period for which botanical cannabis is dispensed. A pharmaceutical processor or cannabis dispensing facility may dispense less than a 90-day supply. In determining the appropriate amount of a cannabis product to be dispensed to a patient, a pharmaceutical processor or cannabis dispensing facility shall consider all cannabis products dispensed to the patient and adjust the amount dispensed accordingly.

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

C. The Board shall report annually by December 1 to the Chairmen of the House Committee for Health, Welfare and Institutions and the Senate Committee on Education and Health on the operation of pharmaceutical processors and cannabis dispensing facilities issued a permit by the Board, including the number of practitioners, patients, registered agents, and parents or legal guardians of patients who have registered with the Board and the number of written certifications issued pursuant to § 54.1-3408.3.

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

§ 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);

- 1106 1-methyl-4-phenyl-4-propionoxypiperidine (other name: MPPP);
- 1107 2-methoxy-N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-acetamide (other name: Methoxyacetyl fentanyl);
- 1108 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methyl-benzamide (other name: U-47700);
- 1109 3,4-dichloro-N-{[1-(dimethylamino)cyclohexyl]methyl}benzamide (other name: AH-7921);
- 1110 Acetyl fentanyl (other name: desmethyl fentanyl);
- 1111 Acetylmethadol;
- 1112 Allylprodine;
- 1113 Alphacetylmethadol (except levo-alphacetylmethadol, also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM);
- 1114 Alphameprodine;
- 1115 Alphamethadol;
- 1116 Benzethidine;
- 1117 Betacetylmethadol;
- 1118 Betameprodine;
- 1119 Betamethadol;
- 1120 Betaprodine;
- 1121 Clonitazene;
- 1122 Dextromoramide;
- 1123 Diampromide;
- 1124 Diethylthiambutene;
- 1125 Difenoquin;
- 1126 Dimenoxadol;
- 1127 Dimepheptanol;
- 1128 Dimethylthiambutene;
- 1129 Dioxaphetylbutyrate;
- 1130 Dipipanone;
- 1131 Ethylmethylthiambutene;
- 1132 Etonitazene;
- 1133 Etoxadine;
- 1134 Furethidine;
- 1135 Hydroxypethidine;
- 1136 Ketobemidone;
- 1137 Levomoramide;
- 1138 Levophenacetylmorphine;
- 1139 Morpheridine;
- 1140 MT-45 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine);
- 1141 N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide (other name: Cyclopropyl fentanyl);
- 1142 N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide (other name: Tetrahydrofuran fentanyl);
- 1143 N-[1-[1-methyl-2-(2-thienyl)ethyl]-4-piperidyl]-N-phenylpropanamide (other name: alpha-methylthiofentanyl);
- 1144 N-[1-(1-methyl-2-phenylethyl)-4-piperidyl]-N-phenylacetamide (other name: acetyl-alpha-methylfentanyl);
- 1145 N-{1-[2-hydroxy-2-(2-thienyl)ethyl]-4-piperidinyl}-N-phenylpropanamide (other name: beta-hydroxythiofentanyl);
- 1146 N-[1-(2-hydroxy-2-phenyl)ethyl-4-piperidyl]-N-phenylpropanamide (other name: beta-hydroxyfentanyl);
- 1147 N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl]propionanilide (other names: 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine, alpha-methylfentanyl);
- 1148 N-(2-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other names: 2-fluorofentanyl, ortho-fluorofentanyl);
- 1149 N-(3-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: 3-fluorofentanyl);
- 1150 N-[3-methyl-1-(2-hydroxy-2-phenylethyl)-4-piperidyl]-N-phenylpropanamide (other name: beta-hydroxy-3-methylfentanyl);
- 1151 N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide (other name: 3-methylfentanyl);
- 1152 N-[3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide (other name: 3-methylthiofentanyl);
- 1153 N-(4-fluorophenyl)-2-methyl-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: para-fluoroisobutyl fentanyl);
- 1154 N-(4-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-butanamide (other name:

- 1167** para-fluorobutyrylfentanyl);
1168 N-(4-fluorophenyl)-N-1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: para-fluorofentanyl);
1169 N,N-diethyl-2-(2-(4-isopropoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine (other name:
1170 Isotonitazene);
1171 N-phenyl-N-[1-(2-phenylmethyl)-4-piperidinyl]-2-furancarboxamide (other name: N-benzyl Furanyl
1172 norfentanyl);
1173 N-phenyl-N-(4-piperidinyl)-propanamide (other name: Norfentanyl);
1174 Noracymethadol;
1175 Norlevorphanol;
1176 Normethadone;
1177 Norpipanone;
1178 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-2-furancarboxamide (other name: Furanyl fentanyl);
1179 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-2-propenamide (other name: Acryl fentanyl);
1180 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-butanamide (other name: butyryl fentanyl);
1181 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-pentanamide (other name: Pentanoyl fentanyl);
1182 N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide (other name: thiofentanyl);
1183 Phenadoxone;
1184 Phenampromide;
1185 Phenomorphan;
1186 Phenoperidine;
1187 Piritramide;
1188 Proheptazine;
1189 Properidine;
1190 Propiram;
1191 Racemoramide;
1192 Tilidine;
1193 Trimeperidine;
1194 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-1,3-benzodioxole-5-carboxamide (other name:
1195 Benzodioxole fentanyl);
1196 3,4-dichloro-N-[2-(diethylamino)cyclohexyl]-N-methylbenzamide (other name: U-49900);
1197 2-(2,4-dichlorophenyl)-N-[2-(dimethylamino)cyclohexyl]-N-methyl acetamide (other name: U-48800);
1198 2-(3,4-dichlorophenyl)-N-[2-(dimethylamino)cyclohexyl]-N-methyl acetamide (other name: U-51754);
1199 N-(2-fluorophenyl)-2-methoxy-N-[1-(2-phenylethyl)-4-piperidinyl]-acetamide (other name: Ocfentanil);
1200 N-(4-methoxyphenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-butanamide (other name:
1201 4-methoxybutyrylfentanyl);
1202 N-phenyl-2-methyl-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: Isobutyryl fentanyl);
1203 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-cyclopentanecarboxamide (other name: Cyclopentyl
1204 fentanyl);
1205 N-phenyl-N-(1-methyl-4-piperidinyl)-propanamide (other name: N-methyl norfentanyl);
1206 N-[2-(dimethylamino)cyclohexyl]-N-methyl-1,3-benzodioxole-5-carboxamide (other names:
1207 3,4-methylenedioxy U-47700 or 3,4-MDO-U-47700);
1208 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-2-butenamide (other name: Crotonyl fentanyl);
1209 N-phenyl-N-[4-phenyl-1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: 4-phenylfentanyl);
1210 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-benzamide (other names: Phenyl fentanyl, Benzoyl
1211 fentanyl);
1212 N-[2-(dimethylamino)cyclohexyl]-N-phenylfuran-2-carboxamide (other name: Furanyl UF-17);
1213 N-[2-(dimethylamino)cyclohexyl]-N-phenylpropionamide (other name: UF-17);
1214 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-isopropyl-benzamide (other name: Isopropyl
1215 U-47700).
1216 2. Any of the following opium derivatives, their salts, isomers and salts of isomers, unless
1217 specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible
1218 within the specific chemical designation:
1219 Acetorphine;
1220 Acetyldihydrocodeine;
1221 Benzylmorphine;
1222 Codeine methylbromide;
1223 Codeine-N-Oxide;
1224 Cyprenorphine;
1225 Desomorphine;
1226 Dihydromorphine;
1227 Drotebanol;
1228 Etorphine;

- 1229 Heroin;
 1230 Hydromorphenol;
 1231 Methylodesorphine;
 1232 Methyldihydromorphine;
 1233 Morphine methylbromide;
 1234 Morphine methylsulfonate;
 1235 Morphine-N-Oxide;
 1236 Myrophine;
 1237 Nicocodeine;
 1238 Nicomorphine;
 1239 Normorphine;
 1240 Pholcodine;
 1241 Thebacon.
 1242 3. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture,
 1243 or preparation, which contains any quantity of the following hallucinogenic substances, or which
 1244 contains any of its salts, isomers, and salts of isomers, whenever the existence of such salts, isomers,
 1245 and salts of isomers is possible within the specific chemical designation (for purposes of this subdivision
 1246 only, the term "isomer" includes the optical, position, and geometric isomers):
 1247 Alpha-ethyltryptamine (some trade or other names: Monase; a-ethyl-1H-indole-3-ethanamine;
 1248 3-2-aminobutyl] indole; a-ET; AET);
 1249 4-Bromo-2,5-dimethoxyphenethylamine (some trade or other names:
 1250 2-4-bromo-2,5-dimethoxyphenyl]-1-aminoethane; alpha-desmethyl DOB; 2C-B; Nexus);
 1251 3,4-methylenedioxy amphetamine;
 1252 5-methoxy-3,4-methylenedioxy amphetamine;
 1253 3,4,5-trimethoxy amphetamine;
 1254 Alpha-methyltryptamine (other name: AMT);
 1255 Bufotenine;
 1256 Diethyltryptamine;
 1257 Dimethyltryptamine;
 1258 4-methyl-2,5-dimethoxyamphetamine;
 1259 2,5-dimethoxy-4-ethylamphetamine (DOET);
 1260 4-fluoro-N-ethylamphetamine;
 1261 2,5-dimethoxy-4-(n)-propylthiophenethylamine (other name: 2C-T-7);
 1262 Ibogaine;
 1263 5-methoxy-N,N-diisopropyltryptamine (other name: 5-MeO-DIPT);
 1264 Lysergic acid diethylamide;
 1265 Mescaline;
 1266 Parahexyl (some trade or other names:
 1267 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo [b,d] pyran; Synhexyl);
 1268 Peyote;
 1269 N-ethyl-3-piperidyl benzilate;
 1270 N-methyl-3-piperidyl benzilate;
 1271 Psilocybin;
 1272 Psilocyn;
 1273 Salvinorin A;
 1274 3-heptyl-1-hydroxy-6a,7,8,10a-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran (other names:
 1275 delta-9-Tetrahydrocannabiphorol, THCP, delta-9-THC-C7);
 1276 1-acetoxy-3-pentyl-6a,7,8,10a-tetrahydro-6,6,9-trimethyl-6H-dibenzo[b,d]pyran (other names:
 1277 delta-9-Tetrahydrocannabinol Acetate, THC-O-Acetate, THC-O);
 1278 Tetrahydrocannabinols, except as present in (i) industrial hemp, as defined in § 3.2-4112, that is
 1279 possessed by a person registered pursuant to subsection A of § 3.2-4115 or his agent; (ii) a hemp
 1280 product, as defined in § 3.2-4112, containing a tetrahydrocannabinol concentration of no greater than 0.3
 1281 percent that is derived from industrial hemp, as defined in § 3.2-4112, that is grown, dealt, or processed
 1282 in compliance with state or federal law; (iii) marijuana; (iv) dronabinol in sesame oil and encapsulated
 1283 in a soft gelatin capsule in a drug product approved by the U.S. Food and Drug Administration; or (v)
 1284 industrial hemp, as defined in § 3.2-4112, that is possessed by a person who holds a hemp producer
 1285 license issued by the U.S. Department of Agriculture pursuant to 7 C.F.R. Part 990;
 1286 2,5-dimethoxyamphetamine (some trade or other names: 2,5-dimethoxy-a-methylphenethylamine;
 1287 2,5-DMA);
 1288 3,4-methylenedioxymethamphetamine (MDMA), its optical, positional and geometric isomers, salts
 1289 and salts of isomers;

- 1290 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4
 1291 (methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA);
 1292 N-hydroxy-3,4-methylenedioxyamphetamine (some other names:
 1293 N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine, and N-hydroxy MDA);
 1294 4-bromo-2,5-dimethoxyamphetamine (some trade or other names:
 1295 4-bromo-2,5-dimethoxy-a-methylphenethylamine; 4-bromo-2,5-DMA);
 1296 4-methoxyamphetamine (some trade or other names: 4-methoxy-a-methylphenethylamine;
 1297 paramethoxyamphetamine; PMA);
 1298 Ethylamine analog of phencyclidine (some other names: N-ethyl-1-phenylcyclohexylamine,
 1299 (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE);
 1300 Pyrrolidine analog of phencyclidine (some other names: 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy,
 1301 PHP);
 1302 Thiophene analog of phencyclidine (some other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine,
 1303 2-thienyl analog of phencyclidine, TPCP, TCP);
 1304 1-1-(2-thienyl)cyclohexylpyrrolidine (other name: TCPy);
 1305 3,4-methylenedioxypyrovalerone (other name: MDPV);
 1306 4-methylmethcathinone (other names: mephedrone, 4-MMC);
 1307 3,4-methylenedioxymethcathinone (other name: methylone);
 1308 Naphthylpyrovalerone (other name: naphyrone);
 1309 4-fluoromethcathinone (other names: flephedrone, 4-FMC);
 1310 4-methoxymethcathinone (other names: methedrone; bk-PMMA);
 1311 Ethcathinone (other name: N-ethylcathinone);
 1312 3,4-methylenedioxyethcathinone (other name: ethylone);
 1313 Beta-keto-N-methyl-3,4-benzodioxolylbutanamine (other name: butylone);
 1314 N,N-dimethylcathinone (other name: metamfepramone);
 1315 Alpha-pyrrolidinopropiophenone (other name: alpha-PPP);
 1316 4-methoxy-alpha-pyrrolidinopropiophenone (other name: MOPPP);
 1317 3,4-methylenedioxy-alpha-pyrrolidinopropiophenone (other name: MDPPP);
 1318 Alpha-pyrrolidinovalerophenone (other name: alpha-PVP);
 1319 6,7-dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine (other name: MDAI);
 1320 3-fluoromethcathinone (other name: 3-FMC);
 1321 4-Ethyl-2,5-dimethoxyphenethylamine (other name: 2C-E);
 1322 4-Iodo-2,5-dimethoxyphenethylamine (other name: 2C-I);
 1323 4-Methylethcathinone (other name: 4-MEC);
 1324 4-Ethylmethcathinone (other name: 4-EMC);
 1325 N,N-diallyl-5-methoxytryptamine (other name: 5-MeO-DALT);
 1326 Beta-keto-methylbenzodioxolylpentanamine (other names: Pentylone, bk-MBDP);
 1327 Alpha-methylamino-butyrophenone (other name: Buphedrone);
 1328 Alpha-methylamino-valerophenone (other name: Pentedrone);
 1329 3,4-Dimethylmethcathinone (other name: 3,4-DMMC);
 1330 4-methyl-alpha-pyrrolidinopropiophenone (other name: MPPP);
 1331 4-Iodo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names: 25-I,
 1332 25I-NBOMe, 2C-I-NBOMe);
 1333 Methoxetamine (other names: MXE, 3-MeO-2-Oxo-PCE);
 1334 4-Fluoromethamphetamine (other name: 4-FMA);
 1335 4-Fluoroamphetamine (other name: 4-FA);
 1336 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (other name: 2C-D);
 1337 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (other name: 2C-C);
 1338 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (other name: 2C-T-2);
 1339 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (other name: 2C-T-4);
 1340 2-(2,5-Dimethoxyphenyl)ethanamine (other name: 2C-H);
 1341 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (other name: 2C-N);
 1342 2-(2,5-Dimethoxy-4(n)-propylphenyl)ethanamine (other name: 2C-P);
 1343 (2-aminopropyl)benzofuran (other name: APB);
 1344 (2-aminopropyl)-2,3-dihydrobenzofuran (other name: APDB);
 1345 4-chloro-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names:
 1346 2C-C-NBOMe, 25C-NBOMe, 25C);
 1347 4-bromo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names:
 1348 2C-B-NBOMe, 25B-NBOMe, 25B);
 1349 Acetoxymethyltryptamine (other names: AcO-Psilocin, AcO-DMT, Psilacetin);
 1350 Benocyclidine (other names: BCP, BTCP);
 1351 Alpha-pyrrolidinobutyrophenone (other name: alpha-PBP);

- 1352 3,4-methylenedioxy-N,N-dimethylcathinone (other names: Dimethylone, bk-MDDMA);
 1353 4-bromomethylcathinone (other name: 4-BMC);
 1354 4-chloromethylcathinone (other name: 4-CMC);
 1355 4-Iodo-2,5-dimethoxy-N-[(2-hydroxyphenyl)methyl]-benzeneethanamine (other name: 25I-NBOH);
 1356 Alpha-Pyrrolidinohexiophenone (other name: alpha-PHP);
 1357 Alpha-Pyrrolidinoheptiophenone (other name: PV8);
 1358 5-methoxy-N,N-methylisopropyltryptamine (other name: 5-MeO-MIPT);
 1359 Beta-keto-N,N-dimethylbenzodioxolylbutanamine (other names: Dibutylone, bk-DMBDB);
 1360 Beta-keto-4-bromo-2,5-dimethoxyphenethylamine (other name: bk-2C-B);
 1361 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-1-pentanone (other name: N-ethylpentylone);
 1362 1-[1-(3-methoxyphenyl)cyclohexyl]piperidine (other name: 3-methoxy PCP);
 1363 1-[1-(4-methoxyphenyl)cyclohexyl]piperidine (other name: 4-methoxy PCP);
 1364 4-Chloroethylcathinone (other name: 4-CEC);
 1365 3-Methoxy-2-(methylamino)-1-(4-methylphenyl)-1-propanone (other name: Mexedrone);
 1366 1-propionyl lysergic acid diethylamide (other name: 1P-LSD);
 1367 (2-Methylaminopropyl)benzofuran (other name: MAPB);
 1368 1-(1,3-benzodioxol-5-yl)-2-(dimethylamino)-1-pentanone (other names: N,N-Dimethylpentylone,
 1369 Dipentylone);
 1370 1-(4-methoxyphenyl)-2-(pyrrolidin-1-yl)octan-1-one (other name: 4-methoxy-PV9);
 1371 3,4-tetramethylene-alpha-pyrrolidinovalerophenone (other name: TH-PVP);
 1372 4-allyloxy-3,5-dimethoxyphenethylamine (other name: Allylescaline);
 1373 4-Bromo-2,5-dimethoxy-N-[(2-hydroxyphenyl)methyl]-benzeneethanamine (other name: 25B-NBOH);
 1374 4-chloro-alpha-methylamino-valerophenone (other name: 4-chloropentedrone);
 1375 4-chloro-alpha-Pyrrolidinovalerophenone (other name: 4-chloro-alpha-PVP);
 1376 4-fluoro-alpha-Pyrrolidinoheptiophenone (other name: 4-fluoro-PV8);
 1377 4-hydroxy-N,N-diisopropyltryptamine (other name: 4-OH-DIPT);
 1378 4-methyl-alpha-ethylaminopentiophenone;
 1379 4-methyl-alpha-Pyrrolidinohexiophenone (other name: MPHP);
 1380 5-methoxy-N,N-dimethyltryptamine (other name: 5-MeO-DMT);
 1381 5-methoxy-N-ethyl-N-isopropyltryptamine (other name: 5-MeO-EIPT);
 1382 6-ethyl-6-nor-lysergic acid diethylamide (other name: ETH-LAD);
 1383 6-allyl-6-nor-lysergic acid diethylamide (other name: AL-LAD);
 1384 (N-methyl aminopropyl)-2,3-dihydrobenzofuran (other name: MAPDB);
 1385 2-(methylamino)-2-phenyl-cyclohexanone (other name: Deschloroketamine);
 1386 2-(ethylamino)-2-phenyl-cyclohexanone (other name: deschloro-N-ethyl-ketamine);
 1387 2-methyl-1-(4-(methylthio)phenyl)-2-morpholinopropiophenone (other name: MMMP);
 1388 Alpha-ethylaminohexanophenone (other name: N-ethylhexedrone);
 1389 N-ethyl-1-(3-methoxyphenyl)cyclohexylamine (other name: 3-methoxy-PCE);
 1390 4-fluoro-alpha-pyrrolidinohexiophenone (other name: 4-fluoro-alpha-PHP);
 1391 N-ethyl-1,2-diphenylethylamine (other name: Ephendine);
 1392 2,5-dimethoxy-4-chloroamphetamine (other name: DOC);
 1393 3,4-methylenedioxy-N-tert-butylcathinone;
 1394 Alpha-pyrrolidinoisohexiophenone (other name: alpha-PiHP);
 1395 1-[1-(3-hydroxyphenyl)cyclohexyl]piperidine (other name: 3-hydroxy PCP);
 1396 4-acetyloxy-N,N-diallyltryptamine (other name: 4-AcO-DALT);
 1397 4-hydroxy-N,N-methylisopropyltryptamine (other name: 4-hydroxy-MIPT);
 1398 3,4-Methylenedioxy-alpha-pyrrolidinohexanophenone (other name: MDPHP);
 1399 5-methoxy-N,N-dibutyltryptamine (other name: 5-methoxy-DBT);
 1400 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-1-butanone (other names: Eutylone, bk-EBDB);
 1401 1-(1,3-benzodioxol-5-yl)-2-(butylamino)-1-pentanone (other name: N-butylpentylone);
 1402 N-benzyl-3,4-dimethoxyamphetamine (other name: N-benzyl-3,4-DMA);
 1403 1-(benzo[d][1,3]dioxol-5-yl)-2-(sec-butylamino)pentan-1-one (other name: N-sec-butyl Pentylone);
 1404 1-cyclopropionyl lysergic acid diethylamide (other name: 1cP-LSD);
 1405 2-(ethylamino)-1-phenylheptan-1-one (other name: N-ethylheptedrone);
 1406 (2-ethylaminopropyl)benzofuran (other name: EAPB);
 1407 4-ethyl-2,5-dimethoxy-N-[(2-hydroxyphenyl)methyl]-benzeneethanamine (other name: 25E-NBOH);
 1408 2-fluoro-Deschloroketamine (other name: 2-(2-fluorophenyl)-2-(methylamino)-cyclohexanone);
 1409 4-hydroxy-N-ethyl-N-propyltryptamine (other name: 4-hydroxy-EPT);
 1410 2-(isobutylamino)-1-phenylhexan-1-one (other names: N-Isobutyl Hexedrone,
 1411 alpha-isobutylaminohexanphenone);
 1412 1-(4-methoxyphenyl)-N-methylpropan-2-amine (other names: para-Methoxymethamphetamine,

- 1413 PMMA);
- 1414 N-ethyl-1-(3-hydroxyphenyl)cyclohexylamine (other name: 3-hydroxy-PCE);
- 1415 N-heptyl-3,4-dimethoxyamphetamine (other names: N-heptyl-3,4-DMA);
- 1416 N-hexyl-3,4-dimethoxyamphetamine (other names: N-hexyl-3,4-DMA).
- 1417 4. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture
- 1418 or preparation which contains any quantity of the following substances having a depressant effect on the
- 1419 central nervous system, including its salts, isomers and salts of isomers whenever the existence of such
- 1420 salts, isomers and salts of isomers is possible within the specific chemical designation:
- 1421 Clonazepam;
- 1422 Etizolam;
- 1423 Flualprazolam;
- 1424 Flubromazepam;
- 1425 Flubromazolam;
- 1426 Gamma hydroxybutyric acid (some other names include GHB; gamma hydroxybutyrate;
- 1427 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate);
- 1428 Mecloqualone;
- 1429 Methaqualone.
- 1430 5. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture
- 1431 or preparation which contains any quantity of the following substances having a stimulant effect on the
- 1432 central nervous system, including its salts, isomers and salts of isomers:
- 1433 2-(3-fluorophenyl)-3-methylmorpholine (other name: 3-fluorophenmetrazine);
- 1434 Aminorex (some trade or other names; aminoxaphen; 2-amino-5-phenyl-2-oxazoline;
- 1435 4,5-dihydro-5-phenyl-2-oxazolamine);
- 1436 Cathinone (some trade or other names: 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone,
- 1437 2-aminopropiophenone, norephedrone), and any plant material from which Cathinone may be derived;
- 1438 Cis-4-methylaminorex (other name: cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);
- 1439 Ethylamphetamine;
- 1440 Ethyl phenyl(piperidin-2-yl)acetate (other name: Ethylphenidate);
- 1441 Fenethylamine;
- 1442 Methcathinone (some other names: 2-(methylamino)-propionophenone;
- 1443 alpha-(methylamino)-propionophenone; 2-(methylamino)-1-phenylpropan-1-one;
- 1444 alpha-N-methylaminopropiophenone; monomethylpropion; ephedrone; N-methylcathinone;
- 1445 methylcathinone; AL-464; AL-422; AL-463 and UR 1432);
- 1446 N-Benzylpiperazine (some other names: BZP, 1-benzylpiperazine);
- 1447 N,N-dimethylamphetamine (other names: N, N-alpha-trimethyl-benzeneethanamine, N,
- 1448 N-alpha-trimethylphenethylamine);
- 1449 Methyl 2-(4-fluorophenyl)-2-(2-piperidinyl)acetate (other name: 4-fluoromethylphenidate);
- 1450 Isopropyl-2-phenyl-2-(2-piperidinyl)acetate (other name: Isopropylphenidate);
- 1451 4-chloro-N,N-dimethylcathinone;
- 1452 3,4-methylenedioxy-N-benzylcathinone (other name: BMDP).
- 1453 6. Any substance that contains one or more cannabimimetic agents or that contains their salts,
- 1454 isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is
- 1455 possible within the specific chemical designation, and any preparation, mixture, or substance containing,
- 1456 or mixed or infused with, any detectable amount of one or more cannabimimetic agents.
- 1457 a. "Cannabimimetic agents" includes any substance that is within any of the following structural
- 1458 classes:
- 1459 2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or
- 1460 alkenyl, whether or not substituted on the cyclohexyl ring to any extent;
- 1461 3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane with substitution at the nitrogen atom of
- 1462 the indole ring, whether or not further substituted on the indole ring to any extent, whether or not
- 1463 substituted on the naphthoyl or naphthyl ring to any extent;
- 1464 3-(1-naphthoyl)pyrrole with substitution at the nitrogen atom of the pyrrole ring, whether or not
- 1465 further substituted in the pyrrole ring to any extent, whether or not substituted on the naphthoyl ring to
- 1466 any extent;
- 1467 1-(1-naphthylmethyl)indene with substitution of the 3-position of the indene ring, whether or not
- 1468 further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to
- 1469 any extent;
- 1470 3-phenylacetylindole or 3-benzoylindole with substitution at the nitrogen atom of the indole ring,
- 1471 whether or not further substituted in the indole ring to any extent, whether or not substituted on the
- 1472 phenyl ring to any extent;
- 1473 3-cyclopropoylindole with substitution at the nitrogen atom of the indole ring, whether or not further
- 1474 substituted on the indole ring to any extent, whether or not substituted on the cyclopropyl ring to any

- 1475 extent;
- 1476 3-adamantoylindole with substitution at the nitrogen atom of the indole ring, whether or not further
- 1477 substituted on the indole ring to any extent, whether or not substituted on the adamantyl ring to any
- 1478 extent;
- 1479 N-(adamantyl)-indole-3-carboxamide with substitution at the nitrogen atom of the indole ring,
- 1480 whether or not further substituted on the indole ring to any extent, whether or not substituted on the
- 1481 adamantyl ring to any extent; and
- 1482 N-(adamantyl)-indazole-3-carboxamide with substitution at a nitrogen atom of the indazole ring,
- 1483 whether or not further substituted on the indazole ring to any extent, whether or not substituted on the
- 1484 adamantyl ring to any extent.
- 1485 b. The term "cannabimimetic agents" includes:
- 1486 5-(1,1-Dimethylheptyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497);
- 1487 5-(1,1-Dimethylhexyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C6 homolog);
- 1488 5-(1,1-Dimethyloctyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C8 homolog);
- 1489 5-(1,1-Dimethylnonyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C9 homolog);
- 1490 1-pentyl-3-(1-naphthoyl)indole (other names: JWH-018, AM-678);
- 1491 1-butyl-3-(1-naphthoyl)indole (other name: JWH-073);
- 1492 1-pentyl-3-(2-methoxyphenylacetyl)indole (other name: JWH-250);
- 1493 1-hexyl-3-(naphthalen-1-oyl)indole (other name: JWH-019);
- 1494 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (other name: JWH-200);
- 1495 (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tet
- 1496 rahydrobenzo[c]chromen-1-ol (other name: HU-210);
- 1497 1-pentyl-3-(4-methoxy-1-naphthoyl)indole (other name: JWH-081);
- 1498 1-pentyl-3-(4-methyl-1-naphthoyl)indole (other name: JWH-122);
- 1499 1-pentyl-3-(2-chlorophenylacetyl)indole (other name: JWH-203);
- 1500 1-pentyl-3-(4-ethyl-1-naphthoyl)indole (other name: JWH-210);
- 1501 1-pentyl-3-(4-chloro-1-naphthoyl)indole (other name: JWH-398);
- 1502 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (other name: AM-694);
- 1503 1-((N-methylpiperidin-2-yl)methyl)-3-(1-naphthoyl)indole (other name: AM-1220);
- 1504 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (other name: AM-2201);
- 1505 1-[(N-methylpiperidin-2-yl)methyl]-3-(2-iodobenzoyl)indole (other name: AM-2233);
- 1506 Pravadoline (4-methoxyphenyl)-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-yl]methanone (other
- 1507 name: WIN 48,098);
- 1508 1-pentyl-3-(4-methoxybenzoyl)indole (other names: RCS-4, SR-19);
- 1509 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (other names: RCS-8, SR-18);
- 1510 1-pentyl-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other name: UR-144);
- 1511 1-(5-fluoropentyl)-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other names: XLR-11,
- 1512 5-fluoro-UR-144);
- 1513 N-adamantyl-1-fluoropentylindole-3-carboxamide (other name: STS-135);
- 1514 N-adamantyl-1-pentylindazole-3-carboxamide (other names: AKB48, APINACA);
- 1515 1-pentyl-3-(1-adamantoyl)indole (other name: AB-001);
- 1516 (8-quinoliny)(1-pentylindol-3-yl)carboxylate (other name: PB-22);
- 1517 (8-quinoliny)(1-(5-fluoropentyl)indol-3-yl)carboxylate (other name: 5-fluoro-PB-22);
- 1518 (8-quinoliny)(1-cyclohexylmethyl-indol-3-yl)carboxylate (other name: BB-22);
- 1519 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide (other name: AB-PINACA);
- 1520 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)indazole-3-carboxamide (other name:
- 1521 AB-FUBINACA);
- 1522 1-(5-fluoropentyl)-3-(1-naphthoyl)indazole (other name: THJ-2201);
- 1523 N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide (other name:
- 1524 ADB-PINACA);
- 1525 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide (other name:
- 1526 AB-CHMINACA);
- 1527 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)indazole-3-carboxamide (other name:
- 1528 5-fluoro-AB-PINACA);
- 1529 N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide (other
- 1530 names: ADB-CHMINACA, MAB-CHMINACA);
- 1531 Methyl-2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate (other name:
- 1532 5-fluoro-AMB);
- 1533 1-naphthalenyl 1-(5-fluoropentyl)-1H-indole-3-carboxylate (other name: NM-2201);
- 1534 1-(4-fluorobenzyl)-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other name: FUB-144);
- 1535 1-(5-fluoropentyl)-3-(4-methyl-1-naphthoyl)indole (other name MAM-2201);

- 1536 N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-[(4-fluorophenyl)methyl]-1H-indazole-3-carboxamide
 1537 (other name: ADB-FUBINACA);
 1538 Methyl 2-[1-[(4-fluorophenyl)methyl]-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other
 1539 name: MDMB-FUBINACA);
 1540 Methyl 2-[1-(5-fluoropentyl)-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other names:
 1541 5-fluoro-ADB, 5-Fluoro-MDMB-PINACA);
 1542 Methyl 2-({1-[(4-fluorophenyl)methyl]-1H-indazole-3-carbonyl}amino)-3-methylbutanoate (other
 1543 names: AMB-FUBINACA, FUB-AMB);
 1544 N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (other name: FUB-AKB48);
 1545 N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide (other name: 5F-AKB48);
 1546 N-(adamantan-1-yl)-1-(5-chloropentyl)-1H-indazole-3-carboxamide (other name: 5-chloro-AKB48);
 1547 Naphthalen-1-yl 1-pentyl-1H-indazole-3-carboxylate (other name: SDB-005);
 1548 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indole-3-carboxamide (other name:
 1549 AB-CHMICA);
 1550 1-pentyl-N-(phenylmethyl)-1H-indole-3-carboxamide (other name: SDB-006);
 1551 Quinolin-8-yl 1-(4-fluorobenzyl)-1H-indole-3-carboxylate (other name: FUB-PB-22);
 1552 Methyl N-[1-(cyclohexylmethyl)-1H-indole-3-carbonyl]valinate (other name: MMB-CHMICA);
 1553 N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)indazole-3-carboxamide (other name:
 1554 5-fluoro-ADB-PINACA);
 1555 1-(4-cyanobutyl)-N-(1-methyl-1-phenylethyl)-1H-indazole-3-carboxamide (other name: 4-cyano
 1556 CUMYL-BUTINACA);
 1557 Methyl 2-[1-(5-fluoropentyl)-1H-indole-3-carboxamido]-3,3-dimethylbutanoate (other name:
 1558 5-Fluoro-MDMB-PICA);
 1559 Ethyl 2-({1-[(4-fluorophenyl)methyl]-1H-indazole-3-carbonyl}amino)-3-methylbutanoate (other name:
 1560 EMB-FUBINACA);
 1561 Methyl 2-[1-(4-fluorobutyl)-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other name:
 1562 4-fluoro-MDMB-BUTINACA);
 1563 1-(5-fluoropentyl)-N-(1-methyl-1-phenylethyl)-1H-indole-3-carboxamide (other name: 5-fluoro
 1564 CUMYL-PICA);
 1565 Methyl 2-[1-(pent-4-enyl)-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other name:
 1566 MDMB-4en-PINACA);
 1567 Methyl 2-({1-[(4-fluorophenyl)methyl]-1H-indole-3-carbonyl}amino)-3-methylbutanoate (other names:
 1568 MMB-FUBICA, AMB-FUBICA);
 1569 Methyl 2-[1-(4-penten-1-yl)-1H-indole-3-carboxamido]-3-methylbutanoate (other names: MMB022,
 1570 MMB-4en-PICA);
 1571 Methyl 2-[1-(5-fluoropentyl)-1H-indole-3-carboxamido]-3-methylbutanoate (other name: MMB 2201);
 1572 Methyl 2-[1-(5-fluoropentyl)-1H-indole-3-carboxamido]-3-phenylpropanoate (other name:
 1573 5-fluoro-MPP-PICA);
 1574 N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-butylindazole-3-carboxamide (other name:
 1575 ADB-BUTINACA);
 1576 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-chloropentyl)indazole-3-carboxamide (other name:
 1577 5-chloro-AB-PINACA).
- 1578 **§ 59.1-200. Prohibited practices.**
- 1579 A. The following fraudulent acts or practices committed by a supplier in connection with a consumer
 1580 transaction are hereby declared unlawful:
- 1581 1. Misrepresenting goods or services as those of another;
 - 1582 2. Misrepresenting the source, sponsorship, approval, or certification of goods or services;
 - 1583 3. Misrepresenting the affiliation, connection, or association of the supplier, or of the goods or
 1584 services, with another;
 - 1585 4. Misrepresenting geographic origin in connection with goods or services;
 - 1586 5. Misrepresenting that goods or services have certain quantities, characteristics, ingredients, uses, or
 1587 benefits;
 - 1588 6. Misrepresenting that goods or services are of a particular standard, quality, grade, style, or model;
 - 1589 7. Advertising or offering for sale goods that are used, secondhand, repossessed, defective,
 1590 blemished, deteriorated, or reconditioned, or that are "seconds," irregulars, imperfects, or "not first
 1591 class," without clearly and unequivocally indicating in the advertisement or offer for sale that the goods
 1592 are used, secondhand, repossessed, defective, blemished, deteriorated, reconditioned, or are "seconds,"
 1593 irregulars, imperfects or "not first class";
 - 1594 8. Advertising goods or services with intent not to sell them as advertised, or with intent not to sell
 1595 at the price or upon the terms advertised.
- 1596 In any action brought under this subdivision, the refusal by any person, or any employee, agent, or
 1597 servant thereof, to sell any goods or services advertised or offered for sale at the price or upon the terms

advertised or offered, shall be prima facie evidence of a violation of this subdivision. This paragraph shall not apply when it is clearly and conspicuously stated in the advertisement or offer by which such goods or services are advertised or offered for sale, that the supplier or offeror has a limited quantity or amount of such goods or services for sale, and the supplier or offeror at the time of such advertisement or offer did in fact have or reasonably expected to have at least such quantity or amount for sale;

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

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

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

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

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

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

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

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

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

a. The return of goods for refund, exchange, or credit. Such disclosure shall be by means of a sign attached to the goods, or placed in a conspicuous public area of the premises of the supplier, so as to be readily noticeable and readable by the person obtaining the goods from the supplier. If the supplier does not permit a refund, exchange, or credit for return, he shall so state on a similar sign. The provisions of this subdivision shall not apply to any retail merchant who has a policy of providing, for a period of not less than 20 days after date of purchase, a cash refund or credit to the purchaser's credit card account for the return of defective, unused, or undamaged merchandise upon presentation of proof of purchase. In the case of merchandise paid for by check, the purchase shall be treated as a cash purchase and any refund may be delayed for a period of 10 banking days to allow for the check to clear. This subdivision does not apply to sale merchandise that is obviously distressed, out of date, post season, or otherwise reduced for clearance; nor does this subdivision apply to special order purchases where the purchaser has requested the supplier to order merchandise of a specific or unusual size, color, or brand not ordinarily carried in the store or the store's catalog; nor shall this subdivision apply in connection with a transaction for the sale or lease of motor vehicles, farm tractors, or motorcycles as defined in § 46.2-100;

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

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

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

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

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

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

seq.);

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

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

23. Violating any provision of the Virginia Public Telephone Information Act, Chapter 32 (§ 59.1-424 et seq.);

24. Violating any provision of § 54.1-1505;

25. Violating any provision of the Motor Vehicle Manufacturers' Warranty Adjustment Act, Chapter 17.6 (§ 59.1-207.34 et seq.);

26. Violating any provision of § 3.2-5627, relating to the pricing of merchandise;

27. Violating any provision of the Pay-Per-Call Services Act, Chapter 33 (§ 59.1-429 et seq.);

28. Violating any provision of the Extended Service Contract Act, Chapter 34 (§ 59.1-435 et seq.);

29. Violating any provision of the Virginia Membership Camping Act, Chapter 25 (§ 59.1-311 et seq.);

30. Violating any provision of the Comparison Price Advertising Act, Chapter 17.7 (§ 59.1-207.40 et seq.);

31. Violating any provision of the Virginia Travel Club Act, Chapter 36 (§ 59.1-445 et seq.);

32. Violating any provision of §§ 46.2-1231 and 46.2-1233.1;

33. Violating any provision of Chapter 40 (§ 54.1-4000 et seq.) of Title 54.1;

34. Violating any provision of Chapter 10.1 (§ 58.1-1031 et seq.) of Title 58.1;

35. Using the consumer's social security number as the consumer's account number with the supplier, if the consumer has requested in writing that the supplier use an alternate number not associated with the consumer's social security number;

36. Violating any provision of Chapter 18 (§ 6.2-1800 et seq.) of Title 6.2;

37. Violating any provision of § 8.01-40.2;

38. Violating any provision of Article 7 (§ 32.1-212 et seq.) of Chapter 6 of Title 32.1;

39. Violating any provision of Chapter 34.1 (§ 59.1-441.1 et seq.);

40. Violating any provision of Chapter 20 (§ 6.2-2000 et seq.) of Title 6.2;

41. Violating any provision of the Virginia Post-Disaster Anti-Price Gouging Act, Chapter 46 (§ 59.1-525 et seq.);

42. Violating any provision of Chapter 47 (§ 59.1-530 et seq.);

43. Violating any provision of § 59.1-443.2;

44. Violating any provision of Chapter 48 (§ 59.1-533 et seq.);

45. Violating any provision of Chapter 25 (§ 6.2-2500 et seq.) of Title 6.2;

46. Violating the provisions of clause (i) of subsection B of § 54.1-1115;

47. Violating any provision of § 18.2-239;

48. Violating any provision of Chapter 26 (§ 59.1-336 et seq.);

49. Selling, offering for sale, or manufacturing for sale a children's product the supplier knows or has reason to know was recalled by the U.S. Consumer Product Safety Commission. There is a rebuttable presumption that a supplier has reason to know a children's product was recalled if notice of the recall has been posted continuously at least 30 days before the sale, offer for sale, or manufacturing for sale on the website of the U.S. Consumer Product Safety Commission. This prohibition does not apply to children's products that are used, secondhand or "seconds";

50. Violating any provision of Chapter 44.1 (§ 59.1-518.1 et seq.);

51. Violating any provision of Chapter 22 (§ 6.2-2200 et seq.) of Title 6.2;

52. Violating any provision of § 8.2-317.1;

53. Violating subsection A of § 9.1-149.1;

54. Selling, offering for sale, or using in the construction, remodeling, or repair of any residential dwelling in the Commonwealth, any drywall that the supplier knows or has reason to know is defective drywall. This subdivision shall not apply to the sale or offering for sale of any building or structure in which defective drywall has been permanently installed or affixed;

55. Engaging in fraudulent or improper or dishonest conduct as defined in § 54.1-1118 while engaged in a transaction that was initiated (i) during a declared state of emergency as defined in § 44-146.16 or (ii) to repair damage resulting from the event that prompted the declaration of a state of emergency, regardless of whether the supplier is licensed as a contractor in the Commonwealth pursuant to Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1;

56. Violating any provision of Chapter 33.1 (§ 59.1-434.1 et seq.);

57. Violating any provision of § 18.2-178, 18.2-178.1, or 18.2-200.1;

58. Violating any provision of Chapter 17.8 (§ 59.1-207.45 et seq.);

59. Violating any provision of subsection E of § 32.1-126;

60. Violating any provision of § 54.1-111 relating to the unlicensed practice of a profession licensed under Chapter 11 (§ 54.1-1100 et seq.) or Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1;

61. Violating any provision of § 2.2-2001.5;
 62. Violating any provision of Chapter 5.2 (§ 54.1-526 et seq.) of Title 54.1;
 63. Violating any provision of § 6.2-312;
 64. Violating any provision of Chapter 20.1 (§ 6.2-2026 et seq.) of Title 6.2;
 65. Violating any provision of Chapter 26 (§ 6.2-2600 et seq.) of Title 6.2; and
 66. Violating any provision of Chapter 54 (§ 59.1-586 et seq.); and
 67. (i) *Selling or offering for sale at retail any substance intended for human consumption, including an industrial hemp extract, as defined in § 3.2-5145.1, a food containing an industrial hemp extract, or a hemp product intended for smoking, that (a) has a total tetrahydrocannabinol concentration that exceeds 0.3 percent or (b) contains synthetic delta-8 tetrahydrocannabinol or (ii) selling or offering for sale to a person younger than 21 years of age any substance, including an industrial hemp extract, as defined in § 3.2-5145.1, a food containing an industrial hemp extract, or a hemp product intended for smoking, that contains tetrahydrocannabinol.*

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

2. That the provisions of § 59.1-200, as amended by this act, of the Code of Virginia shall become effective October 1, 2022.

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

4. That the Board of Agriculture and Consumer Services (the Board) shall adopt regulations necessary to implement the provisions of this act by October 1, 2022. The Board's initial adoption of such regulations shall be subject to the provisions of § 2.2-4031 of the Code of Virginia and exempt from all other provisions of the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

5. That the Department of Agriculture and Consumer Services (the Department) shall convene a work group to (i) identify strategies for promoting traditional, non-intoxicating uses of hemp, including the use of hemp for structural materials, bedding, clothing, and rope, and (ii) identify and develop recommendations to remedy opportunities for persons to circumvent the provisions of the Code of Virginia that limit industrial hemp extracts to a maximum tetrahydrocannabinol (THC) concentration of 0.3 percent, including opportunities related to the manufacture and sale of consumable products that are below 0.3 percent THC but nevertheless have psychoactive effects due to a heavy or disproportional gross product weight. The Department shall report the work group's findings and recommendations to the Governor and the Chairmen of the Senate Committee on Rehabilitation and Social Services and the House Committee on General Laws by December 1, 2022.

6. That the Board of Directors of the Virginia Cannabis Control Authority shall establish and staff to the greatest extent practicable its Division of Law Enforcement by October 1, 2022.

7. That the Board of Directors of the Virginia Cannabis Control Authority (the Board) shall convene a work group, in consultation with the Department of Agriculture and Consumer Services, Office of the Attorney General, Department of Social Services, and Department of Health, to (i) identify additional statutory or regulatory modifications that are necessary to fully achieve the purposes of this act, (ii) analyze the medical benefits of cannabidiol (CBD) derived from hemp or medical marijuana and identify any additional oversight necessary for such CBD and other medical products derived from hemp or medical marijuana, (iii) identify modifications that should be made to the Commonwealth's laws and regulations regarding industrial hemp extracts, and (iv) evaluate and compare the statutory and regulatory frameworks used in other states for recreational marijuana sales and enforcement. The Board shall report the work group's findings and recommendations to the Governor and the Chairmen of the Senate Committee on Rehabilitation and Social Services and the House Committee on General Laws by December 1, 2022.

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

1782 to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is
1783 _____ for periods of commitment to the custody of the Department of Juvenile Justice.