

## **Department of Planning and Budget 2022 Fiscal Impact Statement**

**1. Bill Number:** SB591S1

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

**2. Patron:**    Hanger

**3. Committee:** Senate Committee on the Judiciary

**4. Title:**    Cannabis shape prohibitions

**5. Summary:** The substitute bill amends the definition of “marijuana” to include any substance containing a total tetrahydrocannabinol concentration that exceeds 0.3 percent, including a hemp product, as defined in § 3.2-4112, or an industrial hemp extract, as defined in § 3.2-5145.1.

The bill clarifies that “marijuana” does not include i) industrial hemp, as defined in § 3.2-4112, that is possessed by a person who holds a hemp producer license issued by the U.S. Department of Agriculture pursuant to 7 C.F.R. Part 990 or his agent; ii) an industrial hemp extract, as defined in § 3.2-5145.1, containing a tetrahydrocannabinol concentration of no greater than 0.3 percent that is derived from industrial hemp, as defined in § 3.2-4112, grown, dealt, or processed in compliance with state or federal law; or iii) any drug product containing tetrahydrocannabinol that is approved for marketing by the U.S. Food and Drug Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) by the Board of Pharmacy pursuant to § 54.1-3443.

The bill requires the Cannabis Control Authority Board to promulgate regulations that prohibit the production and sale of retail marijuana and retail marijuana products that depict or are in the shape of a human, animal, vehicle, or fruit.

The bill amends § 9.1-1101 to require the Department of Forensic Science (DFS) to determine the proper methods for detecting the concentration of tetrahydrocannabinol (THC) in substances for the purposes of Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1, Chapter 7 (§ 18.2-247 et seq.) of Title 18.2, and §§ 54.1-3401 and 54.1-3446. The testing methodology shall use post-decarboxylation testing or another equivalent method and shall consider the potential conversion of tetrahydrocannabinol acid (THC-A) into THC. The test result shall include the total available THC derived from the sum of the THC and THC-A content.

The bill contains enactment clauses.

**6. Budget Amendment Necessary:** No

**7. Fiscal Impact Estimates:** Preliminary (see Item #8)

**8. Fiscal Implications:** According to the Cannabis Control Authority (CCA), it is anticipated that the additional regulations that would result from these additional products can be accommodated with existing regulatory resources. The introduced budget (HB30/SB30) provided additional start-up general fund support for the operation of the CCA.

According to the Office of the Executive Secretary of the Supreme Court, Department of Agriculture and Consumer Services and Department of Forensic Science, the substitute bill is not expected to create a material fiscal impact on agency resources.

**9. Specific Agency or Political Subdivisions Affected:** Department of Forensic Science, Courts, Department of Agriculture and Consumer Services and Cannabis Control Authority

**10. Technical Amendment Necessary:** No

**11. Other Comments:** None