

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

4 [S 1115]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 3.2-5135 of the Code of Virginia is amended and reenacted as follows:**8 **§ 3.2-5135. Authority to seize food and dairy products; analysis; disposition of remainder.**

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

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

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

ENROLLED

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