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**SENATE BILL NO. 788**

Offered January 11, 2023

Prefiled November 20, 2022

A *BILL to amend and reenact §§ 18.2-251.1:1, 18.2-251.1:2, 22.1-277, 32.1-127, 32.1-162.6:1, 40.1-27.4, 46.2-341.20:7, 54.1-2522.1, as it is currently effective and as it shall become effective, 54.1-2903, 54.1-3408.3, 59.1-200, and 63.2-1803.01 of the Code of Virginia; to amend the Code of Virginia by adding in Title 4.1 a chapter numbered 16, consisting of sections numbered 4.1-1600 through 4.1-1604; and to repeal Article 4.2 (§§ 54.1-3442.5 through 54.1-3442.8) of Chapter 34 of Title 54.1 of the Code of Virginia and the twenty-first enactment of Chapter 550 and the twenty-first enactment of Chapter 551 of the Acts of Assembly of 2021, Special Session I, relating to medical cannabis program; transition from Board of Pharmacy to Virginia Cannabis Control Authority.*

Patrons—Favola, Ebbin and Spruill; Delegate: Kory

Referred to Committee on Rehabilitation and Social Services

**Be it enacted by the General Assembly of Virginia:**

1. That §§ 18.2-251.1:1, 18.2-251.1:2, 22.1-277, 32.1-127, 32.1-162.6:1, 40.1-27.4, 46.2-341.20:7, 54.1-2522.1, as it is currently effective and as it shall become effective, 54.1-2903, 54.1-3408.3, 59.1-200, and 63.2-1803.01 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Title 4.1 a chapter numbered 16, consisting of sections numbered 4.1-1600 through 4.1-1604, as follows:

**CHAPTER 16.****MEDICAL CANNABIS PROGRAM.****§ 4.1-1600. Definitions.**

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

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

"Cannabis dispensing facility" means a facility that (i) has obtained a permit from the Board pursuant to § 4.1-1602; (ii) is owned, at least in part, by a pharmaceutical processor; and (iii) dispenses cannabis products produced by a pharmaceutical processor to a patient, his registered agent, or, if such patient is a minor or a vulnerable adult as defined in § 18.2-369, such patient's parent or legal guardian.

"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 § 4.1-1602, or a dilution of the resin of the Cannabis plant that contains no more than 10 milligrams of delta-9-tetrahydrocannabinol per dose. "Cannabis oil" does not include industrial hemp, as defined in § 3.2-4112, that is grown, dealt, 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.

"Dispense" means the same as that term is defined in § 54.1-3300.

"Pharmaceutical processor" means a facility that (i) has obtained a permit from the Board pursuant to § 4.1-1602 and (ii) cultivates Cannabis plants intended only for the production of cannabis oil, botanical cannabis, and usable cannabis, produces cannabis products, and dispenses cannabis products to a patient pursuant to a written certification, his registered agent, or, if such patient is a minor or a vulnerable adult as defined in § 18.2-369, such patient's parent or legal guardian.

"Pharmacist" means the same as that term is defined in § 54.1-3300.

"Pharmacy intern" means the same as that term is defined in § 54.1-3300.

"Pharmacy technician" means the same as that term is defined in § 54.1-3300.

"Pharmacy technician trainee" means the same as that term is defined in § 54.1-3300.

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

62 "Registered agent" means an individual designated by a patient who has been issued a written  
63 certification, or, if such patient is a minor or a vulnerable adult as defined in § 18.2-369, designated by  
64 such patient's parent or legal guardian, and registered with the Board pursuant to subsection F of §  
65 4.1-1601.

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

70 **§ 4.1-1601. Certification for use of cannabis for treatment.**

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

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

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

94 D. A practitioner who issues a written certification to a patient pursuant to this section shall register  
95 with the Board and shall hold sufficient education and training to exercise appropriate professional  
96 judgment in the certification of patients. The Board shall not limit the number of patients to whom a  
97 practitioner may issue a written certification. The Board may report information to the applicable  
98 licensing board on unusual patterns of certifications issued by a practitioner.

99 E. No patient shall be required to physically present the written certification after the initial  
100 dispensing by any pharmaceutical processor or cannabis dispensing facility under each written  
101 certification, provided that the pharmaceutical processor or cannabis dispensing facility maintains an  
102 electronic copy of the written certification. Pharmaceutical processors and cannabis dispensing facilities  
103 shall electronically transmit on a monthly basis all new written certifications received by the  
104 pharmaceutical processor or cannabis dispensing facility to the Authority.

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

110 G. Upon delivery of a cannabis product by a pharmaceutical processor or cannabis dispensing  
111 facility to a designated caregiver facility, any employee or contractor of a designated caregiver facility  
112 who is licensed or registered by a health regulatory board and who is authorized to possess, distribute,  
113 or administer medications may accept delivery of the cannabis product on behalf of a patient or resident  
114 for subsequent delivery to the patient or resident and may assist in the administration of the cannabis  
115 product to the patient or resident as necessary.

116 H. Information obtained under the registration process shall be confidential and shall not be subject  
117 to the disclosure provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). However,  
118 reasonable access to registry information shall be provided to (i) the Chairmen of the House Committee  
119 for Courts of Justice and the Senate Committee on the Judiciary, (ii) state and federal agencies or local  
120 law enforcement for the purpose of investigating or prosecuting a specific individual for a specific

violation of law, (iii) licensed practitioners or pharmacists, or their agents, for the purpose of providing patient care and drug therapy management and monitoring of drugs obtained by a patient, (iv) a pharmaceutical processor or cannabis dispensing facility involved in the treatment of a patient, or (v) a patient's registered agent, but only with respect to information related to such patient.

**§ 4.1-1602. 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 Authority 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 cannabis product and the amounts recommended by the practitioner or dispensing pharmacist, and packaging; (vii) routine inspections no more frequently than once annually; (viii) processes for safely and securely dispensing and delivering in person cannabis products to a patient, his registered agent, or, if such patient is a minor or a vulnerable adult as defined in § 18.2-369, such patient's parent or legal guardian; (ix) dosage limitations for cannabis oil that provide that each dispensed dose of cannabis oil not exceed 10 milligrams of delta-9-tetrahydrocannabinol; (x) a process for the wholesale distribution of and the transfer of usable cannabis, botanical cannabis, cannabis oil, and cannabis products between pharmaceutical processors, between a pharmaceutical processor and a cannabis dispensing facility, and between cannabis dispensing facilities; (xi) an allowance for the sale of devices for administration of dispensed cannabis products and hemp-based CBD products that meet the applicable standards set forth in state and federal law, including the laboratory testing standards set forth in subsection M; (xii) an allowance for the use and distribution of inert product samples containing no cannabinoids for patient demonstration exclusively at the pharmaceutical processor or cannabis dispensing facility, and not for further distribution or sale, without the need for a written certification; (xiii) a process for acquiring industrial hemp extracts and formulating such extracts into cannabis products; and (xiv) an allowance for the advertising and promotion of the pharmaceutical processor's products and operations, which shall not limit the pharmaceutical processor from the provision of educational material to practitioners who issue written certifications and patients. The Board shall also adopt regulations for pharmaceutical processors that include requirements for (a) processes for safely and securely cultivating cannabis plants intended for producing cannabis products, (b) the secure disposal of agricultural waste, and (c) a process for registering cannabis products.

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

182 active ingredients.

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

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

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

195 G. The Board shall require the material owners of an applicant for a pharmaceutical processor or  
196 cannabis dispensing facility permit to submit to fingerprinting and provide personal descriptive  
197 information to be forwarded along with his fingerprints through the Central Criminal Records Exchange  
198 to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information  
199 regarding the applicant's material owners. The cost of fingerprinting and the criminal history record  
200 search shall be paid by the applicant. The Central Criminal Records Exchange shall forward the results  
201 of the criminal history background check to the Board or its designee, which shall be a governmental  
202 entity. A pharmaceutical processor shall maintain evidence of criminal background checks for all  
203 employees and delivery agents of the pharmaceutical processor. Criminal background checks of  
204 employees and delivery agents may be conducted by any service sufficient to disclose any federal and  
205 state criminal convictions.

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

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

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

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

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

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

237 N. With the exception of § 2.2-4031, neither the provisions of the Administrative Process Act  
238 (§ 2.2-4000 et seq.) nor public participation guidelines adopted pursuant thereto shall apply to the  
239 adoption of any regulation pursuant to this section. Prior to adopting any regulation pursuant to this  
240 section, the Board shall publish a notice of opportunity to comment in the Virginia Register of  
241 Regulations and post the action on the Virginia Regulatory Town Hall. Such notice of opportunity to  
242 comment shall contain (i) a summary of the proposed regulation; (ii) the text of the proposed  
243 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.

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

**§ 4.1-1603. 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 products pursuant to each written certification, an employee or delivery agent shall view a current photo identification of the patient, registered agent, parent, or legal guardian and the current board registration issued to the registered agent if applicable. No pharmaceutical processor or cannabis dispensing facility shall dispense more than a 90-day supply, as determined by the dispensing pharmacist or certifying practitioner, for any patient during any 90-day period. A pharmaceutical processor or cannabis dispensing facility may dispense less than a 90-day supply of a cannabis product for any patient during any 90-day period; however, a pharmaceutical processor or cannabis dispensing facility may dispense more than one cannabis product to a patient at one time. No more than four ounces of botanical cannabis shall be dispensed for each 30-day period for which botanical cannabis is dispensed. The Board shall establish in regulation an amount of cannabis oil that constitutes a 90-day supply to treat or alleviate the symptoms of a patient's diagnosed condition or disease. In determining the appropriate amount of a cannabis product to be dispensed to a patient, a pharmaceutical processor or cannabis dispensing facility shall consider all cannabis products dispensed to the patient and adjust the amount dispensed accordingly.

B. A pharmaceutical processor or cannabis dispensing facility shall dispense only cannabis products produced on the premises of a pharmaceutical processor permitted by the Board or cannabis products that have been formulated with extracts from industrial hemp acquired by a pharmaceutical processor from a registered industrial hemp dealer or processor pursuant to § 4.1-1602. A pharmaceutical processor may begin cultivation upon being issued a permit by the Board.

C. The Board shall report annually by December 1 to the Chairmen of the House Committee on General Laws and the Senate Committee on Rehabilitation and Social Services on the operation of pharmaceutical processors and cannabis dispensing facilities issued a permit by the Board.

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

**§ 4.1-1604. Criminal liability; exceptions.**

No agent or employee of a pharmaceutical processor or cannabis dispensing facility shall be prosecuted under Chapter 11 (§ 4.1-1100 et seq.) or § 18.2-248, 18.2-248.1, or 18.2-250 for possession or manufacture of marijuana or for possession, manufacture, or distribution of cannabis products, subject to any civil penalty, denied any right or privilege, or subject to any disciplinary action by a professional licensing board if such agent or employee (i) possessed or manufactured such marijuana for the purposes of producing cannabis products in accordance with the provisions of this chapter and Board regulations or (ii) possessed, manufactured, or distributed such cannabis products that are consistent with generally accepted cannabis industry standards in accordance with the provisions of this chapter and Board regulations.

**§ 18.2-251.1:1. Possession or distribution of cannabis oil; public schools.**

No school nurse employed by a local school board, person employed by a local health department

305 who is assigned to the public school pursuant to an agreement between the local health department and  
306 the school board, or other person employed by or contracted with a local school board to deliver  
307 health-related services shall be prosecuted under Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1 or  
308 § 18.2-248, 18.2-248.1, 18.2-250, or 18.2-255 for the possession or distribution of cannabis oil for  
309 storing, dispensing, or administering cannabis oil, in accordance with a policy adopted by the local  
310 school board, to a student who has been issued a valid written certification for the use of cannabis oil in  
311 accordance with ~~subsection B of § 54.1-3408.3~~ 4.1-1601.

312 **§ 18.2-251.1:2. Possession or distribution of cannabis oil; nursing homes and certified nursing**  
313 **facilities; hospice and hospice facilities; assisted living facilities.**

314 No person employed by a nursing home, hospice, hospice facility, or assisted living facility and  
315 authorized to possess, distribute, or administer medications to patients or residents shall be prosecuted  
316 under Chapter 11 (§ 4.1-1100 et seq.) of Title 4.1 or § 18.2-248, 18.2-248.1, or 18.2-250 for the  
317 possession or distribution of cannabis oil for the purposes of storing, dispensing, or administering  
318 cannabis oil to a patient or resident who has been issued a valid written certification for the use of  
319 cannabis oil in accordance with ~~subsection B of § 54.1-3408.3~~ and has registered with the Board of  
320 Pharmacy § 4.1-1601.

321 **§ 22.1-277. Suspensions and expulsions of students generally.**

322 A. Students may be suspended or expelled from attendance at school for sufficient cause; however,  
323 in no cases may sufficient cause for suspensions include only instances of truancy.

324 B. Except as provided in subsection C or § 22.1-277.07 or 22.1-277.08, no student in preschool  
325 through grade three shall be suspended for more than three school days or expelled from attendance at  
326 school, unless (i) the offense involves physical harm or credible threat of physical harm to others or (ii)  
327 the local school board or the division superintendent or his designee finds that aggravating circumstances  
328 exist, as defined by the Department.

329 C. Any student for whom the division superintendent of the school division in which such student is  
330 enrolled has received a report pursuant to § 16.1-305.1 of an adjudication of delinquency or a conviction  
331 for an offense listed in subsection G of § 16.1-260 may be suspended or expelled from school  
332 attendance pursuant to this article.

333 D. The authority provided in § 22.1-276.2 for teachers to remove students from their classes in  
334 certain instances of disruptive behavior shall not be interpreted to affect the operation of § 22.1-277.04,  
335 22.1-277.05, or 22.1-277.06.

336 E. Notwithstanding the provisions of § 22.1-277.08, no school board shall be required to suspend or  
337 expel any student who holds a valid written certification for the use of cannabis oil issued by a  
338 practitioner in accordance with ~~subsection B of § 54.1-3408.3~~ 4.1-1601 for the possession or use of such  
339 oil in accordance with the student's individualized health plan and in compliance with a policy adopted  
340 by the school board.

341 **§ 32.1-127. Regulations.**

342 A. The regulations promulgated by the Board to carry out the provisions of this article shall be in  
343 substantial conformity to the standards of health, hygiene, sanitation, construction and safety as  
344 established and recognized by medical and health care professionals and by specialists in matters of  
345 public health and safety, including health and safety standards established under provisions of Title  
346 XVIII and Title XIX of the Social Security Act, and to the provisions of Article 2 (§ 32.1-138 et seq.).

347 B. Such regulations:

348 1. Shall include minimum standards for (i) the construction and maintenance of hospitals, nursing  
349 homes and certified nursing facilities to ensure the environmental protection and the life safety of its  
350 patients, employees, and the public; (ii) the operation, staffing and equipping of hospitals, nursing homes  
351 and certified nursing facilities; (iii) qualifications and training of staff of hospitals, nursing homes and  
352 certified nursing facilities, except those professionals licensed or certified by the Department of Health  
353 Professions; (iv) conditions under which a hospital or nursing home may provide medical and nursing  
354 services to patients in their places of residence; and (v) policies related to infection prevention, disaster  
355 preparedness, and facility security of hospitals, nursing homes, and certified nursing facilities;

356 2. Shall provide that at least one physician who is licensed to practice medicine in this  
357 Commonwealth shall be on call at all times, though not necessarily physically present on the premises,  
358 at each hospital which operates or holds itself out as operating an emergency service;

359 3. May classify hospitals and nursing homes by type of specialty or service and may provide for  
360 licensing hospitals and nursing homes by bed capacity and by type of specialty or service;

361 4. Shall also require that each hospital establish a protocol for organ donation, in compliance with  
362 federal law and the regulations of the Centers for Medicare and Medicaid Services (CMS), particularly  
363 42 C.F.R. § 482.45. Each hospital shall have an agreement with an organ procurement organization  
364 designated in CMS regulations for routine contact, whereby the provider's designated organ procurement  
365 organization certified by CMS (i) is notified in a timely manner of all deaths or imminent deaths of  
366 patients in the hospital and (ii) is authorized to determine the suitability of the decedent or patient for

organ donation and, in the absence of a similar arrangement with any eye bank or tissue bank in Virginia certified by the Eye Bank Association of America or the American Association of Tissue Banks, the suitability for tissue and eye donation. The hospital shall also have an agreement with at least one tissue bank and at least one eye bank to cooperate in the retrieval, processing, preservation, storage, and distribution of tissues and eyes to ensure that all usable tissues and eyes are obtained from potential donors and to avoid interference with organ procurement. The protocol shall ensure that the hospital collaborates with the designated organ procurement organization to inform the family of each potential donor of the option to donate organs, tissues, or eyes or to decline to donate. The individual making contact with the family shall have completed a course in the methodology for approaching potential donor families and requesting organ or tissue donation that (a) is offered or approved by the organ procurement organization and designed in conjunction with the tissue and eye bank community and (b) encourages discretion and sensitivity according to the specific circumstances, views, and beliefs of the relevant family. In addition, the hospital shall work cooperatively with the designated organ procurement organization in educating the staff responsible for contacting the organ procurement organization's personnel on donation issues, the proper review of death records to improve identification of potential donors, and the proper procedures for maintaining potential donors while necessary testing and placement of potential donated organs, tissues, and eyes takes place. This process shall be followed, without exception, unless the family of the relevant decedent or patient has expressed opposition to organ donation, the chief administrative officer of the hospital or his designee knows of such opposition, and no donor card or other relevant document, such as an advance directive, can be found;

5. Shall require that each hospital that provides obstetrical services establish a protocol for admission or transfer of any pregnant woman who presents herself while in labor;

6. Shall also require that each licensed hospital develop and implement a protocol requiring written discharge plans for identified, substance-abusing, postpartum women and their infants. The protocol shall require that the discharge plan be discussed with the patient and that appropriate referrals for the mother and the infant be made and documented. Appropriate referrals may include, but need not be limited to, treatment services, comprehensive early intervention services for infants and toddlers with disabilities and their families pursuant to Part H of the Individuals with Disabilities Education Act, 20 U.S.C. § 1471 et seq., and family-oriented prevention services. The discharge planning process shall involve, to the extent possible, the other parent of the infant and any members of the patient's extended family who may participate in the follow-up care for the mother and the infant. Immediately upon identification, pursuant to § 54.1-2403.1, of any substance-abusing, postpartum woman, the hospital shall notify, subject to federal law restrictions, the community services board of the jurisdiction in which the woman resides to appoint a discharge plan manager. The community services board shall implement and manage the discharge plan;

7. Shall require that each nursing home and certified nursing facility fully disclose to the applicant for admission the home's or facility's admissions policies, including any preferences given;

8. Shall require that each licensed hospital establish a protocol relating to the rights and responsibilities of patients which shall include a process reasonably designed to inform patients of such rights and responsibilities. Such rights and responsibilities of patients, a copy of which shall be given to patients on admission, shall be consistent with applicable federal law and regulations of the Centers for Medicare and Medicaid Services;

9. Shall establish standards and maintain a process for designation of levels or categories of care in neonatal services according to an applicable national or state-developed evaluation system. Such standards may be differentiated for various levels or categories of care and may include, but need not be limited to, requirements for staffing credentials, staff/patient ratios, equipment, and medical protocols;

10. Shall require that each nursing home and certified nursing facility train all employees who are mandated to report adult abuse, neglect, or exploitation pursuant to § 63.2-1606 on such reporting procedures and the consequences for failing to make a required report;

11. Shall permit hospital personnel, as designated in medical staff bylaws, rules and regulations, or hospital policies and procedures, to accept emergency telephone and other verbal orders for medication or treatment for hospital patients from physicians, and other persons lawfully authorized by state statute to give patient orders, subject to a requirement that such verbal order be signed, within a reasonable period of time not to exceed 72 hours as specified in the hospital's medical staff bylaws, rules and regulations or hospital policies and procedures, by the person giving the order, or, when such person is not available within the period of time specified, co-signed by another physician or other person authorized to give the order;

12. Shall require, unless the vaccination is medically contraindicated or the resident declines the offer of the vaccination, that each certified nursing facility and nursing home provide or arrange for the administration to its residents of (i) an annual vaccination against influenza and (ii) a pneumococcal vaccination, in accordance with the most recent recommendations of the Advisory Committee on

428 Immunization Practices of the Centers for Disease Control and Prevention;

429 13. Shall require that each nursing home and certified nursing facility register with the Department of  
430 State Police to receive notice of the registration, reregistration, or verification of registration information  
431 of any person required to register with the Sex Offender and Crimes Against Minors Registry pursuant  
432 to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 within the same or a contiguous zip code area in which the  
433 home or facility is located, pursuant to § 9.1-914;

434 14. Shall require that each nursing home and certified nursing facility ascertain, prior to admission,  
435 whether a potential patient is required to register with the Sex Offender and Crimes Against Minors  
436 Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, if the home or facility anticipates the  
437 potential patient will have a length of stay greater than three days or in fact stays longer than three  
438 days;

439 15. Shall require that each licensed hospital include in its visitation policy a provision allowing each  
440 adult patient to receive visits from any individual from whom the patient desires to receive visits,  
441 subject to other restrictions contained in the visitation policy including, but not limited to, those related  
442 to the patient's medical condition and the number of visitors permitted in the patient's room  
443 simultaneously;

444 16. Shall require that each nursing home and certified nursing facility shall, upon the request of the  
445 facility's family council, send notices and information about the family council mutually developed by  
446 the family council and the administration of the nursing home or certified nursing facility, and provided  
447 to the facility for such purpose, to the listed responsible party or a contact person of the resident's  
448 choice up to six times per year. Such notices may be included together with a monthly billing statement  
449 or other regular communication. Notices and information shall also be posted in a designated location  
450 within the nursing home or certified nursing facility. No family member of a resident or other resident  
451 representative shall be restricted from participating in meetings in the facility with the families or  
452 resident representatives of other residents in the facility;

453 17. Shall require that each nursing home and certified nursing facility maintain liability insurance  
454 coverage in a minimum amount of \$1 million, and professional liability coverage in an amount at least  
455 equal to the recovery limit set forth in § 8.01-581.15, to compensate patients or individuals for injuries  
456 and losses resulting from the negligent or criminal acts of the facility. Failure to maintain such  
457 minimum insurance shall result in revocation of the facility's license;

458 18. Shall require each hospital that provides obstetrical services to establish policies to follow when a  
459 stillbirth, as defined in § 32.1-69.1, occurs that meet the guidelines pertaining to counseling patients and  
460 their families and other aspects of managing stillbirths as may be specified by the Board in its  
461 regulations;

462 19. Shall require each nursing home to provide a full refund of any unexpended patient funds on  
463 deposit with the facility following the discharge or death of a patient, other than entrance-related fees  
464 paid to a continuing care provider as defined in § 38.2-4900, within 30 days of a written request for  
465 such funds by the discharged patient or, in the case of the death of a patient, the person administering  
466 the person's estate in accordance with the Virginia Small Estates Act (§ 64.2-600 et seq.);

467 20. Shall require that each hospital that provides inpatient psychiatric services establish a protocol  
468 that requires, for any refusal to admit (i) a medically stable patient referred to its psychiatric unit, direct  
469 verbal communication between the on-call physician in the psychiatric unit and the referring physician,  
470 if requested by such referring physician, and prohibits on-call physicians or other hospital staff from  
471 refusing a request for such direct verbal communication by a referring physician and (ii) a patient for  
472 whom there is a question regarding the medical stability or medical appropriateness of admission for  
473 inpatient psychiatric services due to a situation involving results of a toxicology screening, the on-call  
474 physician in the psychiatric unit to which the patient is sought to be transferred to participate in direct  
475 verbal communication, either in person or via telephone, with a clinical toxicologist or other person who  
476 is a Certified Specialist in Poison Information employed by a poison control center that is accredited by  
477 the American Association of Poison Control Centers to review the results of the toxicology screen and  
478 determine whether a medical reason for refusing admission to the psychiatric unit related to the results  
479 of the toxicology screen exists, if requested by the referring physician;

480 21. Shall require that each hospital that is equipped to provide life-sustaining treatment shall develop  
481 a policy governing determination of the medical and ethical appropriateness of proposed medical care,  
482 which shall include (i) a process for obtaining a second opinion regarding the medical and ethical  
483 appropriateness of proposed medical care in cases in which a physician has determined proposed care to  
484 be medically or ethically inappropriate; (ii) provisions for review of the determination that proposed  
485 medical care is medically or ethically inappropriate by an interdisciplinary medical review committee  
486 and a determination by the interdisciplinary medical review committee regarding the medical and ethical  
487 appropriateness of the proposed health care; and (iii) requirements for a written explanation of the  
488 decision reached by the interdisciplinary medical review committee, which shall be included in the  
489 patient's medical record. Such policy shall ensure that the patient, his agent, or the person authorized to

make medical decisions pursuant to § 54.1-2986 (a) are informed of the patient's right to obtain his medical record and to obtain an independent medical opinion and (b) afforded reasonable opportunity to participate in the medical review committee meeting. Nothing in such policy shall prevent the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986 from obtaining legal counsel to represent the patient or from seeking other remedies available at law, including seeking court review, provided that the patient, his agent, or the person authorized to make medical decisions pursuant to § 54.1-2986, or legal counsel provides written notice to the chief executive officer of the hospital within 14 days of the date on which the physician's determination that proposed medical treatment is medically or ethically inappropriate is documented in the patient's medical record;

22. Shall require every hospital with an emergency department to establish protocols to ensure that security personnel of the emergency department, if any, receive training appropriate to the populations served by the emergency department, which may include training based on a trauma-informed approach in identifying and safely addressing situations involving patients or other persons who pose a risk of harm to themselves or others due to mental illness or substance abuse or who are experiencing a mental health crisis;

23. Shall require that each hospital establish a protocol requiring that, before a health care provider arranges for air medical transportation services for a patient who does not have an emergency medical condition as defined in 42 U.S.C. § 1395dd(e)(1), the hospital shall provide the patient or his authorized representative with written or electronic notice that the patient (i) may have a choice of transportation by an air medical transportation provider or medically appropriate ground transportation by an emergency medical services provider and (ii) will be responsible for charges incurred for such transportation in the event that the provider is not a contracted network provider of the patient's health insurance carrier or such charges are not otherwise covered in full or in part by the patient's health insurance plan;

24. Shall establish an exemption from the requirement to obtain a license to add temporary beds in an existing hospital or nursing home, including beds located in a temporary structure or satellite location operated by the hospital or nursing home, provided that the ability remains to safely staff services across the existing hospital or nursing home, (i) for a period of no more than the duration of the Commissioner's determination plus 30 days when the Commissioner has determined that a natural or man-made disaster has caused the evacuation of a hospital or nursing home and that a public health emergency exists due to a shortage of hospital or nursing home beds or (ii) for a period of no more than the duration of the emergency order entered pursuant to § 32.1-13 or 32.1-20 plus 30 days when the Board, pursuant to § 32.1-13, or the Commissioner, pursuant to § 32.1-20, has entered an emergency order for the purpose of suppressing a nuisance dangerous to public health or a communicable, contagious, or infectious disease or other danger to the public life and health;

25. Shall establish protocols to ensure that any patient scheduled to receive an elective surgical procedure for which the patient can reasonably be expected to require outpatient physical therapy as a follow-up treatment after discharge is informed that he (i) is expected to require outpatient physical therapy as a follow-up treatment and (ii) will be required to select a physical therapy provider prior to being discharged from the hospital;

26. Shall permit nursing home staff members who are authorized to possess, distribute, or administer medications to residents to store, dispense, or administer cannabis oil to a resident who has been issued a valid written certification for the use of cannabis oil in accordance with ~~subsection B of § 54.1-3408.3~~ and has registered with the Board of Pharmacy § 4.1-1601;

27. Shall require each hospital with an emergency department to establish a protocol for the treatment and discharge of individuals experiencing a substance use-related emergency, which shall include provisions for (i) appropriate screening and assessment of individuals experiencing substance use-related emergencies to identify medical interventions necessary for the treatment of the individual in the emergency department and (ii) recommendations for follow-up care following discharge for any patient identified as having a substance use disorder, depression, or mental health disorder, as appropriate, which may include, for patients who have been treated for substance use-related emergencies, including opioid overdose, or other high-risk patients, (a) the dispensing of naloxone or other opioid antagonist used for overdose reversal pursuant to subsection X of § 54.1-3408 at discharge or (b) issuance of a prescription for and information about accessing naloxone or other opioid antagonist used for overdose reversal, including information about accessing naloxone or other opioid antagonist used for overdose reversal at a community pharmacy, including any outpatient pharmacy operated by the hospital, or through a community organization or pharmacy that may dispense naloxone or other opioid antagonist used for overdose reversal without a prescription pursuant to a statewide standing order. Such protocols may also provide for referrals of individuals experiencing a substance use-related emergency to peer recovery specialists and community-based providers of behavioral health services, or to providers of pharmacotherapy for the treatment of drug or alcohol dependence or mental health diagnoses;

28. During a public health emergency related to COVID-19, shall require each nursing home and

certified nursing facility to establish a protocol to allow each patient to receive visits, consistent with guidance from the Centers for Disease Control and Prevention and as directed by the Centers for Medicare and Medicaid Services and the Board. Such protocol shall include provisions describing (i) the conditions, including conditions related to the presence of COVID-19 in the nursing home, certified nursing facility, and community, under which in-person visits will be allowed and under which in-person visits will not be allowed and visits will be required to be virtual; (ii) the requirements with which in-person visitors will be required to comply to protect the health and safety of the patients and staff of the nursing home or certified nursing facility; (iii) the types of technology, including interactive audio or video technology, and the staff support necessary to ensure visits are provided as required by this subdivision; and (iv) the steps the nursing home or certified nursing facility will take in the event of a technology failure, service interruption, or documented emergency that prevents visits from occurring as required by this subdivision. Such protocol shall also include (a) a statement of the frequency with which visits, including virtual and in-person, where appropriate, will be allowed, which shall be at least once every 10 calendar days for each patient; (b) a provision authorizing a patient or the patient's personal representative to waive or limit visitation, provided that such waiver or limitation is included in the patient's health record; and (c) a requirement that each nursing home and certified nursing facility publish on its website or communicate to each patient or the patient's authorized representative, in writing or via electronic means, the nursing home's or certified nursing facility's plan for providing visits to patients as required by this subdivision;

29. Shall require each hospital, nursing home, and certified nursing facility to establish and implement policies to ensure the permissible access to and use of an intelligent personal assistant provided by a patient, in accordance with such regulations, while receiving inpatient services. Such policies shall ensure protection of health information in accordance with the requirements of the federal Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. § 1320d et seq., as amended. For the purposes of this subdivision, "intelligent personal assistant" means a combination of an electronic device and a specialized software application designed to assist users with basic tasks using a combination of natural language processing and artificial intelligence, including such combinations known as "digital assistants" or "virtual assistants";

30. During a declared public health emergency related to a communicable disease of public health threat, shall require each hospital, nursing home, and certified nursing facility to establish a protocol to allow patients to receive visits from a rabbi, priest, minister, or clergy of any religious denomination or sect consistent with guidance from the Centers for Disease Control and Prevention and the Centers for Medicare and Medicaid Services and subject to compliance with any executive order, order of public health, Department guidance, or any other applicable federal or state guidance having the effect of limiting visitation. Such protocol may restrict the frequency and duration of visits and may require visits to be conducted virtually using interactive audio or video technology. Any such protocol may require the person visiting a patient pursuant to this subdivision to comply with all reasonable requirements of the hospital, nursing home, or certified nursing facility adopted to protect the health and safety of the person, patients, and staff of the hospital, nursing home, or certified nursing facility; and

31. Shall require that every hospital that makes health records, as defined in § 32.1-127.1:03, of patients who are minors available to such patients through a secure website shall make such health records available to such patient's parent or guardian through such secure website, unless the hospital cannot make such health record available in a manner that prevents disclosure of information, the disclosure of which has been denied pursuant to subsection F of § 32.1-127.1:03 or for which consent required in accordance with subsection E of § 54.1-2969 has not been provided.

C. Upon obtaining the appropriate license, if applicable, licensed hospitals, nursing homes, and certified nursing facilities may operate adult day care centers.

D. All facilities licensed by the Board pursuant to this article which provide treatment or care for hemophiliacs and, in the course of such treatment, stock clotting factors, shall maintain records of all lot numbers or other unique identifiers for such clotting factors in order that, in the event the lot is found to be contaminated with an infectious agent, those hemophiliacs who have received units of this contaminated clotting factor may be apprised of this contamination. Facilities which have identified a lot that is known to be contaminated shall notify the recipient's attending physician and request that he notify the recipient of the contamination. If the physician is unavailable, the facility shall notify by mail, return receipt requested, each recipient who received treatment from a known contaminated lot at the individual's last known address.

E. Hospitals in the Commonwealth may enter into agreements with the Department of Health for the provision to uninsured patients of naloxone or other opioid antagonists used for overdose reversal.

**§ 32.1-162.6:1. Possession or administration of cannabis oil.**

Hospice and hospice facility employees who are authorized to possess, distribute, or administer medications to patients shall be permitted to store, dispense, or administer cannabis oil to a patient who has been issued a valid written certification for the use of cannabis oil in accordance with subsection B

of § 54.1-3408.3 and has registered with the Board of Pharmacy § 4.1-1601.

**§ 40.1-27.4. Discipline for employee's medicinal use of cannabis oil prohibited.**

A. As used in this section, "cannabis oil" means the same as that term is defined in § 54.1-3408.3 4.1-1600.

B. No employer shall discharge, discipline, or discriminate against an employee for such employee's lawful use of cannabis oil pursuant to a valid written certification issued by a practitioner for the treatment or to eliminate the symptoms of the employee's diagnosed condition or disease pursuant to § 54.1-3408.3 4.1-1601.

C. Notwithstanding the provisions of subsection B, nothing in this section shall (i) restrict an employer's ability to take any adverse employment action for any work impairment caused by the use of cannabis oil or to prohibit possession during work hours, (ii) require an employer to commit any act that would cause the employer to be in violation of federal law or that would result in the loss of a federal contract or federal funding, or (iii) require any defense industrial base sector employer or prospective employer, as defined by the U.S. Cybersecurity and Infrastructure Security Agency, to hire or retain any applicant or employee who tests positive for tetrahydrocannabinol (THC) in excess of 50 ng/ml for a urine test or 10 pg/mg for a hair test.

**§ 46.2-341.20:7. Possession of marijuana in commercial motor vehicle unlawful; civil penalty.**

A. It is unlawful for any person to knowingly or intentionally possess marijuana in a commercial motor vehicle as defined in § 46.2-341.4. The attorney for the Commonwealth or the county, city, or town attorney may prosecute such a case.

Upon the prosecution of a person for a violation of this section, ownership or occupancy of the vehicle in which marijuana was found shall not create a presumption that such person either knowingly or intentionally possessed such marijuana.

Any person who violates this section is subject to a civil penalty of no more than \$25. A violation of this section is a civil offence. Any civil penalties collected pursuant to this section shall be deposited into the Drug Offender Assessment and Treatment Fund established pursuant to § 18.2-251.02. Violations of this section by an adult shall be prepayable according to the procedures in § 16.1-69.40:2.

B. Any violation of this section shall be charged by summons. A summons for a violation of this section may be executed by a law-enforcement officer when such violation is observed by such officer. The summons used by a law-enforcement officer pursuant to this section shall be in form the same as the uniform summons for motor vehicle law violations as prescribed pursuant to § 46.2-388. No court costs shall be assessed for violations of this section. A person's criminal history record information as defined in § 9.1-101 shall not include records of any charges or judgments for a violation of this section, and records of such charges or judgments shall not be reported to the Central Criminal Records Exchange; however, such violation shall be reported to the Department of Motor Vehicles and shall be included on such individual's driving record.

C. The procedure for appeal and trial of any violation of this section shall be the same as provided by law for misdemeanors; if requested by either party on appeal to the circuit court, trial by jury shall be as provided in Article 4 (§ 19.2-260 et seq.) of Chapter 15 of Title 19.2, and the Commonwealth shall be required to prove its case beyond a reasonable doubt.

D. The provisions of this section shall not apply to members of state, federal, county, city, or town law-enforcement agencies, jail officers, or correctional officers, as defined in § 53.1-1, certified as handlers of dogs trained in the detection of controlled substances when possession of marijuana is necessary for the performance of their duties.

E. The provisions of this section involving marijuana in the form of cannabis products as that term is defined in § 54.1-3408.3 4.1-1600 shall not apply to any person who possesses such cannabis product pursuant to a valid written certification issued by a practitioner in the course of his professional practice pursuant to § 54.1-3408.3 4.1-1601 for treatment or to alleviate the symptoms of (i) the person's diagnosed condition or disease, (ii) if such person is the parent or guardian of a minor or of a vulnerable adult as defined in § 18.2-369, such minor's or vulnerable adult's diagnosed condition or disease, or (iii) if such person has been designated as a registered agent pursuant to § 54.1-3408.3 4.1-1601, the diagnosed condition or disease of his principal or, if the principal is the parent or legal guardian of a minor or of a vulnerable adult as defined in § 18.2-369, such minor's or vulnerable adult's diagnosed condition or disease.

**§ 54.1-2522.1. (Effective until July 1, 2027) Requirements of practitioners.**

A. Any prescriber who is licensed in the Commonwealth to treat human patients and is authorized pursuant to §§ 54.1-3303 and 54.1-3408 to issue a prescription for a covered substance shall be registered with the Prescription Monitoring Program by the Department of Health Professions.

B. A prescriber registered with the Prescription Monitoring Program or a person to whom he has delegated authority to access information in the possession of the Prescription Monitoring Program pursuant to § 54.1-2523.2 shall, at the time of initiating a new course of treatment to a human patient

that includes the prescribing of opioids anticipated at the onset of treatment to last more than seven consecutive days, request information from the Director for the purpose of determining what, if any, other covered substances are currently prescribed to the patient. In addition, any prescriber who holds a special identification number from the Drug Enforcement Administration authorizing the prescribing of controlled substances approved for use in opioid addiction therapy shall, prior to or as a part of execution of a treatment agreement with the patient, request information from the Director for the purpose of determining what, if any, other covered substances the patient is currently being prescribed. Nothing in this section shall prohibit prescribers from making additional periodic requests for information from the Director as may be required by routine prescribing practices.

C. A prescriber shall not be required to meet the provisions of subsection B if:

1. The opioid is prescribed to a patient currently receiving hospice or palliative care;
2. The opioid is prescribed to a patient during an inpatient hospital admission or at discharge;
3. The opioid is prescribed to a patient in a nursing home or a patient in an assisted living facility that uses a sole source pharmacy;
4. The Prescription Monitoring Program is not operational or available due to temporary technological or electrical failure or natural disaster; or
5. The prescriber is unable to access the Prescription Monitoring Program due to emergency or disaster and documents such circumstances in the patient's medical record.

D. Prior to issuing a written certification for the use of cannabis oil in accordance with § 54.1-3408.3 4.1-1601, a practitioner shall request information from the Director for the purpose of determining what, if any, other covered substances have been dispensed to the patient.

**§ 54.1-2522.1. (Effective July 1, 2027) Requirements of practitioners.**

A. Any prescriber who is licensed in the Commonwealth to treat human patients and is authorized pursuant to §§ 54.1-3303 and 54.1-3408 to issue a prescription for a covered substance shall be registered with the Prescription Monitoring Program by the Department of Health Professions.

B. Prescribers registered with the Prescription Monitoring Program shall, at the time of initiating a new course of treatment to a human patient that includes the prescribing of benzodiazepine or an opiate anticipated at the onset of treatment to last more than 90 consecutive days, request information from the Director for the purpose of determining what, if any, other covered substances are currently prescribed to the patient. In addition, any prescriber who holds a special identification number from the Drug Enforcement Administration authorizing the prescribing of controlled substances approved for use in opioid addiction therapy shall, prior to or as a part of execution of a treatment agreement with the patient, request information from the Director for the purpose of determining what, if any, other covered substances the patient is currently being prescribed. Nothing in this section shall prohibit prescribers from making additional periodic requests for information from the Director as may be required by routine prescribing practices.

C. The Secretary of Health and Human Resources may identify and publish a list of benzodiazepines or opiates that have a low potential for abuse by human patients. Prescribers who prescribe such identified benzodiazepines or opiates shall not be required to meet the provisions of subsection B. In addition, a prescriber shall not be required to meet the provisions of subsection B if the course of treatment arises from pain management relating to dialysis or cancer treatments.

D. Prior to issuing a written certification for the use of cannabis oil in accordance with § 54.1-3408.3 4.1-1601, a practitioner shall request information from the Director for the purpose of determining what, if any, other covered substances have been dispensed to the patient.

**§ 54.1-2903. What constitutes practice; advertising in connection with medical practice.**

A. Any person shall be regarded as practicing the healing arts who actually engages in such practice as defined in this chapter, or who opens an office for such purpose, or who advertises or announces to the public in any manner a readiness to practice or who uses in connection with his name the words or letters "Doctor," "Dr.," "M.D.," "D.O.," "D.P.M.," "D.C.," "Healer," "N.P.," or any other title, word, letter or designation intending to designate or imply that he is a practitioner of the healing arts or that he is able to heal, cure or relieve those suffering from any injury, deformity or disease.

Signing a birth or death certificate, or signing any statement certifying that the person so signing has rendered professional service to the sick or injured, or signing or issuing a prescription for drugs or other remedial agents, shall be prima facie evidence that the person signing or issuing such writing is practicing the healing arts within the meaning of this chapter except where persons other than physicians are required to sign birth certificates.

B. No person regulated under this chapter shall use the title "Doctor" or the abbreviation "Dr." in writing or in advertising in connection with his practice unless he simultaneously uses words, initials, an abbreviation or designation, or other language that identifies the type of practice for which he is licensed. No person regulated under this chapter shall include in any advertisement a reference to marijuana, as defined in § 18.2-247, unless such advertisement is for the treatment of addiction or substance abuse. However, nothing in this subsection shall prevent a person from including in any

advertisement that such person is registered with the Board of Pharmacy Directors of the Virginia Cannabis Control Authority to issue written certifications for the use of cannabis products, as defined in § 54.1-3408.3 4.1-1600.

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

A. As used in this section: "Botanical, *botanical* cannabis," means cannabis that is composed wholly of usable cannabis from the same parts of the same chemovar of cannabis plant "cannabis oil," "cannabis product," and "practitioner" mean the same as those terms are defined in § 4.1-1600.

"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 per dose. "Cannabis oil" does not include industrial hemp, as defined in § 3.2-4112, that is grown, dealt, 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 *in accordance with the provisions of § 4.1-1601*. 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 with the Board and shall hold sufficient education and training to exercise appropriate professional judgment in the certification of patients. The Board shall not limit the number of patients to whom a practitioner may issue a written certification. The Board may report information to the applicable licensing board on unusual patterns of certifications issued by a practitioner.

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

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

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

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

823 **§ 59.1-200. Prohibited practices.**

824 A. The following fraudulent acts or practices committed by a supplier in connection with a consumer  
825 transaction are hereby declared unlawful:

- 826 1. Misrepresenting goods or services as those of another;
- 827 2. Misrepresenting the source, sponsorship, approval, or certification of goods or services;
- 828 3. Misrepresenting the affiliation, connection, or association of the supplier, or of the goods or  
829 services, with another;
- 830 4. Misrepresenting geographic origin in connection with goods or services;
- 831 5. Misrepresenting that goods or services have certain quantities, characteristics, ingredients, uses, or  
832 benefits;
- 833 6. Misrepresenting that goods or services are of a particular standard, quality, grade, style, or model;
- 834 7. Advertising or offering for sale goods that are used, secondhand, repossessed, defective,  
835 blemished, deteriorated, or reconditioned, or that are "seconds," irregulars, imperfections, or "not first  
836 class," without clearly and unequivocally indicating in the advertisement or offer for sale that the goods  
837 are used, secondhand, repossessed, defective, blemished, deteriorated, reconditioned, or are "seconds,"  
838 irregulars, imperfections or "not first class";
- 839 8. Advertising goods or services with intent not to sell them as advertised, or with intent not to sell  
840 at the price or upon the terms advertised.

841 In any action brought under this subdivision, the refusal by any person, or any employee, agent, or  
842 servant thereof, to sell any goods or services advertised or offered for sale at the price or upon the terms  
843 advertised or offered, shall be prima facie evidence of a violation of this subdivision. This paragraph  
844 shall not apply when it is clearly and conspicuously stated in the advertisement or offer by which such  
845 goods or services are advertised or offered for sale, that the supplier or offeror has a limited quantity or  
846 amount of such goods or services for sale, and the supplier or offeror at the time of such advertisement  
847 or offer did in fact have or reasonably expected to have at least such quantity or amount for sale;

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

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

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

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

858 13. Using in any contract or lease any liquidated damage clause, penalty clause, or waiver of

defense, or attempting to collect any liquidated damages or penalties under any clause, waiver, damages, or penalties that are void or unenforceable under any otherwise applicable laws of the Commonwealth, or under federal statutes or regulations;

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

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

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

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

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

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

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

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

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

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

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

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

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

23. Violating any provision of the Virginia Public Telephone Information Act, Chapter 32 (§ 59.1-424 et seq.);

24. Violating any provision of § 54.1-1505;

25. Violating any provision of the Motor Vehicle Manufacturers' Warranty Adjustment Act, Chapter 17.6 (§ 59.1-207.34 et seq.);

26. Violating any provision of § 3.2-5627, relating to the pricing of merchandise;

27. Violating any provision of the Pay-Per-Call Services Act, Chapter 33 (§ 59.1-429 et seq.);

28. Violating any provision of the Extended Service Contract Act, Chapter 34 (§ 59.1-435 et seq.);

29. Violating any provision of the Virginia Membership Camping Act, Chapter 25 (§ 59.1-311 et seq.);

30. Violating any provision of the Comparison Price Advertising Act, Chapter 17.7 (§ 59.1-207.40 et seq.);

- 920 31. Violating any provision of the Virginia Travel Club Act, Chapter 36 (§ 59.1-445 et seq.);  
921 32. Violating any provision of §§ 46.2-1231 and 46.2-1233.1;  
922 33. Violating any provision of Chapter 40 (§ 54.1-4000 et seq.) of Title 54.1;  
923 34. Violating any provision of Chapter 10.1 (§ 58.1-1031 et seq.) of Title 58.1;  
924 35. Using the consumer's social security number as the consumer's account number with the supplier,  
925 if the consumer has requested in writing that the supplier use an alternate number not associated with  
926 the consumer's social security number;  
927 36. Violating any provision of Chapter 18 (§ 6.2-1800 et seq.) of Title 6.2;  
928 37. Violating any provision of § 8.01-40.2;  
929 38. Violating any provision of Article 7 (§ 32.1-212 et seq.) of Chapter 6 of Title 32.1;  
930 39. Violating any provision of Chapter 34.1 (§ 59.1-441.1 et seq.);  
931 40. Violating any provision of Chapter 20 (§ 6.2-2000 et seq.) of Title 6.2;  
932 41. Violating any provision of the Virginia Post-Disaster Anti-Price Gouging Act, Chapter 46  
933 (§ 59.1-525 et seq.);  
934 42. Violating any provision of Chapter 47 (§ 59.1-530 et seq.);  
935 43. Violating any provision of § 59.1-443.2;  
936 44. Violating any provision of Chapter 48 (§ 59.1-533 et seq.);  
937 45. Violating any provision of Chapter 25 (§ 6.2-2500 et seq.) of Title 6.2;  
938 46. Violating the provisions of clause (i) of subsection B of § 54.1-1115;  
939 47. Violating any provision of § 18.2-239;  
940 48. Violating any provision of Chapter 26 (§ 59.1-336 et seq.);  
941 49. Selling, offering for sale, or manufacturing for sale a children's product the supplier knows or has  
942 reason to know was recalled by the U.S. Consumer Product Safety Commission. There is a rebuttable  
943 presumption that a supplier has reason to know a children's product was recalled if notice of the recall  
944 has been posted continuously at least 30 days before the sale, offer for sale, or manufacturing for sale  
945 on the website of the U.S. Consumer Product Safety Commission. This prohibition does not apply to  
946 children's products that are used, secondhand or "seconds";  
947 50. Violating any provision of Chapter 44.1 (§ 59.1-518.1 et seq.);  
948 51. Violating any provision of Chapter 22 (§ 6.2-2200 et seq.) of Title 6.2;  
949 52. Violating any provision of § 8.2-317.1;  
950 53. Violating subsection A of § 9.1-149.1;  
951 54. Selling, offering for sale, or using in the construction, remodeling, or repair of any residential  
952 dwelling in the Commonwealth, any drywall that the supplier knows or has reason to know is defective  
953 drywall. This subdivision shall not apply to the sale or offering for sale of any building or structure in  
954 which defective drywall has been permanently installed or affixed;  
955 55. Engaging in fraudulent or improper or dishonest conduct as defined in § 54.1-1118 while  
956 engaged in a transaction that was initiated (i) during a declared state of emergency as defined in  
957 § 44-146.16 or (ii) to repair damage resulting from the event that prompted the declaration of a state of  
958 emergency, regardless of whether the supplier is licensed as a contractor in the Commonwealth pursuant  
959 to Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1;  
960 56. Violating any provision of Chapter 33.1 (§ 59.1-434.1 et seq.);  
961 57. Violating any provision of § 18.2-178, 18.2-178.1, or 18.2-200.1;  
962 58. Violating any provision of Chapter 17.8 (§ 59.1-207.45 et seq.);  
963 59. Violating any provision of subsection E of § 32.1-126;  
964 60. Violating any provision of § 54.1-111 relating to the unlicensed practice of a profession licensed  
965 under Chapter 11 (§ 54.1-1100 et seq.) or Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1;  
966 61. Violating any provision of § 2.2-2001.5;  
967 62. Violating any provision of Chapter 5.2 (§ 54.1-526 et seq.) of Title 54.1;  
968 63. Violating any provision of § 6.2-312;  
969 64. Violating any provision of Chapter 20.1 (§ 6.2-2026 et seq.) of Title 6.2;  
970 65. Violating any provision of Chapter 26 (§ 6.2-2600 et seq.) of Title 6.2;  
971 66. Violating any provision of Chapter 54 (§ 59.1-586 et seq.);  
972 67. Knowingly violating any provision of § 8.01-27.5;  
973 68. Failing to make available a conspicuous online option to cancel a recurring purchase of a good  
974 or service as required by § 59.1-207.46;  
975 69. Selling or offering for sale to a person younger than 21 years of age any substance intended for  
976 human consumption, orally or by inhalation, that contains tetrahydrocannabinol. This subdivision shall  
977 not (i) apply to products that are approved for marketing by the U.S. Food and Drug Administration and  
978 scheduled in the Drug Control Act (§ 54.1-3400 et seq.) or (ii) be construed to prohibit any conduct  
979 permitted under ~~Article 4.2 of Chapter 34 16~~ (§ ~~4.1-1600 et seq.~~) of Title ~~54.1 of the Code of Virginia~~  
980 ~~4.1~~;  
981 70. Selling or offering for sale any substance intended for human consumption, orally or by

inhalation, that contains tetrahydrocannabinol, unless such substance is (i) contained in child-resistant packaging, as defined in § 4.1-600; (ii) equipped with a label that states, in English and in a font no less than 1/16 of an inch, (a) that the substance contains tetrahydrocannabinol and may not be sold to persons younger than 21 years of age, (b) all ingredients contained in the substance, (c) the amount of such substance that constitutes a single serving, and (d) the total percentage and milligrams of tetrahydrocannabinol included in the substance and the number of milligrams of tetrahydrocannabinol that are contained in each serving; and (iii) accompanied by a certificate of analysis, produced by an independent laboratory that is accredited pursuant to standard ISO/IEC 17025 of the International Organization of Standardization by a third-party accrediting body, that states the tetrahydrocannabinol concentration of the substance or the tetrahydrocannabinol concentration of the batch from which the substance originates. This subdivision shall not (i) apply to products that are 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) be construed to prohibit any conduct permitted under Article 4.2 of Chapter 34 16 (§ 4.1-1600 et seq.) of Title 54.1 of the Code of Virginia 4.1;

71. Manufacturing, offering for sale at retail, or selling at retail an industrial hemp extract, as defined in § 3.2-5145.1, a food containing an industrial hemp extract, or a substance containing tetrahydrocannabinol that depicts or is in the shape of a human, animal, vehicle, or fruit; and

72. Selling or offering for sale any substance intended for human consumption, orally or by inhalation, that contains tetrahydrocannabinol and, without authorization, bears, is packaged in a container or wrapper that bears, or is otherwise labeled to bear the trademark, trade name, famous mark as defined in 15 U.S.C. § 1125, or other identifying mark, imprint, or device, or any likeness thereof, of a manufacturer, processor, packer, or distributor of a product intended for human consumption other than the manufacturer, processor, packer, or distributor that did in fact so manufacture, process, pack, or distribute such substance.

B. Nothing in this section shall be construed to invalidate or make unenforceable any contract or lease solely by reason of the failure of such contract or lease to comply with any other law of the Commonwealth or any federal statute or regulation, to the extent such other law, statute, or regulation provides that a violation of such law, statute, or regulation shall not invalidate or make unenforceable such contract or lease.

**§ 63.2-1803.01. Possession or administration of cannabis oil.**

Assisted living facility staff members who are authorized to possess, distribute, or administer medications to residents in accordance with the facility's written plan for medication management shall be permitted to store, dispense, or administer cannabis oil to a resident who has been issued a valid written certification for the use of cannabis oil in accordance with subsection B of § 54.1-3408.3 4.1-1601 and has registered with the Board of Pharmacy *Directors of the Virginia Cannabis Control Authority*.

2. That Article 4.2 (§§ 54.1-3442.5 through 54.1-3442.8) of Chapter 34 of Title 54.1 of the Code of Virginia is repealed.

3. That the twenty-first enactment of Chapter 550 and the twenty-first enactment of Chapter 551 of the Acts of Assembly of 2021, Special Session I, are repealed.

4. That the Regulations Governing Pharmaceutical Processors (18VAC110-60) as promulgated or amended by the Board of Pharmacy prior to July 1, 2023, shall remain in full force and effect and shall be administered by the Virginia Cannabis Control Authority (the Authority) until the Board of Directors (the Board) of the Authority promulgates regulations to implement the provisions of this act, which shall model, to the greatest extent practicable, the Regulations Governing Pharmaceutical Processors (18VAC110-60) promulgated by the Board of Pharmacy. With the exception of § 2.2-4031 of the Code of Virginia, neither the provisions of the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia) nor public participation guidelines adopted pursuant thereto shall apply to the Board's initial adoption of regulations to implement the provisions of this act. The Authority shall be vested with all powers and duties held by the Board of Pharmacy prior to July 1, 2023, in its administration of the provisions set forth in § 54.1-3408.3 of the Code of Virginia, as amended by this act, Article 4.2 (§§ 54.1-3442.5 through 54.1-3442.8) of Chapter 34 of Title 54.1 of the Code of Virginia, as repealed by this act, and any regulations promulgated pursuant thereto.

5. That any valid, active permits, certifications, and registrations issued by the Board of Pharmacy pursuant to § 54.1-3408.3 of the Code of Virginia, as amended by this act, Article 4.2 (§§ 54.1-3442.5 through 54.1-3442.8) of Chapter 34 of Title 54.1 of the Code of Virginia, as repealed by this act, or regulations promulgated pursuant thereto prior to July 1, 2023, shall remain valid until their expiration date and be considered to have been issued by the Board of Directors of the Virginia Cannabis Control Authority.