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HOUSE BILL NO. 1839

Offered January 9, 2019

Prefiled January 2, 2019

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, 18.2-247, 54.1-3401, as it is currently effective and as it shall become effective, 54.1-3408.3, and 54.1-3446 of the Code of Virginia and to repeal §§ 3.2-4114.1 and 3.2-4117 of the Code of Virginia, relating to industrial hemp.*

Patrons—Marshall, Edmunds, Freitas, Pogge, Davis, Keam, O'Quinn and Pillion

Referred to Committee on Agriculture, Chesapeake and Natural Resources

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, 18.2-247, 54.1-3401, as it is currently effective and as it shall become effective, 54.1-3408.3, and 54.1-3446 are amended and reenacted as follows:

§ 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*, including seeds thereof and any derivative, extract, cannabinoid, isomer, acid, salt, or salt of an isomer, whether growing or not, with a concentration of tetrahydrocannabinol that is greater than that allowed by federal law.

"*Deal*" means to buy industrial hemp grown in compliance with state or federal law and to sell such industrial hemp to a person who (i) processes industrial hemp in compliance with state or federal law or (ii) sells industrial hemp to a person who processes industrial hemp in compliance with state or federal law.

"*Dealer*" means any person who is registered pursuant to subsection A of § 3.2-4115 to deal in industrial hemp. "*Dealer*" does not include (i) a grower, (ii) a processor, or (iii) any person who buys industrial hemp for personal use or retail sale in Virginia.

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

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

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

"*Hemp product*" means a product made from industrial hemp.

"*Higher education industrial hemp research program*" means a research program established pursuant to subsection A of § 3.2-4114.1.

"*Industrial hemp*" means all parts and varieties any part of the plant *Cannabis sativa*, including seeds thereof and any derivative, extract, cannabinoid, isomer, acid, salt, or salt of an isomer, whether growing or not, that contain with a concentration of tetrahydrocannabinol that is no greater than that allowed by federal law.

"*Process*" means to convert industrial hemp into a marketable form.

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

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

"*Production field*" means the land or area on which a grower is growing or intends to grow industrial hemp.

"*Virginia industrial hemp research program*" means the research program established pursuant to subsection B of § 3.2-4114.1.

§ 3.2-4113. Production of industrial hemp lawful.

A. It is lawful for a grower or his agent to grow, a dealer or his agent to deal in, or a processor or his agent to process industrial hemp in the Commonwealth for any lawful purpose, including the manufacture of a hemp product or scientific, agricultural, or other research related to other lawful applications for industrial hemp. No grower or his agent, dealer or his agent, or processor or his agent shall be prosecuted under § 18.2-247, 18.2-248, 18.2-248.01, 18.2-248.1, 18.2-250, or 18.2-250.1 for the possession, growing, dealing, or processing of industrial hemp. In any complaint, information, or indictment, and in any action or proceeding brought for the enforcement of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 or the Drug Control Act (§ 54.1-3400 et seq.), it shall not

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HB1839

59 be necessary to negate any exception, excuse, proviso, or exemption contained in this chapter or the
60 Drug Control Act, and the burden of proof of any such exception, excuse, proviso, or exemption shall
61 be on the defendant.

62 B. Nothing in this chapter shall be construed to authorize any person to violate any federal law or
63 regulation. If any part of this chapter conflicts with a provision of federal law relating to industrial
64 hemp, the federal provision shall control to the extent of the conflict.

65 C. No person shall be prosecuted under § 18.2-247, 18.2-248, 18.2-248.01, 18.2-248.1, 18.2-250, or
66 18.2-250.1 for the involuntary growth of industrial hemp through the inadvertent natural spread of seeds
67 or pollen as a result of proximity to a production field, *dealership*, or process site.

68 **§ 3.2-4114. Regulations.**

69 The Board may adopt regulations pursuant to this chapter as necessary to register persons to grow,
70 *deal in*, or process industrial hemp or implement the provisions of this chapter.

71 **§ 3.2-4114.2. Authority of Commissioner; notice to law enforcement; report.**

72 A. The Commissioner may charge a nonrefundable fee not to exceed \$50 for ~~(i)~~ any application for
73 registration or renewal of registration allowed under this chapter ~~and (ii). The Commissioner may charge~~
74 ~~a nonrefundable fee for the~~ tetrahydrocannabinol testing allowed under this chapter. All fees collected by
75 the Commissioner shall be deposited in the state treasury.

76 B. The Commissioner may establish a minimum size for a production field that shall qualify a person
77 for a Virginia industrial hemp research program grower registration.

78 ~~C.~~ The Commissioner shall notify the Superintendent of State Police of the locations of all industrial
79 hemp production fields, *dealerships*, and process sites.

80 ~~D.~~ C. The Commissioner shall forward a copy or appropriate electronic record of each registration
81 issued by the Commissioner under this chapter to the chief law-enforcement officer of the county or city
82 where industrial hemp will be grown, *dealt*, or processed.

83 ~~E.~~ D. The Commissioner shall be responsible for monitoring the industrial hemp grown, *dealt*, or
84 processed by a person registered pursuant to subsection A of § 3.2-4115 and shall provide for random
85 testing of the industrial hemp, at the cost of the grower, *dealer*, or processor, for compliance with
86 tetrahydrocannabinol limits and for other appropriate purposes established pursuant to § 3.2-4114. In
87 addition to any routine inspection and sampling, the Commissioner may inspect and sample the
88 industrial hemp at any production field, *dealership*, or process site during normal business hours without
89 advance notice if he has reason to believe a violation of this chapter is occurring or has occurred.

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

95 ~~G.~~ F. The Commissioner ~~may~~ shall advise the Attorney General of the United States and the
96 Superintendent of State Police or the chief law-enforcement officer of the appropriate county or city
97 when, *with a culpable mental state greater than negligence*, a grower grows, *a dealer deals in*, or a
98 processor processes any Cannabis sativa with a concentration of tetrahydrocannabinol that is greater than
99 that allowed by federal law *or a processor produces a Cannabis sativa product*.

100 ~~H.~~ G. The Commissioner may pursue any permits or waivers from the U.S. Drug Enforcement
101 Administration or appropriate federal agency that he determines to be necessary for the advancement of
102 a higher education industrial hemp research program ~~or the Virginia industrial hemp research program~~
103 *industry*.

104 ~~I.~~ H. The Commissioner may cooperatively seek funds from public and private sources to implement
105 a higher education industrial hemp research program ~~or the Virginia industrial hemp research program~~
106 *establish a corrective action plan to address a negligent violation of any provision of this chapter*.

107 ~~J.~~ By December 1 of each year, the Commissioner shall report on the status and progress of any
108 higher education industrial hemp research program and the Virginia industrial hemp research program to
109 the Governor and to the General Assembly and shall submit such report for publication as a report
110 document as provided in the procedures of the Division of Legislative Automated Systems for the
111 processing of legislative documents and reports.

112 **§ 3.2-4115. Issuance of registrations.**

113 A. The Commissioner shall establish a registration program to allow a person to grow, *deal in*, or
114 process industrial hemp in the Commonwealth in a controlled fashion solely and exclusively as part of a
115 higher education industrial hemp research program ~~or the Virginia industrial hemp research program~~.

116 B. Any person seeking to grow, *deal in*, or process industrial hemp as part of a higher education
117 industrial hemp research program ~~or the Virginia industrial hemp research program~~ *in the*
118 *Commonwealth* shall apply to the Commissioner for a registration on a form provided by the
119 Commissioner. At a minimum, the application shall include:

120 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 ~~or~~, (ii) *the site at which the applicant intends to deal in industrial hemp*, or (iii) the site at which the applicant intends to process industrial hemp. A registration shall authorize industrial hemp growth, *dealing in*, 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*, or processed to conduct physical inspections of the industrial hemp and to ensure compliance with the requirements of this chapter. 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. ~~If the applicant intends to participate in a higher education industrial hemp research program, documentation of an agreement between an institution of higher education and the applicant that states that the applicant, if registered pursuant to subsection A, will be a participant in the higher education industrial hemp research program managed by that institution of higher education;~~

6. Written consent allowing the Commissioner or his designee to enter the premises on which the industrial hemp is grown, *dealt in*, or processed to conduct inspections and sampling of the industrial hemp to ensure compliance with the requirements of this chapter;

7. ~~If the applicant intends to participate in the Virginia industrial hemp research program, a 6. A statement of the approximate square footage or acreage of the location he intends to use as a production field, dealership, or process site and a description of the research he plans to conduct to advance the industrial hemp industry;~~

8. 7. Any other information required by the Commissioner; and

9. 8. The payment of a nonrefundable application fee, in an amount set by the Commissioner not to exceed \$50.

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 not to exceed \$50.

D. All records, data, and information filed in support of a registration application submitted 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.).

§ 3.2-4116. Registration conditions.

A. A person shall obtain a registration pursuant to subsection A of § 3.2-4115 prior to growing, *dealing in*, or processing any industrial hemp in the Commonwealth.

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

1. Maintain records that reflect compliance with this chapter and with all other state *or federal* laws regulating the growing, *dealing in*, or processing of industrial hemp;

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

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

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

5. ~~If the person is a participant in a higher education industrial hemp research program, maintain a current written agreement with an institution of higher education that states that the grower or processor is a participant in the higher education industrial hemp research program managed by that institution of higher education;~~

6. If required by the Commissioner, destroy, at the cost of the grower, *dealer*, or processor and in a manner approved of and verified by the Commissioner, any Cannabis sativa that the grower grows, *the dealer deals in*, or 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; ~~and or any Cannabis sativa product that the processor produces~~

7. ~~If the person is a participant in the Virginia industrial hemp research program, by October 1 of each year, submit a report to the Commissioner regarding his growing or processing activities for the previous year.~~

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

A. The Commissioner shall deny the application, or suspend or revoke the registration, of any person

182 who, *with a culpable mental state greater than negligence*, violates any provision of this chapter. The
183 Commissioner shall provide reasonable notice of an informal fact-finding conference pursuant to
184 § 2.2-4019 to any person in connection with the denial, suspension, or revocation of a registration.

185 B. If a registration is revoked as the result of an informal hearing, the decision may be appealed, and
186 upon appeal an administrative hearing shall be conducted in accordance with the Administrative Process
187 Act (§ 2.2-4000 et seq.). The grower, *dealer*, or processor may appeal a final order to the circuit court
188 in accordance with the Administrative Process Act.

189 C. ~~The Commissioner may revoke any registration of any grower or processor who has pled guilty~~
190 ~~to, or been convicted of, a felony.~~ A person issued a registration pursuant to subsection A of § 3.2-4115
191 who negligently (i) fails to provide a description and geographic data sufficient for locating his
192 production field, dealership, or process site; (ii) grows, deals in, or processes *Cannabis sativa* with a
193 tetrahydrocannabinol concentration greater than that allowed by federal law; or (iii) produces a
194 *Cannabis sativa* product shall comply with any corrective action plan established by the Commissioner
195 in accordance with the provisions of subsection E.

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

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

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

207 **§ 3.2-4119. Eligibility to receive tobacco settlement funds.**

208 Industrial hemp growers, *dealers*, or processors registered under this chapter may be eligible to
209 receive funds from the Tobacco Indemnification and Community Revitalization Fund established
210 pursuant to § 3.2-3106.

211 **§ 18.2-247. Use of terms "controlled substances," "marijuana," "Schedules I, II, III, IV, V and**
212 **VI," "imitation controlled substance" and "counterfeit controlled substance" in Title 18.2.**

213 A. Wherever the terms "controlled substances" and "Schedules I, II, III, IV, V and VI" are used in
214 Title 18.2, such terms refer to those terms as they are used or defined in the Drug Control Act
215 (§ 54.1-3400 et seq.).

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

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

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

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

235 D. The term "marijuana" when used in this article means any part of a plant of the genus *Cannabis*,
236 whether growing or not, its seeds or resin; and every compound, manufacture, salt, derivative, mixture,
237 or preparation of such plant, its seeds, or its resin. Marijuana shall not include any oily extract
238 containing one or more cannabinoids unless such extract contains less than 12 percent of
239 tetrahydrocannabinol by weight, or the mature stalks of such plant, fiber produced from such stalk, oil
240 or cake made from the seed of such plant, unless such stalks, fiber, oil or cake is combined with other
241 parts of plants of the genus *Cannabis*. *Marijuana shall not include industrial hemp, as defined in*
242 *§ 3.2-4112, that is grown, dealt, or processed in compliance with state or federal law.*

243 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.

§ 54.1-3401. (Effective until July 1, 2020) Definitions.

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

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

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

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

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

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

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

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

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

"Board" means the Board of Pharmacy.

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

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

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

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

305 supervised by such practitioner pursuant to subdivision A 6 or 19 of § 54.1-2901, or a person
306 supervised by such practitioner or a licensed nurse practitioner or physician assistant pursuant to
307 subdivision A 4 of § 54.1-2901 shall not be considered compounding.

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

313 "Controlled substance analog" means a substance the chemical structure of which is substantially
314 similar to the chemical structure of a controlled substance in Schedule I or II and either (i) which has a
315 stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar
316 to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a
317 controlled substance in Schedule I or II or (ii) with respect to a particular person, which such person
318 represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous
319 system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect
320 on the central nervous system of a controlled substance in Schedule I or II. "Controlled substance
321 analog" does not include (a) any substance for which there is an approved new drug application as
322 defined under § 505 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. § 355) or that is generally
323 recognized as safe and effective pursuant to §§ 501, 502, and 503 of the federal Food, Drug, and
324 Cosmetic Act (21 U.S.C. §§ 351, 352, and 353) and 21 C.F.R. Part 330; (b) with respect to a particular
325 person, any substance for which an exemption is in effect for investigational use for that person under
326 § 505 of the federal Food, Drug, and Cosmetic Act to the extent that the conduct with respect to that
327 substance is pursuant to such exemption; or (c) any substance to the extent not intended for human
328 consumption before such an exemption takes effect with respect to that substance.

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

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

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

340 "Dialysis care technician" or "dialysis patient care technician" means an individual who is certified
341 by an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§
342 54.1-2729.1 et seq.) and who, under the supervision of a licensed physician, nurse practitioner, physician
343 assistant, or a registered nurse, assists in the care of patients undergoing renal dialysis treatments in a
344 Medicare-certified renal dialysis facility.

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

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

357 "Dispenser" means a practitioner who dispenses.

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

359 "Distributor" means a person who distributes.

360 "Drug" means (i) articles or substances recognized in the official United States Pharmacopoeia
361 National Formulary or official Homeopathic Pharmacopoeia of the United States, or any supplement to
362 any of them; (ii) articles or substances intended for use in the diagnosis, cure, mitigation, treatment, or
363 prevention of disease in man or animals; (iii) articles or substances, other than food, intended to affect
364 the structure or any function of the body of man or animals; (iv) articles or substances intended for use
365 as a component of any article specified in clause (i), (ii), or (iii); or (v) a biological product. "Drug"
366 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 transmission prescription" means any prescription, other than an oral or written prescription or a prescription transmitted by facsimile machine, that is electronically transmitted directly to a pharmacy without interception or intervention from a third party from a practitioner authorized to prescribe or from one pharmacy to another pharmacy.

"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.

"Hashish oil" means any oily extract containing one or more cannabinoids, but shall not include any such extract with a tetrahydrocannabinol content of less than 12 percent by weight.

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

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

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

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

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

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

"Marijuana" means any part of a plant of the genus *Cannabis* whether growing or not, its seeds, or its resin; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or its resin. Marijuana shall not include any oily extract containing one or more cannabinoids unless such extract contains less than 12 percent of tetrahydrocannabinol by weight, nor shall marijuana include the mature stalks of such plant, fiber produced from such stalk, or oil or cake made from the seeds of such plant, unless such stalks, fiber, oil, or cake is combined with other parts of plants of the genus *Cannabis*. Marijuana shall not include 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 grown, dealt, or processed in compliance with state or federal law.

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

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

"New drug" means (i) any drug, except a new animal drug or an animal feed bearing or containing a new animal drug, the composition of which is such that such drug is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, as safe and effective for use under the conditions prescribed, recommended, or suggested in the labeling, except that such a drug not so recognized shall not be deemed to be a "new drug" if at any time prior

428 to the enactment of this chapter it was subject to the Food and Drugs Act of June 30, 1906, as
429 amended, and if at such time its labeling contained the same representations concerning the conditions
430 of its use, or (ii) any drug, except a new animal drug or an animal feed bearing or containing a new
431 animal drug, the composition of which is such that such drug, as a result of investigations to determine
432 its safety and effectiveness for use under such conditions, has become so recognized, but which has not,
433 otherwise than in such investigations, been used to a material extent or for a material time under such
434 conditions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

statement "Warning — may be habit-forming," or a drug intended for injection.

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

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

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

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

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

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

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

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

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

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

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

§ 54.1-3401. (Effective July 1, 2020) Definitions.

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

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

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

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

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

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

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

"Biological product" means a virus, therapeutic serum, toxin, antitoxin, vaccine, blood, blood component or derivative, allergenic product, protein other than a chemically synthesized polypeptide, or

551 analogous product, or arsphenamine or any derivative of arsphenamine or any other trivalent organic
552 arsenic compound, applicable to the prevention, treatment, or cure of a disease or condition of human
553 beings.

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

559 "Board" means the Board of Pharmacy.

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

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

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

576 "Compounding" means the combining of two or more ingredients to fabricate such ingredients into a
577 single preparation and includes the mixing, assembling, packaging, or labeling of a drug or device (i) by
578 a pharmacist, or within a permitted pharmacy, pursuant to a valid prescription issued for a medicinal or
579 therapeutic purpose in the context of a bona fide practitioner-patient-pharmacist relationship, or in
580 expectation of receiving a valid prescription based on observed historical patterns of prescribing and
581 dispensing; (ii) by a practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine as
582 an incident to his administering or dispensing, if authorized to dispense, a controlled substance in the
583 course of his professional practice; or (iii) for the purpose of, or as incident to, research, teaching, or
584 chemical analysis and not for sale or for dispensing. The mixing, diluting, or reconstituting of a
585 manufacturer's product drugs for the purpose of administration to a patient, when performed by a
586 practitioner of medicine or osteopathy licensed under Chapter 29 (§ 54.1-2900 et seq.), a person
587 supervised by such practitioner pursuant to subdivision A 6 or 19 of § 54.1-2901, or a person supervised
588 by such practitioner or a licensed nurse practitioner or physician assistant pursuant to subdivision A 4 of
589 § 54.1-2901 shall not be considered compounding.

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

595 "Controlled substance analog" means a substance the chemical structure of which is substantially
596 similar to the chemical structure of a controlled substance in Schedule I or II and either (i) which has a
597 stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar
598 to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a
599 controlled substance in Schedule I or II or (ii) with respect to a particular person, which such person
600 represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous
601 system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect
602 on the central nervous system of a controlled substance in Schedule I or II. "Controlled substance
603 analog" does not include (a) any substance for which there is an approved new drug application as
604 defined under § 505 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. § 355) or that is generally
605 recognized as safe and effective pursuant to §§ 501, 502, and 503 of the federal Food, Drug, and
606 Cosmetic Act (21 U.S.C. §§ 351, 352, and 353) and 21 C.F.R. Part 330; (b) with respect to a particular
607 person, any substance for which an exemption is in effect for investigational use for that person under
608 § 505 of the federal Food, Drug, and Cosmetic Act to the extent that the conduct with respect to that
609 substance is pursuant to such exemption; or (c) any substance to the extent not intended for human
610 consumption before such an exemption takes effect with respect to that substance.

611 "DEA" means the Drug Enforcement Administration, U.S. Department of Justice, or its successor
612 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.

"Hashish oil" means any oily extract containing one or more cannabinoids, but shall not include any such extract with a tetrahydrocannabinol content of less than 12 percent by weight.

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

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

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

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

"Manufacture" means the production, preparation, propagation, conversion, or processing of any item

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

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

"Marijuana" means any part of a plant of the genus *Cannabis* whether growing or not, its seeds, or its resin; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or its resin. Marijuana shall not include any oily extract containing one or more cannabinoids unless such extract contains less than 12 percent of tetrahydrocannabinol by weight, nor shall marijuana include the mature stalks of such plant, fiber produced from such stalk, or oil or cake made from the seeds of such plant, unless such stalks, fiber, oil, or cake is combined with other parts of plants of the genus *Cannabis*. Marijuana shall not include 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 grown, dealt, or processed in compliance with state or federal law.

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

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

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

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

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

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

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

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

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

"Outsourcing facility" means a facility that is engaged in the compounding of sterile drugs and is currently registered as an outsourcing facility with the U.S. Secretary of Health and Human Services and

that complies with all applicable requirements of federal and state law, including the Federal Food, Drug, and Cosmetic Act.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Warehouser" means any person, other than a wholesale distributor, manufacturer, or third-party logistics provider, engaged in the business of (i) selling or otherwise distributing prescription drugs or

797 devices to any person who is not the ultimate user or consumer and (ii) delivering Schedule VI
798 prescription devices to the ultimate user or consumer pursuant to § 54.1-3415.1. No person shall be
799 subject to any state or local tax by reason of this definition.

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

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

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

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

811 **§ 54.1-3408.3. Certification for use of cannabidiol oil or THC-A oil for treatment.**

812 A. As used in this section:

813 "Cannabidiol oil" means a processed Cannabis plant extract that contains at least 15 percent
814 cannabidiol but no more than five percent tetrahydrocannabinol, or a dilution of the resin of the
815 Cannabis plant that contains at least five milligrams of cannabidiol per milliliter but not more than five
816 percent tetrahydrocannabinol. *"Cannabidiol oil" does not include industrial hemp, as defined in*
817 *§ 3.2-4112, that is grown, dealt, or processed in compliance with state or federal law.*

818 "Practitioner" means a practitioner of medicine or osteopathy licensed by the Board of Medicine.

819 "THC-A oil" means a processed Cannabis plant extract that contains at least 15 percent
820 tetrahydrocannabinol acid but not more than five percent tetrahydrocannabinol, or a dilution of the resin
821 of the Cannabis plant that contains at least five milligrams of tetrahydrocannabinol acid per milliliter but
822 not more than five percent tetrahydrocannabinol.

823 B. A practitioner in the course of his professional practice may issue a written certification for the
824 use of cannabidiol oil or THC-A oil for treatment or to alleviate the symptoms of any diagnosed
825 condition or disease determined by the practitioner to benefit from such use.

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

833 D. No practitioner shall be prosecuted under § 18.2-248 or 18.2-248.1 for dispensing or distributing
834 cannabidiol oil or THC-A oil for the treatment or to alleviate the symptoms of a patient's diagnosed
835 condition or disease pursuant to a written certification issued pursuant to subsection B. Nothing in this
836 section shall preclude the Board of Medicine from sanctioning a practitioner for failing to properly
837 evaluate or treat a patient's medical condition or otherwise violating the applicable standard of care for
838 evaluating or treating medical conditions.

839 E. A practitioner who issues a written certification to a patient pursuant to this section shall register
840 with the Board. The Board shall, in consultation with the Board of Medicine, set a limit on the number
841 of patients to whom a practitioner may issue a written certification.

842 F. A patient who has been issued a written certification shall register with the Board or, if such
843 patient is a minor or an incapacitated adult as defined in § 18.2-369, a patient's parent or legal guardian
844 shall register and shall register such patient with the Board.

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

851 H. Information obtained under the registration process shall be confidential and shall not be subject
852 to the disclosure provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). However,
853 reasonable access to registry information shall be provided to (i) the Chairmen of the House and Senate
854 Committees for Courts of Justice, (ii) state and federal agencies or local law enforcement for the
855 purpose of investigating or prosecuting a specific individual for a specific violation of law, (iii) licensed
856 physicians or pharmacists for the purpose of providing patient care and drug therapy management and
857 monitoring of drugs obtained by a registered patient, (iv) a pharmaceutical processor involved in the
858 treatment of a registered patient, or (v) a registered patient or, if such patient is a minor or an

incapacitated adult as defined in § 18.2-369, the patient's parent or legal guardian, but only with respect to information related to such registered patient.

§ 54.1-3446. Schedule I.

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

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

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

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

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

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

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

Acetyl fentanyl (other name: desmethyl fentanyl);

Acetylmethadol;

Allylprodine;

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

Alphameprodine;

Alphamethadol;

Benzethidine;

Betacetylmethadol;

Betameprodine;

Betamethadol;

Betaprodine;

Clonitazene;

Dextromoramide;

Diampromide;

Diethylthiambutene;

Difenoxin;

Dimenoxadol;

Dimepheptanol;

Dimethylthiambutene;

Dioxaphetylbutyrate;

Dipipanone;

Ethylmethylthiambutene;

Etonitazene;

Etoxidine;

Furethidine;

Hydroxypethidine;

Ketobemidone;

Levomoramide;

Levophenacetylmorphan;

Morpheridine;

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

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

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

N-[1-(1-methyl-2-phenylethyl)-4-piperidyl]-N-phenylacetamide (other name: acetyl-alpha-methylfentanyl);

N-{1-[2-hydroxy-2-(2-thienyl)ethyl]-4-piperidinyl}-N-phenylpropanamide (other name: beta-hydroxythiofentanyl);

N-[1-(2-hydroxy-2-phenyl)ethyl-4-piperidyl]-N-phenylpropanamide (other name: beta-hydroxyfentanyl);

N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl]propionanilide (other names: 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine, alpha-methylfentanyl);

N-(2-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other names: 2-fluorofentanyl, ortho-fluorofentanyl);

N-(3-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: 3-fluorofentanyl);

N-[3-methyl-1-(2-hydroxy-2-phenylethyl)-4-piperidyl]-N-phenylpropanamide (other name:

- 920 beta-hydroxy-3-methylfentanyl);
921 N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide (other name: 3-methylfentanyl);
922 N-[3-methyl-1-(2-thienyl)ethyl-4-piperidiny]-N-phenylpropanamide (other name:
923 3-methylthiofentanyl);
924 N-(4-fluorophenyl)-2-methyl-N-[1-(2-phenylethyl)-4-piperidiny]-propanamide (other name:
925 para-fluoroisobutyl fentanyl);
926 N-(4-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidiny]-butanamide (other name:
927 para-fluorobutylfentanyl);
928 N-(4-fluorophenyl)-N-1-(2-phenylethyl)-4-piperidiny]-propanamide (other name: para-fluorofentanyl);
929 Noracymethadol;
930 Norlevorphanol;
931 Normethadone;
932 Norpipanone;
933 N-phenyl-N-[1-(2-phenylethyl)-4-piperidiny]-2-furancarboxamide (other name: Furanyl fentanyl);
934 N-phenyl-N-[1-(2-phenylethyl)-4-piperidiny]-2-propenamide (other name: Acryl fentanyl);
935 N-phenyl-N-[1-(2-phenylethyl)-4-piperidiny]-butanamide (other name: butyl fentanyl);
936 N-phenyl-N-[1-(2-phenylethyl)-4-piperidiny]-pentanamide (other name: Pentanoyl fentanyl);
937 N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidiny]-propanamide (other name: thiofentanyl);
938 Phenadoxone;
939 Phenampromide;
940 Phenomorphan;
941 Phenoperidine;
942 Piritramide;
943 Proheptazine;
944 Properidine;
945 Propiram;
946 Racemoramide;
947 Tilidine;
948 Trimeperidine.
949 2. Any of the following opium derivatives, their salts, isomers and salts of isomers, unless
950 specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible
951 within the specific chemical designation:
952 Acetorphine;
953 Acetyldihydrocodeine;
954 Benzylmorphine;
955 Codeine methylbromide;
956 Codeine-N-Oxide;
957 Cyprenorphine;
958 Desomorphine;
959 Dihydromorphine;
960 Drotebanol;
961 Etorphine;
962 Heroin;
963 Hydromorphanol;
964 Methyl-desomorphine;
965 Methyl-dihydromorphine;
966 Morphine methylbromide;
967 Morphine methylsulfonate;
968 Morphine-N-Oxide;
969 Myrophine;
970 Nicocodeine;
971 Nicomorphine;
972 Normorphine;
973 Pholcodine;
974 Thebacon.
975 3. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture,
976 or preparation, which contains any quantity of the following hallucinogenic substances, or which
977 contains any of its salts, isomers, and salts of isomers, whenever the existence of such salts, isomers,
978 and salts of isomers is possible within the specific chemical designation (for purposes of this subdivision
979 only, the term "isomer" includes the optical, position, and geometric isomers):
980 Alpha-ethyltryptamine (some trade or other names: Monase; a-ethyl-1H-indole-3-ethanamine;
981 3-2-aminobutyl] indole; a-ET; AET);

- 982 4-Bromo-2,5-dimethoxyphenethylamine (some trade or other names:
 983 2-4-bromo-2,5-dimethoxyphenyl]-1-aminoethane; alpha-desmethyl DOB; 2C-B; Nexus);
 984 3,4-methylenedioxy amphetamine;
 985 5-methoxy-3,4-methylenedioxy amphetamine;
 986 3,4,5-trimethoxy amphetamine;
 987 Alpha-methyltryptamine (other name: AMT);
 988 Bufotenine;
 989 Diethyltryptamine;
 990 Dimethyltryptamine;
 991 4-methyl-2,5-dimethoxyamphetamine;
 992 2,5-dimethoxy-4-ethylamphetamine (DOET);
 993 2,5-dimethoxy-4-(n)-propylthiophenethylamine (other name: 2C-T-7);
 994 Ibogaine;
 995 5-methoxy-N,N-diisopropyltryptamine (other name: 5-MeO-DIPT);
 996 Lysergic acid diethylamide;
 997 Mescaline;
 998 Parahexyl (some trade or other names:
 999 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo [b,d] pyran; Synhexyl);
 1000 Peyote;
 1001 N-ethyl-3-piperidyl benzilate;
 1002 N-methyl-3-piperidyl benzilate;
 1003 Psilocybin;
 1004 Psilocyn;
 1005 Salvinorin A;
 1006 Tetrahydrocannabinols, except as present in (i) industrial hemp, as defined in § 3.2-4112, that is
 1007 grown in compliance with state or federal law or (ii) marijuana and dronabinol in sesame oil and
 1008 encapsulated in a soft gelatin capsule in a drug product approved by the U.S. Food and Drug
 1009 Administration;
 1010 Hashish oil (some trade or other names: hash oil; liquid marijuana; liquid hashish);
 1011 2,5-dimethoxyamphetamine (some trade or other names: 2,5-dimethoxy-a-methylphenethylamine;
 1012 2,5-DMA);
 1013 3,4-methylenedioxymethamphetamine (MDMA), its optical, positional and geometric isomers, salts
 1014 and salts of isomers;
 1015 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4
 1016 (methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA);
 1017 N-hydroxy-3,4-methylenedioxyamphetamine (some other names:
 1018 N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine, and N-hydroxy MDA);
 1019 4-bromo-2,5-dimethoxyamphetamine (some trade or other names:
 1020 4-bromo-2,5-dimethoxy-a-methylphenethylamine; 4-bromo-2,5-DMA);
 1021 4-methoxyamphetamine (some trade or other names: 4-methoxy-a-methylphenethylamine;
 1022 paramethoxyamphetamine; PMA);
 1023 Ethylamine analog of phencyclidine (some other names: N-ethyl-1-phenylcyclohexylamine,
 1024 (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE);
 1025 Pyrrolidine analog of phencyclidine (some other names: 1-(1-phenylcyclohexyl) -pyrrolidine, PCPy,
 1026 PHP);
 1027 Thiophene analog of phencyclidine (some other names: 1-[1-(2-thienyl) -cyclohexyl]-piperidine,
 1028 2-thienyl analog of phencyclidine, TPCP, TCP);
 1029 1-1-(2-thienyl)cyclohexyl]pyrrolidine (other name: TCPy);
 1030 3,4-methylenedioxypyrovalerone (other name: MDPV);
 1031 4-methylmethcathinone (other names: mephedrone, 4-MMC);
 1032 3,4-methylenedioxymethcathinone (other name: methylone);
 1033 Naphthylpyrovalerone (other name: naphyrone);
 1034 4-fluoromethcathinone (other name: flephedrone, 4-FMC);
 1035 4-methoxymethcathinone (other names: methedrone; bk-PMMA);
 1036 Ethcathinone (other name: N-ethylcathinone);
 1037 3,4-methylenedioxyethcathinone (other name: ethylone);
 1038 Beta-keto-N-methyl-3,4-benzodioxolylbutanamine (other name: butylone);
 1039 N,N-dimethylcathinone (other name: metamfepramone);
 1040 Alpha-pyrrolidinopropiophenone (other name: alpha-PPP);
 1041 4-methoxy-alpha-pyrrolidinopropiophenone (other name: MOPPP);
 1042 3,4-methylenedioxy-alpha-pyrrolidinopropiophenone (other name: MDPPP);

1043	Alpha-pyrrolidinovalerophenone (other name: alpha-PVP);
1044	6,7-dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine (other name: MDAI);
1045	3-fluoromethcathinone (other name: 3-FMC);
1046	4-Ethyl-2,5-dimethoxyphenethylamine (other name: 2C-E);
1047	4-Iodo-2,5-dimethoxyphenethylamine (other name: 2C-I);
1048	4-Methylethcathinone (other name: 4-MEC);
1049	4-Ethylmethcathinone (other name: 4-EMC);
1050	N,N-diallyl-5-methoxytryptamine (other name: 5-MeO-DALT);
1051	Beta-keto-methylbenzodioxolypentanamine (other name: Pentylone, bk-MBDP);
1052	Alpha-methylamino-butyrophenone (other name: Buphedrone);
1053	Alpha-methylamino-valerophenone (other name: Pentedrone);
1054	3,4-Dimethylmethcathinone (other name: 3.4-DMMC);
1055	4-methyl-alpha-pyrrolidinopropiophenone (other name: MPPP);
1056	4-Iodo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names: 25-I,
1057	25I-NBOMe, 2C-I-NBOMe);
1058	Methoxetamine (other names: MXE, 3-MeO-2-Oxo-PCE);
1059	4-Fluoromethamphetamine (other name: 4-FMA);
1060	4-Fluoroamphetamine (other name: 4-FA);
1061	2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (other name: 2C-D);
1062	2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (other name: 2C-C);
1063	2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (other name: 2C-T-2);
1064	2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (other name: 2C-T-4);
1065	2-(2,5-Dimethoxyphenyl)ethanamine (other name: 2C-H);
1066	2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (other name: 2C-N);
1067	2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (other name: 2C-P);
1068	(2-aminopropyl)benzofuran (other name: APB);
1069	(2-aminopropyl)-2,3-dihydrobenzofuran (other name: APDB);
1070	4-chloro-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names:
1071	2C-C-NBOMe, 25C-NBOMe, 25C);
1072	4-bromo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names:
1073	2C-B-NBOMe, 25B-NBOMe, 25B);
1074	Acetoxymethyltryptamine (other names: AcO-Psilocin, AcO-DMT, Psilacetin);
1075	Benocyclidine (other names: BCP, BTCP);
1076	Alpha-pyrrolidinobutyrophenone (other name: alpha-PBP);
1077	3,4-methylenedioxy-N,N-dimethylcathinone (other names: Dimethylone, bk-MDDMA);
1078	4-bromomethcathinone (other name: 4-BMC);
1079	4-chloromethcathinone (other name: 4-CMC);
1080	4-Iodo-2,5-dimethoxy-N-[(2-hydroxyphenyl)methyl]-benzeneethanamine (other name: 25I-NBOH);
1081	Alpha-Pyrrolidinohexiophenone (other name: alpha-PHP);
1082	Alpha-Pyrrolidinoheptiophenone (other name: PV8);
1083	5-methoxy-N,N-methylisopropyltryptamine (other name: 5-MeO-MIPT);
1084	Beta-keto-N,N-dimethylbenzodioxolylbutanamine (other names: Dibutylone, bk-DMBDB);
1085	1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-1-pentanone (other name: N-ethylpentylone);
1086	1-[1-(3-methoxyphenyl)cyclohexyl]piperidine (other name: 3-methoxy PCP);
1087	1-[1-(4-methoxyphenyl)cyclohexyl]piperidine (other name: 4-methoxy PCP);
1088	4-Chloroethcathinone (other name: 4-CEC);
1089	3-Methoxy-2-(methylamino)-1-(4-methylphenyl)-1-propanone (other name: Mexedrone);
1090	1-propionyl lysergic acid diethylamide (other name: 1P-LSD);
1091	(2-Methylaminopropyl)benzofuran (other name: MAPB);
1092	1-(1,3-benzodioxol-5-yl)-2-(dimethylamino)-1-pentanone (other names: N,N-Dimethylpentylone,
1093	Dipentylone);
1094	1-(4-methoxyphenyl)-2-(pyrrolidin-1-yl)octan-1-one (other name: 4-methoxy-PV9)
1095	3,4-tetramethylene-alpha-pyrrolidinovalerophenone (other name: TH-PVP);
1096	4-allyloxy-3,5-dimethoxyphenethylamine (other name: Allylescaline);
1097	4-Bromo-2,5-dimethoxy-N-[(2-hydroxyphenyl)methyl]-benzeneethanamine (other name: 25B-NBOH);
1098	4-chloro-alpha-methylamino-valerophenone (other name: 4-chloropentedrone);
1099	4-chloro-alpha-Pyrrolidinovalerophenone (other name: 4-chloro-alpha-PVP);
1100	4-fluoro-alpha-Pyrrolidinoheptiophenone (other name: 4-fluoro-PV8);
1101	4-hydroxy-N,N-diisopropyltryptamine (other name: 4-OH-DIPT);
1102	4-methyl-alpha-ethylaminopentiophenone;
1103	4-methyl-alpha-Pyrrolidinohexiophenone (other name: MPHP);
1104	5-methoxy-N,N-dimethyltryptamine (other name: 5-MeO-DMT);

- 1105 5-methoxy-N-ethyl-N-isopropyltryptamine (other name: 5-MeO-EIPT);
 1106 6-ethyl-6-nor-lysergic acid diethylamide (other name: ETH-LAD);
 1107 6-allyl-6-nor-lysergic acid diethylamide (other name: AL-LAD);
 1108 (N-methyl aminopropyl)-2,3-dihydrobenzofuran (other name: MAPDB).
 1109 4. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture
 1110 or preparation which contains any quantity of the following substances having a depressant effect on the
 1111 central nervous system, including its salts, isomers and salts of isomers whenever the existence of such
 1112 salts, isomers and salts of isomers is possible within the specific chemical designation:
 1113 Clonazepam;
 1114 Etizolam;
 1115 Flubromazepam;
 1116 Flubromazolam;
 1117 Gamma hydroxybutyric acid (some other names include GHB; gamma hydroxybutyrate;
 1118 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate);
 1119 Mecloqualone;
 1120 Methaqualone.
 1121 5. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture
 1122 or preparation which contains any quantity of the following substances having a stimulant effect on the
 1123 central nervous system, including its salts, isomers and salts of isomers:
 1124 2-(3-fluorophenyl)-3-methylmorpholine (other name: 3-fluorophenmetrazine);
 1125 Aminorex (some trade or other names; aminoxaphen; 2-amino-5-phenyl-2-oxazoline;
 1126 4,5-dihydro-5-phenyl-2-oxazolamine);
 1127 Cathinone (some trade or other names: 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone,
 1128 2-aminopropiophenone, norephedrone), and any plant material from which Cathinone may be derived;
 1129 Cis-4-methylaminorex (other name: cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);
 1130 Ethylamphetamine;
 1131 Ethyl phenyl(piperidin-2-yl)acetate (other name: Ethylphenidate);
 1132 Fenethylline;
 1133 Methcathinone (some other names: 2-(methylamino)-propionophenone;
 1134 alpha-(methylamino)-propionophenone; 2-(methylamino)-1-phenylpropan-1-one;
 1135 alpha-N-methylaminopropiophenone; monomethylpropion; ephedrone; N-methylcathinone;
 1136 methylcathinone; AL-464; AL-422; AL-463 and UR 1432);
 1137 N-Benzylpiperazine (some other names: BZP, 1-benzylpiperazine);
 1138 N,N-dimethylamphetamine (other names: N, N-alpha-trimethyl-benzeneethanamine, N,
 1139 N-alpha-trimethylphenethylamine).
 1140 6. Any substance that contains one or more cannabimimetic agents or that contains their salts,
 1141 isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is
 1142 possible within the specific chemical designation, and any preparation, mixture, or substance containing,
 1143 or mixed or infused with, any detectable amount of one or more cannabimimetic agents.
 1144 a. "Cannabimimetic agents" includes any substance that is within any of the following structural
 1145 classes:
 1146 2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or
 1147 alkenyl, whether or not substituted on the cyclohexyl ring to any extent;
 1148 3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane with substitution at the nitrogen atom of
 1149 the indole ring, whether or not further substituted on the indole ring to any extent, whether or not
 1150 substituted on the naphthoyl or naphthyl ring to any extent;
 1151 3-(1-naphthoyl)pyrrole with substitution at the nitrogen atom of the pyrrole ring, whether or not
 1152 further substituted in the pyrrole ring to any extent, whether or not substituted on the naphthoyl ring to
 1153 any extent;
 1154 1-(1-naphthylmethyl)indene with substitution of the 3-position of the indene ring, whether or not
 1155 further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to
 1156 any extent;
 1157 3-phenylacetylindole or 3-benzoylindole with substitution at the nitrogen atom of the indole ring,
 1158 whether or not further substituted in the indole ring to any extent, whether or not substituted on the
 1159 phenyl ring to any extent;
 1160 3-cyclopropoylindole with substitution at the nitrogen atom of the indole ring, whether or not further
 1161 substituted on the indole ring to any extent, whether or not substituted on the cyclopropyl ring to any
 1162 extent;
 1163 3-adamantoylindole with substitution at the nitrogen atom of the indole ring, whether or not further
 1164 substituted on the indole ring to any extent, whether or not substituted on the adamantyl ring to any
 1165 extent;

- 1166 N-(adamantyl)-indole-3-carboxamide with substitution at the nitrogen atom of the indole ring,
 1167 whether or not further substituted on the indole ring to any extent, whether or not substituted on the
 1168 adamantyl ring to any extent; and
 1169 N-(adamantyl)-indazole-3-carboxamide with substitution at a nitrogen atom of the indazole ring,
 1170 whether or not further substituted on the indazole ring to any extent, whether or not substituted on the
 1171 adamantyl ring to any extent.
- 1172 b. The term "cannabimimetic agents" includes:
- 1173 5-(1,1-Dimethylheptyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497);
 1174 5-(1,1-Dimethylhexyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C6 homolog);
 1175 5-(1,1-Dimethyloctyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C8 homolog);
 1176 5-(1,1-Dimethylnonyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C9 homolog);
 1177 1-pentyl-3-(1-naphthoyl)indole (other names: JWH-018, AM-678);
 1178 1-butyl-3-(1-naphthoyl)indole (other name: JWH-073);
 1179 1-pentyl-3-(2-methoxyphenylacetyl)indole (other name: JWH-250);
 1180 1-hexyl-3-(naphthalen-1-oyl)indole (other name: JWH-019);
 1181 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (other name: JWH-200);
 1182 (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-ter
 1183 ahydrobenzo[c]chromen-1-ol (other name: HU-210);
 1184 1-pentyl-3-(4-methoxy-1-naphthoyl)indole (other name: JWH-081);
 1185 1-pentyl-3-(4-methyl-1-naphthoyl)indole (other name: JWH-122);
 1186 1-pentyl-3-(2-chlorophenylacetyl)indole (other name: JWH-203);
 1187 1-pentyl-3-(4-ethyl-1-naphthoyl)indole (other name: JWH-210);
 1188 1-pentyl-3-(4-chloro-1-naphthoyl)indole (other name: JWH-398);
 1189 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (other name: AM-694);
 1190 1-((N-methylpiperidin-2-yl)methyl)-3-(1-naphthoyl)indole (other name: AM-1220);
 1191 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (other name: AM-2201);
 1192 1-[(N-methylpiperidin-2-yl)methyl]-3-(2-iodobenzoyl)indole (other name: AM-2233);
 1193 Pravadoline (4-methoxyphenyl)-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-yl]methanone (other
 1194 name: WIN 48,098);
 1195 1-pentyl-3-(4-methoxybenzoyl)indole (other names: RCS-4, SR-19);
 1196 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (other names: RCS-8, SR-18);
 1197 1-pentyl-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other name: UR-144);
 1198 1-(5-fluoropentyl)-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other names: XLR-11,
 1199 5-fluoro-UR-144);
- 1200 N-adamantyl-1-fluoropentylindole-3-carboxamide (other name: STS-135);
 1201 N-adamantyl-1-pentylindazole-3-carboxamide (other names: AKB48, APINACA);
 1202 1-pentyl-3-(1-adamantoyl)indole (other name: AB-001);
 1203 (8-quinoliny)(1-pentylindol-3-yl)carboxylate (other name: PB-22);
 1204 (8-quinoliny)(1-(5-fluoropentyl)indol-3-yl)carboxylate (other name: 5-fluoro-PB-22);
 1205 (8-quinoliny)(1-cyclohexylmethyl-indol-3-yl)carboxylate (other name: BB-22);
 1206 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide (other name: AB-PINACA);
 1207 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)indazole-3-carboxamide (other name:
 1208 AB-FUBINACA);
 1209 1-(5-fluoropentyl)-3-(1-naphthoyl)indazole (other name: THJ-2201);
 1210 N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide (other name:
 1211 ADB-PINACA);
 1212 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide (other name:
 1213 AB-CHMINACA);
 1214 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)indazole-3-carboxamide (other name:
 1215 5-fluoro-AB-PINACA);
 1216 N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide (other
 1217 names: ADB-CHMINACA, MAB-CHMINACA);
 1218 Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate (other name:
 1219 5-fluoro-AMB);
 1220 1-naphthalenyl 1-(5-fluoropentyl)-1H-indole-3-carboxylate (other name: NM-2201);
 1221 1-(4-fluorobenzyl)-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other name: FUB-144);
 1222 1-(5-fluoropentyl)-3-(4-methyl-1-naphthoyl)indole (other name MAM-2201);
 1223 N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-[(4-fluorophenyl)methyl]-1H-indazole-3-carboxamide
 1224 (other name: ADB-FUBINACA);
 1225 Methyl 2-[1-[(4-fluorophenyl)methyl]-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other
 1226 name: MDMB-FUBINACA);
 1227 Methyl 2-[1-(5-fluoropentyl)-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other names:

- 1228 5-fluoro-ADB, 5-Fluoro-MDMB-PINACA;
 1229 Methyl 2-({1-[(4-fluorophenyl)methyl]-1H-indazole-3-carbonyl}amino)-3- methylbutanoate (other
 1230 names: AMB-FUBINACA, FUB-AMB);
 1231 N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (other name: FUB-AKB48)
 1232 N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide (other name: 5F-AKB48);
 1233 Naphthalen-1-yl 1-pentyl-1H-indazole-3-carboxylate (other name: SDB-005);
 1234 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indole -3-carboxamide (other name:
 1235 AB-CHMICA);
 1236 1-pentyl-N-(phenylmethyl)-1H-indole-3-carboxamide (other name: SDB-006);
 1237 Quinolin-8-yl 1-(4-fluorobenzyl)-1H-indole-3-carboxylate (other name: FUB-PB-22);
 1238 Methyl N-[1-(cyclohexylmethyl)-1H-indole-3-carbonyl]valinate (other name: MMB-CHMICA);
 1239 N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)indazole-3-carbox amide (other name:
 1240 5-fluoro-ADB-PINACA).
 1241 2. That §§ 3.2-4114.1 and 3.2-4117 of the Code of Virginia are repealed.
 1242 3. That the Virginia Department of Agriculture and Consumer Services (the Department), by
 1243 September 1, 2019, shall report to the General Assembly on (i) the fiscal impact of the growth of
 1244 the industrial hemp industry in Virginia upon the Department's registration program and (ii) any
 1245 need to alter the registration fee charged by the Department.
 1246 4. That the provisions of this act may result in a net increase in periods of imprisonment or
 1247 commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the
 1248 necessary appropriation cannot be determined for periods of imprisonment in state adult
 1249 correctional facilities; therefore, Chapter 2 of the Acts of Assembly of 2018, Special Session I,
 1250 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of
 1251 \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary
 1252 appropriation is \$0 for periods of commitment to the custody of the Department of Juvenile
 1253 Justice.
 1254 5. That an emergency exists and this act is in force from its passage.