

23106331D

HOUSE BILL NO. 1973

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on February 3, 2023)

(Patron Prior to Substitute—Delegate Leftwich)

A BILL to amend and reenact §§ 3.2-4112, 3.2-4113, 3.2-4114, 3.2-4114.2, 3.2-4115, 3.2-4116, 3.2-4118, 3.2-4119, 3.2-5145.1, 3.2-5145.2:1, 3.2-5145.4, 3.2-5145.5, 4.1-600, 18.2-247, 18.2-251.1:3, 18.2-371.2, 54.1-3401, 54.1-3408.3, 54.1-3423, 54.1-3442.6, 54.1-3442.7, 54.1-3443, 54.1-3446, 59.1-200, 59.1-203, and 59.1-206 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 3.2-5145.4:1, relating to tetrahydrocannabinol; industrial hemp; regulated hemp products.

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2-4112, 3.2-4113, 3.2-4114, 3.2-4114.2, 3.2-4115, 3.2-4116, 3.2-4118, 3.2-4119, 3.2-5145.1, 3.2-5145.2:1, 3.2-5145.4, 3.2-5145.5, 4.1-600, 18.2-247, 18.2-251.1:3, 18.2-371.2, 54.1-3401, 54.1-3408.3, 54.1-3423, 54.1-3442.6, 54.1-3442.7, 54.1-3443, 54.1-3446, 59.1-200, 59.1-203, and 59.1-206 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 3.2-5145.4:1 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 with a concentration of tetrahydrocannabinol that is greater than that allowed by federal law.

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

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

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

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

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

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

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

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

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

"Hemp product" means a product, including any raw materials from industrial hemp that are used for or added to a food or beverage product, that (i) contains industrial hemp and has completed all stages of processing needed for the product and (ii) when offered for retail sale (a) contains a total tetrahydrocannabinol concentration of no greater than 0.3 percent and (b) contains no more than two milligrams of total tetrahydrocannabinol per package or a ratio of cannabidiol to total tetrahydrocannabinol that is greater than or equal to 30:1.

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

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

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

"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 or a federally licensed hemp producer is growing or intends to grow industrial hemp.

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

67 "Total tetrahydrocannabinol" means the sum, after the application of any necessary conversion
68 factor, of the percentage by weight of tetrahydrocannabinol and the percentage by weight of
69 tetrahydrocannabinolic acid.

70 **§ 3.2-4113. Production of industrial hemp lawful.**

71 A. It is lawful for a grower, his agent, or a federally licensed hemp producer to grow, a dealer
72 handler or his agent to deal in handle, or a processor or his agent to process industrial hemp in the
73 Commonwealth for any lawful purpose. No federally licensed hemp producer or grower or his agent
74 shall be prosecuted under Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1 or § 18.2-247, 18.2-248,
75 18.2-248.01, 18.2-248.1, or 18.2-250 for the possession or growing of industrial hemp or any Cannabis
76 sativa with a tetrahydrocannabinol concentration that does not exceed the total delta-9
77 tetrahydrocannabinol concentration percentage established in federal regulations applicable to negligent
78 violations located at 7 C.F.R. § 990.6(b)(3). No dealer handler or his agent or processor or his agent
79 shall be prosecuted under Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1 or § 18.2-247, 18.2-248,
80 18.2-248.01, 18.2-248.1, or 18.2-250 or issued a summons or judgment for the possession, dealing
81 handling, or processing of industrial hemp. In any complaint, information, or indictment, and in any
82 action or proceeding brought for the enforcement of any provision of Article 1 (§ 18.2-247 et seq.) of
83 Chapter 7 of Title 18.2 or the Drug Control Act (§ 54.1-3400 et seq.), it shall not be necessary to negate
84 any exception, excuse, proviso, or exemption contained in this chapter or the Drug Control Act, and the
85 burden of proof of any such exception, excuse, proviso, or exemption shall be on the defendant.

86 B. Nothing in this chapter shall be construed to authorize any person to violate any federal law or
87 regulation.

88 C. No person shall be prosecuted under Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1 or § 18.2-247,
89 18.2-248, 18.2-248.01, 18.2-248.1, or 18.2-250 for the involuntary growth of industrial hemp through the
90 inadvertent natural spread of seeds or pollen as a result of proximity to a production field, dealership
91 handler's storage site, or process site.

92 **§ 3.2-4114. Regulations.**

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

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

100 **§ 3.2-4114.2. Authority of Commissioner; notice to law enforcement; report.**

101 A. The Commissioner may charge a nonrefundable fee not to exceed \$250 for any application for
102 registration or renewal of registration allowed under this chapter. The Commissioner may charge a
103 nonrefundable fee for the tetrahydrocannabinol testing allowed under this chapter. All fees collected by
104 the Commissioner shall be deposited in the state treasury.

105 B. The Commissioner shall adopt regulations establishing a fee structure for a registration issued
106 pursuant to § 3.2-4115. With the exception of § 2.2-4031, no provision of the Administrative Process
107 Act (§ 2.2-4000 et seq.) or public participation guideline adopted pursuant thereto shall apply to the
108 adoption of any regulation pursuant to this subsection. However, prior to adopting any regulation
109 pursuant to this subsection, the Commissioner shall review the recommendation of an advisory panel
110 that shall consider the economic impact of any proposed fee amount on the Commonwealth's industrial
111 hemp industry. The advisory panel shall, at a minimum, include (i) an agribusiness representative or
112 organization, (ii) a farming representative or organization, and (iii) a hemp industry representative or
113 organization. Prior to adopting any regulation pursuant to this subsection, the Commissioner shall
114 publish a notice of opportunity to comment in the Virginia Register of Regulations and post the action
115 on the Virginia Regulatory Town Hall. Such notice shall contain (a) a summary of the proposed
116 regulation; (b) the text of the proposed regulation; and (c) the name, address, and telephone number of
117 the agency contact person responsible for receiving public comments. Such notice shall be made at least
118 60 days in advance of the last date prescribed in such notice of submittals of public comment. The
119 legislative review provisions of subsections A and B of § 2.2-4014 shall apply to the promulgation or
120 final adoption process of regulations pursuant to this subsection. The Commissioner shall consider and
121 keep on file all public comments received for any regulation adopted pursuant to this subsection.

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

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

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

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

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

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

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

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

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

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

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

§ 3.2-4115. Issuance of registrations; exemption.

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

B. Any person seeking to grow, ~~deal in~~ *handle*, or process industrial hemp in the Commonwealth shall apply to the Commissioner for a registration on a form provided by the Commissioner. At a minimum, the application shall include:

1. The name and mailing address of the applicant;

2. The legal description and geographic data sufficient for locating (i) the land on which the applicant intends to grow industrial hemp, (ii) the site at which the applicant intends to ~~deal in~~ *handle* industrial hemp, or (iii) the site at which the applicant intends to process industrial hemp. A registration shall authorize industrial hemp growth, ~~dealing in~~ *handling*, or processing only at the location specified in the registration;

3. A signed statement indicating whether the applicant has ever been convicted of a felony. A person with a prior felony drug conviction within 10 years of applying for a registration under this section shall

183 not be eligible to be registered;

184 4. Written consent allowing the sheriff's office, police department, or Department of State Police, if a
185 registration is ultimately issued to the applicant, to enter the premises on which the industrial hemp is
186 grown, ~~dealt in~~ *handled*, or processed to conduct physical inspections of the industrial hemp and to
187 ensure compliance with the requirements of this chapter. No more than two physical inspections shall be
188 conducted under this subdivision per year, unless a valid search warrant for an inspection has been
189 issued by a court of competent jurisdiction;

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

193 6. A statement of the approximate square footage or acreage of the location he intends to use as a
194 production field, ~~dealership~~ *handler's storage site*, or process site;

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

196 8. The payment of a nonrefundable application fee, in an amount set by the Commissioner.

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

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

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

208 **§ 3.2-4116. Registration conditions.**

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

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

213 1. Maintain records that reflect compliance with this chapter;

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

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

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

222 5. If required by the Commissioner, destroy, at the cost of the grower, ~~dealer~~ *handler*, or processor
223 and in a manner approved of and verified by the Commissioner, any Cannabis sativa that the grower
224 grows, the ~~dealer~~ *deals in* ~~handler~~ *handles*, or the processor processes that has been tested and,
225 following any re-sampling and retesting as authorized pursuant to the provisions of § 3.2-4114.2, is
226 found to have a concentration of tetrahydrocannabinol that is greater than that allowed by federal law, or
227 any Cannabis sativa product that the processor produces.

228 **§ 3.2-4118. Forfeiture of industrial hemp grower, handler, or processor registration; violations.**

229 A. The Commissioner shall deny the application, or suspend or revoke the registration, of any person
230 who, with a culpable mental state greater than negligence, violates any provision of this chapter. The
231 Commissioner shall provide reasonable notice of an informal fact-finding conference pursuant to
232 § 2.2-4019 to any person in connection with the denial, suspension, or revocation of a registration.

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

237 C. A person issued a registration pursuant to subsection A of § 3.2-4115 who negligently (i) fails to
238 provide a description and geographic data sufficient for locating his production field, ~~dealership~~
239 *handler's storage site*, or process site; (ii) grows, ~~deals in~~ *handles*, or processes Cannabis sativa with a
240 tetrahydrocannabinol concentration greater than that allowed by federal law; or (iii) produces a Cannabis
241 sativa product shall comply with any corrective action plan established by the Commissioner in
242 accordance with the provisions of subsection E. The Commissioner shall not deem a grower negligent if
243 such grower makes reasonable efforts to grow industrial hemp and grows Cannabis sativa with a
244 tetrahydrocannabinol concentration that does not exceed the total ~~delta-9~~ tetrahydrocannabinol

concentration percentage established in federal regulations applicable to negligent violations located at 7 C.F.R. § 990.6(b)(3).

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

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

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

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

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

§ 3.2-5145.1. Definitions.

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

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

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

"Industrial hemp extract" means an extract (i) of a ~~Cannabis sativa plant that has a concentration of tetrahydrocannabinol that is no greater than that allowed for industrial hemp by federal law and~~, (ii) that is intended for human consumption, and (iii) when offered for retail sale, that (a) contains a total tetrahydrocannabinol concentration that is no greater than 0.3 percent and (b) contains no more than two milligrams of total tetrahydrocannabinol per package or a ratio of cannabidiol to total tetrahydrocannabinol that is greater than or equal to 30:1. "Industrial hemp extract" is not a hemp seed-derived ingredient that is approved by the U.S. Food and Drug Administration or is the subject of a generally recognized as safe notice for which the U.S. Food and Drug Administration had no questions.

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

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

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

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

B. Any person who (i) manufactures, sells, or offers for sale an industrial hemp extract or food containing an industrial hemp extract without first obtaining a permit to do so from the Commissioner pursuant to § 3.2-5100, unless exempt from a permit pursuant to subdivision C 6 of § 3.2-5130; (ii) continues to manufacture, sell, or offer for sale an industrial hemp extract or food containing an industrial hemp extract after revocation or suspension of such permit; (iii) fails to disclose on a form prescribed by the Commissioner that he intends to manufacture, sell, or offer for sale a substance intended to be consumed orally that contains an industrial hemp-derived cannabinoid; (iv) manufactures, sells, or offers for sale a food that (a) has a total tetrahydrocannabinol concentration that is greater than 0.3 percent or (b) contains more than two milligrams of total tetrahydrocannabinol per package or a ratio of cannabidiol to total tetrahydrocannabinol that is greater than or equal to 30:1; (v) manufactures, offers for sale, or sells in violation of this chapter or a regulation adopted pursuant to this chapter a substance intended to be consumed orally that is advertised or labeled as containing an industrial hemp-derived cannabinoid; or (vi) otherwise violates any provision of this chapter or a regulation adopted pursuant to this chapter, in addition to any other penalties provided, is subject to a civil penalty not to exceed \$10,000 for each day a violation occurs. Such penalty shall be collected by the Commissioner and the proceeds shall be payable to the State Treasurer for remittance to the Department.

C. Any person who (i) manufactures, sells, or offers for sale an industrial hemp extract or food containing an industrial hemp extract without first obtaining a permit to do so from the Commissioner pursuant to § 3.2-5100, unless exempt from a permit pursuant to subdivision C 6 of § 3.2-5130; (ii) continues to manufacture, sell, or offer for sale an industrial hemp extract or food containing an industrial hemp extract after revocation or suspension of such permit; (iii) fails to disclose on a form

prescribed by the Commissioner that he intends to manufacture, sell, or offer for sale a substance intended to be consumed orally that contains an industrial hemp-derived cannabinoid; (iv) manufactures, offers for sale, or sells in violation of this chapter or a regulation adopted pursuant to this chapter a substance intended to be consumed orally that is advertised or labeled as containing an industrial hemp-derived cannabinoid; or (v) otherwise violates any provision of this chapter or a regulation adopted pursuant to this chapter, in addition to any other penalties provided, is guilty of a Class 1 misdemeanor. Each day in which a violation occurs shall constitute a separate offense.

D. The Commissioner may, in accordance with the Administrative Process Act (§ 2.2-400 et seq.), deny, suspend, or revoke a permit issued pursuant to § 3.2-5100 if the permitted entity is found to have violated subdivision A 69, 70, 71, 72, 73, or 74 of § 59.1-200 by a court of competent jurisdiction.

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

§ 3.2-5145.4. Industrial hemp extract requirements.

A. An industrial hemp extract shall (i) be produced from industrial hemp grown in compliance with applicable law and (ii) ~~notwithstanding any authority under federal law to have a greater concentration of tetrahydrocannabinol~~, when offered for retail sale, (a) have a total tetrahydrocannabinol concentration of no greater than 0.3 percent and (b) contain no more than two milligrams of total tetrahydrocannabinol per package or a ratio of cannabidiol to total tetrahydrocannabinol that is greater than or equal to 30:1.

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

§ 3.2-5145.4.1. Labeling and packaging requirements.

A. An industrial hemp extract or food containing an industrial hemp extract shall be contained in child-resistant packaging, as defined in § 4.1-600.

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

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

D. An industrial hemp extract or food containing an industrial hemp extract, when offered for retail sale, shall be accompanied by a certificate of analysis, produced by an independent laboratory that is registered with the U.S. Drug Enforcement Administration and is accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization by a third-party accrediting body, that states the total tetrahydrocannabinol concentration of the substance or the total tetrahydrocannabinol concentration of the batch from which the substance originates. The certificate of accreditation pursuant to standard ISO/IEC 17025 issued by the third-party accrediting body to the independent laboratory shall be available for review at the location at which the industrial hemp extract or food containing an industrial hemp extract is offered for sale or sold.

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

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

§ 3.2-5145.5. Regulations.

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

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

C. The Board shall adopt regulations establishing labeling requirements for an industrial hemp extract or a food containing an industrial hemp extract. Such regulations shall require that any industrial hemp

extract or food containing an industrial hemp extract that contains tetrahydrocannabinol be equipped with a label that states (i) that the industrial hemp extract or food containing an industrial hemp extract contains tetrahydrocannabinol and may not be sold to persons younger than 21 years of age; (ii) all ingredients contained in the industrial hemp extract or food containing an industrial hemp extract; (iii) the amount of such industrial hemp extract or food containing an industrial hemp extract that constitutes a single serving; and (iv) the total percentage and milligrams of tetrahydrocannabinol included in the industrial hemp extract or food containing an industrial hemp extract and the number of milligrams of tetrahydrocannabinol that are contained in each serving.

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

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

§ 4.1-600. Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

"Marijuana" means any part of a plant of the genus *Cannabis*, whether growing or not, its seeds or resin; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, its resin, or any extract containing one or more cannabinoids. "Marijuana" does not include (i) the mature stalks of such plant, fiber produced from such stalk, or oil or cake made from the seed of such plant, unless such stalks, fiber, oil, or cake is combined with other parts of plants of the genus *Cannabis*; ~~"Marijuana" does not include (i);~~ (ii) industrial hemp, as defined in § 3.2-4112, that is possessed by a person registered pursuant to subsection A of § 3.2-4115 or his agent ~~or (ii);~~ (iii) industrial hemp, as defined in § 3.2-4112, that is possessed by a person who holds a hemp producer license issued by the U.S. Department of Agriculture pursuant to 7 C.F.R. Part 990; (iv) a hemp product, as defined in § 3.2-4112, containing a tetrahydrocannabinol concentration of no greater than 0.3 percent that is derived from industrial hemp, as defined in ~~§ 3.2-4112, that is grown, dealt, or processed in compliance with~~ state or federal law; (v) an industrial hemp extract, as defined in § 3.2-5145.1; or (vi) any substance

429 *containing a tetrahydrocannabinol isomer, ester, ether, salt, or salts of such isomer, ester, or ether that*
430 *has been placed by the Board of Pharmacy into one of the schedules set forth in the Drug Control Act*
431 *(§ 54.1-3400 et seq.) pursuant to § 54.1-3443.*

432 "Marijuana concentrate" means marijuana that has undergone a process to concentrate one or more
433 active cannabinoids, thereby increasing the product's potency. Resin from granular trichomes from a
434 marijuana plant is a concentrate for purposes of this subtitle.

435 "Marijuana cultivation facility" means a facility licensed under this subtitle to cultivate, label, and
436 package retail marijuana; to purchase or take possession of marijuana plants and seeds from other
437 marijuana cultivation facilities; to transfer possession of and sell retail marijuana, immature marijuana
438 plants, and marijuana seeds to marijuana wholesalers and retail marijuana stores; to transfer possession
439 of and sell retail marijuana, marijuana plants, and marijuana seeds to other marijuana cultivation
440 facilities; to transfer possession of and sell retail marijuana to marijuana manufacturing facilities; and to
441 sell immature marijuana plants and marijuana seeds to consumers for the purpose of cultivating
442 marijuana at home for personal use.

443 "Marijuana establishment" means a marijuana cultivation facility, a marijuana testing facility, a
444 marijuana manufacturing facility, a marijuana wholesaler, or a retail marijuana store.

445 "Marijuana manufacturing facility" means a facility licensed under this subtitle to manufacture, label,
446 and package retail marijuana and retail marijuana products; to purchase or take possession of retail
447 marijuana from a marijuana cultivation facility or another marijuana manufacturing facility; and to
448 transfer possession of and sell retail marijuana and retail marijuana products to marijuana wholesalers,
449 retail marijuana stores, or other marijuana manufacturing facilities.

450 "Marijuana paraphernalia" means all equipment, products, and materials of any kind that are either
451 designed for use or are intended for use in planting, propagating, cultivating, growing, harvesting,
452 manufacturing, compounding, converting, producing, processing, preparing, strength testing, analyzing,
453 packaging, repackaging, storing, containing, concealing, ingesting, inhaling, or otherwise introducing into
454 the human body marijuana.

455 "Marijuana products" means (i) products that are composed of marijuana and other ingredients and
456 are intended for use or consumption, ointments, and tinctures or (ii) marijuana concentrate.

457 "Marijuana testing facility" means a facility licensed under this subtitle to develop, research, or test
458 marijuana, marijuana products, and other substances.

459 "Marijuana wholesaler" means a facility licensed under this subtitle to purchase or take possession of
460 retail marijuana, retail marijuana products, immature marijuana plants, and marijuana seeds from a
461 marijuana cultivation facility, a marijuana manufacturing facility, or another marijuana wholesaler and to
462 transfer possession and sell or resell retail marijuana, retail marijuana products, immature marijuana
463 plants, and marijuana seeds to a marijuana cultivation facility, marijuana manufacturing facility, retail
464 marijuana store, or another marijuana wholesaler.

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

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

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

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

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

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

482 "Retail marijuana products" means marijuana products that are manufactured and sold by a licensed
483 marijuana establishment.

484 "Retail marijuana store" means a facility licensed under this subtitle to purchase or take possession of
485 retail marijuana, retail marijuana products, immature marijuana plants, or marijuana seeds from a
486 marijuana cultivation facility, marijuana manufacturing facility, or marijuana wholesaler and to sell retail
487 marijuana, retail marijuana products, immature marijuana plants, or marijuana seeds to consumers.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

559 § 18.2-251.1:3. Possession or distribution of cannabis oil, or industrial hemp; laboratories;
560 Department of Agriculture and Consumer Services, Department of Law employees.

561 A. No person employed by an analytical laboratory to retrieve, deliver, or possess cannabis oil or
562 industrial hemp samples from a permitted pharmaceutical processor, a registered industrial hemp grower,
563 a federally licensed hemp producer, or a registered industrial hemp processor for the purpose of
564 performing required testing shall be prosecuted under Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1 or
565 § 18.2-248, 18.2-248.1, 18.2-250, or 18.2-255 for the possession or distribution of cannabis oil or
566 industrial hemp or for storing cannabis oil or industrial hemp for testing purposes in accordance with
567 regulations promulgated by the Board of Pharmacy and the Board of Agriculture and Consumer
568 Services.

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

574 § 18.2-371.2. Prohibiting purchase or possession of tobacco products, nicotine vapor products,
575 alternative nicotine products, and hemp products intended for smoking by a person under 21
576 years of age or sale of tobacco products, nicotine vapor products, alternative nicotine products,
577 and hemp products intended for smoking to persons under 21 years of age; civil penalties.

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

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

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

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

611 This subsection shall not apply to mail order or Internet sales, provided that the person offering the
612 tobacco product, nicotine vapor product, alternative nicotine product, or hemp product intended for
613 smoking for sale through mail order or the Internet (i) prior to the sale of the tobacco product, nicotine

vapor product, alternative nicotine product, or hemp product intended for smoking verifies that the purchaser is at least 21 years of age through a commercially available database that is regularly used by businesses or governmental entities for the purpose of age and identity verification and (ii) uses a method of mailing, shipping, or delivery that requires the signature of a person at least 21 years of age before the tobacco product, nicotine vapor product, alternative nicotine product, or hemp product intended for smoking will be released to the purchaser.

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

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

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

A violation of subsection B is punishable by a civil penalty not to exceed \$100 for a first violation and a civil penalty not to exceed \$250 for a second or subsequent violation. A court may, as an alternative to the civil penalty, and upon motion of the defendant, prescribe the performance of up to 20 hours of community service for a first violation of subsection B and up to 40 hours of community service for a second or subsequent violation. If the defendant fails or refuses to complete the community service as prescribed, the court may impose the civil penalty. Upon a violation of subsection B, the judge may enter an order pursuant to subdivision A 9 of § 16.1-278.8.

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

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

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

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

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

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

I. As used in this section:

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

675 U.S.C. § 351 et seq.) of the Federal Food, Drug, and Cosmetic Act.

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

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

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

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

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

695 **§ 54.1-3401. Definitions.**

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

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

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

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

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

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

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

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

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

724 "Board" means the Board of Pharmacy.

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

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

737 subsidiary owning the entity with another business or corporation; or (v) the expiration or forfeiture of a
738 corporation's charter.

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

741 "Compounding" means the combining of two or more ingredients to fabricate such ingredients into a
742 single preparation and includes the mixing, assembling, packaging, or labeling of a drug or device (i) by
743 a pharmacist, or within a permitted pharmacy, pursuant to a valid prescription issued for a medicinal or
744 therapeutic purpose in the context of a bona fide practitioner-patient-pharmacist relationship, or in
745 expectation of receiving a valid prescription based on observed historical patterns of prescribing and
746 dispensing; (ii) by a practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine as
747 an incident to his administering or dispensing, if authorized to dispense, a controlled substance in the
748 course of his professional practice; or (iii) for the purpose of, or as incident to, research, teaching, or
749 chemical analysis and not for sale or for dispensing. The mixing, diluting, or reconstituting of a
750 manufacturer's product drugs for the purpose of administration to a patient, when performed by a
751 practitioner of medicine or osteopathy licensed under Chapter 29 (§ 54.1-2900 et seq.), a person
752 supervised by such practitioner pursuant to subdivision A 6 or 19 of § 54.1-2901, or a person supervised
753 by such practitioner or a licensed nurse practitioner or physician assistant pursuant to subdivision A 4 of
754 § 54.1-2901 shall not be considered compounding.

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

760 "Controlled substance analog" means a substance the chemical structure of which is substantially
761 similar to the chemical structure of a controlled substance in Schedule I or II and either (i) which has a
762 stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar
763 to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a
764 controlled substance in Schedule I or II or (ii) with respect to a particular person, which such person
765 represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous
766 system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect
767 on the central nervous system of a controlled substance in Schedule I or II. "Controlled substance
768 analog" does not include (a) any substance for which there is an approved new drug application as
769 defined under § 505 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. § 355) or that is generally
770 recognized as safe and effective pursuant to §§ 501, 502, and 503 of the federal Food, Drug, and
771 Cosmetic Act (21 U.S.C. §§ 351, 352, and 353) and 21 C.F.R. Part 330; (b) with respect to a particular
772 person, any substance for which an exemption is in effect for investigational use for that person under
773 § 505 of the federal Food, Drug, and Cosmetic Act to the extent that the conduct with respect to that
774 substance is pursuant to such exemption; or (c) any substance to the extent not intended for human
775 consumption before such an exemption takes effect with respect to that substance.

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

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

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

787 "Dialysis care technician" or "dialysis patient care technician" means an individual who is certified
788 by an organization approved by the Board of Health Professions pursuant to Chapter 27.01
789 (§ 54.1-2729.1 et seq.) and who, under the supervision of a licensed physician, nurse practitioner,
790 physician assistant, or a registered nurse, assists in the care of patients undergoing renal dialysis
791 treatments in a Medicare-certified renal dialysis facility.

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

796 "Dispense" means to deliver a drug to an ultimate user or research subject by or pursuant to the
797 lawful order of a practitioner, including the prescribing and administering, packaging, labeling, or

800 compounding necessary to prepare the substance for that delivery. However, dispensing shall not include
801 the transportation of drugs mixed, diluted, or reconstituted in accordance with this chapter to other sites
802 operated by such practitioner or that practitioner's medical practice for the purpose of administration of
803 such drugs to patients of the practitioner or that practitioner's medical practice at such other sites. For
804 practitioners of medicine or osteopathy, "dispense" shall only include the provision of drugs by a
805 practitioner to patients to take with them away from the practitioner's place of practice.

806 "Dispenser" means a practitioner who dispenses.

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

808 "Distributor" means a person who distributes.

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

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

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

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

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

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

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

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

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

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

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

845 "Marijuana" means any part of a plant of the genus *Cannabis* whether growing or not, its seeds, or
846 its resin; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its
847 seeds, its resin, or any extract containing one or more cannabinoids. "Marijuana" does not include (i) the
848 mature stalks of such plant, fiber produced from such stalk, or oil or cake made from the seeds of such
849 plant, unless such stalks, fiber, oil, or cake is combined with other parts of plants of the genus *Cannabis*;
850 ~~Marijuana does not include (i);~~ (ii) industrial hemp, as defined in § 3.2-4112, that is possessed by a
851 person registered pursuant to subsection A of § 3.2-4115 or his agent; ~~(ii);~~ (iii) industrial hemp, as
852 defined in § 3.2-4112, that is possessed by a person who holds a hemp producer license issued by the
853 U.S. Department of Agriculture pursuant to 7 C.F.R. Part 990; ~~or (iii);~~ (iv) a hemp product, as defined
854 in § 3.2-4112, containing a tetrahydrocannabinol concentration of no greater than 0.3 percent that is
855 derived from industrial hemp, as defined in § 3.2-4112, that is grown, dealt, or processed in compliance
856 with state or federal law; (v) an industrial hemp extract, as defined in § 3.2-5145.1; or (vi) any
857 substance containing a tetrahydrocannabinol isomer, ester, ether, salt, or salts of such isomer, ester, or
858 ether that has been placed by the Board of Pharmacy into one of the schedules set forth in the Drug
859 Control Act (§ 54.1-3400 et seq.) pursuant to § 54.1-3443.

860 "Medical equipment supplier" means any person, as defined in § 1-230, engaged in the delivery to
861 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.

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

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

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

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

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

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

947 "Reference biological product" means the single biological product licensed pursuant to 42 U.S.C.
948 § 262(a) against which a biological product is evaluated in an application submitted to the U.S. Food
949 and Drug Administration for licensure of biological products as biosimilar or interchangeable pursuant to
950 42 U.S.C. § 262(k).

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

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

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

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

970 "*Total tetrahydrocannabinol*" means the sum, after the application of any necessary conversion
971 factor, of the percentage by weight of tetrahydrocannabinol and the percentage by weight of
972 tetrahydrocannabinolic acid.

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

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

979 "Wholesale distribution" means (i) distribution of prescription drugs to persons other than consumers
980 or patients and (ii) delivery of Schedule VI prescription devices to the ultimate user or consumer
981 pursuant to § 54.1-3415.1, subject to the exemptions set forth in the federal Drug Supply Chain Security
982 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.

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

A. As used in this section:

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

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

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

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

"Practitioner" means a practitioner of medicine or osteopathy licensed by the Board of Medicine, a physician assistant licensed by the Board of Medicine, or a nurse practitioner jointly licensed by the Board of Medicine and the Board of Nursing.

"Registered agent" means an individual designated by a patient who has been issued a written certification, or, if such patient is a minor or a vulnerable adult as defined in § 18.2-369, designated by such patient's parent or legal guardian, and registered with the Board pursuant to subsection G.

"Usable cannabis" means any cannabis plant material, including seeds, but not (i) resin that has been extracted from any part of the cannabis plant, its seeds, or its resin; (ii) the mature stalks, fiber produced from the stalks, or any other compound, manufacture, salt, or derivative, mixture, or preparation of the mature stalks; or (iii) oil or cake made from the seeds of the plant.

B. A practitioner in the course of his professional practice may issue a written certification for the use of cannabis products for treatment or to alleviate the symptoms of any diagnosed condition or disease determined by the practitioner to benefit from such use. The practitioner shall use his professional judgment to determine the manner and frequency of patient care and evaluation and may employ the use of telemedicine, provided that the use of telemedicine includes the delivery of patient care through real-time interactive audio-visual technology. If a practitioner determines it is consistent with the standard of care to dispense botanical cannabis to a minor, the written certification shall specifically authorize such dispensing. If not specifically included on the initial written certification, authorization for botanical cannabis may be communicated verbally or in writing to the pharmacist at the time of dispensing.

C. The written certification shall be on a form provided by the Board of Pharmacy. Such written certification shall contain the name, address, and telephone number of the practitioner; the name and address of the patient issued the written certification; the date on which the written certification was made; and the signature or authentic electronic signature of the practitioner. Such written certification issued pursuant to subsection B shall expire no later than one year after its issuance unless the practitioner provides in such written certification an earlier expiration. A written certification shall not be issued to a patient by more than one practitioner during any given time period.

D. No practitioner shall be prosecuted under § 18.2-248 or 18.2-248.1 for the issuance of a certification for the use of cannabis products for the treatment or to alleviate the symptoms of a patient's diagnosed condition or disease pursuant to a written certification issued pursuant to subsection B. Nothing in this section shall preclude the Board of Medicine from sanctioning a practitioner for failing to properly evaluate or treat a patient's medical condition or otherwise violating the applicable standard of care for evaluating or treating medical conditions.

E. A practitioner who issues a written certification to a patient pursuant to this section shall register

1044 with the Board and shall hold sufficient education and training to exercise appropriate professional
1045 judgment in the certification of patients. The Board shall not limit the number of patients to whom a
1046 practitioner may issue a written certification. The Board may report information to the applicable
1047 licensing board on unusual patterns of certifications issued by a practitioner.

1048 F. No patient shall be required to physically present the written certification after the initial
1049 dispensing by any pharmaceutical processor or cannabis dispensing facility under each written
1050 certification, provided that the pharmaceutical processor or cannabis dispensing facility maintains an
1051 electronic copy of the written certification. Pharmaceutical processors and cannabis dispensing facilities
1052 shall electronically transmit, on a monthly basis, all new written certifications received by the
1053 pharmaceutical processor or cannabis dispensing facility to the Board.

1054 G. A patient, or, if such patient is a minor or a vulnerable adult as defined in § 18.2-369, such
1055 patient's parent or legal guardian, may designate an individual to act as his registered agent for the
1056 purposes of receiving cannabis products pursuant to a valid written certification. Such designated
1057 individual shall register with the Board. The Board may set a limit on the number of patients for whom
1058 any individual is authorized to act as a registered agent.

1059 H. Upon delivery of a cannabis product by a pharmaceutical processor or cannabis dispensing facility
1060 to a designated caregiver facility, any employee or contractor of a designated caregiver facility, who is
1061 licensed or registered by a health regulatory board and who is authorized to possess, distribute, or
1062 administer medications, may accept delivery of the cannabis product on behalf of a patient or resident
1063 for subsequent delivery to the patient or resident and may assist in the administration of the cannabis
1064 product to the patient or resident as necessary.

1065 I. Information obtained under the registration process shall be confidential and shall not be subject to
1066 the disclosure provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). However,
1067 reasonable access to registry information shall be provided to (i) the Chairmen of the House Committee
1068 for Courts of Justice and the Senate Committee on the Judiciary, (ii) state and federal agencies or local
1069 law enforcement for the purpose of investigating or prosecuting a specific individual for a specific
1070 violation of law, (iii) licensed practitioners or pharmacists, or their agents, for the purpose of providing
1071 patient care and drug therapy management and monitoring of drugs obtained by a patient, (iv) a
1072 pharmaceutical processor or cannabis dispensing facility involved in the treatment of a patient, or (v) a
1073 registered agent, but only with respect to information related to such patient.

1074 **§ 54.1-3423. Board to issue registration unless inconsistent with public interest; authorization to**
1075 **conduct research; application and fees.**

1076 A. The Board shall register an applicant to manufacture or distribute controlled substances included
1077 in Schedules I through V unless it determines that the issuance of that registration would be inconsistent
1078 with the public interest. In determining the public interest, the Board shall consider the following
1079 factors:

1080 1. Maintenance of effective controls against diversion of controlled substances into other than
1081 legitimate medical, scientific, or industrial channels;

1082 2. Compliance with applicable state and local law;

1083 3. Any convictions of the applicant under any federal and state laws relating to any controlled
1084 substance;

1085 4. Past experience in the manufacture or distribution of controlled substances, and the existence in
1086 the applicant's establishment of effective controls against diversion;

1087 5. Furnishing by the applicant of false or fraudulent material in any application filed under this
1088 chapter;

1089 6. Suspension or revocation of the applicant's federal registration to manufacture, distribute, or
1090 dispense controlled substances as authorized by federal law; and

1091 7. Any other factors relevant to and consistent with the public health and safety.

1092 B. Registration under subsection A does not entitle a registrant to manufacture and distribute
1093 controlled substances in Schedule I or II other than those specified in the registration.

1094 C. Practitioners must be registered to conduct research or laboratory analysis with controlled
1095 substances in Schedules II through VI, ~~tetrahydrocannabinol~~, or marijuana. Practitioners registered under
1096 federal law to conduct research with Schedule I substances, other than ~~tetrahydrocannabinol~~ *marijuana*,
1097 may conduct research with Schedule I substances within ~~this~~ *the* Commonwealth upon furnishing the
1098 evidence of that federal registration.

1099 D. The Board may register other persons or entities to possess controlled substances listed on
1100 Schedules II through VI upon a determination that (i) there is a documented need, (ii) the issuance of
1101 the registration is consistent with the public interest, (iii) the possession and subsequent use of the
1102 controlled substances complies with applicable state and federal laws and regulations, and (iv) the
1103 subsequent storage, use, and recordkeeping of the controlled substances will be under the general
1104 supervision of a licensed pharmacist, practitioner of medicine, osteopathy, podiatry, dentistry, or
1105 veterinary medicine as specified in the Board's regulations. The Board shall consider, at a minimum, the

factors listed in subsection A of this section in determining whether the registration shall be issued. Notwithstanding the exceptions listed in § 54.1-3422 A, the Board may mandate a controlled substances registration for sites maintaining certain types and quantities of Schedules II through VI controlled substances as it may specify in its regulations. The Board shall promulgate regulations related to requirements or criteria for the issuance of such controlled substances registration, storage, security, supervision, and recordkeeping.

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

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

G. The Board may register an entity at which a patient is treated by the use of instrumentation and diagnostic equipment through which images and medical records may be transmitted electronically for the purpose of establishing a bona fide practitioner-patient relationship and is prescribed Schedule II through VI controlled substances when such prescribing is in compliance with federal requirements for the practice of telemedicine and the patient is not in the physical presence of a practitioner registered with the U.S. Drug Enforcement Administration. In determining whether the registration shall be issued, the Board shall consider (i) the factors listed in subsection A, (ii) whether there is a documented need for such registration, and (iii) whether the issuance of the registration is consistent with the public interest.

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

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

§ 54.1-3442.6. Permit to operate pharmaceutical processor or cannabis dispensing facility.

A. No person shall operate a pharmaceutical processor or a cannabis dispensing facility without first obtaining a permit from the Board. The application for such permit shall be made on a form provided by the Board and signed by a pharmacist who will be in full and actual charge of the pharmaceutical processor's dispensing area or cannabis dispensing facility. The Board shall establish an application fee and other general requirements for such application.

B. Each permit shall expire annually on a date determined by the Board in regulation. The number of permits that the Board may issue or renew in any year is limited to one pharmaceutical processor and up to five cannabis dispensing facilities for each health service area established by the Board of Health. Permits shall be displayed in a conspicuous place on the premises of the pharmaceutical processor and cannabis dispensing facility.

C. The Board shall adopt regulations establishing health, safety, and security requirements for pharmaceutical processors and cannabis dispensing facilities. Such regulations shall include requirements for (i) physical standards; (ii) location restrictions; (iii) security systems and controls; (iv) minimum equipment and resources; (v) recordkeeping; (vi) labeling, including the potency of each botanical

1167 cannabis product and the amounts recommended by the practitioner or dispensing pharmacist, and
1168 packaging; (vii) routine inspections no more frequently than once annually; (viii) processes for safely
1169 and securely dispensing and delivering in person cannabis products to a patient, his registered agent, or,
1170 if such patient is a minor or a vulnerable adult as defined in § 18.2-369, such patient's parent or legal
1171 guardian; (ix) dosage limitations for cannabis oil that provide that each dispensed dose of cannabis oil
1172 not exceed 10 milligrams of ~~delta-9-tetrahydrocannabinol~~ *tetrahydrocannabinol*; (x) a process for the
1173 wholesale distribution of and the transfer of usable cannabis, botanical cannabis, cannabis oil, and
1174 cannabis products between pharmaceutical processors, between a pharmaceutical processors and a
1175 cannabis dispensing facility, and between cannabis dispensing facilities; (xi) an allowance for the sale of
1176 devices for administration of dispensed cannabis products and hemp-based CBD products that meet the
1177 applicable standards set forth in state and federal law, including the laboratory testing standards set forth
1178 in subsection M; (xii) an allowance for the use and distribution of inert product samples containing no
1179 cannabinoids for patient demonstration exclusively at the pharmaceutical processor or cannabis
1180 dispensing facility, and not for further distribution or sale, without the need for a written certification;
1181 (xiii) a process for acquiring industrial hemp extracts and formulating such extracts into cannabis
1182 products; and (xiv) an allowance for the advertising and promotion of the pharmaceutical processor's
1183 products and operations, which shall not limit the pharmaceutical processor from the provision of
1184 educational material to practitioners who issue written certifications and patients. The Board shall also
1185 adopt regulations for pharmaceutical processors that include requirements for (a) processes for safely and
1186 securely cultivating Cannabis plants intended for producing cannabis products, (b) the secure disposal of
1187 agricultural waste, and (c) a process for registering cannabis oil products.

1188 D. The Board shall require that, after processing and before dispensing any cannabis products, a
1189 pharmaceutical processor shall make a sample available from each batch of cannabis product for testing
1190 by an independent laboratory located in Virginia meeting Board requirements. A valid sample size for
1191 testing shall be determined by each laboratory and may vary due to sample matrix, analytical method,
1192 and laboratory-specific procedures. A minimum sample size of 0.5 percent of individual units for
1193 dispensing or distribution from each homogenized batch of cannabis oil is required to achieve a
1194 representative cannabis oil sample for analysis. A minimum sample size, to be determined by the
1195 certified testing laboratory, from each batch of botanical cannabis is required to achieve a representative
1196 botanical cannabis sample for analysis. Botanical cannabis products shall only be tested for the
1197 following: total cannabidiol (CBD); total tetrahydrocannabinol (THC); terpenes; pesticide chemical
1198 residue; heavy metals; mycotoxins; moisture; and microbiological contaminants. Testing thresholds shall
1199 be consistent with generally accepted cannabis industry thresholds. The pharmaceutical processor may
1200 remediate botanical cannabis or cannabis oil that fails any quality testing standard except pesticides.
1201 Following remediation, all remediated botanical cannabis or cannabis oil shall be subject to laboratory
1202 testing and approved upon satisfaction of applicable testing standards, which shall not be more stringent
1203 than initial testing prior to remediation. If a batch of botanical cannabis fails retesting after remediation,
1204 it shall be considered usable cannabis and may be processed into cannabis oil. Stability testing shall not
1205 be required for any cannabis product with an expiration date assigned by the pharmaceutical processor
1206 of six months or less from the date of the cannabis product registration approval. Stability testing
1207 required for assignment of an expiration date longer than six months shall be limited to microbial
1208 testing, on a pass/fail basis, and potency testing, on a 10 percent deviation basis, of active ingredients.

1209 E. A laboratory testing samples for a pharmaceutical processor shall obtain a controlled substances
1210 registration certificate pursuant to § 54.1-3423 and shall comply with quality standards established by the
1211 Board in regulation.

1212 F. Every pharmaceutical processor's dispensing area or cannabis dispensing facility shall be under the
1213 personal supervision of a licensed pharmacist on the premises of the pharmaceutical processor or
1214 cannabis dispensing facility. The pharmaceutical processor shall ensure that security measures are
1215 adequate to protect the cannabis from diversion at all times, and the pharmacist-in-charge shall have
1216 concurrent responsibility for preventing diversion from the dispensing area.

1217 Every pharmaceutical processor shall designate a person who shall have oversight of the cultivation
1218 and production areas of the pharmaceutical processor and shall provide such information to the Board.
1219 The Board shall direct all communications related to enforcement of requirements related to cultivation
1220 and production of cannabis oil products by the pharmaceutical processor to such designated person.

1221 G. The Board shall require the material owners of an applicant for a pharmaceutical processor or
1222 cannabis dispensing facility permit to submit to fingerprinting and provide personal descriptive
1223 information to be forwarded along with his fingerprints through the Central Criminal Records Exchange
1224 to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information
1225 regarding the applicant's material owners. The cost of fingerprinting and the criminal history record
1226 search shall be paid by the applicant. The Central Criminal Records Exchange shall forward the results
1227 of the criminal history background check to the Board or its designee, which shall be a governmental
1228 entity. A pharmaceutical processor shall maintain evidence of criminal background checks for all

employees and delivery agents of the pharmaceutical processor. Criminal background checks of employees and delivery agents may be conducted by any service sufficient to disclose any federal and state criminal convictions.

H. In addition to other employees authorized by the Board, a pharmaceutical processor may employ individuals who may have less than two years of experience (i) to perform cultivation-related duties under the supervision of an individual who has received a degree in a field related to the cultivation of plants or a certification recognized by the Board or who has at least two years of experience cultivating plants, (ii) to perform extraction-related duties under the supervision of an individual who has a degree in chemistry or pharmacology or at least two years of experience extracting chemicals from plants, and (iii) to perform duties at the pharmaceutical processor and cannabis dispensing facility upon certification as a pharmacy technician.

I. A pharmaceutical processor to whom a permit has been issued by the Board may establish up to five cannabis dispensing facilities for the dispensing of cannabis products that have been cultivated and produced on the premises of a pharmaceutical processor permitted by the Board. Each cannabis dispensing facility shall be located within the same health service area as the pharmaceutical processor.

J. No person who has been convicted of a felony under the laws of the Commonwealth or another jurisdiction within the last five years shall be employed by or act as an agent of a pharmaceutical processor or cannabis dispensing facility.

K. Every pharmaceutical processor or cannabis dispensing facility shall adopt policies for pre-employment drug screening and regular, ongoing, random drug screening of employees.

L. A pharmacist at the pharmaceutical processor's dispensing area and the cannabis dispensing facility shall determine the number of pharmacy interns, pharmacy technicians, and pharmacy technician trainees who can be safely and competently supervised at one time; however, no pharmacist shall supervise more than six persons performing the duties of a pharmacy technician at one time in the pharmaceutical processor's dispensing area or cannabis dispensing facility.

M. A pharmaceutical processor may acquire industrial hemp extracts grown and processed in Virginia, and in compliance with state or federal law, from a registered industrial hemp dealer or processor. A pharmaceutical processor may process and formulate such extracts into an allowable dosage of cannabis product. Industrial hemp extracts acquired and formulated by a pharmaceutical processor are subject to the same third-party testing requirements that may apply to cannabis plant extract. Testing shall be performed by a laboratory located in Virginia and in compliance with state law governing the testing of cannabis products. The industrial hemp dealer or processor shall provide such third-party testing results to the pharmaceutical processor before industrial hemp extracts may be acquired.

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

O. The Board shall register all cannabis products that meet testing, labeling, and packaging standards.

§ 54.1-3442.7. Dispensing cannabis products; report.

A. A pharmaceutical processor or cannabis dispensing facility shall dispense or deliver cannabis products only in person to (i) a patient who is a Virginia resident or temporarily resides in Virginia and has been issued a valid written certification; (ii) such patient's registered agent; or (iii) if such patient is a minor or a vulnerable adult as defined in § 18.2-369, such patient's parent or legal guardian who is a Virginia resident or temporarily resides in Virginia. A companion may accompany a patient into a pharmaceutical processor's dispensing area or cannabis dispensing facility. Prior to the initial dispensing of cannabis products pursuant to each written certification, a pharmacist or pharmacy technician employed by the pharmaceutical processor or cannabis dispensing facility shall make and maintain, on site or remotely by electronic means, for two years a paper or electronic copy of the written certification that provides an exact image of the document that is clearly legible; shall view, in person or by audiovisual means, a current photo identification of the patient, registered agent, parent, or legal guardian; and shall verify current board registration of the practitioner and the corresponding registered agent if applicable. Thereafter, an initial dispensing may be delivered to the patient, registered agent, parent, legal guardian, or designated caregiver facility. Prior to any subsequent dispensing of cannabis

1290 products pursuant to each written certification, an employee or delivery agent shall view a current photo
1291 identification of the patient, registered agent, parent, or legal guardian and the current board registration
1292 issued to the registered agent if applicable. No pharmaceutical processor or cannabis dispensing facility
1293 shall dispense more than a 90-day supply, as determined by the dispensing pharmacist or certifying
1294 practitioner, for any patient during any 90-day period. A pharmaceutical processor or cannabis
1295 dispensing facility may dispense less than a 90-day supply of a cannabis product for any patient during
1296 any 90-day period; however, a pharmaceutical processor or cannabis dispensing facility may dispense
1297 more than one cannabis product to a patient at one time. No more than four ounces of botanical
1298 cannabis shall be dispensed for each 30-day period for which botanical cannabis is dispensed. The Board
1299 shall establish in regulation an amount of cannabis oil that constitutes a 90-day supply to treat or
1300 alleviate the symptoms of a patient's diagnosed condition or disease. In determining the appropriate
1301 amount of a cannabis product to be dispensed to a patient, a pharmaceutical processor or cannabis
1302 dispensing facility shall consider all cannabis products dispensed to the patient and adjust the amount
1303 dispensed accordingly.

1304 B. A pharmaceutical processor or cannabis dispensing facility shall dispense only cannabis products
1305 produced on the premises of a pharmaceutical processor permitted by the Board or cannabis products
1306 that have been formulated with extracts from industrial hemp acquired by a pharmaceutical processor
1307 from a registered industrial hemp dealer or processor pursuant to § 54.1-3442.6. A pharmaceutical
1308 processor may begin cultivation upon being issued a permit by the Board.

1309 C. The Board shall report annually by December 1 to the Chairmen of the House Committee for
1310 Health, Welfare and Institutions and the Senate Committee on Education and Health on the operation of
1311 pharmaceutical processors and cannabis dispensing facilities issued a permit by the Board.

1312 D. The concentration of ~~delta-9-tetrahydrocannabinol~~ *tetrahydrocannabinol* in any cannabis product
1313 on site may be up to 10 percent greater than or less than the level of ~~delta-9-tetrahydrocannabinol~~
1314 *tetrahydrocannabinol* measured for labeling. A pharmaceutical processor and cannabis dispensing facility
1315 shall ensure that such concentration in any cannabis product on site is within such range. A
1316 pharmaceutical processor producing cannabis products shall establish a stability testing schedule of
1317 cannabis products.

1318 **§ 54.1-3443. Board to administer article.**

1319 A. The Board shall administer this article and may add substances to or deschedule or reschedule all
1320 substances enumerated in the schedules in this article pursuant to the procedures of the Administrative
1321 Process Act (§ 2.2-4000 et seq.). In making a determination regarding a substance, the Board shall
1322 consider the following:

- 1323 1. The actual or relative potential for abuse;
- 1324 2. The scientific evidence of its pharmacological effect, if known;
- 1325 3. The state of current scientific knowledge regarding the substance;
- 1326 4. The history and current pattern of abuse;
- 1327 5. The scope, duration, and significance of abuse;
- 1328 6. The risk to the public health;
- 1329 7. The potential of the substance to produce psychic or physical dependence; and
- 1330 8. Whether the substance is an immediate precursor of a substance already controlled under this
1331 article.

1332 B. After considering the factors enumerated in subsection A, the Board shall make findings and issue
1333 a regulation controlling the substance if it finds the substance has a potential for abuse.

1334 C. If the Board designates a substance as an immediate precursor, substances which are precursors of
1335 the controlled precursor shall not be subject to control solely because they are precursors of the
1336 controlled precursor.

1337 D. If the Board, in consultation with the Department of Forensic Science, determines the substance
1338 shall be placed into Schedule I or II pursuant to § 54.1-3445 or 54.1-3447, the Board may amend its
1339 regulations pursuant to Article 2 (§ 2.2-4006 et seq.) of the Administrative Process Act. Prior to making
1340 such amendments, the Board shall conduct a public hearing. At least 30 days prior to conducting such
1341 hearing, it shall post notice of the hearing on the Virginia Regulatory Town Hall and shall send notice
1342 of the hearing to any persons requesting to be notified of a regulatory action. In the notice, the Board
1343 shall include a list of all substances it intends to schedule by regulation. The Board shall notify the
1344 House Committee for Courts of Justice and the Senate Committee on the Judiciary of any new substance
1345 added to Schedule I or II pursuant to this subsection. Any substance added to Schedule I or II pursuant
1346 to this subsection shall remain on Schedule I or II for a period of 18 months. Upon expiration of such
1347 18-month period, such substance shall be descheduled unless a general law is enacted adding such
1348 substance to Schedule I or II. Nothing in this subsection shall preclude the Board from adding
1349 substances to or descheduling or rescheduling all substances enumerated in the schedules pursuant to the
1350 provisions of subsections A, B, and E.

1351 E. If any substance is designated, rescheduled, or descheduled as a controlled substance under federal

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

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

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

H. Any tetrahydrocannabinol isomer, ester, ether, salt, or salts of such isomer, ester, or ether scheduled pursuant to this section shall not be included in the definition of marijuana set forth in § 4.1-600, 18.2-247, or 54.1-3401.

§ 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-[1-[1-(4-bromophenyl)ethyl]-4-piperidiny]-1,3-dihydro-2H-benzimidazol-2-one (other name: Biorphine);

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

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

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

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

2-methoxy-N-phenyl-N-[1-(2-phenylethyl)-4-piperidiny]-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-alphacetylmethadol, 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;

- 1413 Levophenacylmorphane;
1414 Morpheridine;
1415 MT-45 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine);
1416 N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide (other name: Cyclopropyl fentanyl);
1417 N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide (other name: Tetrahydrofuranyl
1418 fentanyl);
1419 N-[1-[1-methyl-2-(2-thienyl)ethyl]-4-piperidyl]-N-phenylpropanamide (other name:
1420 alpha-methylthiofentanyl);
1421 N-[1-(1-methyl-2-phenylethyl)-4-piperidyl]-N-phenylacetamide (other name:
1422 acetyl-alpha-methylfentanyl);
1423 N-{1-[2-hydroxy-2-(2-thienyl)ethyl]-4-piperidinyl}-N-phenylpropanamide (other name:
1424 beta-hydroxythiofentanyl);
1425 N-[1-(2-hydroxy-2-phenyl)ethyl-4-piperidyl]-N-phenylpropanamide (other name:
1426 beta-hydroxyfentanyl);
1427 N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl]propionanilide (other names:
1428 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine, alpha-methylfentanyl);
1429 N-(2-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other names: 2-fluorofentanyl,
1430 ortho-fluorofentanyl);
1431 N-(3-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: 3-fluorofentanyl);
1432 N-[3-methyl-1-(2-hydroxy-2-phenylethyl)-4-piperidyl]-N-phenylpropanamide (other name:
1433 beta-hydroxy-3-methylfentanyl);
1434 N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide (other name: 3-methylfentanyl);
1435 N-[3-methyl-1-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide (other name:
1436 3-methylthiofentanyl);
1437 N-(4-chlorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other names:
1438 para-chlorofentanyl, 4-chlorofentanyl);
1439 N-(4-fluorophenyl)-2-methyl-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name:
1440 para-fluoroisobutyl fentanyl);
1441 N-(4-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-butanamide (other name:
1442 para-fluorobutylfentanyl);
1443 N-(4-fluorophenyl)-N-1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: para-fluorofentanyl);
1444 N,N-diethyl-2-(2-(4-isopropoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine (other name:
1445 Isotonitazene);
1446 N,N-diethyl-2-[(4-ethoxyphenyl) methyl]-1H-benzimidazol-1-yl}-ethan-1-amine (other names:
1447 Etazene, Desnitroetazene);
1448 N,N-diethyl-2-[(4-methoxyphenyl)methyl]-1H-benzimidazole-1-ethanamine (other name:
1449 Metodesnitazene);
1450 N-phenyl-N-[1-(2-phenylmethyl)-4-piperidinyl]-2-furancarboxamide (other name: N-benzyl Furanyl
1451 norfentanyl);
1452 N-phenyl-N-(4-piperidinyl)-propanamide (other name: Norfentanyl);
1453 Noracymethadol;
1454 Norlevorphanol;
1455 Normethadone;
1456 Norpipanone;
1457 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-2-furancarboxamide (other name: Furanyl fentanyl);
1458 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-2-propenamide (other name: Acryl fentanyl);
1459 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-butanamide (other name: butyl fentanyl);
1460 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-pentanamide (other name: Pentanoyl fentanyl);
1461 N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide (other name: thiofentanyl);
1462 Phenadoxone;
1463 Phenampromide;
1464 Phenomorphan;
1465 Phenoperidine;
1466 Piritramide;
1467 Proheptazine;
1468 Properidine;
1469 Propiram;
1470 Racemoramide;
1471 Tilidine;
1472 Trimeperidine;
1473 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-1,3-benzodioxole-5-carboxamide (other name:
1474 Benzodioxole fentanyl);

- 1475 3,4-dichloro-N-[2-(diethylamino)cyclohexyl]-N-methylbenzamide (other name: U-49900);
- 1476 2-(2,4-dichlorophenyl)-N-[2-(dimethylamino)cyclohexyl]-N-methyl acetamide (other name: U-48800);
- 1477 2-(3,4-dichlorophenyl)-N-[2-(dimethylamino)cyclohexyl]-N-methyl acetamide (other name: U-51754);
- 1478 N-(2-fluorophenyl)-2-methoxy-N-[1-(2-phenylethyl)-4-piperidinyl]-acetamide (other name: Ocfentanil);
- 1479 N-(4-methoxyphenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-butanamide (other name:
- 1480 4-methoxybutyrylfentanyl);
- 1481 N-phenyl-2-methyl-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: Isobutyryl fentanyl);
- 1482 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-cyclopentanecarboxamide (other name: Cyclopentyl
- 1483 fentanyl);
- 1484 N-phenyl-N-(1-methyl-4-piperidinyl)-propanamide (other name: N-methyl norfentanyl);
- 1485 N-[2-(dimethylamino)cyclohexyl]-N-methyl-1,3-benzodioxole-5-carboxamide (other names:
- 1486 3,4-methylenedioxy U-47700 or 3,4-MDO-U-47700);
- 1487 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-2-butenamide (other name: Crotonyl fentanyl);
- 1488 N-phenyl-N-[4-phenyl-1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: 4-phenylfentanyl);
- 1489 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-benzamide (other names: Phenyl fentanyl, Benzoyl
- 1490 fentanyl);
- 1491 N-[2-(dimethylamino)cyclohexyl]-N-phenylfuran-2-carboxamide (other name: Furanyl UF-17);
- 1492 N-[2-(dimethylamino)cyclohexyl]-N-phenylpropionamide (other name: UF-17);
- 1493 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-isopropyl-benzamide (other name: Isopropyl
- 1494 U-47700).
- 1495 2. Any of the following opium derivatives, their salts, isomers and salts of isomers, unless
- 1496 specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible
- 1497 within the specific chemical designation:
- 1498 Acetorphine;
- 1499 Acetyldihydrocodeine;
- 1500 Benzylmorphine;
- 1501 Codeine methylbromide;
- 1502 Codeine-N-Oxide;
- 1503 Cyprenorphine;
- 1504 Desomorphine;
- 1505 Dihydromorphine;
- 1506 Drotebanol;
- 1507 Etorphine;
- 1508 Heroin;
- 1509 Hydromorphenol;
- 1510 Methyldesorphine;
- 1511 Methyldihydromorphine;
- 1512 Morphine methylbromide;
- 1513 Morphine methylsulfonate;
- 1514 Morphine-N-Oxide;
- 1515 Myrophine;
- 1516 Nicocodeine;
- 1517 Nicomorphine;
- 1518 Normorphine;
- 1519 Pholcodine;
- 1520 Thebacon.
- 1521 3. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture,
- 1522 or preparation, which contains any quantity of the following hallucinogenic substances, or which
- 1523 contains any of its salts, isomers, and salts of isomers, whenever the existence of such salts, isomers,
- 1524 and salts of isomers is possible within the specific chemical designation (for purposes of this subdivision
- 1525 only, the term "isomer" includes the optical, position, and geometric isomers):
- 1526 Alpha-ethyltryptamine (some trade or other names: Monase; a-ethyl-1H-indole-3-ethanamine;
- 1527 3-2-aminobutyl] indole; a-ET; AET);
- 1528 4-Bromo-2,5-dimethoxyphenethylamine (some trade or other names:
- 1529 2-4-bromo-2,5-dimethoxyphenyl]-1-aminoethane;alpha-desmethyl DOB; 2C-B; Nexus);
- 1530 3,4-methylenedioxy amphetamine;
- 1531 5-methoxy-3,4-methylenedioxy amphetamine;
- 1532 3,4,5-trimethoxy amphetamine;
- 1533 Alpha-methyltryptamine (other name: AMT);
- 1534 Bufotenine;
- 1535 Diethyltryptamine;

- 1536 Dimethyltryptamine;
- 1537 4-methyl-2,5-dimethoxyamphetamine;
- 1538 2,5-dimethoxy-4-ethylamphetamine (DOET);
- 1539 4-fluoro-N-ethylamphetamine;
- 1540 2,5-dimethoxy-4-(n)-propylthiophenethylamine (other name: 2C-T-7);
- 1541 Ibogaine;
- 1542 5-methoxy-N,N-diisopropyltryptamine (other name: 5-MeO-DIPT);
- 1543 Lysergic acid diethylamide;
- 1544 Mescaline;
- 1545 Parahexyl (some trade or other names:
- 1546 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo [b,d] pyran; Synhexyl);
- 1547 Peyote;
- 1548 N-ethyl-3-piperidyl benzilate;
- 1549 N-methyl-3-piperidyl benzilate;
- 1550 Psilocybin;
- 1551 Psilocyn;
- 1552 Salvinorin A;
- 1553 Tetrahydrocannabinols, except as present in (i) industrial hemp, as defined in § 3.2-4112, that is
- 1554 possessed by a person registered pursuant to subsection A of § 3.2-4115 or his agent; (ii) a hemp
- 1555 product, as defined in § 3.2-4112, containing a tetrahydrocannabinol concentration of no greater than 0.3
- 1556 percent that is derived from industrial hemp, as defined in § 3.2-4112, that is grown, dealt, or processed
- 1557 in compliance with state or federal law; (iii) marijuana; (iv) dronabinol in sesame oil and encapsulated
- 1558 in a soft gelatin capsule in a drug product approved by the U.S. Food and Drug Administration; or (v)
- 1559 industrial hemp, as defined in § 3.2-4112, that is possessed by a person who holds a hemp producer
- 1560 license issued by the U.S. Department of Agriculture pursuant to 7 C.F.R. Part 990;
- 1561 2,5-dimethoxyamphetamine (some trade or other names: 2,5-dimethoxy-a-methylphenethylamine;
- 1562 2,5-DMA);
- 1563 3,4-methylenedioxymethamphetamine (MDMA), its optical, positional and geometric isomers, salts
- 1564 and salts of isomers;
- 1565 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4
- 1566 (methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA);
- 1567 N-hydroxy-3,4-methylenedioxyamphetamine (some other names:
- 1568 N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine, and N-hydroxy MDA);
- 1569 4-bromo-2,5-dimethoxyamphetamine (some trade or other names:
- 1570 4-bromo-2,5-dimethoxy-a-methylphenethylamine; 4-bromo-2,5-DMA);
- 1571 4-methoxyamphetamine (some trade or other names: 4-methoxy-a-methylphenethylamine;
- 1572 paramethoxyamphetamine; PMA);
- 1573 Ethylamine analog of phencyclidine (some other names: N-ethyl-1-phenylcyclohexylamine,
- 1574 (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE);
- 1575 Pyrrolidine analog of phencyclidine (some other names: 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy,
- 1576 PHP);
- 1577 Thiophene analog of phencyclidine (some other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine,
- 1578 2-thienyl analog of phencyclidine, TPCP, TCP);
- 1579 1-1-(2-thienyl)cyclohexylpyrrolidine (other name: TCPy);
- 1580 3,4-methylenedioxypyrovalerone (other name: MDPV);
- 1581 4-methylmethcathinone (other names: mephedrone, 4-MMC);
- 1582 3,4-methylenedioxymethcathinone (other name: methylone);
- 1583 Naphthylpyrovalerone (other name: naphyrone);
- 1584 4-fluoromethcathinone (other names: flephedrone, 4-FMC);
- 1585 4-methoxymethcathinone (other names: methedrone; bk-PMMA);
- 1586 Ethcathinone (other name: N-ethylcathinone);
- 1587 3,4-methylenedioxyethcathinone (other name: ethylone);
- 1588 Beta-keto-N-methyl-3,4-benzodioxolylbutanamine (other name: butylone);
- 1589 N,N-dimethylcathinone (other name: metamfepramone);
- 1590 Alpha-pyrrolidinopropiophenone (other name: alpha-PPP);
- 1591 4-methoxy-alpha-pyrrolidinopropiophenone (other name: MOPPP);
- 1592 3,4-methylenedioxy-alpha-pyrrolidinopropiophenone (other name: MDPPP);
- 1593 Alpha-pyrrolidinovalerophenone (other name: alpha-PVP);
- 1594 6,7-dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine (other name: MDAI);
- 1595 3-fluoromethcathinone (other name: 3-FMC);
- 1596 4-Ethyl-2,5-dimethoxyphenethylamine (other name: 2C-E);
- 1597 4-Iodo-2,5-dimethoxyphenethylamine (other name: 2C-I);

- 1598 4-Methylethcathinone (other name: 4-MEC);
 1599 4-Ethylmethcathinone (other name: 4-EMC);
 1600 N,N-diallyl-5-methoxytryptamine (other name: 5-MeO-DALT);
 1601 Beta-keto-methylbenzodioxolypentanamine (other names: Pentylone, bk-MBDP);
 1602 Alpha-methylamino-butyrophenone (other name: Buphedrone);
 1603 Alpha-methylamino-valerophenone (other name: Pentedrone);
 1604 3,4-Dimethylmethcathinone (other name: 3,4-dmmc);
 1605 4-methyl-alpha-pyrrolidinopropiophenone (other name: MPPP);
 1606 4-Iodo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names: 25-I,
 1607 25I-NBOMe, 2C-I-NBOMe);
 1608 Methoxetamine (other names: MXE, 3-MeO-2-Oxo-PCE);
 1609 4-Fluoromethamphetamine (other name: 4-FMA);
 1610 4-Fluoroamphetamine (other name: 4-FA);
 1611 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (other name: 2C-D);
 1612 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (other name: 2C-C);
 1613 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (other name: 2C-T-2);
 1614 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (other name: 2C-T-4);
 1615 2-(2,5-Dimethoxyphenyl)ethanamine (other name: 2C-H);
 1616 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (other name: 2C-N);
 1617 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (other name: 2C-P);
 1618 (2-aminopropyl)benzofuran (other name: APB);
 1619 (2-aminopropyl)-2,3-dihydrobenzofuran (other name: APDB);
 1620 4-chloro-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names:
 1621 2C-C-NBOMe, 25C-NBOMe, 25C);
 1622 4-bromo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names:
 1623 2C-B-NBOMe, 25B-NBOMe, 25B);
 1624 Acetoxymethyltryptamine (other names: AcO-Psilocin, AcO-DMT, Psilacetin);
 1625 Benocyclidine (other names: BCP, BTCP);
 1626 Alpha-pyrrolidinobutyrophenone (other name: alpha-PBP);
 1627 3,4-methylenedioxy-N,N-dimethylcathinone (other names: Dimethylone, bk-MDDMA);
 1628 4-bromomethcathinone (other name: 4-BMC);
 1629 4-chloromethcathinone (other name: 4-CMC);
 1630 4-Iodo-2,5-dimethoxy-N-[(2-hydroxyphenyl)methyl]-benzeneethanamine (other name: 25I-NBOH);
 1631 Alpha-Pyrrolidinohexiophenone (other name: alpha-PHP);
 1632 Alpha-Pyrrolidinoheptiophenone (other name: PV8);
 1633 5-methoxy-N,N-methylisopropyltryptamine (other name: 5-MeO-MIPT);
 1634 Beta-keto-N,N-dimethylbenzodioxolylbutanamine (other names: Dibutylone, bk-DMBDB);
 1635 Beta-keto-4-bromo-2,5-dimethoxyphenethylamine (other name: bk-2C-B);
 1636 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-1-pentanone (other name: N-ethylpentylone);
 1637 1-[1-(3-methoxyphenyl)cyclohexyl]piperidine (other name: 3-methoxy PCP);
 1638 1-[1-(4-methoxyphenyl)cyclohexyl]piperidine (other name: 4-methoxy PCP);
 1639 4-Chloroethcathinone (other name: 4-CEC);
 1640 3-Methoxy-2-(methylamino)-1-(4-methylphenyl)-1-propanone (other name: Mexedrone);
 1641 1-propionyl lysergic acid diethylamide (other name: 1P-LSD);
 1642 (2-Methylaminopropyl)benzofuran (other name: MAPB);
 1643 1-(1,3-benzodioxol-5-yl)-2-(dimethylamino)-1-pentanone (other names: N,N-Dimethylpentylone,
 1644 Dipentylone);
 1645 1-(4-methoxyphenyl)-2-(pyrrolidin-1-yl)octan-1-one (other name: 4-methoxy-PV9);
 1646 3,4-tetramethylene-alpha-pyrrolidinovalerophenone (other name: TH-PVP);
 1647 4-allyloxy-3,5-dimethoxyphenethylamine (other name: Allylescaline);
 1648 4-Bromo-2,5-dimethoxy-N-[(2-hydroxyphenyl)methyl]-benzeneethanamine (other name: 25B-NBOH);
 1649 4-chloro-alpha-methylamino-valerophenone (other name: 4-chloropentedrone);
 1650 4-chloro-alpha-Pyrrolidinovalerophenone (other name: 4-chloro-alpha-PVP);
 1651 4-fluoro-alpha-Pyrrolidinoheptiophenone (other name: 4-fluoro-PV8);
 1652 4-hydroxy-N,N-diisopropyltryptamine (other name: 4-OH-DIPT);
 1653 4-methyl-alpha-ethylaminopentiophenone;
 1654 4-methyl-alpha-Pyrrolidinohexiophenone (other name: MPHP);
 1655 5-methoxy-N,N-dimethyltryptamine (other name: 5-MeO-DMT);
 1656 5-methoxy-N-ethyl-N-isopropyltryptamine (other name: 5-MeO-EIPT);
 1657 6-ethyl-6-nor-lysergic acid diethylamide (other name: ETH-LAD);
 1658 6-allyl-6-nor-lysergic acid diethylamide (other name: AL-LAD);

- 1659** (N-methyl aminopropyl)-2,3-dihydrobenzofuran (other name: MAPDB);
1660 2-(methylamino)-2-phenyl-cyclohexanone (other name: Deschloroketamine);
1661 2-(ethylamino)-2-phenyl-cyclohexanone (other name: deschloro-N-ethyl-ketamine);
1662 2-methyl-1-(4-(methylthio)phenyl)-2-morpholinopropiophenone (other name: MMMP);
1663 Alpha-ethylaminohexanophenone (other name: N-ethylhexedrone);
1664 N-ethyl-1-(3-methoxyphenyl)cyclohexylamine (other name: 3-methoxy-PCE);
1665 4-fluoro-alpha-pyrrolidinohexiophenone (other name: 4-fluoro-alpha-PHP);
1666 N-ethyl-1,2-diphenylethylamine (other name: Ephenedine);
1667 2,5-dimethoxy-4-chloroamphetamine (other name: DOC);
1668 3,4-methylenedioxy-N-tert-butylcathinone;
1669 Alpha-pyrrolidinoisohexiophenone (other name: alpha-PiHP);
1670 1-[1-(3-hydroxyphenyl)cyclohexyl]piperidine (other name: 3-hydroxy PCP);
1671 4-acetyloxy-N,N-diallyltryptamine (other name: 4-AcO-DALT);
1672 4-hydroxy-N,N-methylisopropyltryptamine (other name: 4-hydroxy-MiPT);
1673 3,4-Methylenedioxy-alpha-pyrrolidinohexanophenone (other name: MDPHP);
1674 5-methoxy-N,N-dibutyltryptamine (other name: 5-methoxy-DBT);
1675 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-1-butanone (other names: Eutylone, bk-EBDB);
1676 1-(1,3-benzodioxol-5-yl)-2-(butylamino)-1-pentanone (other name: N-butylpentylone);
1677 N-benzyl-3,4-dimethoxyamphetamine (other name: N-benzyl-3,4-DMA);
1678 1-(benzo[d][1,3]dioxol-5-yl)-2-(sec-butylamino)pentan-1-one (other name: N-sec-butyl Pentylone);
1679 1-cyclopropionyl lysergic acid diethylamide (other name: 1cP-LSD);
1680 2-(ethylamino)-1-phenylheptan-1-one (other name: N-ethylheptedrone);
1681 (2-ethylaminopropyl)benzofuran (other name: EAPB);
1682 4-ethyl-2,5-dimethoxy-N-[(2-hydroxyphenyl)methyl]-benzeneethanamine (other name: 25E-NBOH);
1683 2-fluoro-Deschloroketamine (other name: 2-(2-fluorophenyl)-2-(methylamino)-cyclohexanone);
1684 4-hydroxy-N-ethyl-N-propyltryptamine (other name: 4-hydroxy-EPT);
1685 2-(isobutylamino)-1-phenylhexan-1-one (other names: N-Isobutyl Hexedrone,
1686 alpha-isobutylaminohexanphenone);
1687 1-(4-methoxyphenyl)-N-methylpropan-2-amine (other names: para-Methoxymethamphetamine,
1688 PMMA);
1689 N-ethyl-1-(3-hydroxyphenyl)cyclohexylamine (other name: 3-hydroxy-PCE);
1690 N-heptyl-3,4-dimethoxyamphetamine (other name: N-heptyl-3,4-DMA);
1691 N-hexyl-3,4-dimethoxyamphetamine (other name: N-hexyl-3,4-DMA);
1692 4-fluoro-3-methyl-alpha-pyrrolidinovalerophenone (other name: 4-fluoro-3-methyl-alpha-PVP);
1693 4-fluoro-alpha-methylamino-valerophenone (other name: 4-fluoropentedrone);
1694 N-(1,4-dimethylpentyl)-3,4-dimethoxyamphetamine (other name: N-(1,4-dimethylpentyl)-3,4-DMA);
1695 4,5-methylenedioxy-N,N-diisopropyltryptamine (other name: 4,5-MDO-DiPT);
1696 Alpha-pyrrolidinocyclohexanophenone (other name: alpha-PCYP);
1697 3,4-methylenedioxy-alpha-pyrrolidinoheptiophenone (other name: MDPV8);
1698 4-chloro-alpha-methylaminobutiophenone (other name: 4-chloro Buphedrone).
1699 4. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture
1700 or preparation which contains any quantity of the following substances having a depressant effect on the
1701 central nervous system, including its salts, isomers and salts of isomers whenever the existence of such
1702 salts, isomers and salts of isomers is possible within the specific chemical designation:
1703 5-(2-chlorophenyl)-1,3-dihydro-3-methyl-7-nitro-2H-1,4-benzodiazepin-2-one (other name:
1704 Meclonazepam);
1705 7-chloro-5-(2-fluorophenyl)-1,3-dihydro-1,4-benzodiazepin-2-one (other name: Norfludiazepam);
1706 Bromazolam;
1707 Clonazolam;
1708 Deschloroetizolam;
1709 Etizolam;
1710 Flualprazolam;
1711 Flubromazepam;
1712 Flubromazolam;
1713 Gamma hydroxybutyric acid (some other names include GHB; gamma hydroxybutyrate;
1714 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate);
1715 Mecloqualone;
1716 Methaqualone.
1717 5. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture
1718 or preparation which contains any quantity of the following substances having a stimulant effect on the
1719 central nervous system, including its salts, isomers and salts of isomers:
1720 2-(3-fluorophenyl)-3-methylmorpholine (other name: 3-fluorophenmetrazine);

- 1721 Aminorex (some trade or other names; aminoxaphen; 2-amino-5-phenyl-2-oxazoline;
 1722 4,5-dihydro-5-phenyl-2-oxazolamine);
- 1723 Cathinone (some trade or other names: 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone,
 1724 2-aminopropiophenone, norephedrone), and any plant material from which Cathinone may be derived;
- 1725 Cis-4-methylaminorex (other name: cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);
- 1726 Ethylamphetamine;
- 1727 Ethyl phenyl(piperidin-2-yl)acetate (other name: Ethylphenidate);
- 1728 Fenethylline;
- 1729 Methcathinone (some other names: 2-(methylamino)-propiofenone;
 1730 alpha-(methylamino)-propiofenone; 2-(methylamino)-1-phenylpropan-1-one;
 1731 alpha-N-methylaminopropiophenone; monomethylpropion; ephedrone; N-methylcathinone;
 1732 methylcathinone; AL-464; AL-422; AL-463 and UR 1432);
- 1733 N-Benzylpiperazine (some other names: BZP, 1-benzylpiperazine);
- 1734 N,N-dimethylamphetamine (other names: N,N-alpha-trimethyl-benzeneethanamine,
 1735 N,N-alpha-trimethylphenethylamine);
- 1736 Methyl 2-(4-fluorophenyl)-2-(2-piperidinyl)acetate (other name: 4-fluoromethylphenidate);
- 1737 Isopropyl-2-phenyl-2-(2-piperidinyl)acetate (other name: Isopropylphenidate);
- 1738 4-chloro-N,N-dimethylcathinone;
- 1739 3,4-methylenedioxy-N-benzylcathinone (other name: BMDP).
- 1740 6. Any substance that contains one or more cannabimimetic agents or that contains their salts,
 1741 isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is
 1742 possible within the specific chemical designation, and any preparation, mixture, or substance containing,
 1743 or mixed or infused with, any detectable amount of one or more cannabimimetic agents.
- 1744 a. "Cannabimimetic agents" includes any substance that is within any of the following structural
 1745 classes:
- 1746 2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or
 1747 alkenyl, whether or not substituted on the cyclohexyl ring to any extent;
- 1748 3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane with substitution at the nitrogen atom of
 1749 the indole ring, whether or not further substituted on the indole ring to any extent, whether or not
 1750 substituted on the naphthoyl or naphthyl ring to any extent;
- 1751 3-(1-naphthoyl)pyrrole with substitution at the nitrogen atom of the pyrrole ring, whether or not
 1752 further substituted in the pyrrole ring to any extent, whether or not substituted on the naphthoyl ring to
 1753 any extent;
- 1754 1-(1-naphthylmethyl)indene with substitution of the 3-position of the indene ring, whether or not
 1755 further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to
 1756 any extent;
- 1757 3-phenylacetylindole or 3-benzoylindole with substitution at the nitrogen atom of the indole ring,
 1758 whether or not further substituted in the indole ring to any extent, whether or not substituted on the
 1759 phenyl ring to any extent;
- 1760 3-cyclopropylindole with substitution at the nitrogen atom of the indole ring, whether or not further
 1761 substituted on the indole ring to any extent, whether or not substituted on the cyclopropyl ring to any
 1762 extent;
- 1763 3-adamantoylindole with substitution at the nitrogen atom of the indole ring, whether or not further
 1764 substituted on the indole ring to any extent, whether or not substituted on the adamantyl ring to any
 1765 extent;
- 1766 N-(adamantyl)-indole-3-carboxamide with substitution at the nitrogen atom of the indole ring,
 1767 whether or not further substituted on the indole ring to any extent, whether or not substituted on the
 1768 adamantyl ring to any extent; and
- 1769 N-(adamantyl)-indazole-3-carboxamide with substitution at a nitrogen atom of the indazole ring,
 1770 whether or not further substituted on the indazole ring to any extent, whether or not substituted on the
 1771 adamantyl ring to any extent.
- 1772 b. The term "cannabimimetic agents" includes:
- 1773 5-(1,1-Dimethylheptyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497);
- 1774 5-(1,1-Dimethylhexyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C6 homolog);
- 1775 5-(1,1-Dimethyloctyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C8 homolog);
- 1776 5-(1,1-Dimethylnonyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C9 homolog);
- 1777 1-pentyl-3-(1-naphthoyl)indole (other names: JWH-018, AM-678);
- 1778 1-butyl-3-(1-naphthoyl)indole (other name: JWH-073);
- 1779 1-pentyl-3-(2-methoxyphenylacetyl)indole (other name: JWH-250);
- 1780 1-hexyl-3-(naphthalen-1-oyl)indole (other name: JWH-019);
- 1781 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (other name: JWH-200);

1782 (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (other name: HU-210);
1783 1-pentyl-3-(4-methoxy-1-naphthoyl)indole (other name: JWH-081);
1784 1-pentyl-3-(4-methyl-1-naphthoyl)indole (other name: JWH-122);
1785 1-pentyl-3-(2-chlorophenylacetyl)indole (other name: JWH-203);
1786 1-pentyl-3-(4-ethyl-1-naphthoyl)indole (other name: JWH-210);
1787 1-pentyl-3-(4-chloro-1-naphthoyl)indole (other name: JWH-398);
1788 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (other name: AM-694);
1789 1-((N-methylpiperidin-2-yl)methyl)-3-(1-naphthoyl)indole (other name: AM-1220);
1790 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (other name: AM-2201);
1791 1-[(N-methylpiperidin-2-yl)methyl]-3-(2-iodobenzoyl)indole (other name: AM-2233);
1792 Pravadoline (4-methoxyphenyl)-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-yl]methanone (other name: WIN 48,098);
1793 1-pentyl-3-(4-methoxybenzoyl)indole (other names: RCS-4, SR-19);
1794 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (other names: RCS-8, SR-18);
1795 1-pentyl-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other name: UR-144);
1796 1-(5-fluoropentyl)-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other names: XLR-11, 5-fluoro-UR-144);
1797 N-adamantyl-1-fluoropentylindole-3-carboxamide (other name: STS-135);
1798 N-adamantyl-1-pentylindazole-3-carboxamide (other names: AKB48, APINACA);
1799 1-pentyl-3-(1-adamantoyl)indole (other name: AB-001);
1800 (8-quinoliny)(1-pentylindol-3-yl)carboxylate (other name: PB-22);
1801 (8-quinoliny)(1-(5-fluoropentyl)indol-3-yl)carboxylate (other name: 5-fluoro-PB-22);
1802 (8-quinoliny)(1-cyclohexylmethyl-indol-3-yl)carboxylate (other name: BB-22);
1803 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide (other name: AB-PINACA);
1804 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)indazole-3-carboxamide (other name: AB-FUBINACA);
1805 1-(5-fluoropentyl)-3-(1-naphthoyl)indazole (other name: THJ-2201);
1806 N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide (other name: ADB-PINACA);
1807 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide (other name: AB-CHMINACA);
1808 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)indazole-3-carboxamide (other name: 5-fluoro-AB-PINACA);
1809 N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide (other names: ADB-CHMINACA, MAB-CHMINACA);
1810 Methyl-2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate (other name: 5-fluoro-AMB);
1811 1-naphthalenyl 1-(5-fluoropentyl)-1H-indole-3-carboxylate (other name: NM-2201);
1812 1-(4-fluorobenzyl)-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other name: FUB-144);
1813 1-(5-fluoropentyl)-3-(4-methyl-1-naphthoyl)indole (other name: MAM-2201);
1814 N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-[(4-fluorophenyl)methyl]-1H-indazole-3-carboxamide (other name: ADB-FUBINACA);
1815 Methyl 2-[1-[(4-fluorophenyl)methyl]-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other name: MDMB-FUBINACA);
1816 Methyl 2-[1-(5-fluoropentyl)-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other names: 5-fluoro-ADB, 5-Fluoro-MDMB-PINACA);
1817 Methyl 2-({1-[(4-fluorophenyl)methyl]-1H-indazole-3-carbonyl}amino)-3-methylbutanoate (other names: AMB-FUBINACA, FUB-AMB);
1818 N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (other names: FUB-AKB48, 5F-APINACA);
1819 N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide (other name: 5F-AKB48);
1820 N-(adamantan-1-yl)-1-(5-chloropentyl)indazole-3-carboxamide (other name: 5-chloro-AKB48);
1821 Naphthalen-1-yl 1-pentyl-1H-indazole-3-carboxylate (other name: SDB-005);
1822 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indole-3-carboxamide (other name: AB-CHMICA);
1823 1-pentyl-N-(phenylmethyl)-1H-indole-3-carboxamide (other name: SDB-006);
1824 Quinolin-8-yl 1-(4-fluorobenzyl)-1H-indole-3-carboxylate (other name: FUB-PB-22);
1825 Methyl N-[1-(cyclohexylmethyl)-1H-indole-3-carbonyl]valinate (other name: MMB-CHMICA);
1826 N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)indazole-3-carboxamide (other name: 5-fluoro-ADB-PINACA);
1827 1-(4-cyanobutyl)-N-(1-methyl-1-phenylethyl)-1H-indazole-3-carboxamide (other name: 4-cyano

- 1844 CUMYL-BUTINACA);
- 1845 Methyl 2-[1-(5-fluoropentyl)-1H-indole-3-carboxamido]-3,3-dimethylbutanoate (other names: 5-fluoro
- 1846 MDMB-PICA, 5F-MDMB-PICA);
- 1847 Ethyl 2-({1-[(4-fluorophenyl)methyl]-1H-indazole-3-carbonyl}amino)-3-methylbutanoate (other name:
- 1848 EMB-FUBINACA);
- 1849 Methyl 2-[1-(4-fluorobutyl)-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other name:
- 1850 4-fluoro-MDMB-BUTINACA);
- 1851 1-(5-fluoropentyl)-N-(1-methyl-1-phenylethyl)-1H-indole-3-carboxamide (other name: 5-fluoro
- 1852 CUMYL-PICA);
- 1853 Methyl 2-[1-(pent-4-enyl)-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other name:
- 1854 MDMB-4en-PINACA);
- 1855 Methyl 2-({1-[(4-fluorophenyl)methyl]-1H-indole-3-carbonyl}amino)-3-methylbutanoate (other names:
- 1856 MMB-FUBICA, AMB-FUBICA);
- 1857 Methyl 2-[1-(4-penten-1-yl)-1H-indole-3-carboxamido]-3-methylbutanoate (other names: MMB022,
- 1858 MMB-4en-PICA);
- 1859 Methyl 2-[1-(5-fluoropentyl)-1H-indole-3-carboxamido]-3-methylbutanoate (other name: MMB 2201);
- 1860 Methyl 2-[1-(5-fluoropentyl)-1H-indole-3-carboxamido]-3-phenylpropanoate (other name:
- 1861 5-fluoro-MPP-PICA);
- 1862 N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-butylindazole-3-carboxamide (other name:
- 1863 ADB-BUTINACA);
- 1864 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-chloropentyl)indazole-3-carboxamide (other name:
- 1865 5-chloro-AB-PINACA);
- 1866 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-indazole-3-carboxamide (other names:
- 1867 5F-CUMYL-PINACA, 5-fluoro CUMYL-PINACA, CUMYL-5F-PINACA);
- 1868 Ethyl 2-[1-(5-fluoropentyl)-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other names:
- 1869 5F-EDMB-PINACA, 5-fluoro EDMB-PINACA);
- 1870 Ethyl 2-[1-(5-fluoropentyl)-1H-indazole-3-carboxamido]-3-methylbutanoate (other names:
- 1871 5-fluoro-EMB-PINACA, 5F-AEB);
- 1872 Ethyl 2-[1-(5-fluoropentyl)-1H-indole-3-carboxamido]-3-methylbutanoate (other name:
- 1873 5-fluoro-EMB-PICA);
- 1874 Ethyl-2-[1-(5-fluoropentyl)-1H-indole-3-carboxamido]-3,3-dimethylbutanoate (other name: 5-fluoro
- 1875 EDMB-PICA);
- 1876 Methyl 2-[1-(4-fluorobutyl)-1H-indole-3-carboxamido]-3,3-dimethylbutanoate (other name:
- 1877 4-fluoro-MDMB-BUTICA);
- 1878 Methyl 2-(1-(cyclohexylmethyl)-1H-indole-3-carboxamido)-3,3-dimethylbutanoate (other names:
- 1879 MDMB-CHMICA, MMB-CHMINACA);
- 1880 N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(pent-4-enyl)indazole-3-carboxamide (other name:
- 1881 ADB-4en-PINACA).
- 1882 **§ 59.1-200. Prohibited practices.**
- 1883 A. The following fraudulent acts or practices committed by a supplier in connection with a consumer
- 1884 transaction are hereby declared unlawful:
- 1885 1. Misrepresenting goods or services as those of another;
- 1886 2. Misrepresenting the source, sponsorship, approval, or certification of goods or services;
- 1887 3. Misrepresenting the affiliation, connection, or association of the supplier, or of the goods or
- 1888 services, with another;
- 1889 4. Misrepresenting geographic origin in connection with goods or services;
- 1890 5. Misrepresenting that goods or services have certain quantities, characteristics, ingredients, uses, or
- 1891 benefits;
- 1892 6. Misrepresenting that goods or services are of a particular standard, quality, grade, style, or model;
- 1893 7. Advertising or offering for sale goods that are used, secondhand, repossessed, defective,
- 1894 blemished, deteriorated, or reconditioned, or that are "seconds," irregulars, imperfects, or "not first
- 1895 class," without clearly and unequivocally indicating in the advertisement or offer for sale that the goods
- 1896 are used, secondhand, repossessed, defective, blemished, deteriorated, reconditioned, or are "seconds,"
- 1897 irregulars, imperfects or "not first class";
- 1898 8. Advertising goods or services with intent not to sell them as advertised, or with intent not to sell
- 1899 at the price or upon the terms advertised.
- 1900 In any action brought under this subdivision, the refusal by any person, or any employee, agent, or
- 1901 servant thereof, to sell any goods or services advertised or offered for sale at the price or upon the terms
- 1902 advertised or offered, shall be prima facie evidence of a violation of this subdivision. This paragraph
- 1903 shall not apply when it is clearly and conspicuously stated in the advertisement or offer by which such
- 1904 goods or services are advertised or offered for sale, that the supplier or offeror has a limited quantity or

1905 amount of such goods or services for sale, and the supplier or offeror at the time of such advertisement
1906 or offer did in fact have or reasonably expected to have at least such quantity or amount for sale;

1907 9. Making false or misleading statements of fact concerning the reasons for, existence of, or amounts
1908 of price reductions;

1909 10. Misrepresenting that repairs, alterations, modifications, or services have been performed or parts
1910 installed;

1911 11. Misrepresenting by the use of any written or documentary material that appears to be an invoice
1912 or bill for merchandise or services previously ordered;

1913 12. Notwithstanding any other provision of law, using in any manner the words "wholesale,"
1914 "wholesaler," "factory," or "manufacturer" in the supplier's name, or to describe the nature of the
1915 supplier's business, unless the supplier is actually engaged primarily in selling at wholesale or in
1916 manufacturing the goods or services advertised or offered for sale;

1917 13. Using in any contract or lease any liquidated damage clause, penalty clause, or waiver of
1918 defense, or attempting to collect any liquidated damages or penalties under any clause, waiver, damages,
1919 or penalties that are void or unenforceable under any otherwise applicable laws of the Commonwealth,
1920 or under federal statutes or regulations;

1921 13a. Failing to provide to a consumer, or failing to use or include in any written document or
1922 material provided to or executed by a consumer, in connection with a consumer transaction any
1923 statement, disclosure, notice, or other information however characterized when the supplier is required
1924 by 16 C.F.R. Part 433 to so provide, use, or include the statement, disclosure, notice, or other
1925 information in connection with the consumer transaction;

1926 14. Using any other deception, fraud, false pretense, false promise, or misrepresentation in connection
1927 with a consumer transaction;

1928 15. Violating any provision of § 3.2-6509, 3.2-6512, 3.2-6513, 3.2-6513.1, 3.2-6514, 3.2-6515,
1929 3.2-6516, or 3.2-6519 is a violation of this chapter;

1930 16. Failing to disclose all conditions, charges, or fees relating to:

1931 a. The return of goods for refund, exchange, or credit. Such disclosure shall be by means of a sign
1932 attached to the goods, or placed in a conspicuous public area of the premises of the supplier, so as to be
1933 readily noticeable and readable by the person obtaining the goods from the supplier. If the supplier does
1934 not permit a refund, exchange, or credit for return, he shall so state on a similar sign. The provisions of
1935 this subdivision shall not apply to any retail merchant who has a policy of providing, for a period of not
1936 less than 20 days after date of purchase, a cash refund or credit to the purchaser's credit card account
1937 for the return of defective, unused, or undamaged merchandise upon presentation of proof of purchase.
1938 In the case of merchandise paid for by check, the purchase shall be treated as a cash purchase and any
1939 refund may be delayed for a period of 10 banking days to allow for the check to clear. This subdivision
1940 does not apply to sale merchandise that is obviously distressed, out of date, post season, or otherwise
1941 reduced for clearance; nor does this subdivision apply to special order purchases where the purchaser
1942 has requested the supplier to order merchandise of a specific or unusual size, color, or brand not
1943 ordinarily carried in the store or the store's catalog; nor shall this subdivision apply in connection with a
1944 transaction for the sale or lease of motor vehicles, farm tractors, or motorcycles as defined in
1945 § 46.2-100;

1946 b. A layaway agreement. Such disclosure shall be furnished to the consumer (i) in writing at the time
1947 of the layaway agreement, or (ii) by means of a sign placed in a conspicuous public area of the
1948 premises of the supplier, so as to be readily noticeable and readable by the consumer, or (iii) on the bill
1949 of sale. Disclosure shall include the conditions, charges, or fees in the event that a consumer breaches
1950 the agreement;

1951 16a. Failing to provide written notice to a consumer of an existing open-end credit balance in excess
1952 of \$5 (i) on an account maintained by the supplier and (ii) resulting from such consumer's overpayment
1953 on such account. Suppliers shall give consumers written notice of such credit balances within 60 days of
1954 receiving overpayments. If the credit balance information is incorporated into statements of account
1955 furnished consumers by suppliers within such 60-day period, no separate or additional notice is required;

1956 17. If a supplier enters into a written agreement with a consumer to resolve a dispute that arises in
1957 connection with a consumer transaction, failing to adhere to the terms and conditions of such an
1958 agreement;

1959 18. Violating any provision of the Virginia Health Club Act, Chapter 24 (§ 59.1-294 et seq.);

1960 19. Violating any provision of the Virginia Home Solicitation Sales Act, Chapter 2.1 (§ 59.1-21.1 et
1961 seq.);

1962 20. Violating any provision of the Automobile Repair Facilities Act, Chapter 17.1 (§ 59.1-207.1 et
1963 seq.);

1964 21. Violating any provision of the Virginia Lease-Purchase Agreement Act, Chapter 17.4
1965 (§ 59.1-207.17 et seq.);

1966 22. Violating any provision of the Prizes and Gifts Act, Chapter 31 (§ 59.1-415 et seq.);

- 1967 23. Violating any provision of the Virginia Public Telephone Information Act, Chapter 32
 1968 (§ 59.1-424 et seq.);
- 1969 24. Violating any provision of § 54.1-1505;
- 1970 25. Violating any provision of the Motor Vehicle Manufacturers' Warranty Adjustment Act, Chapter
 1971 17.6 (§ 59.1-207.34 et seq.);
- 1972 26. Violating any provision of § 3.2-5627, relating to the pricing of merchandise;
- 1973 27. Violating any provision of the Pay-Per-Call Services Act, Chapter 33 (§ 59.1-429 et seq.);
- 1974 28. Violating any provision of the Extended Service Contract Act, Chapter 34 (§ 59.1-435 et seq.);
- 1975 29. Violating any provision of the Virginia Membership Camping Act, Chapter 25 (§ 59.1-311 et
 1976 seq.);
- 1977 30. Violating any provision of the Comparison Price Advertising Act, Chapter 17.7 (§ 59.1-207.40 et
 1978 seq.);
- 1979 31. Violating any provision of the Virginia Travel Club Act, Chapter 36 (§ 59.1-445 et seq.);
- 1980 32. Violating any provision of §§ 46.2-1231 and 46.2-1233.1;
- 1981 33. Violating any provision of Chapter 40 (§ 54.1-4000 et seq.) of Title 54.1;
- 1982 34. Violating any provision of Chapter 10.1 (§ 58.1-1031 et seq.) of Title 58.1;
- 1983 35. Using the consumer's social security number as the consumer's account number with the supplier,
 1984 if the consumer has requested in writing that the supplier use an alternate number not associated with
 1985 the consumer's social security number;
- 1986 36. Violating any provision of Chapter 18 (§ 6.2-1800 et seq.) of Title 6.2;
- 1987 37. Violating any provision of § 8.01-40.2;
- 1988 38. Violating any provision of Article 7 (§ 32.1-212 et seq.) of Chapter 6 of Title 32.1;
- 1989 39. Violating any provision of Chapter 34.1 (§ 59.1-441.1 et seq.);
- 1990 40. Violating any provision of Chapter 20 (§ 6.2-2000 et seq.) of Title 6.2;
- 1991 41. Violating any provision of the Virginia Post-Disaster Anti-Price Gouging Act, Chapter 46
 1992 (§ 59.1-525 et seq.);
- 1993 42. Violating any provision of Chapter 47 (§ 59.1-530 et seq.);
- 1994 43. Violating any provision of § 59.1-443.2;
- 1995 44. Violating any provision of Chapter 48 (§ 59.1-533 et seq.);
- 1996 45. Violating any provision of Chapter 25 (§ 6.2-2500 et seq.) of Title 6.2;
- 1997 46. Violating the provisions of clause (i) of subsection B of § 54.1-1115;
- 1998 47. Violating any provision of § 18.2-239;
- 1999 48. Violating any provision of Chapter 26 (§ 59.1-336 et seq.);
- 2000 49. Selling, offering for sale, or manufacturing for sale a children's product the supplier knows or has
 2001 reason to know was recalled by the U.S. Consumer Product Safety Commission. There is a rebuttable
 2002 presumption that a supplier has reason to know a children's product was recalled if notice of the recall
 2003 has been posted continuously at least 30 days before the sale, offer for sale, or manufacturing for sale
 2004 on the website of the U.S. Consumer Product Safety Commission. This prohibition does not apply to
 2005 children's products that are used, secondhand or "seconds";
- 2006 50. Violating any provision of Chapter 44.1 (§ 59.1-518.1 et seq.);
- 2007 51. Violating any provision of Chapter 22 (§ 6.2-2200 et seq.) of Title 6.2;
- 2008 52. Violating any provision of § 8.2-317.1;
- 2009 53. Violating subsection A of § 9.1-149.1;
- 2010 54. Selling, offering for sale, or using in the construction, remodeling, or repair of any residential
 2011 dwelling in the Commonwealth, any drywall that the supplier knows or has reason to know is defective
 2012 drywall. This subdivision shall not apply to the sale or offering for sale of any building or structure in
 2013 which defective drywall has been permanently installed or affixed;
- 2014 55. Engaging in fraudulent or improper or dishonest conduct as defined in § 54.1-1118 while
 2015 engaged in a transaction that was initiated (i) during a declared state of emergency as defined in
 2016 § 44-146.16 or (ii) to repair damage resulting from the event that prompted the declaration of a state of
 2017 emergency, regardless of whether the supplier is licensed as a contractor in the Commonwealth pursuant
 2018 to Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1;
- 2019 56. Violating any provision of Chapter 33.1 (§ 59.1-434.1 et seq.);
- 2020 57. Violating any provision of § 18.2-178, 18.2-178.1, or 18.2-200.1;
- 2021 58. Violating any provision of Chapter 17.8 (§ 59.1-207.45 et seq.);
- 2022 59. Violating any provision of subsection E of § 32.1-126;
- 2023 60. Violating any provision of § 54.1-111 relating to the unlicensed practice of a profession licensed
 2024 under Chapter 11 (§ 54.1-1100 et seq.) or Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1;
- 2025 61. Violating any provision of § 2.2-2001.5;
- 2026 62. Violating any provision of Chapter 5.2 (§ 54.1-526 et seq.) of Title 54.1;
- 2027 63. Violating any provision of § 6.2-312;

2028 64. Violating any provision of Chapter 20.1 (§ 6.2-2026 et seq.) of Title 6.2;
 2029 65. Violating any provision of Chapter 26 (§ 6.2-2600 et seq.) of Title 6.2;
 2030 66. Violating any provision of Chapter 54 (§ 59.1-586 et seq.);
 2031 67. Knowingly violating any provision of § 8.01-27.5;
 2032 68. Failing to make available a conspicuous online option to cancel a recurring purchase of a good
 2033 or service as required by § 59.1-207.46;
 2034 69. *Selling or offering for sale any substance intended for human consumption, orally or by*
 2035 *inhalation, that contains a synthetic derivative of tetrahydrocannabinol. As used in this subdivision,*
 2036 *"synthetic derivative" means a chemical compound produced by man through a chemical transformation*
 2037 *to turn a compound into a different compound by adding or subtracting molecules to or from the*
 2038 *original compound. This subdivision shall not (i) apply to products that are approved for marked by the*
 2039 *U.S. Food and Drug Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii)*
 2040 *be construed to prohibit any conduct permitted under Article 4.2 (§ 54.1-3442.5 et seq.) of Chapter 34*
 2041 *of Title 54.1.*
 2042 70. Selling or offering for sale to a person younger than 21 years of age any substance intended for
 2043 human consumption, orally or by inhalation, that contains tetrahydrocannabinol. This subdivision shall
 2044 not (i) apply to products that are approved for marketing by the U.S. Food and Drug Administration and
 2045 scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct
 2046 permitted under Article 4.2 of Chapter 34 of Title 54.1 of the Code of Virginia;
 2047 ~~70.~~ 71. Selling or offering for sale any substance intended for human consumption, orally or by
 2048 inhalation, that contains tetrahydrocannabinol, unless such substance is (i) contained in child-resistant
 2049 packaging, as defined in § 4.1-600; (ii) equipped with a label that states, in English and in a font no less
 2050 than 1/16 of an inch, (a) that the substance contains tetrahydrocannabinol and may not be sold to
 2051 persons younger than 21 years of age, (b) all ingredients contained in the substance, (c) the amount of
 2052 such substance that constitutes a single serving, and (d) the total percentage and milligrams of
 2053 tetrahydrocannabinol included in the substance and the number of milligrams of tetrahydrocannabinol
 2054 that are contained in each serving; and (iii) accompanied by a certificate of analysis, produced by an
 2055 independent laboratory that is *registered with the U.S. Drug Enforcement Administration and* accredited
 2056 pursuant to standard ISO/IEC 17025 of the International Organization of Standardization by a third-party
 2057 accrediting body, that states the tetrahydrocannabinol concentration of the substance or the
 2058 tetrahydrocannabinol concentration of the batch from which the substance originates. This subdivision
 2059 shall not (i) apply to products that are approved for marketing by the U.S. Food and Drug
 2060 Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to
 2061 prohibit any conduct permitted under Article 4.2 of Chapter 34 of Title 54.1 of the Code of Virginia;
 2062 ~~71.~~ 72. Manufacturing, offering for sale at retail, or selling at retail an industrial hemp extract, as
 2063 defined in § 3.2-5145.1, a food containing an industrial hemp extract, or a substance containing
 2064 tetrahydrocannabinol that depicts or is in the shape of a human, animal, vehicle, or fruit; ~~and~~
 2065 ~~72.~~ 73. Selling or offering for sale any substance intended for human consumption, orally or by
 2066 inhalation, that contains tetrahydrocannabinol and, without authorization, bears, is packaged in a
 2067 container or wrapper that bears, or is otherwise labeled to bear the trademark, trade name, famous mark
 2068 as defined in 15 U.S.C. § 1125, or other identifying mark, imprint, or device, or any likeness thereof, of
 2069 a manufacturer, processor, packer, or distributor of a product intended for human consumption other
 2070 than the manufacturer, processor, packer, or distributor that did in fact so manufacture, process, pack, or
 2071 distribute such substance; *and*
 2072 74. *Selling or offering for sale a topical hemp product that does not contain a bittering agent that*
 2073 *renders the product unpalatable. As used in this subdivision, "topical hemp product" means a hemp*
 2074 *product, as defined in § 3.2-4112, that (i) is intended to be rubbed, poured, sprinkled, or sprayed on,*
 2075 *introduced into, or otherwise applied to the human body and (ii) is not intended to be consumed orally*
 2076 *or by inhalation. This subdivision shall not (a) apply to products that are approved for marketing by the*
 2077 *U.S. Food and Drug Administration and scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (b)*
 2078 *be construed to prohibit any conduct permitted under Article 4.2 (§ 54.1-3442.5 et seq.) of Chapter 34*
 2079 *of Title 54.1.*
 2080 B. Nothing in this section shall be construed to invalidate or make unenforceable any contract or
 2081 lease solely by reason of the failure of such contract or lease to comply with any other law of the
 2082 Commonwealth or any federal statute or regulation, to the extent such other law, statute, or regulation
 2083 provides that a violation of such law, statute, or regulation shall not invalidate or make unenforceable
 2084 such contract or lease.
 2085 **§ 59.1-203. Restraining prohibited acts.**
 2086 A. Notwithstanding any other provisions of law to the contrary, the Attorney General, any attorney
 2087 for the Commonwealth, or the attorney for any city, county, or town may cause an action to be brought
 2088 in the appropriate circuit court in the name of the Commonwealth, or of the county, city, or town to
 2089 enjoin any violation of § 59.1-200 or 59.1-200.1. The circuit court having jurisdiction may enjoin such

violations notwithstanding the existence of an adequate remedy at law. In any action under this section, it shall not be necessary that damages be proved.

B. Unless the Attorney General, any attorney for the Commonwealth, or the attorney for any county, city, or town determines that a person subject to the provisions of this chapter intends to depart from this Commonwealth or to remove his property herefrom, or to conceal himself or his property herein, or on a reasonable determination that irreparable harm may occur if immediate action is not taken, he shall, before initiating any legal proceedings as provided in this section, give notice in writing that such proceedings are contemplated, and allow such person a reasonable opportunity to appear before said attorney and show that a violation did not occur or execute an assurance of voluntary compliance, as provided in § 59.1-202.

C. The circuit courts are authorized to issue temporary or permanent injunctions to restrain and prevent violations of § 59.1-200 or 59.1-200.1.

D. The Commissioner of the Department of Agriculture and Consumer Services, or his duly authorized representative, shall have the power to inquire into possible violations of subdivisions A 18, 28, 29, 31, 39, and 41, as it relates to motor fuels, 69, 70, 71, 72, 73, and 74 of § 59.1-200 and § 59.1-335.12, and, if necessary, to request, but not to require, an appropriate legal official to bring an action to enjoin such violation.

§ 59.1-206. Civil penalties; attorney's fees.

A. In any action brought under this chapter, if the court finds that a person has willfully engaged in an act or practice in violation of § 59.1-200 or 59.1-200.1, the Attorney General, the attorney for the Commonwealth, or the attorney for the county, city, or town may recover for the Literary Fund, upon petition to the court, a civil penalty of not more than \$2,500 per violation. *If the court finds that a person has willfully committed a second or subsequent violation of subdivision A 69, 70, 71, 72, 73, or 74 of § 59.1-200, the Attorney General, the attorney for the Commonwealth, or the attorney for the county, city, or town may recover for the Literary Fund, upon petition to the court, a civil penalty of not more than \$5,000 per violation.*

B. For purposes of this section, prima facie evidence of a willful violation may be shown when the Attorney General, the attorney for the Commonwealth, or the attorney for the county, city, or town notifies the alleged violator by certified mail that an act or practice is a violation of § 59.1-200 or 59.1-200.1, and the alleged violator, after receipt of said notice, continues to engage in the act or practice.

~~B.~~ C. Any person who willfully violates the terms of an assurance of voluntary compliance or an injunction issued under § 59.1-203 shall forfeit and pay to the Literary Fund a civil penalty of not more than \$5,000 per violation. For purposes of this section, the circuit court issuing an injunction shall retain jurisdiction, and the cause shall be continued, and in such cases the Attorney General, the attorney for the Commonwealth, or the attorney for the county, city, or town may petition for recovery of civil penalties.

~~C.~~ D. In any action pursuant to subsection A ~~or~~ B, *or* C and in addition to any other amount awarded, the Attorney General, the attorney for the Commonwealth, or the attorney for the county, city, or town may recover any applicable civil penalty or penalties, costs, reasonable expenses incurred by the state or local agency in investigating and preparing the case not to exceed \$1,000 per violation, and attorney's fees. Such civil penalty or penalties, costs, reasonable expenses, and attorney's fees shall be paid into the general fund of the Commonwealth or of the county, city, or town which such attorney represented.

~~D.~~ E. Nothing in this section shall be construed as limiting the power of the court to punish as contempt the violation of any order issued by the court, or as limiting the power of the court to enter other orders under § 59.1-203 or 59.1-205.

~~E.~~ F. The right of trial by jury as provided by law shall be preserved in actions brought under this section.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.