

23106591D

## HOUSE BILL NO. 2294

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Rehabilitation and Social Services  
on February 10, 2023)

(Patron Prior to Substitute—Delegate Kilgore)

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

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

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

*Article 1.*

*General Provisions.*

**§ 3.2-4112. Definitions.**

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

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

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

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

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

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

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

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

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

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

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

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

"Hemp product" means a product, including any raw materials from industrial hemp that are used for or added to a food or beverage product, that contains industrial hemp and has completed all stages of processing needed for the product.

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

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

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

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

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

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

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

65 "Tetrahydrocannabinol" means any naturally occurring or synthetic tetrahydrocannabinol, including  
66 its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of  
67 isomers is possible within the specific chemical designation and any preparation, mixture, or substance  
68 containing, or mixed or infused with, any detectable amount of tetrahydrocannabinol.  
69 "Tetrahydrocannabinol" includes delta-6a(10a), delta-7, delta-8, delta-9, and delta-10  
70 tetrahydrocannabinol. For the purposes of this definition, "isomer" means the optical, position, and  
71 geometric isomers.

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

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

## 78 Article 2.

### 79 Industrial Hemp Crop Production, Handling, and Processing.

#### 80 § 3.2-4113. Production of industrial hemp lawful.

81 A. It is lawful for a grower, his agent, or a federally licensed hemp producer to grow, a ~~dealer~~  
82 ~~handler~~ or his agent to ~~deal in~~ handle, or a processor or his agent to process industrial hemp in the  
83 Commonwealth for any lawful purpose. No federally licensed hemp producer or grower or his agent  
84 shall be prosecuted under Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1 or § 18.2-247, 18.2-248,  
85 18.2-248.01, 18.2-248.1, or 18.2-250 for the possession or growing of industrial hemp or any Cannabis  
86 sativa with a tetrahydrocannabinol concentration that does not exceed the total ~~delta-9~~  
87 tetrahydrocannabinol concentration percentage established in federal regulations applicable to negligent  
88 violations located at 7 C.F.R. § 990.6(b)(3). No ~~dealer handler~~ or his agent or processor or his agent  
89 shall be prosecuted under Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1 or § 18.2-247, 18.2-248,  
90 18.2-248.01, 18.2-248.1, or 18.2-250 or issued a summons or judgment for the possession, ~~dealing~~  
91 ~~handling~~, or processing of industrial hemp. In any complaint, information, or indictment, and in any  
92 action or proceeding brought for the enforcement of any provision of Article 1 (§ 18.2-247 et seq.) of  
93 Chapter 7 of Title 18.2 or the Drug Control Act (§ 54.1-3400 et seq.), it shall not be necessary to negate  
94 any exception, excuse, proviso, or exemption contained in this ~~chapter article~~ or the Drug Control Act,  
95 and the burden of proof of any such exception, excuse, proviso, or exemption shall be on the defendant.

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

98 C. No person shall be prosecuted under Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1 or § 18.2-247,  
99 18.2-248, 18.2-248.01, 18.2-248.1, or 18.2-250 for the involuntary growth of industrial hemp through the  
100 inadvertent natural spread of seeds or pollen as a result of proximity to a production field, ~~dealership~~  
101 ~~handler's storage site~~, or process site.

#### 102 § 3.2-4114. Regulations.

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

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

#### 110 § 3.2-4114.2. Authority of Commissioner; notice to law enforcement; report.

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

115 B. The Commissioner shall adopt regulations establishing a fee structure for a registration issued  
116 pursuant to § 3.2-4115. With the exception of § 2.2-4031, no provision of the Administrative Process  
117 Act (§ 2.2-4000 et seq.) or public participation guideline adopted pursuant thereto shall apply to the  
118 adoption of any regulation pursuant to this subsection. However, prior to adopting any regulation  
119 pursuant to this subsection, the Commissioner shall review the recommendation of an advisory panel  
120 that shall consider the economic impact of any proposed fee amount on the Commonwealth's industrial  
121 hemp industry. The advisory panel shall, at a minimum, include (i) an agribusiness representative or

organization, (ii) a farming representative or organization, and (iii) a hemp industry representative or organization. Prior to adopting any regulation pursuant to this subsection, the Commissioner 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 shall contain (a) a summary of the proposed regulation; (b) the text of the proposed regulation; and (c) 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 of 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 of regulations pursuant to this subsection. The Commissioner shall consider and keep on file all public comments received for any regulation adopted pursuant to this subsection.

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

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

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

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

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

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

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

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

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

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

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

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

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

B. Any person seeking to grow, ~~deal in~~ *handle*, or process industrial hemp in the Commonwealth

shall apply to the Commissioner for a registration on a form provided by the Commissioner. At a minimum, the application shall include:

1. The name and mailing address of the applicant;
2. The legal description and geographic data sufficient for locating (i) the land on which the applicant intends to grow industrial hemp, (ii) the site at which the applicant intends to ~~deal in~~ *handle* industrial hemp, or (iii) the site at which the applicant intends to process industrial hemp. A registration shall authorize industrial hemp growth, ~~dealing in~~ *handling*, or processing only at the location specified in the registration;
3. A signed statement indicating whether the applicant has ever been convicted of a felony. A person with a prior felony drug conviction within 10 years of applying for a registration under this section shall not be eligible to be registered;
4. Written consent allowing the sheriff's office, police department, or Department of State Police, if a registration is ultimately issued to the applicant, to enter the premises on which the industrial hemp is grown, ~~dealt in~~ *handled*, or processed to conduct physical inspections of the industrial hemp and to ensure compliance with the requirements of this ~~chapter~~ *article*. No more than two physical inspections shall be conducted under this subdivision per year, unless a valid search warrant for an inspection has been issued by a court of competent jurisdiction;
5. Written consent allowing the Commissioner or his designee to enter the premises on which the industrial hemp is grown, ~~dealt in~~ *handled*, or processed to conduct inspections and sampling of the industrial hemp to ensure compliance with the requirements of this ~~chapter~~ *article*;
6. A statement of the approximate square footage or acreage of the location he intends to use as a production field, ~~dealership handler's storage site~~, or process site;
7. Any other information required by the Commissioner; and
8. The payment of a nonrefundable application fee, in an amount set by the Commissioner.

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

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

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

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

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

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

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

### **§ 3.2-4118. Forfeiture of industrial hemp grower, handler, 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~~ *article*. 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~~ handler, 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 handler's storage site~~, or process site; (ii) grows, ~~deals in~~ handles, 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~~ handles, 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~~ article 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 than two calendar years to the Commissioner on the person's compliance with the provisions of this ~~chapter~~ article.

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

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

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

*Article 3.*

*Virginia Industrial Hemp Fund.*

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

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

*Article 4.*

*Regulated Hemp Products.*

**§ 3.2-4122. Annual retail facility registration required.**

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

B. *Each registration issued pursuant to this section shall be valid for a period of one year from the date of issuance and may be renewed in successive years.*

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

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

- 1. The name and mailing address of the applicant;*
- 2. The physical address of the facility from which the applicant intends to offer for sale or sell a regulated hemp product. A registration shall authorize the offering for sale or sale of a regulated hemp product only at the location specified in the registration;*
- 3. Written consent allowing the Commissioner or his designee to enter the location from which the regulated hemp product is offered for sale or sold to ensure compliance with the requirements of this*

306 article;

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

309 5. Any other information required by the Commissioner.

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

314 **§ 3.2-4123. Product packaging, labeling, and testing.**

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

316 1. Contained in child-resistant packaging, as defined in § 4.1-600;

317 2. Equipped with a label that states, in English and in a font no less than 1/16 of an inch, (i) all  
318 ingredients contained in the substance; (ii) the amount of such substance that constitutes a single  
319 serving; (iii) the total percentage and milligrams of all tetrahydrocannabinols included in the substance  
320 and the total number of milligrams of all tetrahydrocannabinols that are contained in each serving; and  
321 (iv) if the substance contains tetrahydrocannabinol, that the product may not be sold to persons younger  
322 than 21 years of age; and

323 3. Accompanied by a certificate of analysis, produced by an independent laboratory that is  
324 accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by  
325 a third-party accrediting body, that states the total tetrahydrocannabinol concentration of the substance  
326 or the total tetrahydrocannabinol concentration of the batch from which the substance originates. The  
327 certificate of accreditation pursuant to standard ISO/IEC 17025 issued by the third-party accrediting  
328 body to the independent laboratory shall be available for review at the location at which the regulated  
329 hemp product is offered for sale or sold.

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

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

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

341 **§ 3.2-4124. Topical hemp products; bittering agent; civil penalty.**

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

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

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

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

355 **§ 3.2-4125. Commissioner to have access to retail facilities.**

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

360 1. Conducting an inspection; or

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

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

**§ 3.2-4126. Civil penalties.**

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

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

**§ 3.2-5145.1. Definitions.**

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

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

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

"Industrial hemp extract" means an extract (i) of a *Cannabis sativa* plant that has a concentration of tetrahydrocannabinol that is no greater than that allowed for hemp by federal law and (ii) that is intended for human consumption. "Industrial hemp extract" is not a hemp seed-derived ingredient that is approved by the U.S. Food and Drug Administration or is the subject of a generally recognized as safe notice for which the U.S. Food and Drug Administration had no questions.

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

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

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

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

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

C. Any person who (i) manufactures, sells, or offers for sale an industrial hemp extract or food containing an industrial hemp extract without first obtaining a permit to do so from the Commissioner pursuant to § 3.2-5100; (ii) continues to manufacture, sell, or offer for sale an industrial hemp extract or food containing an industrial hemp extract after revocation or suspension of such permit; (iii) manufactures, offers for sale, or sells in violation of this chapter or a regulation adopted pursuant to this chapter a substance intended to be consumed orally that is advertised or labeled as containing an industrial hemp-derived cannabinoid; or (iv) otherwise violates any provision of this chapter or a regulation adopted pursuant to this chapter, in addition to any other penalties provided, is guilty of a Class 1 misdemeanor. Each day in which a violation occurs shall constitute a separate offense.

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

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

A. An industrial hemp extract shall (i) be produced from industrial hemp grown in compliance with

429 applicable law and (ii) ~~notwithstanding any authority under federal law to have a greater concentration~~  
430 ~~of tetrahydrocannabinol~~, have a total tetrahydrocannabinol concentration of no greater than 0.3 percent.

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

433 **§ 3.2-5145.4:1. Labeling and packaging requirements.**

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

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

444 C. *A manufacturer shall identify each batch of an industrial hemp extract or a food containing an*  
445 *industrial hemp extract with a unique code for traceability. Julian date coding or any other system*  
446 *developed and documented by the manufacturer for assigning a unique code to a batch may be used.*  
447 *The batch identification shall appear and be legible on the label of an industrial hemp extract or food*  
448 *containing an industrial hemp extract.*

449 D. *The label of an industrial hemp extract or food containing an industrial hemp extract shall not*  
450 *contain a claim indicating the product is intended for diagnosis, cure, mitigation, treatment, or*  
451 *prevention of disease, which shall render the product a drug, as that term is defined in 21 U.S.C.*  
452 *§ 321(g)(1). An industrial hemp extract or food containing an industrial hemp extract with a label that*  
453 *contains a claim indicating the product is intended for diagnosis, cure, mitigation, treatment, or*  
454 *prevention of disease shall be considered misbranded.*

455 **§ 3.2-5145.5. Regulations.**

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

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

459 C. The Board shall adopt regulations establishing labeling requirements for an industrial hemp extract  
460 or a food containing an industrial hemp extract. Such regulations shall require that any industrial hemp  
461 extract or food containing an industrial hemp extract that contains tetrahydrocannabinol be equipped  
462 with a label that states (i) that the industrial hemp extract or food containing an industrial hemp extract  
463 contains tetrahydrocannabinol and may not be sold to persons younger than 21 years of age, (ii) all  
464 ingredients contained in the industrial hemp extract or food containing an industrial hemp extract, (iii)  
465 the amount of such industrial hemp extract or food containing an industrial hemp extract that constitutes  
466 a single serving, and (iv) the total percentage and milligrams of tetrahydrocannabinol included in the  
467 industrial hemp extract or food containing an industrial hemp extract and the number of milligrams of  
468 tetrahydrocannabinol that are contained in each serving.

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

472 ~~E.~~ D. With the exception of § 2.2-4031, neither the provisions of the Administrative Process Act  
473 (§ 2.2-4000 et seq.) nor public participation guidelines adopted pursuant thereto shall apply to the  
474 adoption of any regulation pursuant to this section. Prior to adopting any regulation pursuant to this  
475 section, the Board shall publish a notice of opportunity to comment in the Virginia Register of  
476 Regulations and post the action on the Virginia Regulatory Town Hall. Such notice of opportunity to  
477 comment shall contain (i) a summary of the proposed regulation; (ii) the text of the proposed regulation;  
478 and (iii) the name, address, and telephone number of the agency contact person responsible for receiving  
479 public comments. Such notice shall be made at least 60 days in advance of the last date prescribed in  
480 such notice for submittals of public comment. The legislative review provisions of subsections A and B  
481 of § 2.2-4014 shall apply to the promulgation or final adoption process for regulations pursuant to this  
482 section. The Board shall consider and keep on file all public comments received for any regulation  
483 adopted pursuant to this section.

484 **§ 4.1-600. Definitions.**

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

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

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



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

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

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

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

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

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

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

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

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

"Marijuana" means any part of a plant of the genus *Cannabis*, whether growing or not, its seeds or resin; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, its resin, or any extract containing one or more cannabinoids. "Marijuana" does not include (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;* (iv) a hemp product, as defined in § 3.2-4112, containing a total 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~~ handled, or processed in compliance with state or federal law; (v) *an industrial hemp extract, as defined in § 3.2-5145.1; or (vi) any substance containing a tetrahydrocannabinol isomer or salts of such isomer where such tetrahydrocannabinol isomer or salts of such isomer have been placed by the Board of Pharmacy into one of the schedules set forth in the Drug Control Act (§ 54.1-3400 et seq.) 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.

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

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

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

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

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

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

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

575 "Retail marijuana products" means marijuana products that are manufactured and sold by a licensed  
576 marijuana establishment.

577 "Retail marijuana store" means a facility licensed under this subtitle to purchase or take possession of  
578 retail marijuana, retail marijuana products, immature marijuana plants, or marijuana seeds from a  
579 marijuana cultivation facility, marijuana manufacturing facility, or marijuana wholesaler and to sell retail  
580 marijuana, retail marijuana products, immature marijuana plants, or marijuana seeds to consumers.

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

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

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

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

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

591 **§ 18.2-247. Use of terms "controlled substances," "marijuana," "Schedules I, II, III, IV, V, and**  
592 **VI," "imitation controlled substance," and "counterfeit controlled substance" in Title 18.2.**

593 A. Wherever the terms "controlled substances" and "Schedules I, II, III, IV, V, and VI" are used in  
594 Title 18.2, such terms refer to those terms as they are used or defined in the Drug Control Act  
595 (§ 54.1-3400 et seq.).

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

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

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

608 C. In determining whether a pill, capsule, tablet, or substance in any other form whatsoever, is an  
609 "imitation controlled substance," there shall be considered, in addition to all other relevant factors,  
610 comparisons with accepted methods of marketing for legitimate nonprescription drugs for medicinal  
611 purposes rather than for drug abuse or any similar nonmedicinal use, including consideration of the  
612 packaging of the drug and its appearance in overall finished dosage form, promotional materials or  
613 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 used in this article 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 (iii)~~ (iv) a hemp product, as defined in § 3.2-4112, containing a *total* 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~~ handled, or processed in compliance with state or federal law; (v) *an industrial hemp extract, as defined in § 3.2-5145.1;* or (vi) *any substance containing a tetrahydrocannabinol isomer or salts of such isomer where such tetrahydrocannabinol isomer or salts of such isomer have been placed by the Board of Pharmacy into one of the schedules set forth in the Drug Control Act (§ 54.1-3400 et seq.) pursuant to § 54.1-3443.*

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

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

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

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

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

A. No person employed by an analytical laboratory to retrieve, deliver, or possess cannabis oil or industrial hemp samples from a permitted pharmaceutical processor, a registered industrial hemp grower, a federally licensed hemp producer, or a registered industrial hemp processor for the purpose of performing required testing shall be prosecuted under Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1 or § 18.2-248, 18.2-248.1, 18.2-250, or 18.2-255 for the possession or distribution of cannabis oil or industrial hemp or for storing cannabis oil or industrial hemp for testing purposes in accordance with regulations promulgated by the Board of Pharmacy and the Board of Agriculture and Consumer Services.

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

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

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

675 intended for smoking.

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

683 B. No person less than 21 years of age shall attempt to purchase, purchase, or possess any tobacco  
684 product, nicotine vapor product, alternative nicotine product, or hemp product intended for smoking. The  
685 provisions of this subsection shall not be applicable to the possession of tobacco products, nicotine  
686 vapor products, alternative nicotine products, or hemp products intended for smoking by a person less  
687 than 21 years of age (i) making a delivery of tobacco products, nicotine vapor products, alternative  
688 nicotine products, or hemp products intended for smoking in pursuance of his employment or (ii) as part  
689 of a scientific study being conducted by an organization for the purpose of medical research to further  
690 efforts in cigarette and tobacco use prevention and cessation and tobacco product regulation, provided  
691 that such medical research has been approved by an institutional review board pursuant to applicable  
692 federal regulations or by a research review committee pursuant to Chapter 5.1 (§ 32.1-162.16 et seq.) of  
693 Title 32.1. This subsection shall not apply to purchase, attempt to purchase, or possession by a  
694 law-enforcement officer or his agent when the same is necessary in the performance of his duties.

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

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

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

718 E. A violation of subsection A or C by an individual or by a separate retail establishment that  
719 involves a nicotine vapor product, alternative nicotine product, hemp product intended for smoking, or  
720 tobacco product other than a bidi is punishable by a civil penalty not to exceed \$100 for a first  
721 violation, a civil penalty not to exceed \$200 for a second violation, and a civil penalty not to exceed  
722 \$500 for a third or subsequent violation.

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

733 A violation of subsection B is punishable by a civil penalty not to exceed \$100 for a first violation  
734 and a civil penalty not to exceed \$250 for a second or subsequent violation. A court may, as an  
735 alternative to the civil penalty, and upon motion of the defendant, prescribe the performance of up to 20  
736 hours of community service for a first violation of subsection B and up to 40 hours of community

service for a second or subsequent violation. If the defendant fails or refuses to complete the community service as prescribed, the court may impose the civil penalty. Upon a violation of subsection B, the judge may enter an order pursuant to subdivision A 9 of § 16.1-278.8.

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

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

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

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

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

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

I. As used in this section:

"Alternative nicotine product" means any noncombustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means. "Alternative nicotine product" does not include any nicotine vapor product, tobacco product, or product regulated as a drug or device by the U.S. Food and Drug Administration (FDA) under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.

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

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

"Nicotine vapor product" means any noncombustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form. "Nicotine vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. "Nicotine vapor product" does not include any product regulated by the FDA under Chapter V (21 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.

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

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

#### **§ 54.1-3401. Definitions.**

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

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

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

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

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

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

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

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

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

818 "Board" means the Board of Pharmacy.

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

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

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

835 "Compounding" means the combining of two or more ingredients to fabricate such ingredients into a  
836 single preparation and includes the mixing, assembling, packaging, or labeling of a drug or device (i) by  
837 a pharmacist, or within a permitted pharmacy, pursuant to a valid prescription issued for a medicinal or  
838 therapeutic purpose in the context of a bona fide practitioner-patient-pharmacist relationship, or in  
839 expectation of receiving a valid prescription based on observed historical patterns of prescribing and  
840 dispensing; (ii) by a practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine as  
841 an incident to his administering or dispensing, if authorized to dispense, a controlled substance in the  
842 course of his professional practice; or (iii) for the purpose of, or as incident to, research, teaching, or  
843 chemical analysis and not for sale or for dispensing. The mixing, diluting, or reconstituting of a  
844 manufacturer's product drugs for the purpose of administration to a patient, when performed by a  
845 practitioner of medicine or osteopathy licensed under Chapter 29 (§ 54.1-2900 et seq.), a person  
846 supervised by such practitioner pursuant to subdivision A 6 or 19 of § 54.1-2901, or a person supervised  
847 by such practitioner or a licensed nurse practitioner or physician assistant pursuant to subdivision A 4 of  
848 § 54.1-2901 shall not be considered compounding.

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

854 "Controlled substance analog" means a substance the chemical structure of which is substantially  
855 similar to the chemical structure of a controlled substance in Schedule I or II and either (i) which has a  
856 stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar  
857 to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a  
858 controlled substance in Schedule I or II or (ii) with respect to a particular person, which such person  
859 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 consumption before such an exemption takes effect with respect to that substance.

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

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

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

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

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

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

"Dispenser" means a practitioner who dispenses.

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

"Distributor" means a person who distributes.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

982 "Official compendium" means the official United States Pharmacopoeia National Formulary, official



- 983 Homeopathic Pharmacopoeia of the United States, or any supplement to any of them.
- 984 "Official written order" means an order written on a form provided for that purpose by the U.S. Drug  
 985 Enforcement Administration, under any laws of the United States making provision therefor, if such  
 986 order forms are authorized and required by federal law, and if no such order form is provided then on  
 987 an official form provided for that purpose by the Board of Pharmacy.
- 988 "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to  
 989 morphine or being capable of conversion into a drug having such addiction-forming or  
 990 addiction-sustaining liability. It does not include, unless specifically designated as controlled under  
 991 Article 4 (§ 54.1-3437 et seq.), the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts  
 992 (dextromethorphan). It does include its racemic and levorotatory forms.
- 993 "Opium poppy" means the plant of the species *Papaver somniferum* L., except the seeds thereof.
- 994 "Original package" means the unbroken container or wrapping in which any drug or medicine is  
 995 enclosed together with label and labeling, put up by or for the manufacturer, wholesaler, or distributor  
 996 for use in the delivery or display of such article.
- 997 "Outsourcing facility" means a facility that is engaged in the compounding of sterile drugs and is  
 998 currently registered as an outsourcing facility with the U.S. Secretary of Health and Human Services and  
 999 that complies with all applicable requirements of federal and state law, including the Federal Food,  
 1000 Drug, and Cosmetic Act.
- 1001 "Person" means both the plural and singular, as the case demands, and includes an individual,  
 1002 partnership, corporation, association, governmental agency, trust, or other institution or entity.
- 1003 "Pharmacist-in-charge" means the person who, being licensed as a pharmacist, signs the application  
 1004 for a pharmacy permit and assumes full legal responsibility for the operation of the relevant pharmacy in  
 1005 a manner complying with the laws and regulations for the practice of pharmacy and the sale and  
 1006 dispensing of controlled substances; the "pharmacist-in-charge" shall personally supervise the pharmacy  
 1007 and the pharmacy's personnel as required by § 54.1-3432.
- 1008 "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.
- 1009 "Practitioner" means a physician, dentist, licensed nurse practitioner pursuant to § 54.1-2957.01,  
 1010 licensed physician assistant pursuant to § 54.1-2952.1, pharmacist pursuant to § 54.1-3300, TPA-certified  
 1011 optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32, veterinarian, scientific investigator,  
 1012 or other person licensed, registered, or otherwise permitted to distribute, dispense, prescribe and  
 1013 administer, or conduct research with respect to a controlled substance in the course of professional  
 1014 practice or research in the Commonwealth.
- 1015 "Prescriber" means a practitioner who is authorized pursuant to §§ 54.1-3303 and 54.1-3408 to issue  
 1016 a prescription.
- 1017 "Prescription" means an order for drugs or medical supplies, written or signed or transmitted by word  
 1018 of mouth, telephone, telegraph, or other means of communication to a pharmacist by a duly licensed  
 1019 physician, dentist, veterinarian, or other practitioner authorized by law to prescribe and administer such  
 1020 drugs or medical supplies.
- 1021 "Prescription drug" means any drug required by federal law or regulation to be dispensed only  
 1022 pursuant to a prescription, including finished dosage forms and active ingredients subject to § 503(b) of  
 1023 the Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 353(b)).
- 1024 "Production" or "produce" includes the manufacture, planting, cultivation, growing, or harvesting of a  
 1025 controlled substance or marijuana.
- 1026 "Proprietary medicine" means a completely compounded nonprescription drug in its unbroken,  
 1027 original package which does not contain any controlled substance or marijuana as defined in this chapter  
 1028 and is not in itself poisonous, and which is sold, offered, promoted, or advertised directly to the general  
 1029 public by or under the authority of the manufacturer or primary distributor, under a trademark, trade  
 1030 name, or other trade symbol privately owned, and the labeling of which conforms to the requirements of  
 1031 this chapter and applicable federal law. However, this definition shall not include a drug that is only  
 1032 advertised or promoted professionally to licensed practitioners, a narcotic or drug containing a narcotic,  
 1033 a drug that may be dispensed only upon prescription or the label of which bears substantially the  
 1034 statement "Warning — may be habit-forming," or a drug intended for injection.
- 1035 "Radiopharmaceutical" means any drug that exhibits spontaneous disintegration of unstable nuclei  
 1036 with the emission of nuclear particles or photons and includes any non-radioactive reagent kit or  
 1037 radionuclide generator that is intended to be used in the preparation of any such substance, but does not  
 1038 include drugs such as carbon-containing compounds or potassium-containing salts that include trace  
 1039 quantities of naturally occurring radionuclides. The term also includes any biological product that is  
 1040 labeled with a radionuclide or intended solely to be labeled with a radionuclide.
- 1041 "Reference biological product" means the single biological product licensed pursuant to 42 U.S.C.  
 1042 § 262(a) against which a biological product is evaluated in an application submitted to the U.S. Food  
 1043 and Drug Administration for licensure of biological products as biosimilar or interchangeable pursuant to

1044 42 U.S.C. § 262(k).

1045 "Sale" includes barter, exchange, or gift, or offer therefor, and each such transaction made by any  
1046 person, whether as an individual, proprietor, agent, servant, or employee.

1047 "*Tetrahydrocannabinol*" means any naturally occurring or synthetic tetrahydrocannabinol, including  
1048 its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of  
1049 isomers is possible within the specific chemical designation and any preparation, mixture, or substance  
1050 containing, or mixed or infused with, any detectable amount of tetrahydrocannabinol.  
1051 "*Tetrahydrocannabinol*" includes delta-6a(10a), delta-7, delta-8, delta-9, and delta-10  
1052 tetrahydrocannabinol. For the purposes of this definition, "isomer" means the optical, position, and  
1053 geometric isomers.

1054 "Therapeutically equivalent drug products" means drug products that contain the same active  
1055 ingredients and are identical in strength or concentration, dosage form, and route of administration and  
1056 that are classified as being therapeutically equivalent by the U.S. Food and Drug Administration  
1057 pursuant to the definition of "therapeutically equivalent drug products" set forth in the most recent  
1058 edition of the Approved Drug Products with Therapeutic Equivalence Evaluations, otherwise known as  
1059 the "Orange Book."

1060 "Third-party logistics provider" means a person that provides or coordinates warehousing of or other  
1061 logistics services for a drug or device in interstate commerce on behalf of a manufacturer, wholesale  
1062 distributor, or dispenser of the drug or device but does not take ownership of the product or have  
1063 responsibility for directing the sale or disposition of the product.

1064 "*Total tetrahydrocannabinol*" means the sum, after the application of any necessary conversion  
1065 factor, of the percentage by weight of tetrahydrocannabinol and the percentage by weight of  
1066 tetrahydrocannabinolic acid.

1067 "USP-NF" means the current edition of the United States Pharmacopeia-National Formulary.

1068 "Warehouser" means any person, other than a wholesale distributor, manufacturer, or third-party  
1069 logistics provider, engaged in the business of (i) selling or otherwise distributing prescription drugs or  
1070 devices to any person who is not the ultimate user or consumer and (ii) delivering Schedule VI  
1071 prescription devices to the ultimate user or consumer pursuant to § 54.1-3415.1. No person shall be  
1072 subject to any state or local tax by reason of this definition.

1073 "Wholesale distribution" means (i) distribution of prescription drugs to persons other than consumers  
1074 or patients and (ii) delivery of Schedule VI prescription devices to the ultimate user or consumer  
1075 pursuant to § 54.1-3415.1, subject to the exemptions set forth in the federal Drug Supply Chain Security  
1076 Act.

1077 "Wholesale distributor" means any person other than a manufacturer, a manufacturer's co-licensed  
1078 partner, a third-party logistics provider, or a repackager that engages in wholesale distribution.

1079 The words "drugs" and "devices" as used in Chapter 33 (§ 54.1-3300 et seq.) and in this chapter  
1080 shall not include surgical or dental instruments, physical therapy equipment, X-ray apparatus, or glasses  
1081 or lenses for the eyes.

1082 The terms "pharmacist," "pharmacy," and "practice of pharmacy" as used in this chapter shall be  
1083 defined as provided in Chapter 33 (§ 54.1-3300 et seq.) unless the context requires a different meaning.

1084 **§ 54.1-3408.3. Certification for use of cannabis oil for treatment.**

1085 A. As used in this section:

1086 "Botanical cannabis" means cannabis that is composed wholly of usable cannabis from the same parts  
1087 of the same chemovar of cannabis plant.

1088 "Cannabis oil" means any formulation of processed Cannabis plant extract, which may include  
1089 industrial hemp extracts, including isolates and distillates, acquired by a pharmaceutical processor  
1090 pursuant to § 54.1-3442.6, or a dilution of the resin of the Cannabis plant that contains no more than 10  
1091 milligrams of delta-9-tetrahydrocannabinol per dose. "Cannabis oil" does not include industrial hemp, as  
1092 defined in § 3.2-4112, that is grown, ~~dealt~~ handled, or processed in compliance with state or federal law,  
1093 unless it has been grown and processed in the Commonwealth by a registered industrial hemp processor  
1094 and acquired and formulated by a pharmaceutical processor.

1095 "Cannabis product" means a product that is (i) produced by a pharmaceutical processor, registered  
1096 with the Board, and compliant with testing requirements and (ii) composed of cannabis oil or botanical  
1097 cannabis.

1098 "Designated caregiver facility" means any hospice or hospice facility licensed pursuant to  
1099 § 32.1-162.3, or home care organization as defined in § 32.1-162.7 that provides pharmaceutical services  
1100 or home health services, private provider licensed by the Department of Behavioral Health and  
1101 Developmental Services pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2, assisted  
1102 living facility licensed pursuant to § 63.2-1701, or adult day care center licensed pursuant to  
1103 § 63.2-1701.

1104 "Practitioner" means a practitioner of medicine or osteopathy licensed by the Board of Medicine, a  
1105 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 a vulnerable 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 Board of Pharmacy. 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. A written certification shall not be issued to a patient by more than one practitioner during any given time period.

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. 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. Pharmaceutical processors and cannabis dispensing facilities shall electronically transmit, on a monthly basis, all new written certifications received by the pharmaceutical processor or cannabis dispensing facility to the Board.

G. A patient, or, if such patient is a minor or a vulnerable 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 a cannabis product 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 product on behalf of a patient or resident for subsequent delivery to the patient or resident and may assist in the administration of the cannabis product to the patient or resident as necessary.

I. 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 patient, (iv) a pharmaceutical processor or cannabis dispensing facility involved in the treatment of a patient, or (v) a

1167 registered agent, but only with respect to information related to such patient.

1168 **§ 54.1-3423. Board to issue registration unless inconsistent with public interest; authorization to**  
1169 **conduct research; application and fees.**

1170 A. The Board shall register an applicant to manufacture or distribute controlled substances included  
1171 in Schedules I through V unless it determines that the issuance of that registration would be inconsistent  
1172 with the public interest. In determining the public interest, the Board shall consider the following  
1173 factors:

1174 1. Maintenance of effective controls against diversion of controlled substances into other than  
1175 legitimate medical, scientific, or industrial channels;

1176 2. Compliance with applicable state and local law;

1177 3. Any convictions of the applicant under any federal and state laws relating to any controlled  
1178 substance;

1179 4. Past experience in the manufacture or distribution of controlled substances, and the existence in  
1180 the applicant's establishment of effective controls against diversion;

1181 5. Furnishing by the applicant of false or fraudulent material in any application filed under this  
1182 chapter;

1183 6. Suspension or revocation of the applicant's federal registration to manufacture, distribute, or  
1184 dispense controlled substances as authorized by federal law; and

1185 7. Any other factors relevant to and consistent with the public health and safety.

1186 B. Registration under subsection A does not entitle a registrant to manufacture and distribute  
1187 controlled substances in Schedule I or II other than those specified in the registration.

1188 C. Practitioners must be registered to conduct research or laboratory analysis with controlled  
1189 substances in Schedules II through VI, ~~tetrahydrocannabinol~~, or marijuana. Practitioners registered under  
1190 federal law to conduct research with Schedule I substances, other than ~~tetrahydrocannabinol~~ *marijuana*,  
1191 may conduct research with Schedule I substances within ~~this~~ *the* Commonwealth upon furnishing the  
1192 evidence of that federal registration.

1193 D. The Board may register other persons or entities to possess controlled substances listed on  
1194 Schedules II through VI upon a determination that (i) there is a documented need, (ii) the issuance of  
1195 the registration is consistent with the public interest, (iii) the possession and subsequent use of the  
1196 controlled substances complies with applicable state and federal laws and regulations, and (iv) the  
1197 subsequent storage, use, and recordkeeping of the controlled substances will be under the general  
1198 supervision of a licensed pharmacist, practitioner of medicine, osteopathy, podiatry, dentistry, or  
1199 veterinary medicine as specified in the Board's regulations. The Board shall consider, at a minimum, the  
1200 factors listed in subsection A of this section in determining whether the registration shall be issued.  
1201 Notwithstanding the exceptions listed in § 54.1-3422 A, the Board may mandate a controlled substances  
1202 registration for sites maintaining certain types and quantities of Schedules II through VI controlled  
1203 substances as it may specify in its regulations. The Board shall promulgate regulations related to  
1204 requirements or criteria for the issuance of such controlled substances registration, storage, security,  
1205 supervision, and recordkeeping.

1206 E. The Board may register a public or private animal shelter as defined in § 3.2-6500 to purchase,  
1207 possess, and administer certain Schedule II through VI controlled substances approved by the State  
1208 Veterinarian for the purpose of euthanizing injured, sick, homeless, and unwanted domestic pets and  
1209 animals and to purchase, possess, and administer certain Schedule VI drugs and biological products for  
1210 the purpose of preventing, controlling, and treating certain communicable diseases that failure to control  
1211 would result in transmission to the animal population in the shelter. Controlled substances used for  
1212 euthanasia shall be administered only in accordance with protocols established by the State Veterinarian  
1213 and only by persons trained in accordance with instructions by the State Veterinarian. The list of  
1214 Schedule VI drugs and biological products used for treatment and prevention of communicable diseases  
1215 within the shelter shall be determined by the supervising veterinarian of the shelter and the drugs and  
1216 biological products shall be administered only pursuant to written protocols established or approved by  
1217 the supervising veterinarian of the shelter and only by persons who have been trained in accordance  
1218 with instructions established or approved by the supervising veterinarian. The shelter shall maintain a  
1219 copy of the approved list of drugs and biological products, written protocols for administering, and  
1220 training records of those persons administering drugs and biological products on the premises of the  
1221 shelter.

1222 F. The Board may register a crisis stabilization unit established pursuant to § 37.2-500 or 37.2-601  
1223 and licensed by the Department of Behavioral Health and Developmental Services to maintain a stock of  
1224 Schedule VI controlled substances necessary for immediate treatment of patients admitted to the crisis  
1225 stabilization unit, which may be accessed and administered by a nurse pursuant to a written or oral order  
1226 of a prescriber in the absence of a prescriber. Schedule II through Schedule V controlled substances  
1227 shall only be maintained if so authorized by federal law and Board regulations.

1228 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 for such registration, and (iii) whether the issuance of the registration is consistent with the public interest.

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

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

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

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

1. The actual or relative potential for abuse;
2. The scientific evidence of its pharmacological effect, if known;
3. The state of current scientific knowledge regarding the substance;
4. The history and current pattern of abuse;
5. The scope, duration, and significance of abuse;
6. The risk to the public health;
7. The potential of the substance to produce psychic or physical dependence; and
8. Whether the substance is an immediate precursor of a substance already controlled under this article.

B. After considering the factors enumerated in subsection A, the Board shall make findings and issue a regulation controlling the substance if it finds the substance has a potential for abuse.

C. If the Board designates a substance as an immediate precursor, substances which are precursors of the controlled precursor shall not be subject to control solely because they are precursors of the controlled precursor.

D. If the Board, in consultation with the Department of Forensic Science, determines the substance shall be placed into Schedule I or II pursuant to § 54.1-3445 or 54.1-3447, the Board may amend its regulations pursuant to Article 2 (§ 2.2-4006 et seq.) of the Administrative Process Act. Prior to making such amendments, the Board shall conduct a public hearing. At least 30 days prior to conducting such hearing, it shall post notice of the hearing on the Virginia Regulatory Town Hall and shall send notice of the hearing to any persons requesting to be notified of a regulatory action. In the notice, the Board shall include a list of all substances it intends to schedule by regulation. The Board shall notify the House Committee for Courts of Justice and the Senate Committee on the Judiciary of any new substance added to Schedule I or II pursuant to this subsection. Any substance added to Schedule I or II pursuant to this subsection shall remain on Schedule I or II for a period of 18 months. Upon expiration of such 18-month period, such substance shall be descheduled unless a general law is enacted adding such substance to Schedule I or II. Nothing in this subsection shall preclude the Board from adding substances to or descheduling or rescheduling all substances enumerated in the schedules pursuant to the provisions of subsections A, B, and E.

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

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

1290 G. The Board shall exempt any nonnarcotic substance from a schedule if such substance may, under  
1291 the provisions of the federal Food, Drug, and Cosmetic Act (21 U.S.C. § 301 et seq.) or state law, be  
1292 lawfully sold over the counter without a prescription.

1293 *H. The Board of Pharmacy may schedule, deschedule, or reschedule a tetrahydrocannabinol isomer,*  
1294 *except delta-9-tetrahydrocannabinol, or salts of such isomer in accordance with the provisions of*  
1295 *subsections A, B, D, and E. Any tetrahydrocannabinol isomer or salts of such isomer scheduled*  
1296 *pursuant to this section shall not be included in the definition of marijuana set forth in § 4.1-600,*  
1297 *18.2-247, or 54.1-3401.*

1298 **§ 54.1-3446. Schedule I.**

1299 The controlled substances listed in this section are included in Schedule I:

1300 1. Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers,  
1301 esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers  
1302 and salts is possible within the specific chemical designation:

1303 1-{1-[1-(4-bromophenyl)ethyl]-4-piperidinyl}-1,3-dihydro-2H-benzimidazol-2-one (other name:  
1304 Brorphine);

1305 1-[2-methyl-4-(3-phenyl-2-propen-1-yl)-1-piperazinyl]-1-butanone (other name: 2-methyl AP-237);

1306 1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine (other name: PEPAP);

1307 1-methyl-4-phenyl-4-propionoxypiperidine (other name: MPPP);

1308 2-[(4-methoxyphenyl)methyl]-N,N-diethyl-5-nitro-1H-benzimidazole-1-ethanamine (other name:  
1309 Metonitazene);

1310 2-methoxy-N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-acetamide (other name: Methoxyacetyl  
1311 fentanyl);

1312 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methyl-benzamide (other name: U-47700);

1313 3,4-dichloro-N-{[1-(dimethylamino)cyclohexyl]methyl}benzamide (other name: AH-7921);

1314 Acetyl fentanyl (other name: desmethyl fentanyl);

1315 Acetylmethadol;

1316 Allylprodine;

1317 Alphacetylmethadol (except levo-alphacetylmethadol, also known as levo-alpha-acetylmethadol,  
1318 levomethadyl acetate, or LAAM);

1319 Alphameprodine;

1320 Alphamethadol;

1321 Benzethidine;

1322 Betacetylmethadol;

1323 Betameprodine;

1324 Betamethadol;

1325 Betaprodine;

1326 Clonitazene;

1327 Dextromoramide;

1328 Diampromide;

1329 Diethylthiambutene;

1330 Difenoquin;

1331 Dimenoxadol;

1332 Dimepheptanol;

1333 Dimethylthiambutene;

1334 Dioxaphetylbutyrate;

1335 Dipipanone;

1336 Ethylmethylthiambutene;

1337 Etonitazene;

1338 Etoxadine;

1339 Furethidine;

1340 Hydroxypethidine;

1341 Ketobemidone;

1342 Levomoramide;

1343 Levophenacetylmorphan;

1344 Morpheridine;

1345 MT-45 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine);

1346 N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide (other name: Cyclopropyl fentanyl);

1347 N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide (other name: Tetrahydrofuran-  
1348 fentanyl);

1349 N-[1-[1-methyl-2-(2-thienyl)ethyl]-4-piperidyl]-N-phenylpropanamide (other name:  
1350 alpha-methylthiofentanyl);

1351 N-[1-(1-methyl-2-phenylethyl)-4-piperidyl]-N-phenylacetamide (other name:

- 1352 acetyl-alpha-methylfentanyl);  
 1353 N-{1-[2-hydroxy-2-(2-thienyl)ethyl]-4-piperidinyl}-N-phenylpropanamide (other name:  
 1354 beta-hydroxythiofentanyl);  
 1355 N-[1-(2-hydroxy-2-phenyl)ethyl-4-piperidyl]-N-phenylpropanamide (other name:  
 1356 beta-hydroxyfentanyl);  
 1357 N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl]propionanilide (other names:  
 1358 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine, alpha-methylfentanyl);  
 1359 N-(2-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other names: 2-fluorofentanyl,  
 1360 ortho-fluorofentanyl);  
 1361 N-(3-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: 3-fluorofentanyl);  
 1362 N-[3-methyl-1-(2-hydroxy-2-phenylethyl)-4-piperidyl]-N-phenylpropanamide (other name:  
 1363 beta-hydroxy-3-methylfentanyl);  
 1364 N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide (other name: 3-methylfentanyl);  
 1365 N-[3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide (other name:  
 1366 3-methylthiofentanyl);  
 1367 N-(4-chlorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other names:  
 1368 para-chlorofentanyl, 4-chlorofentanyl);  
 1369 N-(4-fluorophenyl)-2-methyl-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name:  
 1370 para-fluoroisobutyl fentanyl);  
 1371 N-(4-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-butanamide (other name:  
 1372 para-fluorobutylfentanyl);  
 1373 N-(4-fluorophenyl)-N-1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: para-fluorofentanyl);  
 1374 N,N-diethyl-2-(2-(4-isopropoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine (other name:  
 1375 Isotonitazene);  
 1376 N,N-diethyl-2-[(4-ethoxyphenyl) methyl]-1H-benzimidazol-1-yl}-ethan-1-amine (other names:  
 1377 Etazene, Desnitroetonitazene);  
 1378 N,N-diethyl-2-[(4-methoxyphenyl)methyl]-1H-benzimidazole-1-ethanamine (other name:  
 1379 Metodesnitazene);  
 1380 N-phenyl-N-[1-(2-phenylmethyl)-4-piperidinyl]-2-furancarboxamide (other name: N-benzyl Furanyl  
 1381 norfentanyl);  
 1382 N-phenyl-N-(4-piperidinyl)-propanamide (other name: Norfentanyl);  
 1383 Noracymethadol;  
 1384 Norlevorphanol;  
 1385 Normethadone;  
 1386 Norpipanone;  
 1387 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-2-furancarboxamide (other name: Furanyl fentanyl);  
 1388 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-2-propenamide (other name: Acryl fentanyl);  
 1389 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-butanamide (other name: butyl fentanyl);  
 1390 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-pentanamide (other name: Pentanoyl fentanyl);  
 1391 N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide (other name: thiofentanyl);  
 1392 Phenadoxone;  
 1393 Phenampromide;  
 1394 Phenomorphan;  
 1395 Phenoperidine;  
 1396 Piritramide;  
 1397 Proheptazine;  
 1398 Properidine;  
 1399 Propiram;  
 1400 Racemoramide;  
 1401 Tilidine;  
 1402 Trimeperidine;  
 1403 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-1,3-benzodioxole-5-carboxamide (other name:  
 1404 Benzodioxole fentanyl);  
 1405 3,4-dichloro-N-[2-(diethylamino)cyclohexyl]-N-methylbenzamide (other name: U-49900);  
 1406 2-(2,4-dichlorophenyl)-N-[2-(dimethylamino)cyclohexyl]-N-methyl acetamide (other name: U-48800);  
 1407 2-(3,4-dichlorophenyl)-N-[2-(dimethylamino)cyclohexyl]-N-methyl acetamide (other name: U-51754);  
 1408 N-(2-fluorophenyl)-2-methoxy-N-[1-(2-phenylethyl)-4-piperidinyl]-acetamide (other name: Ocfentanil);  
 1409 N-(4-methoxyphenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-butanamide (other name:  
 1410 4-methoxybutylfentanyl);  
 1411 N-phenyl-2-methyl-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: Isobutyl fentanyl);  
 1412 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-cyclopentanecarboxamide (other name: Cyclopentyl

- 1413 fentanyl);  
1414 N-phenyl-N-(1-methyl-4-piperidiny)-propanamide (other name: N-methyl norfentanyl);  
1415 N-[2-(dimethylamino)cyclohexyl]-N-methyl-1,3-benzodioxole-5-carboxamide (other names:  
1416 3,4-methylenedioxy U-47700 or 3,4-MDO-U-47700);  
1417 N-phenyl-N-[1-(2-phenylethyl)-4-piperidiny]-2-butenamide (other name: Crotonyl fentanyl);  
1418 N-phenyl-N-[4-phenyl-1-(2-phenylethyl)-4-piperidiny]-propanamide (other name: 4-phenylfentanyl);  
1419 N-phenyl-N-[1-(2-phenylethyl)-4-piperidiny]-benzamide (other names: Phenyl fentanyl, Benzoyl  
1420 fentanyl);  
1421 N-[2-(dimethylamino)cyclohexyl]-N-phenylfuran-2-carboxamide (other name: Furanyl UF-17);  
1422 N-[2-(dimethylamino)cyclohexyl]-N-phenylpropionamide (other name: UF-17);  
1423 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-isopropyl-benzamide (other name: Isopropyl  
1424 U-47700).  
1425 2. Any of the following opium derivatives, their salts, isomers and salts of isomers, unless  
1426 specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible  
1427 within the specific chemical designation:  
1428 Acetorphine;  
1429 Acetyldihydrocodeine;  
1430 Benzylmorphine;  
1431 Codeine methylbromide;  
1432 Codeine-N-Oxide;  
1433 Cyprenorphine;  
1434 Desomorphine;  
1435 Dihydromorphine;  
1436 Drotebanol;  
1437 Etorphine;  
1438 Heroin;  
1439 Hydromorphanol;  
1440 Methyldesorphine;  
1441 Methyldihydromorphine;  
1442 Morphine methylbromide;  
1443 Morphine methylsulfonate;  
1444 Morphine-N-Oxide;  
1445 Myrophine;  
1446 Nicocodeine;  
1447 Nicomorphine;  
1448 Normorphine;  
1449 Pholcodine;  
1450 Thebacon.  
1451 3. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture,  
1452 or preparation, which contains any quantity of the following hallucinogenic substances, or which  
1453 contains any of its salts, isomers, and salts of isomers, whenever the existence of such salts, isomers,  
1454 and salts of isomers is possible within the specific chemical designation (for purposes of this subdivision  
1455 only, the term "isomer" includes the optical, position, and geometric isomers):  
1456 Alpha-ethyltryptamine (some trade or other names: Monase; a-ethyl-1H-indole-3-ethanamine;  
1457 3-2-aminobutyl] indole; a-ET; AET);  
1458 4-Bromo-2,5-dimethoxyphenethylamine (some trade or other names:  
1459 2-4-bromo-2,5-dimethoxyphenyl]-1-aminoethane;alpha-desmethyl DOB; 2C-B; Nexus);  
1460 3,4-methylenedioxy amphetamine;  
1461 5-methoxy-3,4-methylenedioxy amphetamine;  
1462 3,4,5-trimethoxy amphetamine;  
1463 Alpha-methyltryptamine (other name: AMT);  
1464 Bufotenine;  
1465 Diethyltryptamine;  
1466 Dimethyltryptamine;  
1467 4-methyl-2,5-dimethoxyamphetamine;  
1468 2,5-dimethoxy-4-ethylamphetamine (DOET);  
1469 4-fluoro-N-ethylamphetamine;  
1470 2,5-dimethoxy-4-(n)-propylthiophenethylamine (other name: 2C-T-7);  
1471 Ibogaine;  
1472 5-methoxy-N,N-diisopropyltryptamine (other name: 5-MeO-DIPT);  
1473 Lysergic acid diethylamide;  
1474 Mescaline;



1475 Para-hexyl (some trade or other names:  
 1476 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo [b,d] pyran; Synhexyl);  
 1477 Peyote;  
 1478 N-ethyl-3-piperidyl benzilate;  
 1479 N-methyl-3-piperidyl benzilate;  
 1480 Psilocybin;  
 1481 Psilocyn;  
 1482 Salvinorin A;  
 1483 Tetrahydrocannabinols, except as present in (i) industrial hemp, as defined in § 3.2-4112, that is  
 1484 possessed by a person registered pursuant to subsection A of § 3.2-4115 or his agent; (ii) a hemp  
 1485 product, as defined in § 3.2-4112, containing a tetrahydrocannabinol concentration of no greater than 0.3  
 1486 percent that is derived from industrial hemp, as defined in § 3.2-4112, that is grown, dealt, or processed  
 1487 in compliance with state or federal law; (iii) marijuana; (iv) dronabinol in sesame oil and encapsulated  
 1488 in a soft gelatin capsule in a drug product approved by the U.S. Food and Drug Administration; or (v)  
 1489 industrial hemp, as defined in § 3.2-4112, that is possessed by a person who holds a hemp producer  
 1490 license issued by the U.S. Department of Agriculture pursuant to 7 C.F.R. Part 990;  
 1491 2,5-dimethoxyamphetamine (some trade or other names: 2,5-dimethoxy-a-methylphenethylamine;  
 1492 2,5-DMA);  
 1493 3,4-methylenedioxymethamphetamine (MDMA), its optical, positional and geometric isomers, salts  
 1494 and salts of isomers;  
 1495 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4  
 1496 (methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA);  
 1497 N-hydroxy-3,4-methylenedioxyamphetamine (some other names:  
 1498 N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine, and N-hydroxy MDA);  
 1499 4-bromo-2,5-dimethoxyamphetamine (some trade or other names:  
 1500 4-bromo-2,5-dimethoxy-a-methylphenethylamine; 4-bromo-2,5-DMA);  
 1501 4-methoxyamphetamine (some trade or other names: 4-methoxy-a-methylphenethylamine;  
 1502 paramethoxyamphetamine; PMA);  
 1503 Ethylamine analog of phencyclidine (some other names: N-ethyl-1-phenylcyclohexylamine,  
 1504 (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE);  
 1505 Pyrrolidine analog of phencyclidine (some other names: 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy,  
 1506 PHP);  
 1507 Thiophene analog of phencyclidine (some other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine,  
 1508 2-thienyl analog of phencyclidine, TPCP, TCP);  
 1509 1-1-(2-thienyl)cyclohexylpyrrolidine (other name: TCPy);  
 1510 3,4-methylenedioxypyrovalerone (other name: MDPV);  
 1511 4-methylmethcathinone (other names: mephedrone, 4-MMC);  
 1512 3,4-methylenedioxymethcathinone (other name: methylone);  
 1513 Naphthylpyrovalerone (other name: naphyrone);  
 1514 4-fluoromethcathinone (other names: flephedrone, 4-FMC);  
 1515 4-methoxymethcathinone (other names: methedrone; bk-PMMA);  
 1516 Ethcathinone (other name: N-ethylcathinone);  
 1517 3,4-methylenedioxyethcathinone (other name: ethylone);  
 1518 Beta-keto-N-methyl-3,4-benzodioxolylbutanamine (other name: butylone);  
 1519 N,N-dimethylcathinone (other name: metamfepramone);  
 1520 Alpha-pyrrolidinopropiophenone (other name: alpha-PPP);  
 1521 4-methoxy-alpha-pyrrolidinopropiophenone (other name: MOPPP);  
 1522 3,4-methylenedioxy-alpha-pyrrolidinopropiophenone (other name: MDPPP);  
 1523 Alpha-pyrrolidinoveralphenone (other name: alpha-PVP);  
 1524 6,7-dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine (other name: MDAI);  
 1525 3-fluoromethcathinone (other name: 3-FMC);  
 1526 4-Ethyl-2,5-dimethoxyphenethylamine (other name: 2C-E);  
 1527 4-Iodo-2,5-dimethoxyphenethylamine (other name: 2C-I);  
 1528 4-Methylethcathinone (other name: 4-MEC);  
 1529 4-Ethylmethcathinone (other name: 4-EMC);  
 1530 N,N-diallyl-5-methoxytryptamine (other name: 5-MeO-DALT);  
 1531 Beta-keto-methylbenzodioxolylpentanamine (other names: Pentylone, bk-MBDP);  
 1532 Alpha-methylamino-butyrophenone (other name: Buphedrone);  
 1533 Alpha-methylamino-valerophenone (other name: Pentedrone);  
 1534 3,4-Dimethylmethcathinone (other name: 3,4-dmmc);  
 1535 4-methyl-alpha-pyrrolidinopropiophenone (other name: MPPP);

- 1536 4-Iodo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names: 25-I,  
1537 25I-NBOMe, 2C-I-NBOMe);  
1538 Methoxetamine (other names: MXE, 3-MeO-2-Oxo-PCE);  
1539 4-Fluoromethamphetamine (other name: 4-FMA);  
1540 4-Fluoroamphetamine (other name: 4-FA);  
1541 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (other name: 2C-D);  
1542 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (other name: 2C-C);  
1543 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (other name: 2C-T-2);  
1544 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (other name: 2C-T-4);  
1545 2-(2,5-Dimethoxyphenyl)ethanamine (other name: 2C-H);  
1546 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (other name: 2C-N);  
1547 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (other name: 2C-P);  
1548 (2-aminopropyl)benzofuran (other name: APB);  
1549 (2-aminopropyl)-2,3-dihydrobenzofuran (other name: APDB);  
1550 4-chloro-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names:  
1551 2C-C-NBOMe, 25C-NBOMe, 25C);  
1552 4-bromo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names:  
1553 2C-B-NBOMe, 25B-NBOMe, 25B);  
1554 Acetoxymethyltryptamine (other names: AcO-Psilocin, AcO-DMT, Psilacetin);  
1555 Benocyclidine (other names: BCP, BTCP);  
1556 Alpha-pyrrolidinobutiophenone (other name: alpha-PBP);  
1557 3,4-methylenedioxy-N,N-dimethylcathinone (other names: Dimethylone, bk-MDDMA);  
1558 4-bromomethcathinone (other name: 4-BMC);  
1559 4-chloromethcathinone (other name: 4-CMC);  
1560 4-Iodo-2,5-dimethoxy-N-[(2-hydroxyphenyl)methyl]-benzeneethanamine (other name: 25I-NBOH);  
1561 Alpha-Pyrrolidinohexiophenone (other name: alpha-PHP);  
1562 Alpha-Pyrrolidinoheptiophenone (other name: PV8);  
1563 5-methoxy-N,N-methylisopropyltryptamine (other name: 5-MeO-MIPT);  
1564 Beta-keto-N,N-dimethylbenzodioxolylbutanamine (other names: Dibutylone, bk-DMBDB);  
1565 Beta-keto-4-bromo-2,5-dimethoxyphenethylamine (other name: bk-2C-B);  
1566 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-1-pentanone (other name: N-ethylpentylone);  
1567 1-[1-(3-methoxyphenyl)cyclohexyl]piperidine (other name: 3-methoxy PCP);  
1568 1-[1-(4-methoxyphenyl)cyclohexyl]piperidine (other name: 4-methoxy PCP);  
1569 4-Chloroethcathinone (other name: 4-CEC);  
1570 3-Methoxy-2-(methylamino)-1-(4-methylphenyl)-1-propanone (other name: Mexedrone);  
1571 1-propionyl lysergic acid diethylamide (other name: 1P-LSD);  
1572 (2-Methylaminopropyl)benzofuran (other name: MAPB);  
1573 1-(1,3-benzodioxol-5-yl)-2-(dimethylamino)-1-pentanone (other names: N,N-Dimethylpentylone,  
1574 Dipentylone);  
1575 1-(4-methoxyphenyl)-2-(pyrrolidin-1-yl)octan-1-one (other name: 4-methoxy-PV9);  
1576 3,4-tetramethylene-alpha-pyrrolidinovalerophenone (other name: TH-PVP);  
1577 4-allyloxy-3,5-dimethoxyphenethylamine (other name: Allylescaline);  
1578 4-Bromo-2,5-dimethoxy-N-[(2-hydroxyphenyl)methyl]-benzeneethanamine (other name: 25B-NBOH);  
1579 4-chloro-alpha-methylamino-valerophenone (other name: 4-chloropentedrone);  
1580 4-chloro-alpha-Pyrrolidinovalerophenone (other name: 4-chloro-alpha-PVP);  
1581 4-fluoro-alpha-Pyrrolidinoheptiophenone (other name: 4-fluoro-PV8);  
1582 4-hydroxy-N,N-diisopropyltryptamine (other name: 4-OH-DIPT);  
1583 4-methyl-alpha-ethylaminopentiophenone;  
1584 4-methyl-alpha-Pyrrolidinohexiophenone (other name: MPHP);  
1585 5-methoxy-N,N-dimethyltryptamine (other name: 5-MeO-DMT);  
1586 5-methoxy-N-ethyl-N-isopropyltryptamine (other name: 5-MeO-EIPT);  
1587 6-ethyl-6-nor-lysergic acid diethylamide (other name: ETH-LAD);  
1588 6-allyl-6-nor-lysergic acid diethylamide (other name: AL-LAD);  
1589 (N-methyl aminopropyl)-2,3-dihydrobenzofuran (other name: MAPDB);  
1590 2-(methylamino)-2-phenyl-cyclohexanone (other name: Deschloroketamine);  
1591 2-(ethylamino)-2-phenyl-cyclohexanone (other name: deschloro-N-ethyl-ketamine);  
1592 2-methyl-1-(4-(methylthio)phenyl)-2-morpholinopropiophenone (other name: MMMP);  
1593 Alpha-ethylaminohexanophenone (other name: N-ethylhexedrone);  
1594 N-ethyl-1-(3-methoxyphenyl)cyclohexylamine (other name: 3-methoxy-PCE);  
1595 4-fluoro-alpha-pyrrolidinohexiophenone (other name: 4-fluoro-alpha-PHP);  
1596 N-ethyl-1,2-diphenylethylamine (other name: Ephendine);  
1597 2,5-dimethoxy-4-chloroamphetamine (other name: DOC);

- 1598 3,4-methylenedioxy-N-tert-butylcathinone;  
 1599 Alpha-pyrrolidinoisohexiophenone (other name: alpha-PiHP);  
 1600 1-[1-(3-hydroxyphenyl)cyclohexyl]piperidine (other name: 3-hydroxy PCP);  
 1601 4-acetyloxy-N,N-diallyltryptamine (other name: 4-AcO-DALT);  
 1602 4-hydroxy-N,N-methylisopropyltryptamine (other name: 4-hydroxy-MiPT);  
 1603 3,4-Methylenedioxy-alpha-pyrrolidinohexanophenone (other name: MDPHP);  
 1604 5-methoxy-N,N-dibutyltryptamine (other name: 5-methoxy-DBT);  
 1605 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-1-butanone (other names: Eutylone, bk-EBDB);  
 1606 1-(1,3-benzodioxol-5-yl)-2-(butylamino)-1-pentanone (other name: N-butylpentylone);  
 1607 N-benzyl-3,4-dimethoxyamphetamine (other name: N-benzyl-3,4-DMA);  
 1608 1-(benzo[d][1,3]dioxol-5-yl)-2-(sec-butylamino)pentan-1-one (other name: N-sec-butyl Pentylone);  
 1609 1-cyclopropionyl lysergic acid diethylamide (other name: 1cP-LSD);  
 1610 2-(ethylamino)-1-phenylheptan-1-one (other name: N-ethylheptedrone);  
 1611 (2-ethylaminopropyl)benzofuran (other name: EAPB);  
 1612 4-ethyl-2,5-dimethoxy-N-[(2-hydroxyphenyl)methyl]-benzeneethanamine (other name: 25E-NBOH);  
 1613 2-fluoro-Deschloroketamine (other name: 2-(2-fluorophenyl)-2-(methylamino)-cyclohexanone);  
 1614 4-hydroxy-N-ethyl-N-propyltryptamine (other name: 4-hydroxy-EPT);  
 1615 2-(isobutylamino)-1-phenylhexan-1-one (other names: N-Isobutyl Hexedrone,  
 1616 alpha-isobutylaminohexanphenone);  
 1617 1-(4-methoxyphenyl)-N-methylpropan-2-amine (other names: para-Methoxymethamphetamine,  
 1618 PMMA);  
 1619 N-ethyl-1-(3-hydroxyphenyl)cyclohexylamine (other name: 3-hydroxy-PCE);  
 1620 N-heptyl-3,4-dimethoxyamphetamine (other name: N-heptyl-3,4-DMA);  
 1621 N-hexyl-3,4-dimethoxyamphetamine (other name: N-hexyl-3,4-DMA);  
 1622 4-fluoro-3-methyl-alpha-pyrrolidinovalerophenone (other name: 4-fluoro-3-methyl-alpha-PVP);  
 1623 4-fluoro-alpha-methylamino-valerophenone (other name: 4-fluoropentedrone);  
 1624 N-(1,4-dimethylpentyl)-3,4-dimethoxyamphetamine (other name: N-(1,4-dimethylpentyl)-3,4-DMA);  
 1625 4,5-methylenedioxy-N,N-diisopropyltryptamine (other name: 4,5-MDO-DiPT);  
 1626 Alpha-pyrrolidinocyclohexanophenone (other name: alpha-PCYP);  
 1627 3,4-methylenedioxy-alpha-pyrrolidinoheptiophenone (other name: MDPV8);  
 1628 4-chloro-alpha-methylaminobutiophenone (other name: 4-chloro Buphedrone).  
 1629 4. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture  
 1630 or preparation which contains any quantity of the following substances having a depressant effect on the  
 1631 central nervous system, including its salts, isomers and salts of isomers whenever the existence of such  
 1632 salts, isomers and salts of isomers is possible within the specific chemical designation:  
 1633 5-(2-chlorophenyl)-1,3-dihydro-3-methyl-7-nitro-2H-1,4-benzodiazepin-2-one (other name:  
 1634 Meclonazepam);  
 1635 7-chloro-5-(2-fluorophenyl)-1,3-dihydro-1,4-benzodiazepin-2-one (other name: Norfludiazepam);  
 1636 Bromazolam;  
 1637 Clonazolam;  
 1638 Deschloroetizolam;  
 1639 Etizolam;  
 1640 Flualprazolam;  
 1641 Flubromazepam;  
 1642 Flubromazolam;  
 1643 Gamma hydroxybutyric acid (some other names include GHB; gamma hydroxybutyrate;  
 1644 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate);  
 1645 Mecloqualone;  
 1646 Methaqualone.  
 1647 5. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture  
 1648 or preparation which contains any quantity of the following substances having a stimulant effect on the  
 1649 central nervous system, including its salts, isomers and salts of isomers:  
 1650 2-(3-fluorophenyl)-3-methylmorpholine (other name: 3-fluorophenmetrazine);  
 1651 Aminorex (some trade or other names; aminoxaphen; 2-amino-5-phenyl-2-oxazoline;  
 1652 4,5-dihydro-5-phenyl-2-oxazolamine);  
 1653 Cathinone (some trade or other names: 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone,  
 1654 2-aminopropiophenone, norephedrone), and any plant material from which Cathinone may be derived;  
 1655 Cis-4-methylaminorex (other name: cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);  
 1656 Ethylamphetamine;  
 1657 Ethyl phenyl(piperidin-2-yl)acetate (other name: Ethylphenidate);  
 1658 Fenethylamine;

- 1659 Methcathinone (some other names: 2-(methylamino)-propiophenone;  
1660 alpha-(methylamino)-propiophenone; 2-(methylamino)-1-phenylpropan-1-one;  
1661 alpha-N-methylaminopropiophenone; monomethylpropion; ephedrone; N-methylcathinone;  
1662 methylcathinone; AL-464; AL-422; AL-463 and UR 1432);  
1663 N-Benzylpiperazine (some other names: BZP, 1-benzylpiperazine);  
1664 N,N-dimethylamphetamine (other names: N,N-alpha-trimethyl-benzeneethanamine,  
1665 N,N-alpha-trimethylphenethylamine);  
1666 Methyl 2-(4-fluorophenyl)-2-(2-piperidinyl)acetate (other name: 4-fluoromethylphenidate);  
1667 Isopropyl-2-phenyl-2-(2-piperidinyl)acetate (other name: Isopropylphenidate);  
1668 4-chloro-N,N-dimethylcathinone;  
1669 3,4-methylenedioxy-N-benzylcathinone (other name: BMDP).
- 1670 6. Any substance that contains one or more cannabimimetic agents or that contains their salts,  
1671 isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is  
1672 possible within the specific chemical designation, and any preparation, mixture, or substance containing,  
1673 or mixed or infused with, any detectable amount of one or more cannabimimetic agents.
- 1674 a. "Cannabimimetic agents" includes any substance that is within any of the following structural  
1675 classes:
- 1676 2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or  
1677 alkenyl, whether or not substituted on the cyclohexyl ring to any extent;
- 1678 3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane with substitution at the nitrogen atom of  
1679 the indole ring, whether or not further substituted on the indole ring to any extent, whether or not  
1680 substituted on the naphthoyl or naphthyl ring to any extent;
- 1681 3-(1-naphthoyl)pyrrole with substitution at the nitrogen atom of the pyrrole ring, whether or not  
1682 further substituted in the pyrrole ring to any extent, whether or not substituted on the naphthoyl ring to  
1683 any extent;
- 1684 1-(1-naphthylmethyl)indene with substitution of the 3-position of the indene ring, whether or not  
1685 further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to  
1686 any extent;
- 1687 3-phenylacetylindole or 3-benzoylindole with substitution at the nitrogen atom of the indole ring,  
1688 whether or not further substituted in the indole ring to any extent, whether or not substituted on the  
1689 phenyl ring to any extent;
- 1690 3-cyclopropoylindole with substitution at the nitrogen atom of the indole ring, whether or not further  
1691 substituted on the indole ring to any extent, whether or not substituted on the cyclopropyl ring to any  
1692 extent;
- 1693 3-adamantoylindole with substitution at the nitrogen atom of the indole ring, whether or not further  
1694 substituted on the indole ring to any extent, whether or not substituted on the adamantyl ring to any  
1695 extent;
- 1696 N-(adamantyl)-indole-3-carboxamide with substitution at the nitrogen atom of the indole ring,  
1697 whether or not further substituted on the indole ring to any extent, whether or not substituted on the  
1698 adamantyl ring to any extent; and
- 1699 N-(adamantyl)-indazole-3-carboxamide with substitution at a nitrogen atom of the indazole ring,  
1700 whether or not further substituted on the indazole ring to any extent, whether or not substituted on the  
1701 adamantyl ring to any extent.
- 1702 b. The term "cannabimimetic agents" includes:
- 1703 5-(1,1-Dimethylheptyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497);  
1704 5-(1,1-Dimethylhexyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C6 homolog);  
1705 5-(1,1-Dimethyloctyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C8 homolog);  
1706 5-(1,1-Dimethylnonyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C9 homolog);  
1707 1-pentyl-3-(1-naphthoyl)indole (other names: JWH-018, AM-678);  
1708 1-butyl-3-(1-naphthoyl)indole (other name: JWH-073);  
1709 1-pentyl-3-(2-methoxyphenylacetyl)indole (other name: JWH-250);  
1710 1-hexyl-3-(naphthalen-1-oyl)indole (other name: JWH-019);  
1711 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (other name: JWH-200);  
1712 (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tet  
1713 rahydrobenzo[c]chromen-1-ol (other name: HU-210);  
1714 1-pentyl-3-(4-methoxy-1-naphthoyl)indole (other name: JWH-081);  
1715 1-pentyl-3-(4-methyl-1-naphthoyl)indole (other name: JWH-122);  
1716 1-pentyl-3-(2-chlorophenylacetyl)indole (other name: JWH-203);  
1717 1-pentyl-3-(4-ethyl-1-naphthoyl)indole (other name: JWH-210);  
1718 1-pentyl-3-(4-chloro-1-naphthoyl)indole (other name: JWH-398);  
1719 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (other name: AM-694);  
1720 1-((N-methylpiperidin-2-yl)methyl)-3-(1-naphthoyl)indole (other name: AM-1220);

- 1721 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (other name: AM-2201);  
 1722 1-[(N-methylpiperidin-2-yl)methyl]-3-(2-iodobenzoyl)indole (other name: AM-2233);  
 1723 Pravadoline (4-methoxyphenyl)-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-yl]methanone (other  
 1724 name: WIN 48,098);  
 1725 1-pentyl-3-(4-methoxybenzoyl)indole (other names: RCS-4, SR-19);  
 1726 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (other names: RCS-8, SR-18);  
 1727 1-pentyl-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other name: UR-144);  
 1728 1-(5-fluoropentyl)-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other names: XLR-11,  
 1729 5-fluoro-UR-144);  
 1730 N-adamantyl-1-fluoropentylindole-3-carboxamide (other name: STS-135);  
 1731 N-adamantyl-1-pentylindazole-3-carboxamide (other names: AKB48, APINACA);  
 1732 1-pentyl-3-(1-adamantoyl)indole (other name: AB-001);  
 1733 (8-quinoliny)(1-pentylindol-3-yl)carboxylate (other name: PB-22);  
 1734 (8-quinoliny)(1-(5-fluoropentyl)indol-3-yl)carboxylate (other name: 5-fluoro-PB-22);  
 1735 (8-quinoliny)(1-cyclohexylmethyl-indol-3-yl)carboxylate (other name: BB-22);  
 1736 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide (other name: AB-PINACA);  
 1737 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)indazole-3-carboxamide (other name:  
 1738 AB-FUBINACA);  
 1739 1-(5-fluoropentyl)-3-(1-naphthoyl)indazole (other name: THJ-2201);  
 1740 N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide (other name:  
 1741 ADB-PINACA);  
 1742 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide (other name:  
 1743 AB-CHMINACA);  
 1744 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)indazole-3-carboxamide (other name:  
 1745 5-fluoro-AB-PINACA);  
 1746 N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide (other names:  
 1747 ADB-CHMINACA, MAB-CHMINACA);  
 1748 Methyl-2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate (other name:  
 1749 5-fluoro-AMB);  
 1750 1-naphthalenyl 1-(5-fluoropentyl)-1H-indole-3-carboxylate (other name: NM-2201);  
 1751 1-(4-fluorobenzyl)-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other name: FUB-144);  
 1752 1-(5-fluoropentyl)-3-(4-methyl-1-naphthoyl)indole (other name MAM-2201);  
 1753 N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-[(4-fluorophenyl)methyl]-1H-indazole-3-carboxamide  
 1754 (other name: ADB-FUBINACA);  
 1755 Methyl 2-[1-[(4-fluorophenyl)methyl]-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other name:  
 1756 MDMB-FUBINACA);  
 1757 Methyl 2-[1-(5-fluoropentyl)-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other names:  
 1758 5-fluoro-ADB, 5-Fluoro-MDMB-PINACA);  
 1759 Methyl 2-({1-[(4-fluorophenyl)methyl]-1H-indazole-3-carbonyl}amino)-3-methylbutanoate (other  
 1760 names: AMB-FUBINACA, FUB-AMB);  
 1761 N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (other names: FUB-AKB48,  
 1762 5F-APINACA);  
 1763 N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide (other name: 5F-AKB48);  
 1764 N-(adamantan-1-yl)-1-(5-chloropentyl) indazole-3-carboxamide (other name: 5-chloro-AKB48);  
 1765 Naphthalen-1-yl 1-pentyl-1H-indazole-3-carboxylate (other name: SDB-005);  
 1766 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indole-3-carboxamide (other name:  
 1767 AB-CHMICA);  
 1768 1-pentyl-N-(phenylmethyl)-1H-indole-3-carboxamide (other name: SDB-006);  
 1769 Quinolin-8-yl 1-(4-fluorobenzyl)-1H-indole-3-carboxylate (other name: FUB-PB-22);  
 1770 Methyl N-[1-(cyclohexylmethyl)-1H-indole-3-carbonyl]valinate (other name: MMB-CHMICA);  
 1771 N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)indazole-3-carboxamide (other name:  
 1772 5-fluoro-ADB-PINACA);  
 1773 1-(4-cyanobutyl)-N-(1-methyl-1-phenylethyl)-1H-indazole-3-carboxamide (other name: 4-cyano  
 1774 CUMYL-BUTINACA);  
 1775 Methyl 2-[1-(5-fluoropentyl)-1H-indole-3-carboxamido]-3,3-dimethylbutanoate (other names: 5-fluoro  
 1776 MDMB-PICA, 5F-MDMB-PICA);  
 1777 Ethyl 2-({1-[(4-fluorophenyl)methyl]-1H-indazole-3-carbonyl}amino)-3-methylbutanoate (other name:  
 1778 EMB-FUBINACA);  
 1779 Methyl 2-[1-4-fluorobutyl)-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other name:  
 1780 4-fluoro-MDMB-BUTINACA);  
 1781 1-(5-fluoropentyl)-N-(1-methyl-1-phenylethyl)-1H-indole-3-carboxamide (other name: 5-fluoro

1782 CUMYL-PICA);  
1783 Methyl 2-[1-(pent-4-enyl)-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other name:  
1784 MDMB-4en-PINACA);  
1785 Methyl 2-({1-[(4-fluorophenyl)methyl]-1H-indole-3-carbonyl}amino)-3-methylbutanoate (other names:  
1786 MMB-FUBICA, AMB-FUBICA);  
1787 Methyl 2-[1-(4-penten-1-yl)-1H-indole-3-carboxamido]-3-methylbutanoate (other names: MMB022,  
1788 MMB-4en-PICA);  
1789 Methyl 2-[1-(5-fluoropentyl)-1H-indole-3-carboxamido]-3-methylbutanoate (other name: MMB 2201);  
1790 Methyl 2-[1-(5-fluoropentyl)-1H-indole-3-carboxamido]-3-phenylpropanoate (other name:  
1791 5-fluoro-MPP-PICA);  
1792 N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-butylindazole-3-carboxamide (other name:  
1793 ADB-BUTINACA);  
1794 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-chloropentyl)indazole-3-carboxamide (other name:  
1795 5-chloro-AB-PINACA);  
1796 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide (other names:  
1797 5F-CUMYL-PINACA, 5-fluoro CUMYL-PINACA, CUMYL-5F-PINACA);  
1798 Ethyl 2-[1-(5-fluoropentyl)-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other names:  
1799 5F-EDMB-PINACA, 5-fluoro EDMB-PINACA);  
1800 Ethyl-2-[1-(5-fluoropentyl)-1H-indazole-3-carboxamido]-3-methylbutanoate (other names:  
1801 5-fluoro-EMB-PINACA, 5F-AEB);  
1802 Ethyl 2-[1-(5-fluoropentyl)-1H-indole-3-carboxamido]-3-methylbutanoate (other name:  
1803 5-fluoro-EMB-PICA);  
1804 Ethyl-2-[1-(5-fluoropentyl)-1H-indole-3-carboxamido]-3,3-dimethylbutanoate (other name: 5-fluoro  
1805 EDMB-PICA);  
1806 Methyl 2-[1-(4-fluorobutyl)-1H-indole-3-carboxamido]-3,3-dimethylbutanoate (other name:  
1807 4-fluoro-MDMB-BUTICA);  
1808 Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate (other names:  
1809 MDMB-CHMICA, MMB-CHMINACA);  
1810 N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(pent-4-enyl)indazole-3-carboxamide (other name:  
1811 ADB-4en-PINACA).  
1812 2. That the provisions of Article 4 (§ 3.2-4122 et seq.) of Chapter 41.1 of Title 3.2 of the Code of  
1813 Virginia, as created by this act, shall become effective on the date on which the Department of  
1814 Agriculture and Consumer Services has established the registration process provided in such  
1815 Article 4, as created by this act. The Commissioner of Agriculture and Consumer Services shall  
1816 certify the effective date of such registration process to the Virginia Code Commission. On July 1,  
1817 2024, (i) all powers and duties vested in the Virginia Department of Agriculture and Consumer  
1818 Services and the Commissioner of Agriculture and Consumer Services granted under Article 4  
1819 (§ 3.2-4122 et seq.) of Chapter 41.1 of Title 3.2 of the Code of Virginia, as created by this act,  
1820 shall transfer to the Virginia Cannabis Control Authority and (ii) the Virginia Code Commission  
1821 shall move the provisions of Article 4 (§ 3.2-4122 et seq.) of Chapter 41.1 of Title 3.2 of the Code  
1822 of Virginia, as created by this act, and all applicable definitions to Subtitle II of Title 4.1.  
1823 3. That the Board of Directors (the Board) of the Virginia Cannabis Control Authority shall (i)  
1824 promulgate regulations regarding the maximum total tetrahydrocannabinol concentration that may  
1825 be contained in a regulated hemp product as defined in § 3.2-4112 of the Code of Virginia, as  
1826 amended by this act, and (ii) draft regulations that create a framework and licensing structure for  
1827 retail marijuana sales, including transitional sales by pharmaceutical processors. Any regulations  
1828 drafted pursuant to clause (ii) of this enactment shall not become effective until such regulations  
1829 are approved by an act of the General Assembly. The Board's initial adoption of regulations to  
1830 implement the provisions of this act shall be exempt from the provisions of the Administrative  
1831 Process Act (§ 2.2-4000 et seq. of the Code of Virginia).  
1832 4. That the provisions of this act may result in a net increase in periods of imprisonment or  
1833 commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the  
1834 necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and  
1835 cannot be determined for periods of commitment to the custody of the Department of Juvenile  
1836 Justice.