

20100705D

SENATE BILL NO. 2

Offered January 8, 2020

Prefiled November 18, 2019

A BILL to amend and reenact §§ 16.1-228, 16.1-260, 16.1-273, 18.2-247, 18.2-248.1, 18.2-250.1, 18.2-251, 18.2-251.02, 18.2-252, 18.2-254, 18.2-259.1, 19.2-392.2, 19.2-392.4, 46.2-390.1, 54.1-3401, as it is currently effective and as it shall become effective, and 54.1-3446 of the Code of Virginia, relating to marijuana; decriminalization of simple marijuana possession; penalty.

Patrons—Ebbin, Norment, Boysko, Dunnavant, Lewis, Lucas, Morrissey and Stanley; Delegate: Kory

Referred to Committee on the Judiciary

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-228, 16.1-260, 16.1-273, 18.2-247, 18.2-248.1, 18.2-250.1, 18.2-251, 18.2-251.02, 18.2-252, 18.2-254, 18.2-259.1, 19.2-392.2, 19.2-392.4, 46.2-390.1, 54.1-3401, as it is currently effective and as it shall become effective, and 54.1-3446 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-228. Definitions.

When used in this chapter, unless the context otherwise requires:

"Abused or neglected child" means any child:

1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement or impairment of bodily or mental functions, including, but not limited to, a child who is with his parent or other person responsible for his care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled substance, or (ii) during the unlawful sale of such substance by that child's parents or other person responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would constitute a felony violation of § 18.2-248;

2. Whose parents or other person responsible for his care neglects or refuses to provide care necessary for his health; however, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be an abused or neglected child;

3. Whose parents or other person responsible for his care abandons such child;

4. Whose parents or other person responsible for his care commits or allows to be committed any sexual act upon a child in violation of the law;

5. Who is without parental care or guardianship caused by the unreasonable absence or the mental or physical incapacity of the child's parent, guardian, legal custodian, or other person standing in loco parentis;

6. Whose parents or other person responsible for his care creates a substantial risk of physical or mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as defined in § 55.1-2000, with a person to whom the child is not related by blood or marriage and who the parent or other person responsible for his care knows has been convicted of an offense against a minor for which registration is required as a violent sexual offender pursuant to § 9.1-902; or

7. Who has been identified as a victim of sex trafficking or severe forms of trafficking as defined in the Trafficking Victims Protection Act of 2000, 22 U.S.C § 7102 et seq., and in the Justice for Victims of Trafficking Act of 2015, 42 U.S.C. § 5101 et seq.

If a civil proceeding under this chapter is based solely on the parent having left the child at a hospital or emergency medical services agency, it shall be an affirmative defense that such parent safely delivered the child to a hospital that provides 24-hour emergency services or to an attended emergency medical services agency that employs emergency medical services personnel, within 14 days of the child's birth. For purposes of terminating parental rights pursuant to § 16.1-283 and placement for adoption, the court may find such a child is a neglected child upon the ground of abandonment.

"Adoptive home" means the place of residence of any natural person in which a child resides as a member of the household and in which he has been placed for the purposes of adoption or in which he has been legally adopted by another member of the household.

"Adult" means a person 18 years of age or older.

"Ancillary crime" or "ancillary charge" means any delinquent act committed by a juvenile as a part of the same act or transaction as, or which constitutes a part of a common scheme or plan with, a delinquent act which that would be a felony if committed by an adult.

INTRODUCED

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59 "Boot camp" means a ~~short term~~ *short-term* secure or nonsecure juvenile residential facility with
60 highly structured components including, but not limited to, military style drill and ceremony, physical
61 labor, education and rigid discipline, and no less than six months of intensive aftercare.

62 "Child," "juvenile," or "minor" means a person ~~less~~ *younger* than 18 years of age.

63 "Child in need of services" means (i) a child whose behavior, conduct or condition presents or results
64 in a serious threat to the well-being and physical safety of the child or (ii) a child under the age of 14
65 whose behavior, conduct or condition presents or results in a serious threat to the well-being and
66 physical safety of another person; however, no child who in good faith is under treatment solely by
67 spiritual means through prayer in accordance with the tenets and practices of a recognized church or
68 religious denomination shall for that reason alone be considered to be a child in need of services, nor
69 shall any child who habitually remains away from or habitually deserts or abandons his family as a
70 result of what the court or the local child protective services unit determines to be incidents of physical,
71 emotional or sexual abuse in the home be considered a child in need of services for that reason alone.

72 However, to find that a child falls within these provisions, (i) the conduct complained of must
73 present a clear and substantial danger to the child's life or health or to the life or health of another
74 person, (ii) the child or his family is in need of treatment, rehabilitation or services not presently being
75 received, and (iii) the intervention of the court is essential to provide the treatment, rehabilitation or
76 services needed by the child or his family.

77 "Child in need of supervision" means:

78 1. A child who, while subject to compulsory school attendance, is habitually and without justification
79 absent from school, and (i) the child has been offered an adequate opportunity to receive the benefit of
80 any and all educational services and programs that are required to be provided by law and which meet
81 the child's particular educational needs, (ii) the school system from which the child is absent or other
82 appropriate agency has made a reasonable effort to effect the child's regular attendance without success,
83 and (iii) the school system has provided documentation that it has complied with the provisions of
84 § 22.1-258; or

85 2. A child who, without reasonable cause and without the consent of his parent, lawful custodian or
86 placement authority, remains away from or deserts or abandons his family or lawful custodian on more
87 than one occasion or escapes or remains away without proper authority from a residential care facility in
88 which he has been placed by the court, and (i) such conduct presents a clear and substantial danger to
89 the child's life or health, (ii) the child or his family is in need of treatment, rehabilitation or services not
90 presently being received, and (iii) the intervention of the court is essential to provide the treatment,
91 rehabilitation or services needed by the child or his family.

92 "Child welfare agency" means a child-placing agency, child-caring institution or independent foster
93 home as defined in § 63.2-100.

94 "The court" or the "juvenile court" or the "juvenile and domestic relations court" means the juvenile
95 and domestic relations district court of each county or city.

96 "Delinquent act" means (i) an act designated a crime under the law of the Commonwealth, or an
97 ordinance of any city, county, town, or service district, or under federal law, (ii) a violation of
98 § 18.2-308.7, or (iii) a violation of a court order as provided for in § 16.1-292, but ~~shall~~ *does* not
99 include an act other than a violation of § 18.2-308.7, which is otherwise lawful, but is designated a
100 crime only if committed by a child. For purposes of §§ 16.1-241 and 16.1-278.9, ~~the term shall include~~
101 "*delinquent act*" *includes* a refusal to take a breath test in violation of § 18.2-268.2 or a similar
102 ordinance of any county, city, or town. *For purposes of §§ 16.1-241, 16.1-273, 16.1-278.8,*
103 *16.1-278.8:01, and 16.1-278.9, "delinquent act" includes a violation of § 18.2-250.1.*

104 "Delinquent child" means a child who has committed a delinquent act or an adult who has committed
105 a delinquent act prior to his 18th birthday, except where the jurisdiction of the juvenile court has been
106 terminated under the provisions of § 16.1-269.6.

107 "Department" means the Department of Juvenile Justice and "Director" means the administrative head
108 in charge thereof or such of his assistants and subordinates as are designated by him to discharge the
109 duties imposed upon him under this law.

110 "Family abuse" means any act involving violence, force, or threat that results in bodily injury or
111 places one in reasonable apprehension of death, sexual assault, or bodily injury and that is committed by
112 a person against such person's family or household member. Such act includes, but is not limited to, any
113 forceful detention, stalking, criminal sexual assault in violation of Article 7 (§ 18.2-61 et seq.) of
114 Chapter 4 of Title 18.2, or any criminal offense that results in bodily injury or places one in reasonable
115 apprehension of death, sexual assault, or bodily injury.

116 "Family or household member" means (i) the person's spouse, whether or not he or she resides in the
117 same home with the person, (ii) the person's former spouse, whether or not he or she resides in the same
118 home with the person, (iii) the person's parents, stepparents, children, stepchildren, brothers, sisters,
119 half-brothers, half-sisters, grandparents and grandchildren, regardless of whether such persons reside in
120 the same home with the person, (iv) the person's mother-in-law, father-in-law, sons-in-law,

121 daughters-in-law, brothers-in-law and sisters-in-law who reside in the same home with the person, (v)
 122 any individual who has a child in common with the person, whether or not the person and that
 123 individual have been married or have resided together at any time, or (vi) any individual who cohabits
 124 or who, within the previous 12 months, cohabited with the person, and any children of either of them
 125 then residing in the same home with the person.

126 "Fictive kin" means persons who are not related to a child by blood or adoption but have an
 127 established relationship with the child or his family.

128 "Foster care services" means the provision of a full range of casework, treatment and community
 129 services for a planned period of time to a child who is abused or neglected as defined in § 63.2-100 or
 130 in need of services as defined in this section and his family when the child (i) has been identified as
 131 needing services to prevent or eliminate the need for foster care placement, (ii) has been placed through
 132 an agreement between the local board of social services or a public agency designated by the
 133 community policy and management team and the parents or guardians where legal custody remains with
 134 the parents or guardians, (iii) has been committed or entrusted to a local board of social services or
 135 child welfare agency, or (iv) has been placed under the supervisory responsibility of the local board
 136 pursuant to § 16.1-293.

137 "Independent living arrangement" means placement of (i) a child at least 16 years of age who is in
 138 the custody of a local board or licensed child-placing agency by the local board or licensed child-placing
 139 agency or (ii) a child at least 16 years of age or a person between the ages of 18 and 21 who was
 140 committed to the Department of Juvenile Justice immediately prior to placement by the Department of
 141 Juvenile Justice, in a living arrangement in which such child or person does not have daily substitute
 142 parental supervision.

143 "Independent living services" means services and activities provided to a child in foster care 14 years
 144 of age or older and who has been committed or entrusted to a local board of social services, child
 145 welfare agency, or private child-placing agency. "Independent living services" may also mean services
 146 and activities provided to a person who (i) was in foster care on his 18th birthday and has not yet
 147 reached the age of 21 years; (ii) is between the ages of 18 and 21 and who, immediately prior to his
 148 commitment to the Department of Juvenile Justice, was in the custody of a local board of social
 149 services; or (iii) is a child at least 16 years of age or a person between the ages of 18 and 21 who was
 150 committed to the Department of Juvenile Justice immediately prior to placement in an independent
 151 living arrangement. ~~Such services shall include~~ "Independent living services" includes counseling,
 152 education, housing, employment, and money management skills development and access to essential
 153 documents and other appropriate services to help children or persons prepare for self-sufficiency.

154 "Intake officer" means a juvenile probation officer appointed as such pursuant to the authority of this
 155 chapter.

156 "Jail" or "other facility designed for the detention of adults" means a local or regional correctional
 157 facility as defined in § 53.1-1, except those facilities utilized on a temporary basis as a court holding
 158 cell for a child incident to a court hearing or as a temporary lock-up room or ward incident to the
 159 transfer of a child to a juvenile facility.

160 "The judge" means the judge or the substitute judge of the juvenile and domestic relations district
 161 court of each county or city.

162 "This law" or "the law" means the Juvenile and Domestic Relations District Court Law embraced in
 163 this chapter.

164 "Legal custody" means (i) a legal status created by court order which vests in a custodian the right to
 165 have physical custody of the child, to determine and redetermine where and with whom he shall live,
 166 the right and duty to protect, train and discipline him and to provide him with food, shelter, education
 167 and ordinary medical care, all subject to any residual parental rights and responsibilities or (ii) the legal
 168 status created by court order of joint custody as defined in § 20-107.2.

169 "Permanent foster care placement" means the place of residence in which a child resides and in
 170 which he has been placed pursuant to the provisions of §§ 63.2-900 and 63.2-908 with the expectation
 171 and agreement between the placing agency and the place of permanent foster care that the child shall
 172 remain in the placement until he reaches the age of majority unless modified by court order or unless
 173 removed pursuant to § 16.1-251 or 63.2-1517. A permanent foster care placement may be a place of
 174 residence of any natural person or persons deemed appropriate to meet a child's needs on a long-term
 175 basis.

176 "Qualified individual" means a trained professional or licensed clinician who is not an employee of
 177 the local board of social services or licensed child-placing agency that placed the child in a qualified
 178 residential treatment program and is not affiliated with any placement setting in which children are
 179 placed by such local board of social services or licensed child-placing agency.

180 "Qualified residential treatment program" means a program that (i) provides 24-hour residential
 181 placement services for children in foster care; (ii) has adopted a trauma-informed treatment model that

182 meets the clinical and other needs of children with serious emotional or behavioral disorders, including
183 any clinical or other needs identified through assessments conducted pursuant to clause (viii) of this
184 definition; (iii) employs registered or licensed nursing and other clinical staff who provide care, on site
185 and within the scope of their practice, and are available 24 hours a day, 7 days a week; (iv) conducts
186 outreach with the child's family members, including efforts to maintain connections between the child
187 and his siblings and other family; documents and maintains records of such outreach efforts; and
188 maintains contact information for any known biological family and fictive kin of the child; (v) whenever
189 appropriate and in the best interest of the child, facilitates participation by family members in the child's
190 treatment program before and after discharge and documents the manner in which such participation is
191 facilitated; (vi) provides discharge planning and family-based aftercare support for at least six months
192 after discharge; (vii) is licensed in accordance with 42 U.S.C. § 671(a)(10) and accredited by an
193 organization approved by the federal Secretary of Health and Human Services; and (viii) requires that
194 any child placed in the program receive an assessment within 30 days of such placement by a qualified
195 individual that (a) assesses the strengths and needs of the child using an age-appropriate, evidence-based,
196 validated, and functional assessment tool approved by the Commissioner of Social Services; (b)
197 identifies whether the needs of the child can be met through placement with a family member or in a
198 foster home or, if not, in a placement setting authorized by 42 U.S.C. § 672(k)(2), including a qualified
199 residential treatment program, that would provide the most effective and appropriate level of care for the
200 child in the least restrictive environment and be consistent with the short-term and long-term goals
201 established for the child in his foster care or permanency plan; (c) establishes a list of short-term and
202 long-term mental and behavioral health goals for the child; and (d) is documented in a written report to
203 be filed with the court prior to any hearing on the child's placement pursuant to § 16.1-281, 16.1-282,
204 16.1-282.1, or 16.1-282.2.

205 "Residual parental rights and responsibilities" means all rights and responsibilities remaining with the
206 parent after the transfer of legal custody or guardianship of the person, including but not limited to the
207 right of visitation, consent to adoption, the right to determine religious affiliation and the responsibility
208 for support.

209 "Secure facility" or "detention home" means a local, regional or state public or private locked
210 residential facility that has construction fixtures designed to prevent escape and to restrict the movement
211 and activities of children held in lawful custody.

212 "Shelter care" means the temporary care of children in physically unrestricting facilities.

213 "State Board" means the State Board of Juvenile Justice.

214 "Status offender" means a child who commits an act prohibited by law which would not be criminal
215 if committed by an adult.

216 "Status offense" means an act prohibited by law which would not be an offense if committed by an
217 adult.

218 "Violent juvenile felony" means any of the delinquent acts enumerated in subsection B or C of
219 § 16.1-269.1 when committed by a juvenile 14 years of age or older.

220 **§ 16.1-260. Intake; petition; investigation.**

221 A. All matters alleged to be within the jurisdiction of the court shall be commenced by the filing of
222 a petition, except as provided in subsection H and in § 16.1-259. The form and content of the petition
223 shall be as provided in § 16.1-262. No individual shall be required to obtain support services from the
224 Department of Social Services prior to filing a petition seeking support for a child. Complaints, requests,
225 and the processing of petitions to initiate a case shall be the responsibility of the intake officer.
226 However, (i) the attorney for the Commonwealth of the city or county may file a petition on his own
227 motion with the clerk; (ii) designated nonattorney employees of the Department of Social Services may
228 complete, sign, and file petitions and motions relating to the establishment, modification, or enforcement
229 of support on forms approved by the Supreme Court of Virginia with the clerk; (iii) designated
230 nonattorney employees of a local department of social services may complete, sign, and file with the
231 clerk, on forms approved by the Supreme Court of Virginia, petitions for foster care review, petitions
232 for permanency planning hearings, petitions to establish paternity, motions to establish or modify
233 support, motions to amend or review an order, and motions for a rule to show cause; and (iv) any
234 attorney may file petitions on behalf of his client with the clerk except petitions alleging that the subject
235 of the petition is a child alleged to be in need of services, in need of supervision, or delinquent.
236 Complaints alleging abuse or neglect of a child shall be referred initially to the local department of
237 social services in accordance with the provisions of Chapter 15 (§ 63.2-1500 et seq.) of Title 63.2.
238 Motions and other subsequent pleadings in a case shall be filed directly with the clerk. The intake
239 officer or clerk with whom the petition or motion is filed shall inquire whether the petitioner is
240 receiving child support services or public assistance. No individual who is receiving support services or
241 public assistance shall be denied the right to file a petition or motion to establish, modify, or enforce an
242 order for support of a child. If the petitioner is seeking or receiving child support services or public
243 assistance, the clerk, upon issuance of process, shall forward a copy of the petition or motion, together

244 with notice of the court date, to the Division of Child Support Enforcement.

245 B. The appearance of a child before an intake officer may be by (i) personal appearance before the
 246 intake officer or (ii) use of two-way electronic video and audio communication. If two-way electronic
 247 video and audio communication is used, an intake officer may exercise all powers conferred by law. All
 248 communications and proceedings shall be conducted in the same manner as if the appearance were in
 249 person, and any documents filed may be transmitted by facsimile process. The facsimile may be served
 250 or executed by the officer or person to whom sent, and returned in the same manner, and with the same
 251 force, effect, authority, and liability as an original document. All signatures thereon shall be treated as
 252 original signatures. Any two-way electronic video and audio communication system used for an
 253 appearance shall meet the standards as set forth in subsection B of § 19.2-3.1.

254 When the court service unit of any court receives a complaint alleging facts which may be sufficient
 255 to invoke the jurisdiction of the court pursuant to § 16.1-241, the unit, through an intake officer, may
 256 proceed informally to make such adjustment as is practicable without the filing of a petition or may
 257 authorize a petition to be filed by any complainant having sufficient knowledge of the matter to
 258 establish probable cause for the issuance of the petition.

259 An intake officer may proceed informally on a complaint alleging a child is in need of services, in
 260 need of supervision, or delinquent only if the juvenile ~~(i)~~ (a) is not alleged to have committed a violent
 261 juvenile felony or ~~(ii)~~ (b) has not previously been proceeded against informally or adjudicated delinquent
 262 for an offense that would be a felony if committed by an adult. A petition alleging that a juvenile
 263 committed a violent juvenile felony shall be filed with the court. A petition alleging that a juvenile is
 264 delinquent for an offense that would be a felony if committed by an adult shall be filed with the court if
 265 the juvenile had previously been proceeded against informally by intake or had been adjudicated
 266 delinquent for an offense that would be a felony if committed by an adult.

267 If a juvenile is alleged to be a truant pursuant to a complaint filed in accordance with § 22.1-258 and
 268 the attendance officer has provided documentation to the intake officer that the relevant school division
 269 has complied with the provisions of § 22.1-258, then the intake officer shall file a petition with the
 270 court. The intake officer may defer filing the complaint for 90 days and proceed informally by
 271 developing a truancy plan, provided that ~~(a)~~ (1) the juvenile has not previously been proceeded against
 272 informally or adjudicated in need of supervision on more than two occasions for failure to comply with
 273 compulsory school attendance as provided in § 22.1-254 and ~~(b)~~ (2) the immediately previous informal
 274 action or adjudication occurred at least three calendar years prior to the current complaint. The juvenile
 275 and his parent or parents, guardian, or other person standing in loco parentis must agree, in writing, for
 276 the development of a truancy plan. The truancy plan may include requirements that the juvenile and his
 277 parent or parents, guardian, or other person standing in loco parentis participate in such programs,
 278 cooperate in such treatment, or be subject to such conditions and limitations as necessary to ensure the
 279 juvenile's compliance with compulsory school attendance as provided in § 22.1-254. The intake officer
 280 may refer the juvenile to the appropriate public agency for the purpose of developing a truancy plan
 281 using an interagency interdisciplinary team approach. The team may include qualified personnel who are
 282 reasonably available from the appropriate department of social services, community services board, local
 283 school division, court service unit, and other appropriate and available public and private agencies and
 284 may be the family assessment and planning team established pursuant to § 2.2-5207. If at the end of the
 285 90-day period the juvenile has not successfully completed the truancy plan or the truancy program, then
 286 the intake officer shall file the petition.

287 Whenever informal action is taken as provided in this subsection on a complaint alleging that a child
 288 is in need of services, in need of supervision, or delinquent, the intake officer shall ~~(1)~~ (A) develop a
 289 plan for the juvenile, which may include restitution and the performance of community service, based
 290 upon community resources and the circumstances which resulted in the complaint, ~~(2)~~ (B) create an
 291 official record of the action taken by the intake officer and file such record in the juvenile's case file,
 292 and ~~(3)~~ (C) advise the juvenile and the juvenile's parent, guardian, or other person standing in loco
 293 parentis and the complainant that any subsequent complaint alleging that the child is in need of
 294 supervision or delinquent based upon facts which may be sufficient to invoke the jurisdiction of the
 295 court pursuant to § 16.1-241 will result in the filing of a petition with the court.

296 C. The intake officer shall accept and file a petition in which it is alleged that (i) the custody,
 297 visitation, or support of a child is the subject of controversy or requires determination, (ii) a person has
 298 deserted, abandoned, or failed to provide support for any person in violation of law, (iii) a child or such
 299 child's parent, guardian, legal custodian, or other person standing in loco parentis is entitled to treatment,
 300 rehabilitation, or other services which are required by law, (iv) family abuse has occurred and a
 301 protective order is being sought pursuant to § 16.1-253.1, 16.1-253.4, or 16.1-279.1, or (v) an act of
 302 violence, force, or threat has occurred, a protective order is being sought pursuant to § 19.2-152.8,
 303 19.2-152.9, or 19.2-152.10, and either the alleged victim or the respondent is a juvenile. If any such
 304 complainant does not file a petition, the intake officer may file it. In cases in which a child is alleged to

305 be abused, neglected, in need of services, in need of supervision, or delinquent, if the intake officer
306 believes that probable cause does not exist, or that the authorization of a petition will not be in the best
307 interest of the family or juvenile or that the matter may be effectively dealt with by some agency other
308 than the court, he may refuse to authorize the filing of a petition. The intake officer shall provide to a
309 person seeking a protective order pursuant to § 16.1-253.1, 16.1-253.4, or 16.1-279.1 a written
310 explanation of the conditions, procedures and time limits applicable to the issuance of protective orders
311 pursuant to § 16.1-253.1, 16.1-253.4, or 16.1-279.1. If the person is seeking a protective order pursuant
312 to § 19.2-152.8, 19.2-152.9, or 19.2-152.10, the intake officer shall provide a written explanation of the
313 conditions, procedures, and time limits applicable to the issuance of protective orders pursuant to
314 § 19.2-152.8, 19.2-152.9, or 19.2-152.10.

315 D. Prior to the filing of any petition alleging that a child is in need of supervision, the matter shall
316 be reviewed by an intake officer who shall determine whether the petitioner and the child alleged to be
317 in need of supervision have utilized or attempted to utilize treatment and services available in the
318 community and have exhausted all appropriate nonjudicial remedies which are available to them. When
319 the intake officer determines that the parties have not attempted to utilize available treatment or services
320 or have not exhausted all appropriate nonjudicial remedies which are available, he shall refer the
321 petitioner and the child alleged to be in need of supervision to the appropriate agency, treatment facility,
322 or individual to receive treatment or services, and a petition shall not be filed. Only after the intake
323 officer determines that the parties have made a reasonable effort to utilize available community
324 treatment or services may he permit the petition to be filed.

325 E. If the intake officer refuses to authorize a petition relating to an offense that if committed by an
326 adult would be punishable as a Class 1 misdemeanor or as a felony, the complainant shall be notified in
327 writing at that time of the complainant's right to apply to a magistrate for a warrant. If a magistrate
328 determines that probable cause exists, he shall issue a warrant returnable to the juvenile and domestic
329 relations district court. The warrant shall be delivered forthwith to the juvenile court, and the intake
330 officer shall accept and file a petition founded upon the warrant. If the court is closed and the magistrate
331 finds that the criteria for detention or shelter care set forth in § 16.1-248.1 have been satisfied, the
332 juvenile may be detained pursuant to the warrant issued in accordance with this subsection. If the intake
333 officer refuses to authorize a petition relating to a child in need of services or in need of supervision, a
334 status offense, or a misdemeanor other than Class 1, his decision is final.

335 Upon delivery to the juvenile court of a warrant issued pursuant to subdivision 2 of § 16.1-256, the
336 intake officer shall accept and file a petition founded upon the warrant.

337 F. The intake officer shall notify the attorney for the Commonwealth of the filing of any petition
338 which alleges facts of an offense which would be a felony if committed by an adult.

339 G. Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.), the intake officer shall file a
340 report with the division superintendent of the school division in which any student who is the subject of
341 a petition alleging that such student who is a juvenile has committed an act, wherever committed, which
342 would be a crime if committed by an adult, or that such student who is an adult has committed a crime
343 and is alleged to be within the jurisdiction of the court. The report shall notify the division
344 superintendent of the filing of the petition and the nature of the offense, if the violation involves:

345 1. A firearm offense pursuant to Article 4 (§ 18.2-279 et seq.), 5 (§ 18.2-288 et seq.), 6 (§ 18.2-299
346 et seq.), 6.1 (§ 18.2-307.1 et seq.), or 7 (§ 18.2-308.1 et seq.) of Chapter 7 of Title 18.2;

347 2. Homicide, pursuant to Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;

348 3. Felonious assault and bodily wounding, pursuant to Article 4 (§ 18.2-51 et seq.) of Chapter 4 of
349 Title 18.2;

350 4. Criminal sexual assault, pursuant to Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;

351 5. Manufacture, sale, gift, distribution or possession of Schedule I or II controlled substances,
352 pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;

353 6. Manufacture, sale or distribution of marijuana pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter
354 7 of Title 18.2;

355 7. Arson and related crimes, pursuant to Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2;

356 8. Burglary and related offenses, pursuant to §§ 18.2-89 through 18.2-93;

357 9. Robbery pursuant to § 18.2-58;

358 10. Prohibited criminal street gang activity pursuant to § 18.2-46.2;

359 11. Recruitment of other juveniles for a criminal street gang activity pursuant to § 18.2-46.3;

360 12. An act of violence by a mob pursuant to § 18.2-42.1;

361 13. Abduction of any person pursuant to § 18.2-47 or 18.2-48; or

362 14. A threat pursuant to § 18.2-60.

363 The failure to provide information regarding the school in which the student who is the subject of
364 the petition may be enrolled shall not be grounds for refusing to file a petition.

365 The information provided to a division superintendent pursuant to this section may be disclosed only
366 as provided in § 16.1-305.2.

367 H. The filing of a petition shall not be necessary:

368 1. In the case of violations of the traffic laws, including offenses involving bicycles, hitchhiking and
 369 other pedestrian offenses, game and fish laws, or a violation of the ordinance of any city regulating
 370 surfing or any ordinance establishing curfew violations, animal control violations, or littering violations.
 371 In such cases the court may proceed on a summons issued by the officer investigating the violation in
 372 the same manner as provided by law for adults. Additionally, an officer investigating a motor vehicle
 373 accident may, at the scene of the accident or at any other location where a juvenile who is involved in
 374 such an accident may be located, proceed on a summons in lieu of filing a petition.

375 2. In the case of seeking consent to apply for the issuance of a work permit pursuant to subsection H
 376 of § 16.1-241.

377 3. In the case of a misdemeanor violation of § ~~18.2-250.1~~, 18.2-266, 18.2-266.1, or 29.1-738, or the
 378 commission of any other alcohol-related offense, *or a violation of § 18.2-250.1*, provided *that* the
 379 juvenile is released to the custody of a parent or legal guardian pending the initial court date. The
 380 officer releasing a juvenile to the custody of a parent or legal guardian shall issue a summons to the
 381 juvenile and shall also issue a summons requiring the parent or legal guardian to appear before the court
 382 with the juvenile. Disposition of the charge shall be in the manner provided in § 16.1-278.8,
 383 16.1-278.8:01, or 16.1-278.9. If the juvenile so charged with a violation of § 18.2-51.4, 18.2-266,
 384 18.2-266.1, 18.2-272, or 29.1-738 refuses to provide a sample of blood or breath or samples of both
 385 blood and breath for chemical analysis pursuant to §§ 18.2-268.1 through 18.2-268.12 or 29.1-738.2, the
 386 provisions of these sections shall be followed except that the magistrate shall authorize execution of the
 387 warrant as a summons. The summons shall be served on a parent or legal guardian and the juvenile, and
 388 a copy of the summons shall be forwarded to the court in which the violation is to be tried. When a
 389 violation of § 18.2-250.1 is charged by summons, the juvenile shall be entitled to have the charge
 390 referred to intake for consideration of informal proceedings pursuant to subsection B, provided *that* such
 391 right is exercised by written notification to the clerk not later than 10 days prior to trial. At the time
 392 such summons alleging a violation of § 18.2-250.1 is served, the officer shall also serve upon the
 393 juvenile written notice of the right to have the charge referred to intake on a form approved by the
 394 Supreme Court and make return of such service to the court. If the officer fails to make such service or
 395 return, the court shall dismiss the summons without prejudice.

396 4. In the case of offenses which, if committed by an adult, would be punishable as a Class 3 or
 397 Class 4 misdemeanor. In such cases the court may direct that an intake officer proceed as provided in
 398 § 16.1-237 on a summons issued by the officer investigating the violation in the same manner as
 399 provided by law for adults provided that notice of the summons to appear is mailed by the investigating
 400 officer within five days of the issuance of the summons to a parent or legal guardian of the juvenile.

401 I. Failure to comply with the procedures set forth in this section shall not divest the juvenile court of
 402 the jurisdiction granted it in § 16.1-241.

403 **§ 16.1-273. Court may require investigation of social history and preparation of victim impact**
 404 **statement.**

405 A. When a juvenile and domestic relations district court or circuit court has adjudicated any case
 406 involving a child subject to the jurisdiction of the court hereunder, except for a traffic violation, a
 407 violation of the game and fish law, or a violation of any city ordinance regulating surfing or establishing
 408 curfew violations, the court before final disposition thereof may require an investigation, which (i) shall
 409 include a drug screening and (ii) may, and for the purposes of subdivision A 14 or A 17 of § 16.1-278.8
 410 shall, include a social history of the physical, mental, and social conditions, including an assessment of
 411 any affiliation with a criminal street gang as defined in § 18.2-46.1, and personality of the child and the
 412 facts and circumstances surrounding the violation of law. However, in the case of a juvenile adjudicated
 413 delinquent on the basis of an act committed on or after January 1, 2000, which would be (a) a felony if
 414 committed by an adult, ~~or~~ (b) a violation under Article 1 (§ 18.2-247 et seq.) or Article 1.1
 415 (§ 18.2-265.1 et seq.) of Chapter 7 of Title 18.2 and such offense would be punishable as a Class 1 or
 416 Class 2 misdemeanor if committed by an adult, *or (c) a violation of § 18.2-250.1*, the court shall order
 417 the juvenile to undergo a drug screening. If the drug screening indicates that the juvenile has a
 418 substance abuse or dependence problem, an assessment shall be completed by a certified substance abuse
 419 counselor as defined in § 54.1-3500 employed by the Department of Juvenile Justice or by a locally
 420 operated court services unit or by an individual employed by or currently under contract to such
 421 agencies and who is specifically trained to conduct such assessments under the supervision of such
 422 counselor.

423 B. The court also shall, on motion of the attorney for the Commonwealth with the consent of the
 424 victim, or may in its discretion, require the preparation of a victim impact statement in accordance with
 425 the provisions of § 19.2-299.1 if the court determines that the victim may have suffered significant
 426 physical, psychological, or economic injury as a result of the violation of law.

427 **§ 18.2-247. Use of terms "controlled substances," "marijuana," "Schedules I, II, III, IV, V and**

428 **VI," "imitation controlled substance" and "counterfeit controlled substance" in Title 18.2.**

429 A. Wherever the terms "controlled substances" and "Schedules I, II, III, IV, V and VI" are used in
430 Title 18.2, such terms refer to those terms as they are used or defined in the Drug Control Act
431 (§ 54.1-3400 et seq.).

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

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

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

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

452 D. The term "marijuana" when used in this article means any part of a plant of the genus Cannabis,
453 whether growing or not, its seeds or resin; and every compound, manufacture, salt, derivative, mixture,
454 or preparation of such plant, its seeds, ~~or~~ its resin, *or any oily extract containing one or more*
455 *cannabinoids*. Marijuana ~~shall~~ *does* not include ~~any oily extract containing one or more cannabinoids~~
456 ~~unless such extract contains less than 12 percent of tetrahydrocannabinol by weight, or the mature stalks~~
457 ~~of such plant, fiber produced from such stalk, oil or cake made from the seed of such plant, unless such~~
458 ~~stalks, fiber, oil or cake is combined with other parts of plants of the genus Cannabis. Marijuana shall~~
459 ~~does~~ not include (i) industrial hemp, as defined in § 3.2-4112, that is possessed by a person registered
460 pursuant to subsection A of § 3.2-4115 or his agent or (ii) a hemp product, as defined in § 3.2-4112,
461 containing a tetrahydrocannabinol concentration of no greater than 0.3 percent that is derived from
462 industrial hemp, as defined in § 3.2-4112, that is grown, dealt, or processed in compliance with state or
463 federal law.

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

469 **§ 18.2-248.1. Penalties for sale, gift, distribution or possession with intent to sell, give or**
470 **distribute marijuana.**

471 Except as authorized in the Drug Control Act, ~~Chapter 34 of Title 54.1~~ (§54.1-3400 et seq.), it ~~shall~~
472 ~~be~~ *is* unlawful for any person to sell, give, distribute or possess with intent to sell, give, or distribute
473 marijuana.

474 (a) Any person who violates this section with respect to:

475 (1) Not more than ~~one-half~~ *one* ounce of marijuana is guilty of a Class 1 misdemeanor;

476 (2) More than ~~one-half~~ *one* ounce but not more than five pounds of marijuana is guilty of a Class 5
477 felony;

478 (3) More than five pounds of marijuana is guilty of a felony punishable by imprisonment of not less
479 than five nor more than 30 years.

480 If such person proves that he gave, distributed, or possessed with intent to give or distribute
481 marijuana only as an accommodation to another individual and not with intent to profit thereby from
482 any consideration received or expected nor to induce the recipient or intended recipient of the marijuana
483 to use or become addicted to or dependent upon such marijuana, he ~~shall~~ *be* *is* guilty of a Class 1
484 misdemeanor.

485 (b) Any person who gives, *or* distributes *marijuana to* or possesses marijuana as an accommodation
486 *to* and not with intent to profit thereby, ~~to~~ an inmate of a state or local correctional facility as defined in
487 § 53.1-1; or in the custody of an employee thereof ~~shall~~ *be* *is* guilty of a Class 4 felony.

488 (c) Any person who manufactures marijuana, or possesses marijuana with the intent to manufacture
489 such substance, not for his own use is guilty of a felony punishable by imprisonment of not less than

490 five nor more than 30 years and a fine not to exceed \$10,000.

491 *There shall be a rebuttable presumption that a person who possesses no more than one ounce of*
 492 *marijuana possesses it for personal use.*

493 (d) When a person is convicted of a third or subsequent felony offense under this section and it is
 494 alleged in the warrant, indictment or information that he has been before convicted of two or more
 495 felony offenses under this section or of substantially similar offenses in any other jurisdiction which
 496 offenses would be felonies if committed in the Commonwealth, and such prior convictions occurred
 497 before the date of the offense alleged in the warrant, indictment, or information, he shall be sentenced to
 498 imprisonment for life or for any period not less than five years, five years of which shall be a
 499 mandatory minimum term of imprisonment to be served consecutively with any other sentence and he
 500 shall be fined not more than \$500,000.

501 **§ 18.2-250.1. Possession of marijuana unlawful.**

502 A. It is unlawful for any person knowingly or intentionally to possess marijuana unless the substance
 503 was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in
 504 the course of his professional practice, or except as otherwise authorized by the Drug Control Act
 505 (§ 54.1-3400 et seq.). *The attorney for the Commonwealth or the county, city, or town attorney may*
 506 *prosecute such a case.*

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

510 Any person who violates this section is ~~guilty of a misdemeanor and shall be confined in jail not~~
 511 ~~more than 30 days and fined not subject to a civil penalty of no more than \$500, either or both; any~~
 512 ~~person, upon a second or subsequent conviction of a violation of this section, is guilty of a Class 1~~
 513 ~~misdemeanor \$50. Any civil penalties collected pursuant to this section shall be deposited into the Drug~~
 514 ~~Offender Assessment and Treatment Fund established pursuant to § 18.2-251.02.~~

515 B. *Any violation of this section may be charged by summons. On a form prescribed by the Office of*
 516 *the Executive Secretary of the Supreme Court of Virginia, a summons for a violation of this section may*
 517 *be executed by a law-enforcement officer when such violation is observed by such officer. The form*
 518 *shall contain the option for the person charged to prepay the civil penalty and all costs. The clerk of*
 519 *court shall certify and forward to the Central Criminal Records Exchange, on a form provided by the*
 520 *Exchange, a copy of any order finding a person in violation of this section, as soon as practicable but*
 521 *not later than the close of business on the next business day following the day on which the order was*
 522 *entered.*

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

527 C. D. In any prosecution under this section involving marijuana in the form of cannabidiol oil or
 528 THC-A oil as those terms are defined in § 54.1-3408.3, it shall be an affirmative defense that the
 529 individual possessed such oil pursuant to a valid written certification issued by a practitioner in the
 530 course of his professional practice pursuant to § 54.1-3408.3 for treatment or to alleviate the symptoms
 531 of (i) the individual's diagnosed condition or disease, (ii) if such individual is the parent or legal
 532 guardian of a minor or of an incapacitated adult as defined in § 18.2-369, such minor's or incapacitated
 533 adult's diagnosed condition or disease, or (iii) if such individual has been designated as a registered
 534 agent pursuant to § 54.1-3408.3, the diagnosed condition or disease of his principal or, if the principal is
 535 the parent or legal guardian of a minor or of an incapacitated adult as defined in § 18.2-369, such
 536 minor's or incapacitated adult's diagnosed condition or disease. If the individual files the valid written
 537 certification with the court at least 10 days prior to trial and causes a copy of such written certification
 538 to be delivered to the attorney for the Commonwealth, such written certification shall be prima facie
 539 evidence that such oil was possessed pursuant to a valid written certification.

540 **§ 18.2-251. Persons charged with first offense may be placed on probation; conditions;**
 541 **substance abuse screening, assessment treatment and education programs or services; drug tests;**
 542 **costs and fees; violations; discharge.**

543 Whenever any person who has not previously been convicted of any *criminal* offense under this
 544 article or under any statute of the United States or of any state relating to narcotic drugs, marijuana, or
 545 stimulant, depressant, or hallucinogenic drugs; or has not previously had a proceeding against him for
 546 violation of such an offense dismissed as provided in this section; or pleads guilty to or enters a plea of
 547 not guilty to possession of a controlled substance under § 18.2-250 or to possession of marijuana under
 548 § 18.2-250.1, the court, upon such plea if the facts found by the court would justify a finding of guilt,
 549 without entering a judgment of guilt and with the consent of the accused, may defer further proceedings
 550 and place him on probation upon terms and conditions. If the court defers further proceedings, at that

551 time the court shall determine whether the clerk of court has been provided with the fingerprint
 552 identification information or fingerprints of the person, taken by a law-enforcement officer pursuant to
 553 § 19.2-390, and, if not, shall order that the fingerprints and photograph of the person be taken by a
 554 law-enforcement officer.

555 As a term or condition, the court shall require the accused to undergo a substance abuse assessment
 556 pursuant to § 18.2-251.01 or 19.2-299.2, as appropriate, and enter treatment and/or education program or
 557 services, if available, such as, in the opinion of the court, may be best suited to the needs of the accused
 558 based upon consideration of the substance abuse assessment. The program or services may be located in
 559 the judicial district in which the charge is brought or in any other judicial district as the court may
 560 provide. The services shall be provided by (i) a program licensed by the Department of Behavioral
 561 Health and Developmental Services, by a similar program which is made available through the
 562 Department of Corrections, (ii) a local community-based probation services agency established pursuant
 563 to § 9.1-174, or (iii) an ASAP program certified by the Commission on VASAP.

564 The court shall require the person entering such program under the provisions of this section to pay
 565 all or part of the costs of the program, including the costs of the screening, assessment, testing, and
 566 treatment, based upon the accused's ability to pay unless the person is determined by the court to be
 567 indigent.

568 As a condition of probation, the court shall require the accused (a) to successfully complete treatment
 569 or education program or services, (b) to remain drug and alcohol free during the period of probation and
 570 submit to such tests during that period as may be necessary and appropriate to determine if the accused
 571 is drug and alcohol free, (c) to make reasonable efforts to secure and maintain employment, and (d) to
 572 comply with a plan of at least 100 hours of community service for a felony and up to 24 hours of
 573 community service for a misdemeanor. ~~In addition to any community service required by the court~~
 574 ~~pursuant to clause (d), if the court does not suspend or revoke the accused's license as a term or~~
 575 ~~condition of probation for a violation of § 18.2-250.1, the court shall require the accused to comply with~~
 576 ~~a plan of 50 hours of community service.~~ Such testing shall be conducted by personnel of the
 577 supervising probation agency or personnel of any program or agency approved by the supervising
 578 probation agency.

579 Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as
 580 otherwise provided. Upon fulfillment of the terms and conditions, and upon determining that the clerk of
 581 court has been provided with the fingerprint identification information or fingerprints of such person, the
 582 court shall discharge the person and dismiss the proceedings against him. Discharge and dismissal under
 583 this section shall be without adjudication of guilt and is a conviction only for the purposes of applying
 584 this section in subsequent proceedings.

585 Notwithstanding any other provision of this section, whenever a court places an individual on
 586 probation upon terms and conditions pursuant to this section, such action shall be treated as a conviction
 587 for purposes of §§ 18.2-259.1, 22.1-315, and 46.2-390.1, and the driver's license forfeiture provisions of
 588 those sections shall be imposed. ~~However, if the court places an individual on probation upon terms and~~
 589 ~~conditions for a violation of § 18.2-250.1, such action shall not be treated as a conviction for purposes~~
 590 ~~of § 18.2-259.1 or 46.2-390.1, provided that a court (1) may suspend or revoke an individual's driver's~~
 591 ~~license as a term or condition of probation and (2) shall suspend or revoke an individual's driver's~~
 592 ~~license as a term or condition of probation for a period of six months if the violation of § 18.2-250.1~~
 593 ~~was committed while such person was in operation of a motor vehicle.~~ The provisions of this paragraph
 594 shall not be applicable to any offense for which a juvenile has had his license suspended or denied
 595 pursuant to § 16.1-278.9 for the same offense.

596 **§ 18.2-251.02. Drug Offender Assessment and Treatment Fund.**

597 There is hereby established in the state treasury the Drug Offender Assessment and Treatment Fund
 598 which shall consist of moneys received from (i) fees imposed on certain drug offense convictions
 599 pursuant to § 16.1-69.48:3 and subdivisions A 10 and A 11 of § 17.1-275 and § 16.1-69.48:3 (ii) *civil*
 600 *penalties imposed for violations of § 18.2-250.1*. All interest derived from the deposit and investment of
 601 moneys in the Fund shall be credited to the Fund. Any moneys not appropriated by the General
 602 Assembly shall remain in the Drug Offender Assessment and Treatment Fund and shall not be
 603 transferred or revert to the general fund at the end of any fiscal year. All moneys in the Fund shall be
 604 subject to annual appropriation by the General Assembly to the Department of Corrections, the
 605 Department of Juvenile Justice, and the Commission on VASAP to implement and operate the offender
 606 substance abuse screening and assessment program; the Department of Criminal Justice Services for the
 607 support of community-based probation and local pretrial services agencies; and the Office of the
 608 Executive Secretary of the Supreme Court of Virginia for the support of drug treatment court programs.

609 **§ 18.2-252. Suspended sentence conditioned upon substance abuse screening, assessment, testing,**
 610 **and treatment or education.**

611 The trial judge or court trying the case of (i) any person found guilty of ~~violating a criminal~~
 612 *violation of any law concerning the use, in any manner, of drugs, controlled substances, narcotics,*

613 marijuana, noxious chemical substances and like substances; or (ii) any juvenile penalized for a violation
 614 of § 18.2-250.1 shall condition any suspended sentence or suspension of any civil penalty by first
 615 requiring such person to agree to undergo a substance abuse screening pursuant to § 18.2-251.01 and to
 616 submit to such periodic substance abuse testing, to include alcohol testing, as may be directed by the
 617 court. Such testing shall be conducted by the supervising probation agency or by personnel of any
 618 program or agency approved by the supervising probation agency. The cost of such testing ordered by
 619 the court shall be paid by the Commonwealth and taxed as a part of the costs of such ~~criminal~~
 620 proceedings. The judge or court shall order the person, as a condition of any suspended sentence or
 621 *suspended civil penalty*, to undergo such treatment or education for substance abuse, if available, as the
 622 judge or court deems appropriate based upon consideration of the substance abuse assessment. The
 623 treatment or education shall be provided by a program or agency licensed by the Department of
 624 Behavioral Health and Developmental Services, by a similar program or services available through the
 625 Department of Corrections if the court imposes a sentence of one year or more or, if the court imposes
 626 a sentence of 12 months or less, by a similar program or services available through a local or regional
 627 jail, a local community-based probation services agency established pursuant to § 9.1-174, or an ASAP
 628 program certified by the Commission on VASAP.

629 **§ 18.2-254. Commitment of convicted person for treatment for substance abuse.**

630 A. Whenever any person who has not previously been convicted of any *criminal* offense under this
 631 article or under any statute of the United States or of any state relating to narcotic drugs, marijuana,
 632 stimulant, depressant, or hallucinogenic drugs or has not previously had a proceeding against him for
 633 violation of such an offense dismissed as provided in § 18.2-251 is found guilty of violating any law
 634 concerning the use, in any manner, of drugs, controlled substances, narcotics, marijuana, noxious
 635 chemical substances, and like substances, the judge or court shall require such person to undergo a
 636 substance abuse screening pursuant to § 18.2-251.01 and to submit to such periodic substance abuse
 637 testing, to include alcohol testing, as may be directed by the court. The cost of such testing ordered by
 638 the court shall be paid by the Commonwealth and taxed as a part of the costs of the criminal
 639 proceedings. The judge or court shall also order the person to undergo such treatment or education for
 640 substance abuse, if available, as the judge or court deems appropriate based upon consideration of the
 641 substance abuse assessment. The treatment or education shall be provided by a program or agency
 642 licensed by the Department of Behavioral Health and Developmental Services or by a similar program
 643 or services available through the Department of Corrections if the court imposes a sentence of one year
 644 or more or, if the court imposes a sentence of 12 months or less, by a similar program or services
 645 available through a local or regional jail, a local community-based probation services agency established
 646 pursuant to § 9.1-174, or an ASAP program certified by the Commission on VASAP.

647 B. The court trying the case of any person alleged to have committed any *criminal* offense
 648 designated by this article or by the Drug Control Act (§ 54.1-3400 et seq.) or in any other criminal case
 649 in which the commission of the offense was motivated by or closely related to the use of drugs and
 650 determined by the court, pursuant to a substance abuse screening and assessment, to be in need of
 651 treatment for the use of drugs may commit, based upon a consideration of the substance abuse
 652 assessment, such person, upon his conviction, to any facility for the treatment of persons with substance
 653 abuse, licensed by the Department of Behavioral Health and Developmental Services, if space is
 654 available in such facility, for a period of time not in excess of the maximum term of imprisonment
 655 specified as the penalty for conviction of such offense or, if sentence was determined by a jury, not in
 656 excess of the term of imprisonment as set by such jury. Confinement under such commitment shall be,
 657 in all regards, treated as confinement in a penal institution and the person so committed may be
 658 convicted of escape if he leaves the place of commitment without authority. A charge of escape may be
 659 prosecuted in either the jurisdiction where the treatment facility is located or the jurisdiction where the
 660 person was sentenced to commitment. The court may revoke such commitment at any time and transfer
 661 the person to an appropriate state or local correctional facility. Upon presentation of a certified statement
 662 from the director of the treatment facility to the effect that the confined person has successfully
 663 responded to treatment, the court may release such confined person prior to the termination of the period
 664 of time for which such person was confined and may suspend the remainder of the term upon such
 665 conditions as the court may prescribe.

666 C. The court trying a case in which commission of the *criminal* offense was related to the
 667 defendant's habitual abuse of alcohol and in which the court determines, pursuant to a substance abuse
 668 screening and assessment, that such defendant is in need of treatment, may commit, based upon a
 669 consideration of the substance abuse assessment, such person, upon his conviction, to any facility for the
 670 treatment of persons with substance abuse licensed by the Department of Behavioral Health and
 671 Developmental Services, if space is available in such facility, for a period of time not in excess of the
 672 maximum term of imprisonment specified as the penalty for conviction. Confinement under such
 673 commitment shall be, in all regards, treated as confinement in a penal institution and the person so

674 committed may be convicted of escape if he leaves the place of commitment without authority. The
 675 court may revoke such commitment at any time and transfer the person to an appropriate state or local
 676 correctional facility. Upon presentation of a certified statement from the director of the treatment facility
 677 to the effect that the confined person has successfully responded to treatment, the court may release such
 678 confined person prior to the termination of the period of time for which such person was confined and
 679 may suspend the remainder of the term upon such conditions as the court may prescribe.

680 **§ 18.2-259.1. Forfeiture of driver's license for violations of article.**

681 A. In addition to any other sanction or penalty imposed for a *criminal* violation of this article *or a*
 682 *civil violation of § 18.2-250.1 committed by a juvenile*, the (i) judgment of *either a conviction* under this
 683 *article or a civil violation of § 18.2-250.1 by a juvenile* or (ii) placement on probation following deferral
 684 of further proceedings under § 18.2-251; ~~except if the proceeding was for possession of marijuana~~
 685 ~~pursuant to § 18.2-250.1, or subsection H of § 18.2-258.1~~ for any such offense shall of itself operate to
 686 deprive the person so convicted or placed on probation after deferral of proceedings under § 18.2-251
 687 or subsection H of § 18.2-258.1 of the privilege to drive or operate a motor vehicle, engine, or train in
 688 the Commonwealth for a period of six months from the date of such judgment or placement on
 689 probation. Such license forfeiture shall be in addition to and shall run consecutively with any other
 690 license suspension, revocation or forfeiture in effect or imposed upon the person so convicted or placed
 691 on probation. However, a juvenile who has had his license suspended or denied pursuant to § 16.1-278.9
 692 shall not have his license forfeited pursuant to this section for the same offense.

693 B. The court trying the case shall order any person so convicted or placed on probation *or any*
 694 *juvenile so penalized for a civil violation of § 18.2-250.1* to surrender his driver's license to be disposed
 695 of in accordance with the provisions of § 46.2-398 and shall notify the Department of Motor Vehicles of
 696 any such conviction *or judgment* entered and of the license forfeiture to be imposed.

697 C. In those cases where the court determines there are compelling circumstances warranting an
 698 exception, the court may provide that any individual be issued a restricted license to operate a motor
 699 vehicle for any of the purposes set forth in subsection E of § 18.2-271.1. No restricted license issued
 700 pursuant to this subsection shall permit any person to operate a commercial motor vehicle as defined in
 701 the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.). The court shall order the surrender
 702 of such person's license in accordance with the provisions of subsection B and shall forward to the
 703 Commissioner of the Department of Motor Vehicles a copy of its order entered pursuant to this
 704 subsection. This order shall specifically enumerate the restrictions imposed and contain such information
 705 regarding the person to whom such a permit is issued as is reasonably necessary to identify such person.
 706 The court shall also provide a copy of its order to such person who may operate a motor vehicle on the
 707 order until receipt from the Commissioner of the Department of Motor Vehicles of a restricted license,
 708 but only if the order provides for a restricted license for that period. A copy of the order and, after
 709 receipt thereof, the restricted license shall be carried at all times by such person while operating a motor
 710 vehicle. The court may require a person issued a restricted permit under the provisions of this subsection
 711 to be monitored by an alcohol safety action program during the period of license suspension. Any
 712 violation of the terms of the restricted license or of any condition set forth by the court related thereto,
 713 or any failure to remain drug-free during such period shall be reported forthwith to the court by such
 714 program. Any person who operates a motor vehicle in violation of any restriction imposed pursuant to
 715 this section shall be guilty of a violation of § 46.2-301.

716 D. Any person who has been convicted under the laws of another state or the United States of a
 717 violation substantially similar to a violation of this article and whose privilege to operate a motor
 718 vehicle in the Commonwealth is subject to revocation under the provisions of § 46.2-390.1 may petition
 719 the general district court of the county or city in which he resides for restricted driving privileges.
 720 Subject to the limitations provided in subsection C, if the court determines that there are compelling
 721 circumstances warranting an exception, the court may provide that any such person be issued a restricted
 722 license to operate a motor vehicle for any of the purposes set forth in subsection E of § 18.2-271.1.

723 **§ 19.2-392.2. Expungement of police and court records.**

724 A. If a person is charged with the commission of a crime or any offense defined in Title 18.2, and

725 ~~1. Is (i) the person is acquitted, or~~

726 ~~2. A; (ii) a nolle prosequi is taken or; (iii) the charge is otherwise dismissed, including dismissal by~~
 727 ~~accord and satisfaction pursuant to § 19.2-151; or (iv) the person is convicted of a violation of~~
 728 ~~§ 18.2-250.1 or such charge is deferred and dismissed, and all court costs and fines and all orders of~~
 729 ~~restitution have been satisfied, he may file a petition setting forth the relevant facts and requesting~~
 730 ~~expungement of the police records and the court records relating to the charge.~~

731 B. If any person whose name or other identification has been used without his consent or
 732 authorization by another person who has been charged or arrested using such name or identification, he
 733 may file a petition with the court disposing of the charge for relief pursuant to this section. Such person
 734 shall not be required to pay any fees for the filing of a petition under this subsection. A petition filed
 735 under this subsection shall include one complete set of the petitioner's fingerprints obtained from a

736 law-enforcement agency.

737 C. The petition with a copy of the warrant or indictment if reasonably available shall be filed in the
738 circuit court of the county or city in which the case was disposed of ~~by acquittal or being otherwise~~
739 ~~dismissed~~ and shall contain, except where not reasonably available, the date of arrest and the name of
740 the arresting agency. Where this information is not reasonably available, the petition shall state the
741 reason for such unavailability. The petition shall further state the specific criminal charge *or conviction*
742 to be expunged, the date of final disposition of the charge *or conviction* as set forth in the petition, the
743 petitioner's date of birth, and the full name used by the petitioner at the time of arrest.

744 D. A copy of the petition shall be served on the attorney for the Commonwealth of the city or
745 county in which the petition is filed. The attorney for the Commonwealth may file an objection or
746 answer to the petition or may give written notice to the court that he does not object to the petition
747 within 21 days after it is served on him.

748 E. The petitioner shall obtain from a law-enforcement agency one complete set of the petitioner's
749 fingerprints and shall provide that agency with a copy of the petition for expungement. The
750 law-enforcement agency shall submit the set of fingerprints to the Central Criminal Records Exchange
751 (CCRE) with a copy of the petition for expungement attached. The CCRE shall forward under seal to
752 the court a copy of the petitioner's criminal history, a copy of the source documents that resulted in the
753 CCRE entry that the petitioner wishes to expunge, and the set of fingerprints. Upon completion of the
754 hearing, the court shall return the fingerprint card to the petitioner. If no hearing was conducted, upon
755 the entry of an order of expungement or an order denying the petition for expungement, the court shall
756 cause the fingerprint card to be destroyed unless, within 30 days of the date of the entry of the order,
757 the petitioner requests the return of the fingerprint card in person from the clerk of the court or provides
758 the clerk of the court a self-addressed, stamped envelope for the return of the fingerprint card.

759 F. After receiving the criminal history record information from the CCRE, the court shall conduct a
760 hearing on the petition. If the court finds that the continued existence and possible dissemination of
761 information relating to the arrest, *charge, or conviction* of the petitioner causes or may cause
762 circumstances ~~which~~ *that* constitute a manifest injustice to the petitioner, it shall enter an order requiring
763 the expungement of the police and court records, including electronic records, relating to the *arrest,*
764 *charge, or conviction.* Otherwise, it shall deny the petition. However, if the petitioner has no prior
765 criminal record and the arrest, *charge, or conviction* was for a misdemeanor violation, the petitioner
766 shall be entitled, in the absence of good cause shown to the contrary by the Commonwealth, to
767 expungement of the police and court records relating to the *arrest, charge, or conviction* and the court
768 shall enter an order of expungement. If the attorney for the Commonwealth of the county or city in
769 which the petition is filed (i) gives written notice to the court pursuant to subsection D that he does not
770 object to the petition and (ii) when the charge to be expunged is a felony, stipulates in such written
771 notice that the continued existence and possible dissemination of information relating to the arrest of the
772 petitioner causes or may cause circumstances ~~which~~ *that* constitute a manifest injustice to the petitioner,
773 the court may enter an order of expungement without conducting a hearing.

774 G. The Commonwealth shall be made party defendant to the proceeding. Any party aggrieved by the
775 decision of the court may appeal, as provided by law in civil cases.

776 H. Notwithstanding any other provision of this section, when ~~the~~ *a* charge is dismissed because the
777 court finds that the person arrested or charged is not the person named in the summons, warrant,
778 indictment or presentment, the court dismissing the charge shall, upon motion of the person improperly
779 arrested or charged, enter an order requiring expungement of the police and court records relating to the
780 charge. Such order shall contain a statement that the dismissal and expungement are ordered pursuant to
781 this subsection and shall be accompanied by the complete set of the petitioner's fingerprints filed with
782 his petition. Upon the entry of such order, it shall be treated as provided in subsection K.

783 I. Notwithstanding any other provision of this section, upon receiving a copy pursuant to § 2.2-402
784 of an absolute pardon for the commission of a crime that a person did not commit, the court shall enter
785 an order requiring expungement of the police and court records relating to the charge and conviction.
786 Such order shall contain a statement that the expungement is ordered pursuant to this subsection. Upon
787 the entry of such order, it shall be treated as provided in subsection K.

788 J. Upon receiving a copy of a writ vacating a conviction pursuant to § 19.2-327.5 or 19.2-327.13, the
789 court shall enter an order requiring expungement of the police and court records relating to the charge
790 and conviction. Such order shall contain a statement that the expungement is ordered pursuant to this
791 subsection. Upon the entry of the order, it shall be treated as provided in subsection K.

792 K. Upon the entry of an order of expungement, the clerk of the court shall cause a copy of such
793 order to be forwarded to the Department of State Police, which shall, pursuant to rules and regulations
794 adopted pursuant to § 9.1-134, direct the manner by which the appropriate expungement or removal of
795 such records shall be effected.

796 L. Costs shall be as provided by § 17.1-275, but shall not be recoverable against the Commonwealth.

797 If the court enters an order of expungement, the clerk of the court shall refund to the petitioner such
798 costs paid by the petitioner.

799 M. Any order entered where (i) the court or parties failed to strictly comply with the procedures set
800 forth in this section or (ii) the court enters an order of expungement contrary to law, shall be voidable
801 upon motion and notice made within three years of the entry of such order.

802 **§ 19.2-392.4. Prohibited practices by employers, educational institutions, agencies, etc., of state**
803 **and local governments.**

804 A. An employer or educational institution shall not, in any application, interview, or otherwise,
805 require an applicant for employment or admission to disclose information concerning any arrest ~~or~~,
806 criminal charge against him, *or conviction* that has been expunged. An applicant need not, in answer to
807 any question concerning any arrest ~~or~~, criminal charge that has not resulted in a conviction, *or*
808 *conviction* include a reference to or information concerning arrests ~~or~~, charges, *or convictions* that have
809 been expunged.

810 B. Agencies, officials, and employees of the state and local governments shall not, in any
811 application, interview, or otherwise, require an applicant for a license, permit, registration, or
812 governmental service to disclose information concerning any arrest ~~or~~, criminal charge against him, *or*
813 *conviction* that has been expunged. An applicant need not, in answer to any question concerning any
814 arrest ~~or~~, criminal charge that has not resulted in a conviction, *or conviction*, include a reference to or
815 information concerning *arrests*, charges, *or convictions* that have been expunged. Such an application
816 may not be denied solely because of the applicant's refusal to disclose information concerning any arrest
817 ~~or~~, criminal charge against him, *or conviction* that has been expunged.

818 C. A person who willfully violates this section is guilty of a Class 1 misdemeanor for each violation.
819 **§ 46.2-390.1. Required revocation for conviction of drug offenses or deferral of proceedings.**

820 A. Except as otherwise ordered pursuant to § 18.2-259.1, the Commissioner shall forthwith revoke,
821 and not thereafter reissue for six months from the later of (i) the date of conviction, *date of judgment*
822 *for a violation of § 18.2-250.1 by a juvenile*, or *date of deferral of proceedings under § 18.2-251*, ~~unless~~
823 ~~the deferral was for proceedings for possession of marijuana pursuant to § 18.2-250.1~~, or (ii) the next
824 date of eligibility to be licensed, the driver's license, registration card, and license plates of any resident
825 or nonresident on receiving notification of (a) his conviction *or judgment for a violation of § 18.2-250.1*
826 *by a juvenile*, (b) his having been found guilty in the case of a juvenile, or (c) the deferral of further
827 proceedings against him under § 18.2-251 for any violation of any provisions of Article 1 (§ 18.2-247
828 et seq.) of Chapter 7 of Title 18.2; ~~unless the proceedings were for possession of marijuana pursuant to~~
829 ~~§ 18.2-250.1~~, or of any state or federal law or valid county, city, or town ordinance, or a law of any
830 other state substantially similar to provisions of such Virginia laws. Such license revocation shall be in
831 addition to and shall run consecutively with any other license suspension, revocation, or forfeiture in
832 effect against such person.

833 B. Any person whose license has been revoked pursuant to this section and § 18.2-259.1 shall be
834 subject to the provisions of §§ 46.2-370 and 46.2-414 and shall be required to pay a reinstatement fee as
835 provided in § 46.2-411 in order to have his license restored.

836 **§ 54.1-3401. (Effective until July 1, 2020) Definitions.**

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

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

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

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

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

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

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

855 "Biological product" means a virus, therapeutic serum, toxin, antitoxin, vaccine, blood, blood
856 component or derivative, allergenic product, protein other than a chemically synthesized polypeptide, or
857 analogous product, or arsphenamine or any derivative of arsphenamine or any other trivalent organic
858 arsenic compound, applicable to the prevention, treatment, or cure of a disease or condition of human

859 beings.

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

865 "Board" means the Board of Pharmacy.

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

870 "Change of ownership" of an existing entity permitted, registered, or licensed by the Board means (i)
871 the sale or transfer of all or substantially all of the assets of the entity or of any corporation that owns
872 or controls the entity; (ii) the creation of a partnership by a sole proprietor, the dissolution of a
873 partnership, or change in partnership composition; (iii) the acquisition or disposal of 50 percent or more
874 of the outstanding shares of voting stock of a corporation owning the entity or of the parent corporation
875 of a wholly owned subsidiary owning the entity, except that this shall not apply to any corporation the
876 voting stock of which is actively traded on any securities exchange or in any over-the-counter market;
877 (iv) the merger of a corporation owning the entity or of the parent corporation of a wholly-owned
878 subsidiary owning the entity with another business or corporation; or (v) the expiration or forfeiture of a
879 corporation's charter.

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

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

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

901 "Controlled substance analog" means a substance the chemical structure of which is substantially
902 similar to the chemical structure of a controlled substance in Schedule I or II and either (i) which has a
903 stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar
904 to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a
905 controlled substance in Schedule I or II or (ii) with respect to a particular person, which such person
906 represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous
907 system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect
908 on the central nervous system of a controlled substance in Schedule I or II. "Controlled substance
909 analog" does not include (a) any substance for which there is an approved new drug application as
910 defined under § 505 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. § 355) or that is generally
911 recognized as safe and effective pursuant to §§ 501, 502, and 503 of the federal Food, Drug, and
912 Cosmetic Act (21 U.S.C. §§ 351, 352, and 353) and 21 C.F.R. Part 330; (b) with respect to a particular
913 person, any substance for which an exemption is in effect for investigational use for that person under
914 § 505 of the federal Food, Drug, and Cosmetic Act to the extent that the conduct with respect to that
915 substance is pursuant to such exemption; or (c) any substance to the extent not intended for human
916 consumption before such an exemption takes effect with respect to that substance.

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

919 "Deliver" or "delivery" means the actual, constructive, or attempted transfer of any item regulated by

920 this chapter, whether or not there exists an agency relationship, including delivery of a Schedule VI
921 prescription device to an ultimate user or consumer on behalf of a medical equipment supplier by a
922 manufacturer, nonresident manufacturer, wholesale distributor, nonresident wholesale distributor,
923 warehouse, nonresident warehouse, third-party logistics provider, or nonresident third-party logistics
924 provider at the direction of a medical equipment supplier in accordance with § 54.1-3415.1.

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

928 "Dialysis care technician" or "dialysis patient care technician" means an individual who is certified
929 by an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§
930 54.1-2729.1 et seq.) and who, under the supervision of a licensed physician, nurse practitioner, physician
931 assistant, or a registered nurse, assists in the care of patients undergoing renal dialysis treatments in a
932 Medicare-certified renal dialysis facility.

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

937 "Dispense" means to deliver a drug to an ultimate user or research subject by or pursuant to the
938 lawful order of a practitioner, including the prescribing and administering, packaging, labeling, or
939 compounding necessary to prepare the substance for that delivery. However, dispensing shall not include
940 the transportation of drugs mixed, diluted, or reconstituted in accordance with this chapter to other sites
941 operated by such practitioner or that practitioner's medical practice for the purpose of administration of
942 such drugs to patients of the practitioner or that practitioner's medical practice at such other sites. For
943 practitioners of medicine or osteopathy, "dispense" shall only include the provision of drugs by a
944 practitioner to patients to take with them away from the practitioner's place of practice.

945 "Dispenser" means a practitioner who dispenses.

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

947 "Distributor" means a person who distributes.

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

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

957 "Electronic transmission prescription" means any prescription, other than an oral or written
958 prescription or a prescription transmitted by facsimile machine, that is electronically transmitted directly
959 to a pharmacy without interception or intervention from a third party from a practitioner authorized to
960 prescribe or from one pharmacy to another pharmacy.

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

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

965 "Hashish oil" means any oily extract containing one or more cannabinoids, but shall not include any
966 such extract with a tetrahydrocannabinol content of less than 12 percent by weight.

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

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

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

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

980 "Manufacture" means the production, preparation, propagation, conversion, or processing of any item
981 regulated by this chapter, either directly or indirectly by extraction from substances of natural origin, or

982 independently by means of chemical synthesis, or by a combination of extraction and chemical
 983 synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its
 984 container. This term does not include compounding.

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

987 "Marijuana" means any part of a plant of the genus *Cannabis* whether growing or not, its seeds, or
 988 its resin; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its
 989 seeds, or its resin, *or any oily extract containing one or more cannabinoids*. Marijuana ~~shall~~ *does* not
 990 include ~~any oily extract containing one or more cannabinoids unless such extract contains less than 12~~
 991 ~~percent of tetrahydrocannabinol by weight, nor shall marijuana include the mature stalks of such plant,~~
 992 fiber produced from such stalk, or oil or cake made from the seeds of such plant, unless such stalks,
 993 fiber, oil, or cake is combined with other parts of plants of the genus *Cannabis*. Marijuana ~~shall~~ *does* not
 994 include (i) industrial hemp, as defined in § 3.2-4112, that is possessed by a person registered pursuant to
 995 subsection A of § 3.2-4115 or his agent, or (ii) a hemp product, as defined in § 3.2-4112, containing a
 996 tetrahydrocannabinol concentration of no greater than 0.3 percent that is derived from industrial hemp,
 997 as defined in § 3.2-4112, that is grown, dealt, or processed in compliance with state or federal law.

998 "Medical equipment supplier" means any person, as defined in § 1-230, engaged in the delivery to
 999 the ultimate consumer, pursuant to the lawful order of a practitioner, of hypodermic syringes and
 1000 needles, medicinal oxygen, Schedule VI controlled devices, those Schedule VI controlled substances with
 1001 no medicinal properties that are used for the operation and cleaning of medical equipment, solutions for
 1002 peritoneal dialysis, and sterile water or saline for irrigation.

1003 "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction
 1004 from substances of vegetable origin, or independently by means of chemical synthesis, or by a
 1005 combination of extraction and chemical synthesis: (i) opium, opiates, and any salt, compound, derivative,
 1006 or preparation of opium or opiates; (ii) any salt, compound, isomer, derivative, or preparation thereof
 1007 which is chemically equivalent or identical with any of the substances referred to in clause (i), but not
 1008 including the isoquinoline alkaloids of opium; (iii) opium poppy and poppy straw; (iv) coca leaves and
 1009 any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, isomer,
 1010 derivative, or preparation thereof which is chemically equivalent or identical with any of these
 1011 substances, but not including decocainized coca leaves or extraction of coca leaves which do not contain
 1012 cocaine or ecgonine.

1013 "New drug" means (i) any drug, except a new animal drug or an animal feed bearing or containing a
 1014 new animal drug, the composition of which is such that such drug is not generally recognized, among
 1015 experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs,
 1016 as safe and effective for use under the conditions prescribed, recommended, or suggested in the labeling,
 1017 except that such a drug not so recognized shall not be deemed to be a "new drug" if at any time prior
 1018 to the enactment of this chapter it was subject to the Food and Drugs Act of June 30, 1906, as
 1019 amended, and if at such time its labeling contained the same representations concerning the conditions
 1020 of its use, or (ii) any drug, except a new animal drug or an animal feed bearing or containing a new
 1021 animal drug, the composition of which is such that such drug, as a result of investigations to determine
 1022 its safety and effectiveness for use under such conditions, has become so recognized, but which has not,
 1023 otherwise than in such investigations, been used to a material extent or for a material time under such
 1024 conditions.

1025 "Nuclear medicine technologist" means an individual who holds a current certification with the
 1026 American Registry of Radiological Technologists or the Nuclear Medicine Technology Certification
 1027 Board.

1028 "Official compendium" means the official United States Pharmacopoeia National Formulary, official
 1029 Homeopathic Pharmacopoeia of the United States, or any supplement to any of them.

1030 "Official written order" means an order written on a form provided for that purpose by the U.S. Drug
 1031 Enforcement Administration, under any laws of the United States making provision therefor, if such
 1032 order forms are authorized and required by federal law, and if no such order form is provided then on
 1033 an official form provided for that purpose by the Board of Pharmacy.

1034 "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to
 1035 morphine or being capable of conversion into a drug having such addiction-forming or
 1036 addiction-sustaining liability. It does not include, unless specifically designated as controlled under
 1037 Article 4 (§ 54.1-3437 et seq.), the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts
 1038 (dextromethorphan). It does include its racemic and levorotatory forms.

1039 "Opium poppy" means the plant of the species *Papaver somniferum* L., except the seeds thereof.

1040 "Original package" means the unbroken container or wrapping in which any drug or medicine is
 1041 enclosed together with label and labeling, put up by or for the manufacturer, wholesaler, or distributor
 1042 for use in the delivery or display of such article.

1043 "Outsourcing facility" means a facility that is engaged in the compounding of sterile drugs and is
1044 currently registered as an outsourcing facility with the U.S. Secretary of Health and Human Services and
1045 that complies with all applicable requirements of federal and state law, including the Federal Food,
1046 Drug, and Cosmetic Act.

1047 "Person" means both the plural and singular, as the case demands, and includes an individual,
1048 partnership, corporation, association, governmental agency, trust, or other institution or entity.

1049 "Pharmacist-in-charge" means the person who, being licensed as a pharmacist, signs the application
1050 for a pharmacy permit and assumes full legal responsibility for the operation of the relevant pharmacy in
1051 a manner complying with the laws and regulations for the practice of pharmacy and the sale and
1052 dispensing of controlled substances; the "pharmacist-in-charge" shall personally supervise the pharmacy
1053 and the pharmacy's personnel as required by § 54.1-3432.

1054 "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

1055 "Practitioner" means a physician, dentist, licensed nurse practitioner pursuant to § 54.1-2957.01,
1056 licensed physician assistant pursuant to § 54.1-2952.1, pharmacist pursuant to § 54.1-3300, TPA-certified
1057 optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32, veterinarian, scientific investigator,
1058 or other person licensed, registered, or otherwise permitted to distribute, dispense, prescribe and
1059 administer, or conduct research with respect to a controlled substance in the course of professional
1060 practice or research in the Commonwealth.

1061 "Prescriber" means a practitioner who is authorized pursuant to §§ 54.1-3303 and 54.1-3408 to issue
1062 a prescription.

1063 "Prescription" means an order for drugs or medical supplies, written or signed or transmitted by word
1064 of mouth, telephone, telegraph, or other means of communication to a pharmacist by a duly licensed
1065 physician, dentist, veterinarian, or other practitioner authorized by law to prescribe and administer such
1066 drugs or medical supplies.

1067 "Prescription drug" means any drug required by federal law or regulation to be dispensed only
1068 pursuant to a prescription, including finished dosage forms and active ingredients subject to § 503(b) of
1069 the Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 353(b)).

1070 "Production" or "produce" includes the manufacture, planting, cultivation, growing, or harvesting of a
1071 controlled substance or marijuana.

1072 "Proprietary medicine" means a completely compounded nonprescription drug in its unbroken,
1073 original package which does not contain any controlled substance or marijuana as defined in this chapter
1074 and is not in itself poisonous, and which is sold, offered, promoted, or advertised directly to the general
1075 public by or under the authority of the manufacturer or primary distributor, under a trademark, trade
1076 name, or other trade symbol privately owned, and the labeling of which conforms to the requirements of
1077 this chapter and applicable federal law. However, this definition shall not include a drug that is only
1078 advertised or promoted professionally to licensed practitioners, a narcotic or drug containing a narcotic,
1079 a drug that may be dispensed only upon prescription or the label of which bears substantially the
1080 statement "Warning — may be habit-forming," or a drug intended for injection.

1081 "Radiopharmaceutical" means any drug that exhibits spontaneous disintegration of unstable nuclei
1082 with the emission of nuclear particles or photons and includes any non-radioactive reagent kit or
1083 radionuclide generator that is intended to be used in the preparation of any such substance, but does not
1084 include drugs such as carbon-containing compounds or potassium-containing salts that include trace
1085 quantities of naturally occurring radionuclides. The term also includes any biological product that is
1086 labeled with a radionuclide or intended solely to be labeled with a radionuclide.

1087 "Reference biological product" means the single biological product licensed pursuant to 42 U.S.C.
1088 § 262(a) against which a biological product is evaluated in an application submitted to the U.S. Food
1089 and Drug Administration for licensure of biological products as biosimilar or interchangeable pursuant to
1090 42 U.S.C. § 262(k).

1091 "Sale" includes barter, exchange, or gift, or offer therefor, and each such transaction made by any
1092 person, whether as an individual, proprietor, agent, servant, or employee.

1093 "Therapeutically equivalent drug products" means drug products that contain the same active
1094 ingredients and are identical in strength or concentration, dosage form, and route of administration and
1095 that are classified as being therapeutically equivalent by the U.S. Food and Drug Administration
1096 pursuant to the definition of "therapeutically equivalent drug products" set forth in the most recent
1097 edition of the Approved Drug Products with Therapeutic Equivalence Evaluations, otherwise known as
1098 the "Orange Book."

1099 "Third-party logistics provider" means a person that provides or coordinates warehousing of or other
1100 logistics services for a drug or device in interstate commerce on behalf of a manufacturer, wholesale
1101 distributor, or dispenser of the drug or device but does not take ownership of the product or have
1102 responsibility for directing the sale or disposition of the product.

1103 "USP-NF" means the current edition of the United States Pharmacopeia-National Formulary.

1104 "Warehouser" means any person, other than a wholesale distributor, manufacturer, or third-party

1105 logistics provider, engaged in the business of (i) selling or otherwise distributing prescription drugs or
 1106 devices to any person who is not the ultimate user or consumer and (ii) delivering Schedule VI
 1107 prescription devices to the ultimate user or consumer pursuant to § 54.1-3415.1. No person shall be
 1108 subject to any state or local tax by reason of this definition.

1109 "Wholesale distribution" means (i) distribution of prescription drugs to persons other than consumers
 1110 or patients and (ii) delivery of Schedule VI prescription devices to the ultimate user or consumer
 1111 pursuant to § 54.1-3415.1, subject to the exemptions set forth in the federal Drug Supply Chain Security
 1112 Act.

1113 "Wholesale distributor" means any person other than a manufacturer, a manufacturer's co-licensed
 1114 partner, a third-party logistics provider, or a repackager that engages in wholesale distribution.

1115 The words "drugs" and "devices" as used in Chapter 33 (§ 54.1-3300 et seq.) and in this chapter
 1116 shall not include surgical or dental instruments, physical therapy equipment, X-ray apparatus, or glasses
 1117 or lenses for the eyes.

1118 The terms "pharmacist," "pharmacy," and "practice of pharmacy" as used in this chapter shall be
 1119 defined as provided in Chapter 33 (§ 54.1-3300 et seq.) unless the context requires a different meaning.

1120 **§ 54.1-3401. (Effective July 1, 2020) Definitions.**

1121 As used in this chapter, unless the context requires a different meaning:

1122 "Administer" means the direct application of a controlled substance, whether by injection, inhalation,
 1123 ingestion, or any other means, to the body of a patient or research subject by (i) a practitioner or by his
 1124 authorized agent and under his direction or (ii) the patient or research subject at the direction and in the
 1125 presence of the practitioner.

1126 "Advertisement" means all representations disseminated in any manner or by any means, other than
 1127 by labeling, for the purpose of inducing, or which are likely to induce, directly or indirectly, the
 1128 purchase of drugs or devices.

1129 "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer,
 1130 distributor, or dispenser. It does not include a common or contract carrier, public warehouseman, or
 1131 employee of the carrier or warehouseman.

1132 "Anabolic steroid" means any drug or hormonal substance, chemically and pharmacologically related
 1133 to testosterone, other than estrogens, progestins, corticosteroids, and dehydroepiandrosterone.

1134 "Animal" means any nonhuman animate being endowed with the power of voluntary action.

1135 "Automated drug dispensing system" means a mechanical or electronic system that performs
 1136 operations or activities, other than compounding or administration, relating to pharmacy services,
 1137 including the storage, dispensing, or distribution of drugs and the collection, control, and maintenance of
 1138 all transaction information, to provide security and accountability for such drugs.

1139 "Biological product" means a virus, therapeutic serum, toxin, antitoxin, vaccine, blood, blood
 1140 component or derivative, allergenic product, protein other than a chemically synthesized polypeptide, or
 1141 analogous product, or arsphenamine or any derivative of arsphenamine or any other trivalent organic
 1142 arsenic compound, applicable to the prevention, treatment, or cure of a disease or condition of human
 1143 beings.

1144 "Biosimilar" means a biological product that is highly similar to a specific reference biological
 1145 product, notwithstanding minor differences in clinically inactive compounds, such that there are no
 1146 clinically meaningful differences between the reference biological product and the biological product that
 1147 has been licensed as a biosimilar pursuant to 42 U.S.C. § 262(k) in terms of safety, purity, and potency
 1148 of the product.

1149 "Board" means the Board of Pharmacy.

1150 "Bulk drug substance" means any substance that is represented for use, and that, when used in the
 1151 compounding, manufacturing, processing, or packaging of a drug, becomes an active ingredient or a
 1152 finished dosage form of the drug; however, "bulk drug substance" shall not include intermediates that
 1153 are used in the synthesis of such substances.

1154 "Change of ownership" of an existing entity permitted, registered, or licensed by the Board means (i)
 1155 the sale or transfer of all or substantially all of the assets of the entity or of any corporation that owns
 1156 or controls the entity; (ii) the creation of a partnership by a sole proprietor, the dissolution of a
 1157 partnership, or change in partnership composition; (iii) the acquisition or disposal of 50 percent or more
 1158 of the outstanding shares of voting stock of a corporation owning the entity or of the parent corporation
 1159 of a wholly owned subsidiary owning the entity, except that this shall not apply to any corporation the
 1160 voting stock of which is actively traded on any securities exchange or in any over-the-counter market;
 1161 (iv) the merger of a corporation owning the entity or of the parent corporation of a wholly-owned
 1162 subsidiary owning the entity with another business or corporation; or (v) the expiration or forfeiture of a
 1163 corporation's charter.

1164 "Co-licensed partner" means a person who, with at least one other person, has the right to engage in
 1165 the manufacturing or marketing of a prescription drug, consistent with state and federal law.

1166 "Compounding" means the combining of two or more ingredients to fabricate such ingredients into a
1167 single preparation and includes the mixing, assembling, packaging, or labeling of a drug or device (i) by
1168 a pharmacist, or within a permitted pharmacy, pursuant to a valid prescription issued for a medicinal or
1169 therapeutic purpose in the context of a bona fide practitioner-patient-pharmacist relationship, or in
1170 expectation of receiving a valid prescription based on observed historical patterns of prescribing and
1171 dispensing; (ii) by a practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine as
1172 an incident to his administering or dispensing, if authorized to dispense, a controlled substance in the
1173 course of his professional practice; or (iii) for the purpose of, or as incident to, research, teaching, or
1174 chemical analysis and not for sale or for dispensing. The mixing, diluting, or reconstituting of a
1175 manufacturer's product drugs for the purpose of administration to a patient, when performed by a
1176 practitioner of medicine or osteopathy licensed under Chapter 29 (§ 54.1-2900 et seq.), a person
1177 supervised by such practitioner pursuant to subdivision A 6 or 19 of § 54.1-2901, or a person
1178 supervised by such practitioner or a licensed nurse practitioner or physician assistant pursuant to
1179 subdivision A 4 of § 54.1-2901 shall not be considered compounding.

1180 "Controlled substance" means a drug, substance, or immediate precursor in Schedules I through VI of
1181 this chapter. The term shall not include distilled spirits, wine, malt beverages, or tobacco as those terms
1182 are defined or used in Title 3.2 or Title 4.1. The term "controlled substance" includes a controlled
1183 substance analog that has been placed into Schedule I or II by the Board pursuant to the regulatory
1184 authority in subsection D of § 54.1-3443.

1185 "Controlled substance analog" means a substance the chemical structure of which is substantially
1186 similar to the chemical structure of a controlled substance in Schedule I or II and either (i) which has a
1187 stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar
1188 to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a
1189 controlled substance in Schedule I or II or (ii) with respect to a particular person, which such person
1190 represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous
1191 system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect
1192 on the central nervous system of a controlled substance in Schedule I or II. "Controlled substance
1193 analog" does not include (a) any substance for which there is an approved new drug application as
1194 defined under § 505 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. § 355) or that is generally
1195 recognized as safe and effective pursuant to §§ 501, 502, and 503 of the federal Food, Drug, and
1196 Cosmetic Act (21 U.S.C. §§ 351, 352, and 353) and 21 C.F.R. Part 330; (b) with respect to a particular
1197 person, any substance for which an exemption is in effect for investigational use for that person under
1198 § 505 of the federal Food, Drug, and Cosmetic Act to the extent that the conduct with respect to that
1199 substance is pursuant to such exemption; or (c) any substance to the extent not intended for human
1200 consumption before such an exemption takes effect with respect to that substance.

1201 "DEA" means the Drug Enforcement Administration, U.S. Department of Justice, or its successor
1202 agency.

1203 "Deliver" or "delivery" means the actual, constructive, or attempted transfer of any item regulated by
1204 this chapter, whether or not there exists an agency relationship, including delivery of a Schedule VI
1205 prescription device to an ultimate user or consumer on behalf of a medical equipment supplier by a
1206 manufacturer, nonresident manufacturer, wholesale distributor, nonresident wholesale distributor,
1207 warehouse, nonresident warehouse, third-party logistics provider, or nonresident third-party logistics
1208 provider at the direction of a medical equipment supplier in accordance with § 54.1-3415.1.

1209 "Device" means instruments, apparatus, and contrivances, including their components, parts, and
1210 accessories, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in
1211 man or animals or to affect the structure or any function of the body of man or animals.

1212 "Dialysis care technician" or "dialysis patient care technician" means an individual who is certified
1213 by an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§
1214 54.1-2729.1 et seq.) and who, under the supervision of a licensed physician, nurse practitioner, physician
1215 assistant, or a registered nurse, assists in the care of patients undergoing renal dialysis treatments in a
1216 Medicare-certified renal dialysis facility.

1217 "Dialysis solution" means either the commercially available, unopened, sterile solutions whose
1218 purpose is to be instilled into the peritoneal cavity during the medical procedure known as peritoneal
1219 dialysis, or commercially available solutions whose purpose is to be used in the performance of
1220 hemodialysis not to include any solutions administered to the patient intravenously.

1221 "Dispense" means to deliver a drug to an ultimate user or research subject by or pursuant to the
1222 lawful order of a practitioner, including the prescribing and administering, packaging, labeling, or
1223 compounding necessary to prepare the substance for that delivery. However, dispensing shall not include
1224 the transportation of drugs mixed, diluted, or reconstituted in accordance with this chapter to other sites
1225 operated by such practitioner or that practitioner's medical practice for the purpose of administration of
1226 such drugs to patients of the practitioner or that practitioner's medical practice at such other sites. For
1227 practitioners of medicine or osteopathy, "dispense" shall only include the provision of drugs by a

- 1228 practitioner to patients to take with them away from the practitioner's place of practice.
- 1229 "Dispenser" means a practitioner who dispenses.
- 1230 "Distribute" means to deliver other than by administering or dispensing a controlled substance.
- 1231 "Distributor" means a person who distributes.
- 1232 "Drug" means (i) articles or substances recognized in the official United States Pharmacopoeia
1233 National Formulary or official Homeopathic Pharmacopoeia of the United States, or any supplement to
1234 any of them; (ii) articles or substances intended for use in the diagnosis, cure, mitigation, treatment, or
1235 prevention of disease in man or animals; (iii) articles or substances, other than food, intended to affect
1236 the structure or any function of the body of man or animals; (iv) articles or substances intended for use
1237 as a component of any article specified in clause (i), (ii), or (iii); or (v) a biological product. "Drug"
1238 does not include devices or their components, parts, or accessories.
- 1239 "Drug product" means a specific drug in dosage form from a known source of manufacture, whether
1240 by brand or therapeutically equivalent drug product name.
- 1241 "Electronic prescription" means a written prescription that is generated on an electronic application
1242 and is transmitted to a pharmacy as an electronic data file; Schedule II through V prescriptions shall be
1243 transmitted in accordance with 21 C.F.R. Part 1300.
- 1244 "Facsimile (FAX) prescription" means a written prescription or order that is transmitted by an
1245 electronic device over telephone lines that sends the exact image to the receiving pharmacy in hard copy
1246 form.
- 1247 "FDA" means the U.S. Food and Drug Administration.
- 1248 "Hashish oil" means any oily extract containing one or more cannabinoids, but shall not include any
1249 such extract with a tetrahydrocannabinol content of less than 12 percent by weight.
- 1250 "Immediate precursor" means a substance which the Board of Pharmacy has found to be and by
1251 regulation designates as being the principal compound commonly used or produced primarily for use,
1252 and which is an immediate chemical intermediary used or likely to be used in the manufacture of a
1253 controlled substance, the control of which is necessary to prevent, curtail, or limit manufacture.
- 1254 "Interchangeable" means a biosimilar that meets safety standards for determining interchangeability
1255 pursuant to 42 U.S.C. § 262(k)(4).
- 1256 "Label" means a display of written, printed, or graphic matter upon the immediate container of any
1257 article. A requirement made by or under authority of this chapter that any word, statement, or other
1258 information appear on the label shall not be considered to be complied with unless such word,
1259 statement, or other information also appears on the outside container or wrapper, if any, of the retail
1260 package of such article or is easily legible through the outside container or wrapper.
- 1261 "Labeling" means all labels and other written, printed, or graphic matter on an article or any of its
1262 containers or wrappers, or accompanying such article.
- 1263 "Manufacture" means the production, preparation, propagation, conversion, or processing of any item
1264 regulated by this chapter, either directly or indirectly by extraction from substances of natural origin, or
1265 independently by means of chemical synthesis, or by a combination of extraction and chemical
1266 synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its
1267 container. This term does not include compounding.
- 1268 "Manufacturer" means every person who manufactures, a manufacturer's co-licensed partner, or a
1269 repackager.
- 1270 "Marijuana" means any part of a plant of the genus *Cannabis* whether growing or not, its seeds, or
1271 its resin; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its
1272 seeds, or its resin, ~~or any oily extract containing one or more cannabinoids.~~ Marijuana ~~shall~~ does not
1273 include any oily extract containing one or more cannabinoids unless such extract contains less than 12
1274 percent of tetrahydrocannabinol by weight, nor shall marijuana include the mature stalks of such plant,
1275 fiber produced from such stalk, or oil or cake made from the seeds of such plant, unless such stalks,
1276 fiber, oil, or cake is combined with other parts of plants of the genus *Cannabis*. Marijuana ~~shall~~ does not
1277 include (i) industrial hemp, as defined in § 3.2-4112, that is possessed by a person registered pursuant to
1278 subsection A of § 3.2-4115 or his agent, or (ii) a hemp product, as defined in § 3.2-4112, containing a
1279 tetrahydrocannabinol concentration of no greater than 0.3 percent that is derived from industrial hemp,
1280 as defined in § 3.2-4112, that is grown, dealt, or processed in compliance with state or federal law.
- 1281 "Medical equipment supplier" means any person, as defined in § 1-230, engaged in the delivery to
1282 the ultimate consumer, pursuant to the lawful order of a practitioner, of hypodermic syringes and
1283 needles, medicinal oxygen, Schedule VI controlled devices, those Schedule VI controlled substances with
1284 no medicinal properties that are used for the operation and cleaning of medical equipment, solutions for
1285 peritoneal dialysis, and sterile water or saline for irrigation.
- 1286 "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction
1287 from substances of vegetable origin, or independently by means of chemical synthesis, or by a
1288 combination of extraction and chemical synthesis: (i) opium, opiates, and any salt, compound, derivative,

1289 or preparation of opium or opiates; (ii) any salt, compound, isomer, derivative, or preparation thereof
1290 which is chemically equivalent or identical with any of the substances referred to in clause (i), but not
1291 including the isoquinoline alkaloids of opium; (iii) opium poppy and poppy straw; (iv) coca leaves and
1292 any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, isomer,
1293 derivative, or preparation thereof which is chemically equivalent or identical with any of these
1294 substances, but not including decocainized coca leaves or extraction of coca leaves which do not contain
1295 cocaine or ecgonine.

1296 "New drug" means (i) any drug, except a new animal drug or an animal feed bearing or containing a
1297 new animal drug, the composition of which is such that such drug is not generally recognized, among
1298 experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs,
1299 as safe and effective for use under the conditions prescribed, recommended, or suggested in the labeling,
1300 except that such a drug not so recognized shall not be deemed to be a "new drug" if at any time prior
1301 to the enactment of this chapter it was subject to the Food and Drugs Act of June 30, 1906, as
1302 amended, and if at such time its labeling contained the same representations concerning the conditions
1303 of its use, or (ii) any drug, except a new animal drug or an animal feed bearing or containing a new
1304 animal drug, the composition of which is such that such drug, as a result of investigations to determine
1305 its safety and effectiveness for use under such conditions, has become so recognized, but which has not,
1306 otherwise than in such investigations, been used to a material extent or for a material time under such
1307 conditions.

1308 "Nuclear medicine technologist" means an individual who holds a current certification with the
1309 American Registry of Radiological Technologists or the Nuclear Medicine Technology Certification
1310 Board.

1311 "Official compendium" means the official United States Pharmacopoeia National Formulary, official
1312 Homeopathic Pharmacopoeia of the United States, or any supplement to any of them.

1313 "Official written order" means an order written on a form provided for that purpose by the U.S. Drug
1314 Enforcement Administration, under any laws of the United States making provision therefor, if such
1315 order forms are authorized and required by federal law, and if no such order form is provided then on
1316 an official form provided for that purpose by the Board of Pharmacy.

1317 "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to
1318 morphine or being capable of conversion into a drug having such addiction-forming or
1319 addiction-sustaining liability. It does not include, unless specifically designated as controlled under
1320 Article 4 (§ 54.1-3437 et seq.), the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts
1321 (dextromethorphan). It does include its racemic and levorotatory forms.

1322 "Opium poppy" means the plant of the species *Papaver somniferum* L., except the seeds thereof.

1323 "Original package" means the unbroken container or wrapping in which any drug or medicine is
1324 enclosed together with label and labeling, put up by or for the manufacturer, wholesaler, or distributor
1325 for use in the delivery or display of such article.

1326 "Outsourcing facility" means a facility that is engaged in the compounding of sterile drugs and is
1327 currently registered as an outsourcing facility with the U.S. Secretary of Health and Human Services and
1328 that complies with all applicable requirements of federal and state law, including the Federal Food,
1329 Drug, and Cosmetic Act.

1330 "Person" means both the plural and singular, as the case demands, and includes an individual,
1331 partnership, corporation, association, governmental agency, trust, or other institution or entity.

1332 "Pharmacist-in-charge" means the person who, being licensed as a pharmacist, signs the application
1333 for a pharmacy permit and assumes full legal responsibility for the operation of the relevant pharmacy in
1334 a manner complying with the laws and regulations for the practice of pharmacy and the sale and
1335 dispensing of controlled substances; the "pharmacist-in-charge" shall personally supervise the pharmacy
1336 and the pharmacy's personnel as required by § 54.1-3432.

1337 "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

1338 "Practitioner" means a physician, dentist, licensed nurse practitioner pursuant to § 54.1-2957.01,
1339 licensed physician assistant pursuant to § 54.1-2952.1, pharmacist pursuant to § 54.1-3300, TPA-certified
1340 optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32, veterinarian, scientific investigator,
1341 or other person licensed, registered, or otherwise permitted to distribute, dispense, prescribe and
1342 administer, or conduct research with respect to a controlled substance in the course of professional
1343 practice or research in the Commonwealth.

1344 "Prescriber" means a practitioner who is authorized pursuant to §§ 54.1-3303 and 54.1-3408 to issue
1345 a prescription.

1346 "Prescription" means an order for drugs or medical supplies, written or signed or transmitted by word
1347 of mouth, telephone, telegraph, or other means of communication to a pharmacist by a duly licensed
1348 physician, dentist, veterinarian, or other practitioner authorized by law to prescribe and administer such
1349 drugs or medical supplies.

1350 "Prescription drug" means any drug required by federal law or regulation to be dispensed only

1351 pursuant to a prescription, including finished dosage forms and active ingredients subject to § 503(b) of
1352 the Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 353(b)).

1353 "Production" or "produce" includes the manufacture, planting, cultivation, growing, or harvesting of a
1354 controlled substance or marijuana.

1355 "Proprietary medicine" means a completely compounded nonprescription drug in its unbroken,
1356 original package which does not contain any controlled substance or marijuana as defined in this chapter
1357 and is not in itself poisonous, and which is sold, offered, promoted, or advertised directly to the general
1358 public by or under the authority of the manufacturer or primary distributor, under a trademark, trade
1359 name, or other trade symbol privately owned, and the labeling of which conforms to the requirements of
1360 this chapter and applicable federal law. However, this definition shall not include a drug that is only
1361 advertised or promoted professionally to licensed practitioners, a narcotic or drug containing a narcotic,
1362 a drug that may be dispensed only upon prescription or the label of which bears substantially the
1363 statement "Warning — may be habit-forming," or a drug intended for injection.

1364 "Radiopharmaceutical" means any drug that exhibits spontaneous disintegration of unstable nuclei
1365 with the emission of nuclear particles or photons and includes any non-radioactive reagent kit or
1366 radionuclide generator that is intended to be used in the preparation of any such substance, but does not
1367 include drugs such as carbon-containing compounds or potassium-containing salts that include trace
1368 quantities of naturally occurring radionuclides. The term also includes any biological product that is
1369 labeled with a radionuclide or intended solely to be labeled with a radionuclide.

1370 "Reference biological product" means the single biological product licensed pursuant to 42 U.S.C.
1371 § 262(a) against which a biological product is evaluated in an application submitted to the U.S. Food
1372 and Drug Administration for licensure of biological products as biosimilar or interchangeable pursuant to
1373 42 U.S.C. § 262(k).

1374 "Sale" includes barter, exchange, or gift, or offer therefor, and each such transaction made by any
1375 person, whether as an individual, proprietor, agent, servant, or employee.

1376 "Therapeutically equivalent drug products" means drug products that contain the same active
1377 ingredients and are identical in strength or concentration, dosage form, and route of administration and
1378 that are classified as being therapeutically equivalent by the U.S. Food and Drug Administration
1379 pursuant to the definition of "therapeutically equivalent drug products" set forth in the most recent
1380 edition of the Approved Drug Products with Therapeutic Equivalence Evaluations, otherwise known as
1381 the "Orange Book."

1382 "Third-party logistics provider" means a person that provides or coordinates warehousing of or other
1383 logistics services for a drug or device in interstate commerce on behalf of a manufacturer, wholesale
1384 distributor, or dispenser of the drug or device but does not take ownership of the product or have
1385 responsibility for directing the sale or disposition of the product.

1386 "USP-NF" means the current edition of the United States Pharmacopeia-National Formulary.

1387 "Warehouser" means any person, other than a wholesale distributor, manufacturer, or third-party
1388 logistics provider, engaged in the business of (i) selling or otherwise distributing prescription drugs or
1389 devices to any person who is not the ultimate user or consumer and (ii) delivering Schedule VI
1390 prescription devices to the ultimate user or consumer pursuant to § 54.1-3415.1. No person shall be
1391 subject to any state or local tax by reason of this definition.

1392 "Wholesale distribution" means (i) distribution of prescription drugs to persons other than consumers
1393 or patients and (ii) delivery of Schedule VI prescription devices to the ultimate user or consumer
1394 pursuant to § 54.1-3415.1, subject to the exemptions set forth in the federal Drug Supply Chain Security
1395 Act.

1396 "Wholesale distributor" means any person other than a manufacturer, a manufacturer's co-licensed
1397 partner, a third-party logistics provider, or a repackager that engages in wholesale distribution.

1398 The words "drugs" and "devices" as used in Chapter 33 (§ 54.1-3300 et seq.) and in this chapter
1399 shall not include surgical or dental instruments, physical therapy equipment, X-ray apparatus, or glasses
1400 or lenses for the eyes.

1401 The terms "pharmacist," "pharmacy," and "practice of pharmacy" as used in this chapter shall be
1402 defined as provided in Chapter 33 (§ 54.1-3300 et seq.) unless the context requires a different meaning.

1403 **§ 54.1-3446. Schedule I.**

1404 The controlled substances listed in this section are included in Schedule I:

1405 1. Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers,
1406 esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers
1407 and salts is possible within the specific chemical designation:

1408 1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine (other name: PEPAP);

1409 1-methyl-4-phenyl-4-propionoxypiperidine (other name: MPPP);

1410 2-methoxy-N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-acetamide (other name: Methoxyacetyl
1411 fentanyl);

- 1412 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methyl-benzamide (other name: U-47700);
- 1413 3,4-dichloro-N-[[1-(dimethylamino)cyclohexyl]methyl]benzamide (other name: AH-7921);
- 1414 Acetyl fentanyl (other name: desmethyl fentanyl);
- 1415 Acetylmethadol;
- 1416 Allylprodine;
- 1417 Alphacetylmethadol (except levo-alpha-acetylmethadol, also known as levo-alpha-acetylmethadol,
- 1418 levomethadyl acetate, or LAAM);
- 1419 Alphameprodine;
- 1420 Alphamethadol;
- 1421 Benzethidine;
- 1422 Betacetylmethadol;
- 1423 Betameprodine;
- 1424 Betamethadol;
- 1425 Betaprodine;
- 1426 Clonitazene;
- 1427 Dextromoramide;
- 1428 Diampromide;
- 1429 Diethylthiambutene;
- 1430 Difenoxy;
- 1431 Dimenoxadol;
- 1432 Dimepheptanol;
- 1433 Dimethylthiambutene;
- 1434 Dioxaphetylbutyrate;
- 1435 Dipipanone;
- 1436 Ethylmethylthiambutene;
- 1437 Etonitazene;
- 1438 Etoxidine;
- 1439 Furethidine;
- 1440 Hydroxypethidine;
- 1441 Ketobemidone;
- 1442 Levomoramide;
- 1443 Levophenacetylmorphan;
- 1444 Morpheridine;
- 1445 MT-45 (1-cyclohexyl-4-(1,2-diphenylethyl)piperazine);
- 1446 N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide (other name: Cyclopropyl fentanyl);
- 1447 N-(1-phenethylpiperidin-4-yl)-N-phenyltetrahydrofuran-2-carboxamide (other name: Tetrahydrofuranlyl
- 1448 fentanyl);
- 1449 N-[1-[1-methyl-2-(2-thienyl)ethyl]-4-piperidyl]-N-phenylpropanamide (other name:
- 1450 alpha-methylthiofentanyl);
- 1451 N-[1-(1-methyl-2-phenylethyl)-4-piperidyl]-N-phenylacetamide (other name:
- 1452 acetyl-alpha-methylfentanyl);
- 1453 N-{1-[2-hydroxy-2-(2-thienyl)ethyl]-4-piperidinyll}-N-phenylpropanamide (other name:
- 1454 beta-hydroxythiofentanyl);
- 1455 N-[1-(2-hydroxy-2-phenyl)ethyl-4-piperidyl]-N-phenylpropanamide (other name:
- 1456 beta-hydroxyfentanyl);
- 1457 N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl]propionanilide (other names:
- 1458 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine, alpha-methylfentanyl);
- 1459 N-(2-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyll]-propanamide (other names: 2-fluorofentanyl,
- 1460 ortho-fluorofentanyl);
- 1461 N-(3-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyll]-propanamide (other name: 3-fluorofentanyl);
- 1462 N-[3-methyl-1-(2-hydroxy-2-phenylethyl)-4-piperidyl]-N-phenylpropanamide (other name:
- 1463 beta-hydroxy-3-methylfentanyl);
- 1464 N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide (other name: 3-methylfentanyl);
- 1465 N-[3-methyl-1-(2-thienyl)ethyl-4-piperidinyll]-N-phenylpropanamide (other name:
- 1466 3-methylthiofentanyl);
- 1467 N-(4-fluorophenyl)-2-methyl-N-[1-(2-phenylethyl)-4-piperidinyll]-propanamide (other name:
- 1468 para-fluoroisobutyryl fentanyl);
- 1469 N-(4-fluorophenyl)-N-[1-(2-phenylethyl)-4-piperidinyll]-butanamide (other name:
- 1470 para-fluorobutyrylfentanyl);
- 1471 N-(4-fluorophenyl)-N-1-(2-phenylethyl)-4-piperidinyll]-propanamide (other name: para-fluorofentanyl);
- 1472 Noracymethadol;
- 1473 Norlevorphanol;

- 1474 Normethadone;
 1475 Norpipanone;
 1476 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-2-furancarboxamide (other name: Furanyl fentanyl);
 1477 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-2-propenamide (other name: Acryl fentanyl);
 1478 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-butanamide (other name: butyryl fentanyl);
 1479 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-pentanamide (other name: Pentanoyl fentanyl);
 1480 N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide (other name: thiofentanyl);
 1481 Phenadoxone;
 1482 Phenampromide;
 1483 Phenomorphan;
 1484 Phenoperidine;
 1485 Piritramide;
 1486 Proheptazine;
 1487 Properidine;
 1488 Propiram;
 1489 Racemoramide;
 1490 Tilidine;
 1491 Trimeperidine;
 1492 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-1,3-benzodioxole-5-carboxamide (other name:
 1493 Benzodioxole fentanyl);
 1494 3,4-dichloro-N-[2-(diethylamino)cyclohexyl]-N-methylbenzamide (other name: U-49900);
 1495 2-(2,4-dichlorophenyl)-N-[2-(dimethylamino)cyclohexyl]-N-methylacetamide (other name: U-48800);
 1496 2-(3,4-dichlorophenyl)-N-[2-(dimethylamino)cyclohexyl]-N-methylacetamide (other name: U-51754);
 1497 N-(2-fluorophenyl)-2-methoxy-N-[1-(2-phenylethyl)-4-piperidinyl]-acetamide (other name: Ocfentanil);
 1498 N-(4-methoxyphenyl)-N-[1-(2-phenylethyl)-4-piperidinyl]-butanamide (other name:
 1499 4-methoxybutyrylfentanyl);
 1500 N-phenyl-2-methyl-N-[1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: Isobutyryl fentanyl);
 1501 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-cyclopentanecarboxamide (other name: Cyclopentyl
 1502 fentanyl);
 1503 N-phenyl-N-(1-methyl-4-piperidinyl)-propanamide (other name: N-methyl norfentanyl);
 1504 N-[2-(dimethylamino)cyclohexyl]-N-methyl-1,3-benzodioxole-5-carboxamide (other names:
 1505 3,4-methylenedioxy U-47700 or 3,4-MDO-U-47700);
 1506 N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl]-2-butenamide (other name: Crotonyl fentanyl);
 1507 N-phenyl-N-[4-phenyl-1-(2-phenylethyl)-4-piperidinyl]-propanamide (other name: 4-phenylfentanyl).
 1508 2. Any of the following opium derivatives, their salts, isomers and salts of isomers, unless
 1509 specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible
 1510 within the specific chemical designation:
 1511 Acetorphine;
 1512 Acetyldihydrocodeine;
 1513 Benzylmorphine;
 1514 Codeine methylbromide;
 1515 Codeine-N-Oxide;
 1516 Cyprenorphine;
 1517 Desomorphine;
 1518 Dihydromorphine;
 1519 Drotebanol;
 1520 Etorphine;
 1521 Heroin;
 1522 Hydromorphanol;
 1523 Methyl-desorphine;
 1524 Methyl-dihydromorphine;
 1525 Morphine methylbromide;
 1526 Morphine methylsulfonate;
 1527 Morphine-N-Oxide;
 1528 Myrophine;
 1529 Nicocodeine;
 1530 Nicomorphine;
 1531 Normorphine;
 1532 Pholcodine;
 1533 Thebacon.
 1534 3. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture,

- 1535 or preparation, which contains any quantity of the following hallucinogenic substances, or which
 1536 contains any of its salts, isomers, and salts of isomers, whenever the existence of such salts, isomers,
 1537 and salts of isomers is possible within the specific chemical designation (for purposes of this subdivision
 1538 only, the term "isomer" includes the optical, position, and geometric isomers):
- 1539 Alpha-ethyltryptamine (some trade or other names: Monase; a-ethyl-1H-indole-3-ethanamine;
 1540 3-2-aminobutyl] indole; a-ET; AET);
- 1541 4-Bromo-2,5-dimethoxyphenethylamine (some trade or other names:
 1542 2-4-bromo-2,5-dimethoxyphenyl]-1-aminoethane;alpha-desmethyl DOB; 2C-B; Nexus);
- 1543 3,4-methylenedioxy amphetamine;
- 1544 5-methoxy-3,4-methylenedioxy amphetamine;
- 1545 3,4,5-trimethoxy amphetamine;
- 1546 Alpha-methyltryptamine (other name: AMT);
- 1547 Bufotenine;
- 1548 Diethyltryptamine;
- 1549 Dimethyltryptamine;
- 1550 4-methyl-2,5-dimethoxyamphetamine;
- 1551 2,5-dimethoxy-4-ethylamphetamine (DOET);
- 1552 4-fluoro-N-ethylamphetamine;
- 1553 2,5-dimethoxy-4-(n)-propylthiophenethylamine (other name: 2C-T-7);
- 1554 Ibogaine;
- 1555 5-methoxy-N,N-diisopropyltryptamine (other name: 5-MeO-DIPT);
- 1556 Lysergic acid diethylamide;
- 1557 Mescaline;
- 1558 Parahexyl (some trade or other names:
 1559 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzo [b,d] pyran; Synhexyl);
- 1560 Peyote;
- 1561 N-ethyl-3-piperidyl benzilate;
- 1562 N-methyl-3-piperidyl benzilate;
- 1563 Psilocybin;
- 1564 Psilocyn;
- 1565 Salvinorin A;
- 1566 Tetrahydrocannabinols, except as present in (i) industrial hemp, as defined in § 3.2-4112, that is
 1567 possessed by a person registered pursuant to subsection A of § 3.2-4115 or his agent; (ii) a hemp
 1568 product, as defined in § 3.2-4112, containing a tetrahydrocannabinol concentration of no greater than 0.3
 1569 percent that is derived from industrial hemp, as defined in § 3.2-4112, that is grown, dealt, or processed
 1570 in compliance with state or federal law; (iii) marijuana; or (iv) dronabinol in sesame oil and
 1571 encapsulated in a soft gelatin capsule in a drug product approved by the U.S. Food and Drug
 1572 Administration;
- 1573 Hashish oil (some trade or other names: hash oil; liquid marijuana; liquid hashish);
- 1574 2,5-dimethoxyamphetamine (some trade or other names: 2,5-dimethoxy-a-methylphenethylamine;
 1575 2,5-DMA);
- 1576 3,4-methylenedioxymethamphetamine (MDMA), its optical, positional and geometric isomers, salts
 1577 and salts of isomers;
- 1578 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4
 1579 (methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA);
- 1580 N-hydroxy-3,4-methylenedioxyamphetamine (some other names:
 1581 N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine, and N-hydroxy MDA);
- 1582 4-bromo-2,5-dimethoxyamphetamine (some trade or other names:
 1583 4-bromo-2,5-dimethoxy-a-methylphenethylamine; 4-bromo-2,5-DMA);
- 1584 4-methoxyamphetamine (some trade or other names: 4-methoxy-a-methylphenethylamine;
 1585 paramethoxyamphetamine; PMA);
- 1586 Ethylamine analog of phencyclidine (some other names: N-ethyl-1-phenylcyclohexylamine,
 1587 (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE);
- 1588 Pyrrolidine analog of phencyclidine (some other names: 1-(1-phenylcyclohexyl) -pyrrolidine, PCPy,
 1589 PHP);
- 1590 Thiophene analog of phencyclidine (some other names: 1-[1-(2-thienyl) -cyclohexyl]-piperidine,
 1591 2-thienyl analog of phencyclidine, TPCP, TCP);
- 1592 1-1-(2-thienyl)cyclohexyl]pyrrolidine (other name: TCPy);
- 1593 3,4-methylenedioxypropylvalerone (other name: MDPV);
- 1594 4-methylmethcathinone (other names: mephedrone, 4-MMC);
- 1595 3,4-methylenedioxymethcathinone (other name: methylone);
- 1596 Naphthylpropylvalerone (other name: naphyrone);

- 1597** 4-fluoromethcathinone (other name: flephedrone, 4-FMC);
1598 4-methoxymethcathinone (other names: methedrone; bk-PMMA);
1599 Ethcathinone (other name: N-ethylcathinone);
1600 3,4-methylenedioxyethcathinone (other name: ethylone);
1601 Beta-keto-N-methyl-3,4-benzodioxolylbutanamine (other name: butylone);
1602 N,N-dimethylcathinone (other name: metamfepramone);
1603 Alpha-pyrrolidinopropiophenone (other name: alpha-PPP);
1604 4-methoxy-alpha-pyrrolidinopropiophenone (other name: MOPPP);
1605 3,4-methylenedioxy-alpha-pyrrolidinopropiophenone (other name: MDPPP);
1606 Alpha-pyrrolidinovalerophenone (other name: alpha-PVP);
1607 6,7-dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine (other name: MDAI);
1608 3-fluoromethcathinone (other name: 3-FMC);
1609 4-Ethyl-2,5-dimethoxyphenethylamine (other name: 2C-E);
1610 4-Iodo-2,5-dimethoxyphenethylamine (other name: 2C-I);
1611 4-Methylethcathinone (other name: 4-MEC);
1612 4-Ethylmethcathinone (other name: 4-EMC);
1613 N,N-diallyl-5-methoxytryptamine (other name: 5-MeO-DALT);
1614 Beta-keto-methylbenzodioxolylpentanamine (other name: Pentylone, bk-MBDP);
1615 Alpha-methylamino-butyrophenone (other name: Buphedrone);
1616 Alpha-methylamino-valerophenone (other name: Pentedrone);
1617 3,4-Dimethylmethcathinone (other name: 3,4-DMMC);
1618 4-methyl-alpha-pyrrolidinopropiophenone (other name: MPPP);
1619 4-Iodo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names: 25-I,
1620 25I-NBOMe, 2C-I-NBOMe);
1621 Methoxetamine (other names: MXE, 3-MeO-2-Oxo-PCE);
1622 4-Fluoromethamphetamine (other name: 4-FMA);
1623 4-Fluoroamphetamine (other name: 4-FA);
1624 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (other name: 2C-D);
1625 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (other name: 2C-C);
1626 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (other name: 2C-T-2);
1627 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (other name: 2C-T-4);
1628 2-(2,5-Dimethoxyphenyl)ethanamine (other name: 2C-H);
1629 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (other name: 2C-N);
1630 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (other name: 2C-P);
1631 (2-aminopropyl)benzofuran (other name: APB);
1632 (2-aminopropyl)-2,3-dihydrobenzofuran (other name: APDB);
1633 4-chloro-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names:
1634 2C-C-NBOMe, 25C-NBOMe, 25C);
1635 4-bromo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names:
1636 2C-B-NBOMe, 25B-NBOMe, 25B);
1637 Acetoxydimethyltryptamine (other names: AcO-Psilocin, AcO-DMT, Psilacetin);
1638 Benocyclidine (other names: BCP, BTCP);
1639 Alpha-pyrrolidinobutiophenone (other name: alpha-PBP);
1640 3,4-methylenedioxy-N,N-dimethylcathinone (other names: Dimethylone, bk-MDDMA);
1641 4-bromomethcathinone (other name: 4-BMC);
1642 4-chloromethcathinone (other name: 4-CMC);
1643 4-Iodo-2,5-dimethoxy-N-[(2-hydroxyphenyl)methyl]-benzeneethanamine (other name: 25I-NBOH);
1644 Alpha-Pyrrolidinoheptiophenone (other name: alpha-PHP);
1645 Alpha-Pyrrolidinoheptiophenone (other name: PV8);
1646 5-methoxy-N,N-methylisopropyltryptamine (other name: 5-MeO-MIPT);
1647 Beta-keto-N,N-dimethylbenzodioxolylbutanamine (other names: Dibutylone, bk-DMBDB);
1648 Beta-keto-4-bromo-2,5-dimethoxyphenethylamine (other name: bk-2C-B);
1649 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-1-pentanone (other name: N-ethylpentylone);
1650 1-[1-(3-methoxyphenyl)cyclohexyl]piperidine (other name: 3-methoxy PCP);
1651 1-[1-(4-methoxyphenyl)cyclohexyl]piperidine (other name: 4-methoxy PCP);
1652 4-Chloroethcathinone (other name: 4-CEC);
1653 3-Methoxy-2-(methylamino)-1-(4-methylphenyl)-1-propanone (other name: Mexedrone);
1654 1-propionyl lysergic acid diethylamide (other name: 1P-LSD);
1655 (2-Methylaminopropyl)benzofuran (other name: MAPB);
1656 1-(1,3-benzodioxol-5-yl)-2-(dimethylamino)-1-pentanone (other names: N,N-Dimethylpentylone,
1657 Dipentylone);

- 1658 1-(4-methoxyphenyl)-2-(pyrrolidin-1-yl)octan-1-one (other name: 4-methoxy-PV9);
- 1659 3,4-tetramethylene-alpha-pyrrolidinovalerophenone (other name: TH-PVP);
- 1660 4-allyloxy-3,5-dimethoxyphenethylamine (other name: Allylescaline);
- 1661 4-Bromo-2,5-dimethoxy-N-[(2-hydroxyphenyl)methyl]-benzeneethanamine (other name: 25B-NBOH);
- 1662 4-chloro-alpha-methylamino-valerophenone (other name: 4-chloropentedrone);
- 1663 4-chloro-alpha-Pyrrolidinovalerophenone (other name: 4-chloro-alpha-PVP);
- 1664 4-fluoro-alpha-Pyrrolidinoheptiophenone (other name: 4-fluoro-PV8);
- 1665 4-hydroxy-N,N-diisopropyltryptamine (other name: 4-OH-DIPT);
- 1666 4-methyl-alpha-ethylaminopentiophenone;
- 1667 4-methyl-alpha-Pyrrolidinohexiophenone (other name: MPHP);
- 1668 5-methoxy-N,N-dimethyltryptamine (other name: 5-MeO-DMT);
- 1669 5-methoxy-N-ethyl-N-isopropyltryptamine (other name: 5-MeO-EIPT);
- 1670 6-ethyl-6-nor-lysergic acid diethylamide (other name: ETH-LAD);
- 1671 6-allyl-6-nor-lysergic acid diethylamide (other name: AL-LAD);
- 1672 (N-methyl aminopropyl)-2,3-dihydrobenzofuran (other name: MAPDB);
- 1673 2-(methylamino)-2-phenyl-cyclohexanone (other name: Deschloroketamine);
- 1674 2-(ethylamino)-2-phenyl-cyclohexanone (other name: deschloro-N-ethyl-ketamine);
- 1675 2-methyl-1-(4-(methylthio)phenyl)-2-morpholinopropiophenone (other name: MMMP);
- 1676 Alpha-ethylaminohexanophenone (other name: N-ethylhexedrone);
- 1677 N-ethyl-1-(3-methoxyphenyl)cyclohexylamine (other name: 3-methoxy-PCE);
- 1678 4-fluoro-alpha-pyrrolidinohexiophenone (other name: 4-fluoro-alpha-PHP);
- 1679 N-ethyl-1,2-diphenylethylamine (other name: Ephendine);
- 1680 2,5-dimethoxy-4-chloroamphetamine (other name: DOC);
- 1681 3,4-methylenedioxy-N-tert-butylcathinone.
- 1682 4. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture
- 1683 or preparation which contains any quantity of the following substances having a depressant effect on the
- 1684 central nervous system, including its salts, isomers and salts of isomers whenever the existence of such
- 1685 salts, isomers and salts of isomers is possible within the specific chemical designation:
- 1686 Clonazolam;
- 1687 Etizolam;
- 1688 Flualprazolam;
- 1689 Flubromazepam;
- 1690 Flubromazolam;
- 1691 Gamma hydroxybutyric acid (some other names include GHB; gamma hydroxybutyrate;
- 1692 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate);
- 1693 Mecloqualone;
- 1694 Methaqualone.
- 1695 5. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture
- 1696 or preparation which contains any quantity of the following substances having a stimulant effect on the
- 1697 central nervous system, including its salts, isomers and salts of isomers:
- 1698 2-(3-fluorophenyl)-3-methylmorpholine (other name: 3-fluorophenmetrazine);
- 1699 Aminorex (some trade or other names; aminoxaphen; 2-amino-5-phenyl-2-oxazoline;
- 1700 4,5-dihydro-5-phenyl-2-oxazolamine);
- 1701 Cathinone (some trade or other names: 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone,
- 1702 2-aminopropiophenone, norephedrone), and any plant material from which Cathinone may be derived;
- 1703 Cis-4-methylaminorex (other name: cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);
- 1704 Ethylamphetamine;
- 1705 Ethyl phenyl(piperidin-2-yl)acetate (other name: Ethylphenidate);
- 1706 Fenethylamine;
- 1707 Methcathinone (some other names: 2-(methylamino)-propiofenone;
- 1708 alpha-(methylamino)-propiofenone; 2-(methylamino)-1-phenylpropan-1-one;
- 1709 alpha-N-methylaminopropiophenone; monomethylpropion; ephedrone; N-methylcathinone;
- 1710 methylcathinone; AL-464; AL-422; AL-463 and UR 1432);
- 1711 N-Benzylpiperazine (some other names: BZP, 1-benzylpiperazine);
- 1712 N,N-dimethylamphetamine (other names: N, N-alpha-trimethyl-benzeneethanamine, N,
- 1713 N-alpha-trimethylphenethylamine);
- 1714 Methyl 2-(4-fluorophenyl)-2-(2-piperidinyl)acetate (other name: 4-fluoromethylphenidate);
- 1715 Isopropyl-2-phenyl-2-(2-piperidinyl)acetate (other name: Isopropylphenidate).
- 1716 6. Any substance that contains one or more cannabimimetic agents or that contains their salts,
- 1717 isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is
- 1718 possible within the specific chemical designation, and any preparation, mixture, or substance containing,
- 1719 or mixed or infused with, any detectable amount of one or more cannabimimetic agents.

- 1720 a. "Cannabimimetic agents" includes any substance that is within any of the following structural
 1721 classes:
- 1722 2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or
 1723 alkenyl, whether or not substituted on the cyclohexyl ring to any extent;
- 1724 3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane with substitution at the nitrogen atom of
 1725 the indole ring, whether or not further substituted on the indole ring to any extent, whether or not
 1726 substituted on the naphthoyl or naphthyl ring to any extent;
- 1727 3-(1-naphthoyl)pyrrole with substitution at the nitrogen atom of the pyrrole ring, whether or not
 1728 further substituted in the pyrrole ring to any extent, whether or not substituted on the naphthoyl ring to
 1729 any extent;
- 1730 1-(1-naphthylmethyl)indene with substitution of the 3-position of the indene ring, whether or not
 1731 further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to
 1732 any extent;
- 1733 3-phenylacetylindole or 3-benzoylindole with substitution at the nitrogen atom of the indole ring,
 1734 whether or not further substituted in the indole ring to any extent, whether or not substituted on the
 1735 phenyl ring to any extent;
- 1736 3-cyclopropoylindole with substitution at the nitrogen atom of the indole ring, whether or not further
 1737 substituted on the indole ring to any extent, whether or not substituted on the cyclopropyl ring to any
 1738 extent;
- 1739 3-adamantoylindole with substitution at the nitrogen atom of the indole ring, whether or not further
 1740 substituted on the indole ring to any extent, whether or not substituted on the adamantyl ring to any
 1741 extent;
- 1742 N-(adamantyl)-indole-3-carboxamide with substitution at the nitrogen atom of the indole ring,
 1743 whether or not further substituted on the indole ring to any extent, whether or not substituted on the
 1744 adamantyl ring to any extent; and
- 1745 N-(adamantyl)-indazole-3-carboxamide with substitution at a nitrogen atom of the indazole ring,
 1746 whether or not further substituted on the indazole ring to any extent, whether or not substituted on the
 1747 adamantyl ring to any extent.
- 1748 b. The term "cannabimimetic agents" includes:
- 1749 5-(1,1-Dimethylheptyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497);
- 1750 5-(1,1-Dimethylhexyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C6 homolog);
- 1751 5-(1,1-Dimethyloctyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C8 homolog);
- 1752 5-(1,1-Dimethylnonyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C9 homolog);
- 1753 1-pentyl-3-(1-naphthoyl)indole (other names: JWH-018, AM-678);
- 1754 1-butyl-3-(1-naphthoyl)indole (other name: JWH-073);
- 1755 1-pentyl-3-(2-methoxyphenylacetyl)indole (other name: JWH-250);
- 1756 1-hexyl-3-(naphthalen-1-oyl)indole (other name: JWH-019);
- 1757 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (other name: JWH-200);
- 1758 (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-ter
 1759 ahydrobenzo[c]chromen-1-ol (other name: HU-210);
- 1760 1-pentyl-3-(4-methoxy-1-naphthoyl)indole (other name: JWH-081);
- 1761 1-pentyl-3-(4-methyl-1-naphthoyl)indole (other name: JWH-122);
- 1762 1-pentyl-3-(2-chlorophenylacetyl)indole (other name: JWH-203);
- 1763 1-pentyl-3-(4-ethyl-1-naphthoyl)indole (other name: JWH-210);
- 1764 1-pentyl-3-(4-chloro-1-naphthoyl)indole (other name: JWH-398);
- 1765 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (other name: AM-694);
- 1766 1-((N-methylpiperidin-2-yl)methyl)-3-(1-naphthoyl)indole (other name: AM-1220);
- 1767 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (other name: AM-2201);
- 1768 1-[(N-methylpiperidin-2-yl)methyl]-3-(2-iodobenzoyl)indole (other name: AM-2233);
- 1769 Pravadoline (4-methoxyphenyl)-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-yl]methanone (other
 1770 name: WIN 48,098);
- 1771 1-pentyl-3-(4-methoxybenzoyl)indole (other names: RCS-4, SR-19);
- 1772 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (other names: RCS-8, SR-18);
- 1773 1-pentyl-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other name: UR-144);
- 1774 1-(5-fluoropentyl)-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other names: XLR-11,
 1775 5-fluoro-UR-144);
- 1776 N-adamantyl-1-fluoropentylindole-3-carboxamide (other name: STS-135);
- 1777 N-adamantyl-1-pentylindazole-3-carboxamide (other names: AKB48, APINACA);
- 1778 1-pentyl-3-(1-adamantoyl)indole (other name: AB-001);
- 1779 (8-quinolinyl)(1-pentylindol-3-yl)carboxylate (other name: PB-22);
- 1780 (8-quinolinyl)(1-(5-fluoropentyl)indol-3-yl)carboxylate (other name: 5-fluoro-PB-22);

- 1781** (8-quinolinyl)(1-cyclohexylmethyl-indol-3-yl)carboxylate (other name: BB-22);
1782 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide (other name: AB-PINACA);
1783 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)indazole-3-carboxamide (other name:
1784 AB-FUBINACA);
1785 1-(5-fluoropentyl)-3-(1-naphthoyl)indazole (other name: THJ-2201);
1786 N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide (other name:
1787 ADB-PINACA);
1788 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide (other name:
1789 AB-CHMINACA);
1790 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)indazole-3-carboxamide (other name:
1791 5-fluoro-AB-PINACA);
1792 N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide (other
1793 names: ADB-CHMINACA, MAB-CHMINACA);
1794 Methyl 2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate (other name:
1795 5-fluoro-AMB);
1796 1-naphthalenyl 1-(5-fluoropentyl)-1H-indole-3-carboxylate (other name: NM-2201);
1797 1-(4-fluorobenzyl)-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other name: FUB-144);
1798 1-(5-fluoropentyl)-3-(4-methyl-1-naphthoyl)indole (other name MAM-2201);
1799 N-(1-Amino-3,3-dimethyl-1-oxobutan-2-yl)-1-[(4-fluorophenyl)methyl]-1H-indazole-3-carboxamide
1800 (other name: ADB-FUBINACA);
1801 Methyl 2-[1-[(4-fluorophenyl)methyl]-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other name:
1802 MDMB-FUBINACA);
1803 Methyl 2-[1-(5-fluoropentyl)-1H-indazole-3-carboxamido]-3,3-dimethylbutanoate (other names:
1804 5-fluoro-ADB, 5-Fluoro-MDMB-PINACA);
1805 Methyl 2-({1-[(4-fluorophenyl)methyl]-1H-indazole-3-carbonyl}amino)-3-methylbutanoate (other
1806 names: AMB-FUBINACA, FUB-AMB);
1807 N-(adamantan-1-yl)-1-(4-fluorobenzyl)-1H-indazole-3-carboxamide (other name: FUB-AKB48);
1808 N-(adamantan-1-yl)-1-(5-fluoropentyl)-1H-indazole-3-carboxamide (other name: 5F-AKB48);
1809 N-(adamantan-1-yl)-1-(5-chloropentyl)indazole-3-carboxamide (other name: 5-chloro-AKB48);
1810 Naphthalen-1-yl 1-pentyl-1H-indazole-3-carboxylate (other name: SDB-005);
1811 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indole-3-carboxamide (other name:
1812 AB-CHMICA);
1813 1-pentyl-N-(phenylmethyl)-1H-indole-3-carboxamide (other name: SDB-006);
1814 Quinolin-8-yl 1-(4-fluorobenzyl)-1H-indole-3-carboxylate (other name: FUB-PB-22);
1815 Methyl N-[1-(cyclohexylmethyl)-1H-indole-3-carbonyl]valinate (other name: MMB-CHMICA);
1816 N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)indazole-3-carboxamide (other name:
1817 5-fluoro-ADB-PINACA);
1818 1-(4-cyanobutyl)-N-(1-methyl-1-phenylethyl)-1H-indazole-3-carboxamide (other name: 4-cyano
1819 CUMYL-BUTINACA).