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SENATE BILL NO. 614

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Education and Health
on February 1, 2024)

(Patron Prior to Substitute—Senator Pillion)

A *BILL to amend the Code of Virginia by adding a section numbered 18.2-251.5, relating to manufacturing, selling, giving, distributing, or possessing xylazine; penalty.*

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 18.2-251.5 as follows:

§ 18.2-251.5. Manufacturing, selling, giving, distributing, or possessing xylazine; penalties.

A. Any person who knowingly manufactures, sells, gives, distributes, or possesses with the intent to manufacture, sell, give, or distribute the substance xylazine, when intended for human consumption, is guilty of a Class 5 felony.

B. Any person who knowingly possesses the substance xylazine, when intended for human consumption, is guilty of a Class 1 misdemeanor.

C. Notwithstanding subsections A and B, it shall not be an offense to (i) manufacture xylazine for legitimate veterinary use; (ii) distribute or sell xylazine for authorized veterinary use; (iii) possess, administer, prescribe, or dispense xylazine in good faith for use by animals within the course of legitimate veterinary practice; or (iv) possess or administer xylazine pursuant to a valid prescription from a licensed veterinarian.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 1 of the Acts of Assembly of 2023, Special Session I, requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4 of the Code of Virginia, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.