

VIRGINIA ACTS OF ASSEMBLY -- 2015 SESSION

CHAPTER 91

An Act to amend and reenact § 3.2-5135 of the Code of Virginia, relating to the seizure of food and dairy products; sampling.

[S 1115]

Approved March 10, 2015

Be it enacted by the General Assembly of Virginia:

1. That § 3.2-5135 of the Code of Virginia is amended and reenacted as follows:

§ 3.2-5135. Authority to seize food and dairy products; analysis; disposition of remainder.

A. The Commissioner is authorized at all times to seize and take possession of any and all food and dairy products, substitutes, or imitations kept for sale, exposed for sale, or held in possession or under the control of any person that in the opinion of the Commissioner are believed to be in violation of any provision of law.

B. When the Commissioner seizes any goods pursuant to subsection A, he ~~shall~~ *may* take a sample from the goods for the purpose of analysis; ~~box and seal the remainder~~, and *shall* leave the remainder in the possession of the person from whom they were seized, subject to the determined disposition.

C. Any person making a seizure under this section shall forward ~~the~~ *any* sample taken *pursuant to subsection B that in the determination of the Commissioner requires laboratory analysis* to the Division of Consolidated Laboratory Services of the Department of General Services (*the Division*). The Division of Consolidated Laboratory Services shall turn over the sample to a qualified analyst who shall *analyze the sample and* certify the results of the analysis. ~~Their~~ *Where the qualified analyst is an employee of the Division, the analyst's* certificate shall be prima facie evidence of the facts certified to; in ~~an~~ *any* appropriate court where the sample may be offered in evidence.