

## Department of Planning and Budget 2020 Fiscal Impact Statement

1. **Bill Number:** SB1015

**House of Origin**     Introduced     Substitute     Engrossed  
**Second House**     In Committee     Substitute     Enrolled

2. **Patron:** Marsden

3. **Committee:** Judiciary

4. **Title:** Possession of marijuana; cannabidiol oil or THC-A oil.

5. **Summary:** Under current law (§ 18.2-250.1), possession of marijuana in the form of cannabidiol oil or THC-A oil is an affirmative defense to charges of marijuana possession if such person possesses a valid written certification issued by a practitioner for treatment or to alleviate the symptoms of (i) an individual's diagnosed condition or disease, (ii) if such individual is the parent or legal guardian of a minor or of an incapacitated adult, such minor's or incapacitated adult's diagnosed condition or disease, or (iii) if such individual has been designated as a registered agent pursuant to § 54.1-3408.3 (governs certification for use of cannabidiol oil or THC-A oil for treatment), the diagnosed condition or disease of his principal or, if the principal is the parent or legal guardian of a minor or of an incapacitated adult, such minor's or incapacitated adult's diagnosed condition or disease. Current law also provides that if the individual files the valid written certification with the court at least 10 days prior to trial and causes a copy of such written certification to be delivered to the attorney for the Commonwealth, such written certification is prima facie evidence that such oil was possessed pursuant to a valid written certification.

The bill provides that sections of § 18.2-250.1 involving marijuana in the form of cannabidiol oil or THC-A oil do not apply to person who possesses such oil pursuant to a valid written certification issued by a practitioner. The bill also provides that no agent or employee of a pharmaceutical processor will be prosecuted for possession or manufacture of marijuana or for possession, manufacture, or distribution of cannabidiol oil or THC-A oil, or subject to any civil penalty, denied any right or privilege, or subject to any disciplinary action by a professional licensing board if such agent or employee (i) possessed or manufactured such marijuana for the purposes of producing cannabidiol oil or THC-A oil or (ii) possessed, manufactured, or distributed such cannabidiol oil or THC-A oil in accordance with law.

The bill also eliminates the need for anyone who is charged with a possession of marijuana to provide written certification that he did so in accordance with the law.

6. **Budget Amendment Necessary:** No

7. **Fiscal Impact Estimates:** Preliminary. See Item 8 below.

**8. Fiscal Implications:** The fiscal impact on state resources cannot be determined at this time.

According to the Department of Forensic Science, this bill is not expected to impact agency operations.

**9. Specific Agency or Political Subdivisions Affected:** Department of Forensic Science, Commonwealth Attorneys, courts, law enforcement agencies.

**10. Technical Amendment Necessary:** None

**11. Other Comments:** None