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HOUSE BILL NO. 1112

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice
on February 3, 2014)

(Patron Prior to Substitute—Delegate Garrett)

A BILL to amend and reenact §§ 2.2-4006, 4.1-225, 9.1-176.1, 15.2-907, 16.1-260, 16.1-278.8:01, 18.2-248.1:1, 18.2-251, 18.2-255, 18.2-255.1, 18.2-255.2, 18.2-258, 18.2-258.02, 18.2-258.1, 18.2-308.4, 18.2-474.1, 19.2-83.1, 19.2-187, 19.2-386.22 through 19.2-386.25, 22.1-277.08, 22.1-279.3:1, 24.2-233, 53.1-145, 53.1-203, 54.1-3401, 54.1-3443, and 54.1-3446 of the Code of Virginia, relating to cannabimimetic agents; regulation by Board of Pharmacy; penalties.

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-4006, 4.1-225, 9.1-176.1, 15.2-907, 16.1-260, 16.1-278.8:01, 18.2-248.1:1, 18.2-251, 18.2-255, 18.2-255.1, 18.2-255.2, 18.2-258, 18.2-258.02, 18.2-258.1, 18.2-308.4, 18.2-474.1, 19.2-83.1, 19.2-187, 19.2-386.22 through 19.2-386.25, 22.1-277.08, 22.1-279.3:1, 24.2-233, 53.1-145, 53.1-203, 54.1-3401, 54.1-3443, and 54.1-3446 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-4006. Exemptions from requirements of this article.

A. The following agency actions otherwise subject to this chapter and § 2.2-4103 of the Virginia Register Act shall be exempted from the operation of this article:

1. Agency orders or regulations fixing rates or prices.
2. Regulations that establish or prescribe agency organization, internal practice or procedures, including delegations of authority.

3. Regulations that consist only of changes in style or form or corrections of technical errors. Each promulgating agency shall review all references to sections of the Code of Virginia within their regulations each time a new supplement or replacement volume to the Code of Virginia is published to ensure the accuracy of each section or section subdivision identification listed.

4. Regulations that are:

a. Necessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved. However, such regulations shall be filed with the Registrar within 90 days of the law's effective date;

b. Required by order of any state or federal court of competent jurisdiction where no agency discretion is involved; or

c. Necessary to meet the requirements of federal law or regulations, provided such regulations do not differ materially from those required by federal law or regulation, and the Registrar has so determined in writing. Notice of the proposed adoption of these regulations and the Registrar's determination shall be published in the Virginia Register not less than 30 days prior to the effective date of the regulation.

5. Regulations of the Board of Agriculture and Consumer Services adopted pursuant to subsection B of § 3.2-3929 or clause (v) or (vi) of subsection C of § 3.2-3931 after having been considered at two or more Board meetings and one public hearing.

6. Regulations of the regulatory boards served by (i) the Department of Labor and Industry pursuant to Title 40.1 and (ii) the Department of Professional and Occupational Regulation or the Department of Health Professions pursuant to Title 54.1 that are limited to reducing fees charged to regulants and applicants.

7. The development and issuance of procedural policy relating to risk-based mine inspections by the Department of Mines, Minerals and Energy authorized pursuant to §§ 45.1-161.82 and 45.1-161.292:55.

8. General permits issued by the (a) State Air Pollution Control Board pursuant to Chapter 13 (§ 10.1-1300 et seq.) of Title 10.1 or (b) State Water Control Board pursuant to the State Water Control Law (§ 62.1-44.2 et seq.), Chapter 24 (§ 62.1-242 et seq.) of Title 62.1 and Chapter 25 (§ 62.1-254 et seq.) of Title 62.1, (c) Virginia Soil and Water Conservation Board pursuant to the Dam Safety Act (§ 10.1-604 et seq.), and (d) the development and issuance of general wetlands permits by the Marine Resources Commission pursuant to subsection B of § 28.2-1307, if the respective Board or Commission (i) provides a Notice of Intended Regulatory Action in conformance with the provisions of § 2.2-4007.01, (ii) following the passage of 30 days from the publication of the Notice of Intended Regulatory Action forms a technical advisory committee composed of relevant stakeholders, including potentially affected citizens groups, to assist in the development of the general permit, (iii) provides notice and receives oral and written comment as provided in § 2.2-4007.03, and (iv) conducts at least one public hearing on the proposed general permit.

9. The development and issuance by the Board of Education of guidelines on constitutional rights and restrictions relating to the recitation of the pledge of allegiance to the American flag in public schools pursuant to § 22.1-202.

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10. Regulations of the Board of the Virginia College Savings Plan adopted pursuant to § 23-38.77.

11. Regulations of the Marine Resources Commission.

12. Regulations adopted by the Board of Housing and Community Development pursuant to (i) Statewide Fire Prevention Code (§ 27-94 et seq.), (ii) the Industrialized Building Safety Law (§ 36-70 et seq.), (iii) the Uniform Statewide Building Code (§ 36-97 et seq.), and (iv) § 36-98.3, provided the Board (a) provides a Notice of Intended Regulatory Action in conformance with the provisions of § 2.2-4007.01, (b) publishes the proposed regulation and provides an opportunity for oral and written comments as provided in § 2.2-4007.03, and (c) conducts at least one public hearing as provided in §§ 2.2-4009 and 36-100 prior to the publishing of the proposed regulations. Notwithstanding the provisions of this subdivision, any regulations promulgated by the Board shall remain subject to the provisions of § 2.2-4007.06 concerning public petitions, and §§ 2.2-4013 and 2.2-4014 concerning review by the Governor and General Assembly.

13. Amendments to the list of drugs susceptible to counterfeiting adopted by the Board of Pharmacy pursuant to subsection B of § 54.1-3307 *or amendments to regulations of the Board to add a substance to Schedule I or II or to add a substance to the list of cannabimimetic agents set forth in § 18.2-248.1:1 pursuant to subsection D of § 54.1-3443.*

B. Whenever regulations are adopted under this section, the agency shall state as part thereof that it will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision. The effective date of regulations adopted under this subsection shall be in accordance with the provisions of § 2.2-4015, except in the case of emergency regulations, which shall become effective as provided in subsection B of § 2.2-4012.

C. A regulation for which an exemption is claimed under this section or § 2.2-4002 or 2.2-4011 and that is placed before a board or commission for consideration shall be provided at least two days in advance of the board or commission meeting to members of the public that request a copy of that regulation. A copy of that regulation shall be made available to the public attending such meeting.

§ 4.1-225. Grounds for which Board may suspend or revoke licenses.

The Board may suspend or revoke any license other than a brewery license, in which case the Board may impose penalties as provided in § 4.1-227, if it has reasonable cause to believe that:

1. The licensee, or if the licensee is a partnership, any general partner thereof, or if the licensee is an association, any member thereof, or a limited partner of 10 percent or more with voting rights, or if the licensee is a corporation, any officer, director, or shareholder owning 10 percent or more of its capital stock, or if the licensee is a limited liability company, any member-manager or any member owning 10 percent or more of the membership interest of the limited liability company:

a. Has misrepresented a material fact in applying to the Board for such license;

b. Within the five years immediately preceding the date of the hearing held in accordance with § 4.1-227, has (i) been convicted of a violation of any law, ordinance or regulation of the Commonwealth, of any county, city or town in the Commonwealth, of any state, or of the United States, applicable to the manufacture, transportation, possession, use or sale of alcoholic beverages; (ii) violated any provision of Chapter 3 (§ 4.1-300 et seq.); (iii) committed a violation of the Wine Franchise Act (§ 4.1-400 et seq.) or the Beer Franchise Act (§ 4.1-500 et seq.) in bad faith; (iv) violated or failed or refused to comply with any regulation, rule or order of the Board; or (v) failed or refused to comply with any of the conditions or restrictions of the license granted by the Board;

c. Has been convicted in any court of a felony or of any crime or offense involving moral turpitude under the laws of any state, or of the United States;

d. Is not the legitimate owner of the business conducted under the license granted by the Board, or other persons have ownership interests in the business which have not been disclosed;

e. Cannot demonstrate financial responsibility sufficient to meet the requirements of the business conducted under the license granted by the Board;

f. Has been intoxicated or under the influence of some self-administered drug while upon the licensed premises;

g. Has maintained the licensed premises in an unsanitary condition, or allowed such premises to become a meeting place or rendezvous for members of a criminal street gang as defined in § 18.2-46.1 or persons of ill repute, or has allowed any form of illegal gambling to take place upon such premises;

h. Knowingly employs in the business conducted under such license, as agent, servant, or employee, other than a busboy, cook or other kitchen help, any person who has been convicted in any court of a felony or of any crime or offense involving moral turpitude, or who has violated the laws of the Commonwealth, of any other state, or of the United States, applicable to the manufacture, transportation, possession, use or sale of alcoholic beverages;

i. Subsequent to the granting of his original license, has demonstrated by his police record a lack of respect for law and order;

j. Has allowed the consumption of alcoholic beverages upon the licensed premises by any person whom he knew or had reason to believe was (i) less than 21 years of age, (ii) interdicted, or (iii)

intoxicated, or has allowed any person whom he knew or had reason to believe was intoxicated to loiter upon such licensed premises;

k. Has allowed any person to consume upon the licensed premises any alcoholic beverages except as provided under this title;

l. Is physically unable to carry on the business conducted under such license or has been adjudicated incapacitated;

m. Has allowed any obscene literature, pictures or materials upon the licensed premises;

n. Has possessed any illegal gambling apparatus, machine or device upon the licensed premises;

o. Has upon the licensed premises (i) illegally possessed, distributed, sold or used, or has knowingly allowed any employee or agent, or any other person, to illegally possess, distribute, sell or use marijuana, controlled substances, imitation controlled substances, drug paraphernalia or controlled paraphernalia as those terms are defined in Articles 1 and 1.1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 and the Drug Control Act (§ 54.1-3400 et seq.) or ~~synthetic cannabinoids~~ *cannabimimetic agents* as defined in § 18.2-248.1:1; (ii) laundered money in violation of § 18.2-246.3; or (iii) conspired to commit any drug-related offense in violation of Articles 1 and 1.1 of Chapter 7 (§ 18.2-247 et seq.) of Title 18.2 or the Drug Control Act (§ 54.1-3400 et seq.). The provisions of this subdivision shall also apply to any conduct related to the operation of the licensed business which facilitates the commission of any of the offenses set forth herein; or

p. Has failed to take reasonable measures to prevent (i) the licensed premises, (ii) any premises immediately adjacent to the licensed premises that are owned or leased by the licensee, or (iii) any portion of public property immediately adjacent to the licensed premises from becoming a place where patrons of the establishment commit criminal violations of Article 1 (§ 18.2-30 et seq.), 2 (§ 18.2-38 et seq.), 2.1 (§ 18.2-46.1 et seq.), 2.2 (§ 18.2-46.4 et seq.), 3 (§ 18.2-47 et seq.), 4 (§ 18.2-51 et seq.), 5 (§ 18.2-58 et seq.), 6 (§ 18.2-59 et seq.), or 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2; Article 2 (§ 18.2-266 et seq.) of Chapter 7 of Title 18.2; Article 3 (§ 18.2-344 et seq.) or 5 (§ 18.2-372 et seq.) of Chapter 8 of Title 18.2; or Article 1 (§ 18.2-404 et seq.), 2 (§ 18.2-415), or 3 (§ 18.2-416 et seq.) of Chapter 9 of Title 18.2 and such violations lead to arrests that are so frequent and serious as to reasonably be deemed a continuing threat to the public safety.

2. The place occupied by the licensee:

a. Does not conform to the requirements of the governing body of the county, city or town in which such establishment is located, with respect to sanitation, health, construction or equipment, or to any similar requirements established by the laws of the Commonwealth or by Board regulations;

b. Has been adjudicated a common nuisance under the provisions of this title or § 18.2-258; or

c. Has become a meeting place or rendezvous for illegal gambling, illegal users of narcotics, drunks, prostitutes, pimps, panderers or habitual law violators or has become a place where illegal drugs are regularly used or distributed. The Board may consider the general reputation in the community of such establishment in addition to any other competent evidence in making such determination.

3. The licensee or any employee of the licensee discriminated against any member of the armed forces of the United States by prices charged or otherwise.

4. The licensee, his employees, or any entertainer performing on the licensed premises has been convicted of a violation of a local public nudity ordinance for conduct occurring on the licensed premises and the licensee allowed such conduct to occur.

5. Any cause exists for which the Board would have been entitled to refuse to grant such license had the facts been known.

6. Any other cause authorized by this title.

§ 9.1-176.1. Duties and responsibilities of local community-based probation officers.

A. Each local community-based probation officer, for the localities served, shall:

1. Supervise and assist all local-responsible adult offenders, residing within the localities served and placed on local community-based probation by any judge of any court within the localities served;

2. Ensure offender compliance with all orders of the court, including the requirement to perform community service;

3. Conduct, when ordered by a court, substance abuse screenings, or conduct or facilitate the preparation of assessments pursuant to state approved protocols;

4. Conduct, at his discretion, random drug and alcohol tests on any offender whom the officer has reason to believe is engaged in the illegal use of controlled substances, marijuana, or ~~synthetic cannabinoids~~ *cannabimimetic agents* or the abuse of alcohol or prescribed medication;

5. Facilitate placement of offenders in substance abuse education or treatment programs and services or other education or treatment programs and services based on the needs of the offender;

6. Seek a capias from any judicial officer in the event of failure to comply with conditions of local community-based probation or supervision on the part of any offender provided that noncompliance resulting from intractable behavior presents a risk of flight, or a risk to public safety or to the offender;

183 7. Seek a motion to show cause for offenders requiring a subsequent hearing before the court;
184 8. Provide information to assist any law-enforcement officer with the return to custody of defendants
185 placed on supervision for which a *capias* has been sought;
186 9. Keep such records and make such reports as required by the Department of Criminal Justice
187 Services; and
188 10. Determine by reviewing the Local Inmate Data System upon intake and again prior to discharge
189 whether a blood, saliva, or tissue sample has been taken for DNA analysis for each offender required to
190 submit a sample pursuant to Article 1.1 (§ 19.2-310.2 et seq.) of Chapter 18 of Title 19.2 and, if no
191 sample has been taken, require an offender to submit a sample for DNA analysis.

192 B. Each local probation officer may provide the following optional services, as appropriate and when
193 available resources permit:

194 1. Supervise local-responsible adult offenders placed on home incarceration with or without home
195 electronic monitoring as a condition of local community-based probation;

196 2. Investigate and report on any local-responsible adult offender and prepare or facilitate the
197 preparation of any other screening, assessment, evaluation, testing or treatment required as a condition of
198 probation;

199 3. Monitor placements of local-responsible adults who are required to perform court-ordered
200 community service at approved work sites;

201 4. Assist the courts, when requested, by monitoring the collection of court costs, fines and restitution
202 to the victims of crime for offenders placed on local probation; and

203 5. Collect supervision and intervention fees pursuant to § 9.1-182 subject to local approval and the
204 approval of the Department of Criminal Justice Services.

205 **§ 15.2-907. Authority to require removal, repair, etc., of buildings and other structures**
206 **harboring illegal drug use.**

207 A. As used in this section:

208 "Affidavit" means the affidavit prepared by a locality in accordance with subdivision B 1 a hereof.
209 "Controlled substance" means illegally obtained controlled substances or marijuana, as defined in
210 § 54.1-3401, or ~~synthetic cannabinoids~~ *cannabimimetic agents* as defined in § 18.2-248.1:1.

211 "Corrective action" means the taking of steps which are reasonably expected to be effective to abate
212 drug blight on real property, such as removal, repair or securing of any building, wall or other structure.
213 "Drug blight" means a condition existing on real property which tends to endanger the public health
214 or safety of residents of a locality and is caused by the regular presence on the property of persons
215 under the influence of controlled substances or the regular use of the property for the purpose of
216 illegally possessing, manufacturing or distributing controlled substances.

217 "Owner" means the record owner of real property.
218 "Property" means real property.

219 B. Any locality may, by ordinance, provide that:

220 1. The locality may undertake corrective action with respect to property in accordance with the
221 procedures described herein:

222 a. The locality shall execute an affidavit, citing this section, to the effect that (i) drug blight exists on
223 the property and in the manner described therein; (ii) the locality has used diligence without effect to
224 abate the drug blight; and (iii) the drug blight constitutes a present threat to the public's health, safety or
225 welfare.

226 b. The locality shall then send a notice to the owner of the property, to be sent by regular mail to
227 the last address listed for the owner on the locality's assessment records for the property, together with a
228 copy of such affidavit, advising that (i) the owner has up to 30 days from the date thereof to undertake
229 corrective action to abate the drug blight described in such affidavit and (ii) the locality will, if
230 requested to do so, assist the owner in determining and coordinating the appropriate corrective action to
231 abate the drug blight described in such affidavit.

232 c. If no corrective action is undertaken during such 30-day period, the locality shall send by regular
233 mail an additional notice to the owner of the property, at the address stated in the preceding subdivision,
234 stating the date on which the locality may commence corrective action to abate the drug blight on the
235 property, which date shall be no earlier than 15 days after the date of mailing of the notice. Such
236 additional notice shall also reasonably describe the corrective action contemplated to be taken by the
237 locality. Upon receipt of such notice, the owner shall have a right, upon reasonable notice to the
238 locality, to seek equitable relief, and the locality shall initiate no corrective action while a proper
239 petition for relief is pending before a court of competent jurisdiction.

240 2. If the locality undertakes corrective action with respect to the property after complying with the
241 provisions of subdivision B 1, the costs and expenses thereof shall be chargeable to and paid by the
242 owner of such property and may be collected by the locality as taxes are collected.

243 3. Every charge authorized by this section with which the owner of any such property has been
244 assessed and which remains unpaid shall constitute a lien against such property with the same priority as

liens for unpaid local taxes and enforceable in the same manner as provided in Articles 3 (§ 58.1-3940 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1.

C. If the owner of such property takes timely corrective action pursuant to such ordinance, the locality shall deem the drug blight abated, shall close the proceeding without any charge or cost to the owner and shall promptly provide written notice to the owner that the proceeding has been terminated satisfactorily. The closing of a proceeding shall not bar the locality from initiating a subsequent proceeding if the drug blight recurs.

D. Nothing in this section shall be construed to abridge or waive any rights or remedies of an owner of property at law or in equity.

§ 16.1-260. Intake; petition; investigation.

A. All matters alleged to be within the jurisdiction of the court shall be commenced by the filing of a petition, except as provided in subsection H and in § 16.1-259. The form and content of the petition shall be as provided in § 16.1-262. No individual shall be required to obtain support services from the Department of Social Services prior to filing a petition seeking support for a child. Complaints, requests and the processing of petitions to initiate a case shall be the responsibility of the intake officer. However, (i) the attorney for the Commonwealth of the city or county may file a petition on his own motion with the clerk, (ii) designated nonattorney employees of the Department of Social Services may complete, sign and file petitions and motions relating to the establishment, modification, or enforcement of support on forms approved by the Supreme Court of Virginia with the clerk, and (iii) any attorney may file petitions on behalf of his client with the clerk except petitions alleging that the subject of the petition is a child alleged to be in need of services, in need of supervision or delinquent. Complaints alleging abuse or neglect of a child shall be referred initially to the local department of social services in accordance with the provisions of Chapter 15 (§ 63.2-1500 et seq.) of Title 63.2. Motions and other subsequent pleadings in a case shall be filed directly with the clerk. The intake officer or clerk with whom the petition or motion is filed shall inquire whether the petitioner is receiving child support services or public assistance. No individual who is receiving support services or public assistance shall be denied the right to file a petition or motion to establish, modify or enforce an order for support of a child. If the petitioner is seeking or receiving child support services or public assistance, the clerk, upon issuance of process, shall forward a copy of the petition or motion, together with notice of the court date, to the Division of Child Support Enforcement.

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

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

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

If a juvenile is alleged to be a truant pursuant to a complaint filed in accordance with § 22.1-258 and the attendance officer has provided documentation to the intake officer that the relevant school division has complied with the provisions of § 22.1-258, then the intake officer shall file a petition with the court. The intake officer may defer filing the complaint for 90 days and proceed informally by developing a truancy plan. The intake officer may proceed informally only if the juvenile has not previously been proceeded against informally or adjudicated in need of supervision for failure to comply with compulsory school attendance as provided in § 22.1-254. The juvenile and his parent or parents, guardian or other person standing in loco parentis must agree, in writing, for the development of a truancy plan. The truancy plan may include requirements that the juvenile and his parent or parents,

guardian or other person standing in loco parentis participate in such programs, cooperate in such treatment or be subject to such conditions and limitations as necessary to ensure the juvenile's compliance with compulsory school attendance as provided in § 22.1-254. The intake officer may refer the juvenile to the appropriate public agency for the purpose of developing a truancy plan using an interagency interdisciplinary team approach. The team may include qualified personnel who are reasonably available from the appropriate department of social services, community services board, local school division, court service unit and other appropriate and available public and private agencies and may be the family assessment and planning team established pursuant to § 2.2-5207. If at the end of the 90-day period the juvenile has not successfully completed the truancy plan or the truancy program, then the intake officer shall file the petition.

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

C. The intake officer shall accept and file a petition in which it is alleged that (i) the custody, visitation or support of a child is the subject of controversy or requires determination, (ii) a person has deserted, abandoned or failed to provide support for any person in violation of law, (iii) a child or such child's parent, guardian, legal custodian or other person standing in loco parentis is entitled to treatment, rehabilitation or other services which are required by law, (iv) family abuse has occurred and a 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 violence, force, or threat has occurred, a protective order is being sought pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10, and either the alleged victim or the respondent is a juvenile. If any such complainant does not file a petition, the intake officer may file it. In cases in which a child is alleged to be abused, neglected, in need of services, in need of supervision or delinquent, if the intake officer believes that probable cause does not exist, or that the authorization of a petition will not be in the best interest of the family or juvenile or that the matter may be effectively dealt with by some agency other than the court, he may refuse to authorize the filing of a petition. The intake officer shall provide to a person seeking a protective order pursuant to § 16.1-253.1, 16.1-253.4, or 16.1-279.1 a written explanation of the conditions, procedures and time limits applicable to the issuance of protective orders pursuant to § 16.1-253.1, 16.1-253.4, or 16.1-279.1. If the person is seeking a protective order pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10, the intake officer shall provide a written explanation of the conditions, procedures, and time limits applicable to the issuance of protective orders pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10.

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

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

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

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

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

1. A firearm offense pursuant to Article 4 (§ 18.2-279 et seq.), 5 (§ 18.2-288 et seq.), 6 (§ 18.2-299 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;

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

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

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

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

6. Manufacture, sale or distribution of marijuana or ~~synthetic cannabinoids~~ *cannabimimetic agents* pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;

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

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

9. Robbery pursuant to § 18.2-58;

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

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

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

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

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

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

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

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

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

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

I. Failure to comply with the procedures set forth in this section shall not divest the juvenile court of

the jurisdiction granted it in § 16.1-241.

§ 16.1-278.8:01. Juveniles found delinquent of first drug offense; screening; assessment; drug tests; costs and fees; education or treatment programs.

Whenever any juvenile who has not previously been found delinquent of any offense under Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 or under any statute of the United States or of any state relating to narcotic drugs, marijuana, ~~synthetic cannabinoids~~ *cannabimimetic agents*, or stimulant, depressant or hallucinogenic drugs, or has not previously had a proceeding against him for a violation of such an offense dismissed as provided in § 18.2-251, is found delinquent of any offense concerning the use, in any manner, of drugs, controlled substances, narcotics, marijuana, ~~synthetic cannabinoids~~ *cannabimimetic agents*, noxious chemical substances and like substances, the juvenile court or the circuit court shall require such juvenile to undergo a substance abuse screening pursuant to § 16.1-273 and to submit to such periodic substance abuse testing, to include alcohol testing, as may be directed by the court. Such testing shall be conducted by a court services unit of the Department of Juvenile Justice, or by a locally operated court services unit or by personnel of any program or agency approved by the Department. The cost of such testing ordered by the court shall be paid by the Commonwealth from funds appropriated to the Department for this purpose. The court shall also order the juvenile to undergo such treatment or education program for substance abuse, if available, as the court deems appropriate based upon consideration of the substance abuse assessment. The treatment or education shall be provided by a program licensed by the Department of Behavioral Health and Developmental Services or by a similar program available through a facility or program operated by or under contract to the Department of Juvenile Justice or a locally operated court services unit or a program funded through the Virginia Juvenile Community Crime Control Act (§ 16.1-309.2 et seq.).

§ 18.2-248.1:1. Penalties for possession, sale, gift, or distribution of or possession with intent to sell, give, or distribute cannabimimetic agents; manufacturing.

A. For the purposes of this title, ~~synthetic cannabinoids~~ *"cannabimimetic agents"* means any substance that contains one or more cannabimimetic agents or that contains their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation, and any preparation, mixture, or substance containing, or mixed or infused with, any detectable amount of one or more cannabimimetic agents.

1. "Cannabimimetic agents" ~~means~~ *includes* any substance that is within any of the following structural classes:

a. 2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent;

b. 3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the naphthoyl or naphthyl ring to any extent;

c. 3-(1-naphthoyl)pyrrole with substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted on the naphthoyl ring to any extent;

d. 1-(1-naphthylmethyl)indene with substitution of the 3-position of the indene ring, whether or not further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent;

e. 3-phenylacetylindole or 3-benzoylindole with substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl ring to any extent;

f. 3-cyclopropoylindole with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the cyclopropyl ring to any extent;

g. 3-adamantoylindole with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the adamantyl ring to any extent;

h. N-(adamantyl)-indole-3-carboxamide with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the adamantyl ring to any extent; or

i. N-(adamantyl)-indazole-3-carboxamide with substitution at a nitrogen atom of the indazole ring, whether or not further substituted on the indazole ring to any extent, whether or not substituted on the adamantyl ring to any extent.

2. The term "cannabimimetic agents" includes:

5-(1,1-Dimethylheptyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497);

5-(1,1-Dimethylhexyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C6 homolog);

5-(1,1-Dimethyloctyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C8 homolog);

5-(1,1-Dimethylnonyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C9 homolog);

491 1-pentyl-3-(1-naphthoyl)indole (other names: JWH-018, AM-678);
 492 1-butyl-3-(1-naphthoyl)indole (other name: JWH-073);
 493 1-pentyl-3-(2-methoxyphenylacetyl)indole (other name: JWH-250);
 494 1-hexyl-3-(naphthalen-1-oyl)indole (other name: JWH-019);
 495 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (other name: JWH-200);
 496 (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-t
 497 etrahydrobenzo[c]chromen-1-ol (other name: HU-210);
 498 1-pentyl-3-(4-methoxy-1-naphthoyl)indole (other name: JWH-081);
 499 1-pentyl-3-(4-methyl-1-naphthoyl)indole (other name: JWH-122);
 500 1-pentyl-3-(2-chlorophenylacetyl)indole (other name: JWH-203);
 501 1-pentyl-3-(4-ethyl-1-naphthoyl)indole (other name: JWH-210);
 502 1-pentyl-3-(4-chloro-1-naphthoyl)indole (other name: JWH-398);
 503 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (other name: AM-694);
 504 1-((N-methylpiperidin-2-yl)methyl)-3-(1-naphthoyl)indole (other name: AM-1220);
 505 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (other name: AM-2201);
 506 1-[(N-methylpiperidin-2-yl)methyl]-3-(2-iodobenzoyl)indole (other name: AM-2233);
 507 Pravadoline (4-methoxyphenyl)-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-yl]methanone (other
 508 name: WIN 48,098);
 509 1-pentyl-3-(4-methoxybenzoyl)indole (other names: RCS-4, SR-19);
 510 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (other names: RCS-8, SR-18);
 511 1-pentyl-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other name: UR-144);
 512 1-(5-fluoropentyl)-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other name: XLR-11);
 513 N-adamantyl-1-fluoropentylindole-3-carboxamide (other name: STS-135);
 514 N-adamantyl-1-pentylindazole-3-carboxamide (other name: AKB48);
 515 1-pentyl-3-(1-adamantoyl)indole (other name: AB-001);
 516 (8-quinolinyl)(1-pentylindol-3-yl)carboxylate (other name: PB-22);
 517 (8-quinolinyl)(1-(5-fluoropentyl)indol-3-yl)carboxylate (other name: 5-fluoro-PB-22);
 518 (8-quinolinyl)(1-cyclohexylmethyl-indol-3-yl)carboxylate (other name: BB-22);
 519 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide (other name: AB-PINACA);
 520 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)indazole-3-carboxamide (other name:
 521 AB-FUBINACA);
 522 1-(5-fluoropentyl)-3-(1-naphthoyl)indazole;
 523 N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-indazole-3-carboxamide (other name:
 524 ADB-PINACA).
 525 B. It is unlawful for any person to knowingly or intentionally possess ~~synthetic cannabinoids~~
 526 ~~cannabinimimetic agents~~. Any person who violates this subsection is guilty of a Class 1 misdemeanor.
 527 C. It is unlawful for any person to sell, give, distribute, or possess with intent to sell, give, or
 528 distribute ~~synthetic cannabinoids~~ ~~cannabinimimetic agents~~. Any person who violates this subsection is
 529 guilty of a Class 6 5 felony.
 530 D. If a person proves that he gave, distributed or possessed with intent to give or distribute ~~synthetic~~
 531 ~~cannabinoids~~ ~~cannabinimimetic agents~~ only as an accommodation to another individual and not with intent
 532 to profit thereby from any consideration received or expected nor to induce the recipient or intended
 533 recipient of the ~~synthetic cannabinoids~~ ~~cannabinimimetic agents~~ to use or become addicted to or dependent
 534 upon such ~~synthetic cannabinoids~~ ~~cannabinimimetic agents~~, he is guilty of a Class 1 misdemeanor. Any
 535 person who gives, distributes or possesses ~~synthetic cannabinoids~~ ~~cannabinimimetic agents~~ as an
 536 accommodation and not with intent to profit thereby, to an inmate of a state or local correctional facility
 537 as defined in § 53.1-1, or in the custody of an employee thereof is guilty of a Class 4 felony.
 538 E. Any person who manufactures ~~synthetic cannabinoids~~ ~~cannabinimimetic agents~~ or possesses
 539 ~~synthetic cannabinoids~~ ~~cannabinimimetic agents~~ with intent to manufacture such substance is guilty of a
 540 felony punishable by imprisonment of not less than five nor more than 30 years and a fine not to
 541 exceed \$10,000.
 542 F. Any drug not listed in this section or the Drug Control Act (§ 54.1-3400 et seq.), which is
 543 privately compounded, with the specific intent to circumvent the criminal penalties for ~~synthetic~~
 544 ~~cannabinoids~~ ~~cannabinimimetic agents~~, to emulate or simulate the effects of ~~synthetic cannabinoids~~
 545 ~~cannabinimimetic agents~~ through chemical changes such as the addition, subtraction or rearranging of a
 546 radical or the addition, subtraction or rearranging of a substituent, shall be subject to the same criminal
 547 penalties as for ~~synthetic cannabinoids~~ ~~cannabinimimetic agents~~.
 548 G. Upon conviction, in addition to any other punishment, a person found guilty of a violation of this
 549 section shall be ordered by the court to make restitution, as the court deems appropriate, to any innocent
 550 property owner whose property is damaged, destroyed, or otherwise rendered unusable as a result of
 551 such ~~synthetic cannabinoid~~ ~~cannabinimimetic agents~~ production. This restitution may include the person's

552 or his estate's estimated or actual expenses associated with cleanup, removal, or repair of the affected
553 property.

554 **§ 18.2-251. Persons charged with first offense may be placed on probation; conditions;**
555 **substance abuse screening, assessment treatment and education programs or services; drug tests;**
556 **costs and fees; violations; discharge.**

557 Whenever any person who has not previously been convicted of any offense under this article or
558 under any statute of the United States or of any state relating to narcotic drugs, marijuana, ~~synthetic~~
559 ~~cannabinoids~~ *cannabimimetic agents*, or stimulant, depressant, or hallucinogenic drugs, or has not
560 previously had a proceeding against him for violation of such an offense dismissed as provided in this
561 section, pleads guilty to or enters a plea of not guilty to possession of a controlled substance under
562 § 18.2-250 or to possession of marijuana under § 18.2-250.1, or to possession of ~~synthetic cannabinoids~~
563 *cannabimimetic agents* under subsection B of § 18.2-248.1:1, the court, upon such plea if the facts found
564 by the court would justify a finding of guilt, without entering a judgment of guilt and with the consent
565 of the accused, may defer further proceedings and place him on probation upon terms and conditions.

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

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

579 As a condition of probation, the court shall require the accused (i) to successfully complete treatment
580 or education program or services, (ii) to remain drug and alcohol free during the period of probation and
581 submit to such tests during that period as may be necessary and appropriate to determine if the accused
582 is drug and alcohol free, (iii) to make reasonable efforts to secure and maintain employment, and (iv) to
583 comply with a plan of at least 100 hours of community service for a felony and up to 24 hours of
584 community service for a misdemeanor. Such testing shall be conducted by personnel of the supervising
585 probation agency or personnel of any program or agency approved by the supervising probation agency.

586 The court shall, unless done at arrest, order the accused to report to the original arresting
587 law-enforcement agency to submit to fingerprinting.

588 Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as
589 otherwise provided. Upon fulfillment of the terms and conditions, the court shall discharge the person
590 and dismiss the proceedings against him. Discharge and dismissal under this section shall be without
591 adjudication of guilt and is a conviction only for the purposes of applying this section in subsequent
592 proceedings.

593 Notwithstanding any other provision of this section, whenever a court places an individual on
594 probation upon terms and conditions pursuant to this section, such action shall be treated as a conviction
595 for purposes of §§ 18.2-259.1, 22.1-315 and 46.2-390.1, and the driver's license forfeiture provisions of
596 those sections shall be imposed. The provisions of this paragraph shall not be applicable to any offense
597 for which a juvenile has had his license suspended or denied pursuant to § 16.1-278.9 for the same
598 offense.

599 **§ 18.2-255. Distribution of certain drugs to persons under 18 prohibited; penalty.**

600 A. Except as authorized in the Drug Control Act, Chapter 34 (§ 54.1-3400 et seq.) of Title 54.1, it
601 shall be unlawful for any person who is at least 18 years of age to knowingly or intentionally (i)
602 distribute any drug classified in Schedule I, II, III or IV, marijuana or ~~synthetic cannabinoids~~
603 *cannabimimetic agents* to any person under 18 years of age who is at least three years his junior or (ii)
604 cause any person under 18 years of age to assist in such distribution of any drug classified in Schedule
605 I, II, III or IV, marijuana or ~~synthetic cannabinoids~~ *cannabimimetic agents*. Any person violating this
606 provision shall upon conviction be imprisoned in a state correctional facility for a period not less than
607 10 nor more than 50 years, and fined not more than \$100,000. Five years of the sentence imposed for a
608 conviction under this section involving a Schedule I or II controlled substance or one ounce or more of
609 marijuana shall be a mandatory minimum sentence. Two years of the sentence imposed for a conviction
610 under this section involving ~~synthetic cannabinoids~~ *cannabimimetic agents* or involving less than one
611 ounce of marijuana shall be a mandatory minimum sentence.

612 B. It shall be unlawful for any person who is at least 18 years of age to knowingly or intentionally
613 (i) distribute any imitation controlled substance to a person under 18 years of age who is at least three

years his junior or (ii) cause any person under 18 years of age to assist in such distribution of any imitation controlled substance. Any person violating this provision shall be guilty of a Class 6 felony.

§ 18.2-255.1. Distribution, sale or display of printed material advertising instruments for use in administering marijuana, cannabimimetic agents, or controlled substances to minors; penalty.

It shall be a Class 1 misdemeanor for any person knowingly to sell, distribute, or display for sale to a minor any book, pamphlet, periodical or other printed matter which he knows advertises for sale any instrument, device, article, or contrivance for advertised use in unlawfully ingesting, smoking, administering, preparing or growing marijuana, ~~synthetic cannabinoids~~ *cannabimimetic agents*, or a controlled substance.

§ 18.2-255.2. Prohibiting the sale or manufacture of drugs on or near certain properties; penalty.

A. It shall be unlawful for any person to manufacture, sell or distribute or possess with intent to sell, give or distribute any controlled substance, imitation controlled substance, marijuana, or ~~synthetic cannabinoids~~ *cannabimimetic agents* while:

1. Upon the property, including buildings and grounds, of any public or private elementary, secondary, or post secondary school, or any public or private two-year or four-year institution of higher education, or any clearly marked licensed child day center as defined in § 63.2-100;

2. Upon public property or any property open to public use within 1,000 feet of the property described in subdivision 1;

3. On any school bus as defined in § 46.2-100;

4. Upon a designated school bus stop, or upon either public property or any property open to public use which is within 1,000 feet of such school bus stop, during the time when school children are waiting to be picked up and transported to or are being dropped off from school or a school-sponsored activity;

5. Upon the property, including buildings and grounds, of any publicly owned or publicly operated recreation or community center facility or any public library; or

6. Upon the property of any state facility as defined in § 37.2-100 or upon public property or property open to public use within 1,000 feet of such an institution. It is a violation of the provisions of this section if the person possessed the controlled substance, imitation controlled substance, marijuana, or ~~synthetic cannabinoids~~ *cannabimimetic agents* on the property described in subdivisions 1 through 6, regardless of where the person intended to sell, give or distribute the controlled substance, imitation controlled substance, marijuana, or ~~synthetic cannabinoids~~ *cannabimimetic agents*. Nothing in this section shall prohibit the authorized distribution of controlled substances.

B. Violation of this section shall constitute a separate and distinct felony. Any person violating the provisions of this section shall, upon conviction, be imprisoned for a term of not less than one year nor more than five years and fined not more than \$100,000. A second or subsequent conviction hereunder for an offense involving a controlled substance classified in Schedule I, II, or III of the Drug Control Act (§ 54.1-3400 et seq.) or ~~synthetic cannabinoids~~ *cannabimimetic agents* or more than one-half ounce of marijuana shall be punished by a mandatory minimum term of imprisonment of one year to be served consecutively with any other sentence. However, if such person proves that he sold such controlled substance, marijuana, or ~~synthetic cannabinoids~~ *cannabimimetic agents* only as an accommodation to another individual and not with intent to profit thereby from any consideration received or expected nor to induce the recipient or intended recipient of the controlled substance, marijuana, or ~~synthetic cannabinoids~~ *cannabimimetic agents* to use or become addicted to or dependent upon such controlled substance, marijuana, or ~~synthetic cannabinoids~~ *cannabimimetic agents*, he ~~shall be~~ is guilty of a Class 1 misdemeanor.

C. If a person commits an act violating the provisions of this section, and the same act also violates another provision of law that provides for penalties greater than those provided for by this section, then nothing in this section shall prohibit or bar any prosecution or proceeding under that other provision of law or the imposition of any penalties provided for thereby.

§ 18.2-258. Certain premises deemed common nuisance; penalty.

Any office, store, shop, restaurant, dance hall, theater, poolroom, clubhouse, storehouse, warehouse, dwelling house, apartment, building of any kind, vehicle, vessel, boat, or aircraft, which with the knowledge of the owner, lessor, agent of any such lessor, manager, chief executive officer, operator, or tenant thereof, is frequented by persons under the influence of illegally obtained controlled substances or marijuana, as defined in § 54.1-3401, or ~~synthetic cannabinoids~~ *cannabimimetic agents*, or for the purpose of illegally obtaining possession of, manufacturing or distributing controlled substances, marijuana, or ~~synthetic cannabinoids~~ *cannabimimetic agents*, or is used for the illegal possession, manufacture or distribution of controlled substances, marijuana, or ~~synthetic cannabinoids~~ *cannabimimetic agents* shall be deemed a common nuisance. Any such owner, lessor, agent of any such lessor, manager, chief executive officer, operator, or tenant who knowingly permits, establishes, keeps or

maintains such a common nuisance is guilty of a Class 1 misdemeanor and, for a second or subsequent offense, a Class 6 felony.

§ 18.2-258.02. Maintaining a fortified drug house; penalty.

Any office, store, shop, restaurant, dance hall, theater, poolroom, clubhouse, storehouse, warehouse, dwelling house, apartment or building or structure of any kind which is (i) substantially altered from its original status by means of reinforcement with the intent to impede, deter or delay lawful entry by a law-enforcement officer into such structure, (ii) being used for the purpose of manufacturing or distributing controlled substances, marijuana, or ~~synthetic cannabinoids~~ *cannabimimetic agents*, and (iii) the object of a valid search warrant, shall be considered a fortified drug house. Any person who maintains or operates a fortified drug house is guilty of a Class 5 felony.

§ 18.2-258.1. Obtaining drugs, procuring administration of controlled substances, etc., by fraud, deceit or forgery.

A. It shall be unlawful for any person to obtain or attempt to obtain any drug or procure or attempt to procure the administration of any controlled substance, marijuana, or ~~synthetic cannabinoids~~ *cannabimimetic agents*: (i) by fraud, deceit, misrepresentation, embezzlement, or subterfuge; ~~or~~ (ii) by the forgery or alteration of a prescription or of any written order; ~~or~~ (iii) by the concealment of a material fact; or (iv) by the use of a false name or the giving of a false address.

B. It shall be unlawful for any person to furnish false or fraudulent information in or omit any information from, or willfully make a false statement in, any prescription, order, report, record, or other document required by Chapter 34 (§ 54.1-3400 et seq.) of Title 54.1.

C. It shall be unlawful for any person to use in the course of the manufacture or distribution of a controlled substance, marijuana, or ~~synthetic cannabinoids~~ *cannabimimetic agents* a license number which is fictitious, revoked, suspended, or issued to another person.

D. It shall be unlawful for any person, for the purpose of obtaining any controlled substance, marijuana, or ~~synthetic cannabinoids~~ *cannabimimetic agents* to falsely assume the title of, or represent himself to be, a manufacturer, wholesaler, pharmacist, physician, dentist, veterinarian or other authorized person.

E. It shall be unlawful for any person to make or utter any false or forged prescription or false or forged written order.

F. It shall be unlawful for any person to affix any false or forged label to a package or receptacle containing any controlled substance.

G. This section shall not apply to officers and employees of the United States, of this Commonwealth or of a political subdivision of this Commonwealth acting in the course of their employment, who obtain such drugs for investigative, research or analytical purposes, or to the agents or duly authorized representatives of any pharmaceutical manufacturer who obtain such drugs for investigative, research or analytical purposes and who are acting in the course of their employment; provided that such manufacturer is licensed under the provisions of the Federal Food, Drug and Cosmetic Act; and provided further, that such pharmaceutical manufacturer, its agents and duly authorized representatives file with the Board such information as the Board may deem appropriate.

H. Except as otherwise provided in this subsection, any person who shall violate any provision herein shall be guilty of a Class 6 felony.

Whenever any person who has not previously been convicted of any offense under this article or under any statute of the United States or of any state relating to narcotic drugs, marijuana, or stimulant, depressant, or hallucinogenic drugs, or has not previously had a proceeding against him for violation of such an offense dismissed, or reduced as provided in this section, pleads guilty to or enters a plea of not guilty to the court for violating this section, upon such plea if the facts found by the court would justify a finding of guilt, the court may place him on probation upon terms and conditions.

As a term or condition, the court shall require the accused to be evaluated and enter a treatment and/or education program, if available, such as, in the opinion of the court, may be best suited to the needs of the accused. This program may be located in the judicial circuit in which the charge is brought or in any other judicial circuit as the court may provide. The services shall be provided by a program certified or licensed by the Department of Behavioral Health and Developmental Services. The court shall require the person entering such program under the provisions of this section to pay all or part of the costs of the program, including the costs of the screening, evaluation, testing and education, based upon the person's ability to pay unless the person is determined by the court to be indigent.

As a condition of supervised probation, the court shall require the accused to remain drug free during the period of probation and submit to such tests during that period as may be necessary and appropriate to determine if the accused is drug free. Such testing may be conducted by the personnel of any screening, evaluation, and education program to which the person is referred or by the supervising agency.

Unless the accused was fingerprinted at the time of arrest, the court shall order the accused to report to the original arresting law-enforcement agency to submit to fingerprinting.

Upon violation of a term or condition, the court may enter an adjudication of guilt upon the felony and proceed as otherwise provided. Upon fulfillment of the terms and conditions of probation, the court shall find the defendant guilty of a Class 1 misdemeanor.

§ 18.2-308.4. Possession of firearms while in possession of certain substances.

A. It shall be unlawful for any person unlawfully in possession of a controlled substance classified in Schedule I or II of the Drug Control Act (§ 54.1-3400 et seq.) of Title 54.1 to simultaneously with knowledge and intent possess any firearm. A violation of this subsection is a Class 6 felony and constitutes a separate and distinct felony.

B. It shall be unlawful for any person unlawfully in possession of a controlled substance classified in Schedule I or II of the Drug Control Act (§ 54.1-3400 et seq.) to simultaneously with knowledge and intent possess any firearm on or about his person. A violation of this subsection is a Class 6 felony and constitutes a separate and distinct felony and any person convicted hereunder shall be sentenced to a mandatory minimum term of imprisonment of two years. Such punishment shall be separate and apart from, and shall be made to run consecutively with, any punishment received for the commission of the primary felony.

C. It shall be unlawful for any person to possess, use, or attempt to use any pistol, shotgun, rifle, or other firearm or display such weapon in a threatening manner while committing or attempting to commit the illegal manufacture, sale, distribution, or the possession with the intent to manufacture, sell, or distribute a controlled substance classified in Schedule I or Schedule II of the Drug Control Act (§ 54.1-3400 et seq.), ~~synthetic cannabinoids~~ *cannabimimetic agents*, or more than one pound of marijuana. A violation of this subsection is a Class 6 felony; and constitutes a separate and distinct felony, and any person convicted hereunder shall be sentenced to a mandatory minimum term of imprisonment of five years. Such punishment shall be separate and apart from, and shall be made to run consecutively with, any punishment received for the commission of the primary felony.

§ 18.2-474.1. Delivery of drugs, firearms, explosives, etc., to prisoners or committed persons.

Notwithstanding the provisions of § 18.2-474, any person who shall willfully in any manner deliver, attempt to deliver, or conspire with another to deliver to any prisoner confined under authority of the Commonwealth of Virginia, or of any political subdivision thereof, or to any person committed to the Department of Juvenile Justice in any juvenile correctional center, any drug which is a controlled substance regulated by the Drug Control Act in Chapter 34 (§ 54.1-3400 et seq.) of Title 54.1, ~~synthetic cannabinoids~~ *cannabimimetic agents*, or marijuana; is guilty of a Class 5 felony. Any person who shall willfully in any manner so deliver or attempt to deliver or conspire to deliver to any such prisoner or confined or committed person, firearms, ammunitions, or explosives of any nature is guilty of a Class 3 felony.

Nothing herein contained shall be construed to repeal or amend § 18.2-473.

§ 19.2-83.1. Report of arrest of school employees and adult students for certain offenses.

A. Every state official or agency and every sheriff, police officer, or other local law-enforcement officer or conservator of the peace having the power to arrest for a felony, upon arresting a person who is known or discovered by the arresting official to be a full-time, part-time, permanent, or temporary teacher or other employee in any public school division in this Commonwealth for a felony or a Class 1 misdemeanor or an equivalent offense in another state shall file a report of such arrest with the division superintendent of the employing division as soon as practicable. The contents of the report required pursuant to this section shall be utilized by the local school division solely to implement the provisions of subsection B of § 22.1-296.2 and § 22.1-315.

B. Every state official or agency and every sheriff, police officer, or other local law-enforcement officer or conservator of the peace having the power to arrest for a felony, shall file a report, as soon as practicable, with the division superintendent of the school division in which the student is enrolled upon arresting a person who is known or discovered by the arresting official to be a student age 18 or older in any public school division in this Commonwealth for:

1. A firearm offense pursuant to Article 4 (§ 18.2-279 et seq.), 5 (§ 18.2-288 et seq.), 6 (§ 18.2-299 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;

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

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

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

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

6. Manufacture, sale or distribution of marijuana or ~~synthetic cannabinoids~~ *cannabimimetic agents* pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;

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

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

9. Robbery pursuant to § 18.2-58;

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

11. Recruitment of juveniles for criminal street gang pursuant to § 18.2-46.3.

§ 19.2-187. Admission into evidence of certain certificates of analysis.

In any hearing or trial of any criminal offense or in any proceeding brought pursuant to Chapter 22.1 (§ 19.2-386.1 et seq.), a certificate of analysis of a person performing an analysis or examination, duly attested by such person, shall be admissible in evidence as evidence of the facts therein stated and the results of the analysis or examination referred to therein, provided (i) the certificate of analysis is filed with the clerk of the court hearing the case at least seven days prior to the proceeding if the attorney for the Commonwealth intends to offer it into evidence in a preliminary hearing or the accused intends to offer it into evidence in any hearing or trial, or (ii) the requirements of subsection A of § 19.2-187.1 have been satisfied and the accused has not objected to the admission of the certificate pursuant to subsection B of § 19.2-187.1, when any such analysis or examination is performed in any laboratory operated by the Division of Consolidated Laboratory Services or the Department of Forensic Science or authorized by such Department to conduct such analysis or examination, or performed by a person licensed by the Department of Forensic Science pursuant to § 18.2-268.9 or 46.2-341.26:9 to conduct such analysis or examination, or performed by the Federal Bureau of Investigation, the federal Postal Inspection Service, the federal Bureau of Alcohol, Tobacco and Firearms, the Naval Criminal Investigative Service, the National Fish and Wildlife Forensics Laboratory, the federal Drug Enforcement Administration, the Forensic Document Laboratory of the U.S. Department of Homeland Security, or the U.S. Secret Service Laboratory.

In a hearing or trial in which the provisions of subsection A of § 19.2-187.1 do not apply, a copy of such certificate shall be mailed or delivered by the clerk or attorney for the Commonwealth to counsel of record for the accused at no charge at least seven days prior to the hearing or trial upon request made by such counsel to the clerk with notice of the request to the attorney for the Commonwealth. The request to the clerk shall be on a form prescribed by the Supreme Court and filed with the clerk at least 10 days prior to the hearing or trial. In the event that a request for a copy of a certificate is filed with the clerk with respect to a case that is not yet before the court, the clerk shall advise the requester that he must resubmit the request at such time as the case is properly before the court in order for such request to be effective. If, upon proper request made by counsel of record for the accused, a copy of such certificate is not mailed or delivered by the clerk or attorney for the Commonwealth to counsel of record for the accused in a timely manner in accordance with this section, the accused shall be entitled to continue the hearing or trial.

The certificate of analysis of any examination conducted by the Department of Forensic Science relating to a controlled substance, marijuana, or ~~synthetic cannabinoids~~ *cannabimimetic agents* as defined in § 18.2-248.1:1 shall be mailed or forwarded by personnel of the Department of Forensic Science to the attorney for the Commonwealth of the jurisdiction where such offense may be heard. The attorney for the Commonwealth shall acknowledge receipt of the certificate on forms provided by the laboratory.

Any such certificate of analysis purporting to be signed by any such person shall be admissible as evidence in such hearing or trial without any proof of the seal or signature or of the official character of the person whose name is signed to it.

For the purposes of this section and §§ 19.2-187.01, 19.2-187.1, and 19.2-187.2, the term "certificate of analysis" includes reports of analysis and results of laboratory examination.

§ 19.2-386.22. Seizure of property used in connection with or derived from illegal drug transactions.

A. The following property shall be subject to lawful seizure by any officer charged with enforcing the provisions of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2: (i) all money, medical equipment, office equipment, laboratory equipment, motor vehicles, and all other personal and real property of any kind or character, used in substantial connection with (a) the illegal manufacture, sale or distribution of controlled substances or possession with intent to sell or distribute controlled substances in violation of § 18.2-248, (b) the sale or distribution of marijuana or possession with intent to distribute marijuana in violation of subdivisions (a) (2), (a) (3) and (c) of § 18.2-248.1, (c) the sale or distribution of ~~synthetic cannabinoids~~ *cannabimimetic agents* or possession with intent to distribute or manufacture ~~synthetic cannabinoids~~ *cannabimimetic agents* in violation of subsections C and E of § 18.2-248.1:1, or (d) a drug-related offense in violation of § 18.2-474.1; (ii) everything of value furnished, or intended to be furnished, in exchange for a controlled substance in violation of § 18.2-248 or for marijuana in violation of § 18.2-248.1 or for ~~synthetic cannabinoids~~ *cannabimimetic agents* in violation of § 18.2-248.1:1 or for a controlled substance, marijuana, or ~~synthetic cannabinoids~~ *cannabimimetic agents* in violation of § 18.2-474.1; and (iii) all moneys or other property, real or personal, traceable to such an exchange, together with any interest or profits derived from the investment of such money or other property. Under the provisions of clause (i), real property shall not be subject to lawful seizure unless the minimum prescribed punishment for the violation is a term of not less than five years.

B. All seizures and forfeitures under this section shall be governed by the procedures contained in Chapter 22.1 (§ 19.2-386.1 et seq.) of this title.

§ 19.2-386.23. Disposal of seized controlled substances, marijuana, cannabimimetic agents, and paraphernalia.

A. All controlled substances, imitation controlled substances, marijuana, ~~synthetic cannabinoids~~ *cannabimimetic agents* as defined in § 18.2-248.1:1, or paraphernalia, the lawful possession of which is not established or the title to which cannot be ascertained, which have come into the custody of a peace officer or have been seized in connection with violations of Chapter 7 (§ 18.2-247 et seq.) of Title 18.2, shall be forfeited and disposed of as follows:

1. Upon written application by the Department of Forensic Science the court may order the forfeiture of any such substance or paraphernalia to the Department for research and training purposes and for destruction pursuant to regulations of the United States Department of Justice Drug Enforcement Administration and of the Board of Pharmacy once these purposes have been fulfilled.

2. In the event no application is made under subdivision 1 of this subsection, the court shall order the destruction of all such substances or paraphernalia, which order shall state the existence and nature of the substance or paraphernalia, the quantity thereof, the location where seized, the person or persons from whom the substance or paraphernalia was seized, if known, and the manner whereby such item shall be destroyed. However, the court may order that paraphernalia identified in subdivision 5 of § 18.2-265.1 not be destroyed and that it be given to a person or entity that makes a showing to the court of sufficient need for the property and an ability to put the property to a lawful and publicly beneficial use. A return under oath, reporting the time, place and manner of destruction shall be made to the court and to the Board of Pharmacy by the officer to whom the order is directed. A copy of the order and affidavit shall be made a part of the record of any criminal prosecution in which the substance or paraphernalia was used as evidence and shall, thereafter, be prima facie evidence of its contents. In the event a law-enforcement agency recovers, seizes, finds, is given or otherwise comes into possession of any such substances or paraphernalia that are not evidence in a trial in the Commonwealth, the chief law-enforcement officer of the agency or his designee may, with the written consent of the appropriate attorney for the Commonwealth, order destruction of same; provided that, a statement under oath, reporting a description of the substances and paraphernalia destroyed, and the time, place and manner of destruction is made to the chief law-enforcement officer and to the Board of Pharmacy by the officer to whom the order is directed.

B. No such substance or paraphernalia used or to be used in a criminal prosecution under Chapter 7 (§ 18.2-247 et seq.) of Title 18.2 shall be disposed of as provided by this section until all rights of appeal have been exhausted, except as provided in § 19.2-386.24.

§ 19.2-386.24. Destruction of seized controlled substances, marijuana, or cannabimimetic agents prior to trial.

Where seizures of controlled substances, marijuana, or ~~synthetic cannabinoids~~ *cannabimimetic agents* are made in excess of 10 pounds in connection with any prosecution or investigation under Chapter 7 (§ 18.2-247 et seq.) of Title 18.2, the appropriate law-enforcement agency may retain 10 pounds of the substance randomly selected from the seized substance for representative purposes as evidence and destroy the remainder of the seized substance.

Before any destruction is carried out under this section, the law-enforcement agency shall cause the material seized to be photographed with identification case numbers or other means of identification and shall prepare a report identifying the seized material. It shall also notify the accused, or other interested party, if known, or his attorney, at least five days in advance that the photography will take place and that they may be present. Prior to any destruction under this section, the law-enforcement agency shall also notify the accused or other interested party, if known, and his attorney at least seven days prior to the destruction of the time and place the destruction will occur. Any notice required under the provisions of this section shall be by first-class mail to the last known address of the person required to be notified. In addition to the substance retained for representative purposes as evidence, all photographs and records made under this section and properly identified shall be admissible in any court proceeding for any purposes for which the seized substance itself would have been admissible.

§ 19.2-386.25. Judge may order law-enforcement agency to maintain custody of controlled substances, etc.

Upon request of the clerk of any court, a judge of the court may order a law-enforcement agency to take into its custody or to maintain custody of substantial quantities of any controlled substances, imitation controlled substances, chemicals, marijuana, ~~synthetic cannabinoids~~ *cannabimimetic agents*, or paraphernalia used or to be used in a criminal prosecution under Chapter 7 (§ 18.2-247 et seq.) of Title 18.2. The court in its order may make provision for ensuring integrity of these items until further order of the court.

§ 22.1-277.08. Expulsion of students for certain drug offenses.

921 A. School boards shall expel from school attendance any student whom such school board has
922 determined, in accordance with the procedures set forth in this article, to have brought a controlled
923 substance, imitation controlled substance, marijuana as defined in § 18.2-247, or ~~synthetic cannabinoids~~
924 *cannabimimetic agents* as defined in § 18.2-248.1:1 onto school property or to a school-sponsored
925 activity. A school board may, however, determine, based on the facts of the particular case, that special
926 circumstances exist and another disciplinary action is appropriate. In addition, a school board may, by
927 regulation, authorize the division superintendent or his designee to conduct a preliminary review of such
928 cases to determine whether a disciplinary action other than expulsion is appropriate. Such regulations
929 shall ensure that, if a determination is made that another disciplinary action is appropriate, any such
930 subsequent disciplinary action is to be taken in accordance with the procedures set forth in this article.

931 B. Each school board shall revise its standards of student conduct to incorporate the requirements of
932 this section no later than three months after the date on which this act becomes effective.

933 **§ 22.1-279.3:1. Reports of certain acts to school authorities.**

934 A. Reports shall be made to the division superintendent and to the principal or his designee on all
935 incidents involving (i) the assault or assault and battery, without bodily injury, of any person on a
936 school bus, on school property, or at a school-sponsored activity; (ii) the assault and battery that results
937 in bodily injury, sexual assault, death, shooting, stabbing, cutting, or wounding of any person, or
938 stalking of any person as described in § 18.2-60.3, on a school bus, on school property, or at a
939 school-sponsored activity; (iii) any conduct involving alcohol, marijuana, ~~synthetic cannabinoids~~
940 *cannabimimetic agents* as defined in § 18.2-248.1:1, a controlled substance, imitation controlled
941 substance, or an anabolic steroid on a school bus, on school property, or at a school-sponsored activity,
942 including the theft or attempted theft of student prescription medications; (iv) any threats against school
943 personnel while on a school bus, on school property or at a school-sponsored activity; (v) the illegal
944 carrying of a firearm, as defined in § 22.1-277.07, onto school property; (vi) any illegal conduct
945 involving firebombs, explosive materials or devices, or hoax explosive devices, as defined in § 18.2-85,
946 or explosive or incendiary devices, as defined in § 18.2-433.1, or chemical bombs, as described in
947 § 18.2-87.1, on a school bus, on school property, or at a school-sponsored activity; (vii) any threats or
948 false threats to bomb, as described in § 18.2-83, made against school personnel or involving school
949 property or school buses; or (viii) the arrest of any student for an incident occurring on a school bus, on
950 school property, or at a school-sponsored activity, including the charge therefor.

951 B. Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.) of Chapter 11 of Title 16.1,
952 local law-enforcement authorities shall report, and the principal or his designee and the division
953 superintendent shall receive such reports, on offenses, wherever committed, by students enrolled at the
954 school if the offense would be a felony if committed by an adult or would be a violation of the Drug
955 Control Act (§ 54.1-3400 et seq.) and occurred on a school bus, on school property, or at a
956 school-sponsored activity, or would be an adult misdemeanor involving any incidents described in
957 clauses (i) through (viii) of subsection A, and whether the student is released to the custody of his
958 parent or, if 18 years of age or more, is released on bond. As part of any report concerning an offense
959 that would be an adult misdemeanor involving an incident described in clauses (i) through (viii) of
960 subsection A, local law-enforcement authorities and attorneys for the Commonwealth shall be authorized
961 to disclose information regarding terms of release from detention, court dates, and terms of any
962 disposition orders entered by the court, to the superintendent of such student's school division, upon
963 request by the superintendent, if, in the determination of the law-enforcement authority or attorney for
964 the Commonwealth, such disclosure would not jeopardize the investigation or prosecution of the case.
965 No disclosures shall be made pursuant to this section in violation of the confidentiality provisions of
966 subsection A of § 16.1-300 or the record retention and redisclosure provisions of § 22.1-288.2. Further,
967 any school superintendent who receives notification that a juvenile has committed an act that would be a
968 crime if committed by an adult pursuant to subsection G of § 16.1-260 shall report such information to
969 the principal of the school in which the juvenile is enrolled.

970 C. The principal or his designee shall submit a report of all incidents required to be reported
971 pursuant to this section to the superintendent of the school division. The division superintendent shall
972 annually report all such incidents to the Department of Education for the purpose of recording the
973 frequency of such incidents on forms that shall be provided by the Department and shall make such
974 information available to the public.

975 In submitting reports of such incidents, principals and division superintendents shall accurately
976 indicate any offenses, arrests, or charges as recorded by law-enforcement authorities and required to be
977 reported by such authorities pursuant to subsection B.

978 A division superintendent who knowingly fails to comply or secure compliance with the reporting
979 requirements of this subsection shall be subject to the sanctions authorized in § 22.1-65. A principal who
980 knowingly fails to comply or secure compliance with the reporting requirements of this section shall be
981 subject to sanctions prescribed by the local school board, which may include, but need not be limited to,
982 demotion or dismissal.

The principal or his designee shall also notify the parent of any student involved in an incident required pursuant to this section to be reported, regardless of whether disciplinary action is taken against such student or the nature of the disciplinary action. Such notice shall relate to only the relevant student's involvement and shall not include information concerning other students.

Whenever any student commits any reportable incident as set forth in this section, such student shall be required to participate in such prevention and intervention activities as deemed appropriate by the superintendent or his designee. Prevention and intervention activities shall be identified in the local school division's drug and violence prevention plans developed pursuant to the federal Improving America's Schools Act of 1994 (Title IV - Safe and Drug-Free Schools and Communities Act).

D. Except as may otherwise be required by federal law, regulation, or jurisprudence, the principal shall immediately report to the local law-enforcement agency any act enumerated in clauses (ii) through (vii) of subsection A that may constitute a criminal offense and may report to the local law-enforcement agency any incident described in clause (i) of subsection A. Nothing in this section shall require delinquency charges to be filed or prevent schools from dealing with school-based offenses through graduated sanctions or educational programming before a delinquency charge is filed with the juvenile court.

Further, except as may be prohibited by federal law, regulation, or jurisprudence, the principal shall also immediately report any act enumerated in clauses (ii) through (v) of subsection A that may constitute a criminal offense to the parents of any minor student who is the specific object of such act. Further, the principal shall report that the incident has been reported to local law enforcement as required by law and that the parents may contact local law enforcement for further information, if they so desire.

E. A statement providing a procedure and the purpose for the requirements of this section shall be included in school board policies required by § 22.1-253.13:7.

The Board of Education shall promulgate regulations to implement this section, including, but not limited to, establishing reporting dates and report formats.

F. For the purposes of this section, "parent" or "parents" means any parent, guardian or other person having control or charge of a child.

G. This section shall not be construed to diminish the authority of the Board of Education or to diminish the Governor's authority to coordinate and provide policy direction on official communications between the Commonwealth and the United States government.

§ 24.2-233. Removal of elected and certain appointed officers by courts.

Upon petition, a circuit court may remove from office any elected officer or officer who has been appointed to fill an elective office, residing within the jurisdiction of the court:

1. For neglect of duty, misuse of office, or incompetence in the performance of duties when that neglect of duty, misuse of office, or incompetence in the performance of duties has a material adverse effect upon the conduct of the office; or

2. Upon conviction of a misdemeanor pursuant to Article 1 (§ 18.2-247 et seq.) or Article 1.1 (§ 18.2-265.1 et seq.) of Chapter 7 of Title 18.2 and after all rights of appeal have terminated involving the:

a. Manufacture, sale, gift, distribution, or possession with intent to manufacture, sell, give, or distribute a controlled substance, marijuana, or ~~synthetic cannabinoids~~ *cannabimimetic agents* as defined in § 18.2-248.1:1; or

b. Sale, possession with intent to sell, or placing an advertisement for the purpose of selling drug paraphernalia; or

c. Possession of any controlled substance, marijuana, or ~~synthetic cannabinoids~~ *cannabimimetic agents* as defined in § 18.2-248.1:1, and such conviction under *subdivision* a, b, or c has a material adverse effect upon the conduct of such office; or

3. Upon conviction, and after all rights of appeal have terminated, of a misdemeanor involving a "hate crime" as that term is defined in § 52-8.5 when the conviction has a material adverse effect upon the conduct of such office.

The petition must be signed by a number of registered voters who reside within the jurisdiction of the officer equal to ten percent of the total number of votes cast at the last election for the office that the officer holds.

Any person removed from office under the provisions of subdivision 2 or 3 may not be subsequently subject to the provisions of this section for the same criminal offense.

§ 53.1-145. Powers and duties of probation and parole officers.

In addition to other powers and duties prescribed by this article, each probation and parole officer shall:

1. Investigate and report on any case pending in any court or before any judge in his jurisdiction referred to him by the court or judge;

2. Supervise and assist all persons within his territory placed on probation, secure, as appropriate and when available resources permit, placement of such persons in a substance abuse treatment program which may include utilization of acupuncture and other treatment modalities, and furnish every such person with a written statement of the conditions of his probation and instruct him therein; if any such person has been committed to the Department of Behavioral Health and Developmental Services under the provisions of Chapter 9 (§ 37.2-900 et seq.) of Title 37.2, the conditions of probation shall include the requirement that the person comply with all conditions given him by the Department of Behavioral Health and Developmental Services, and that he follow all of the terms of his treatment plan;

3. Supervise and assist all persons within his territory released on parole or postrelease supervision, secure, as appropriate and when available resources permit, placement of such persons in a substance abuse treatment program which may include utilization of acupuncture and other treatment modalities, and, in his discretion, assist any person within his territory who has completed his parole, postrelease supervision, or has been mandatorily released from any correctional facility in the Commonwealth and requests assistance in finding a place to live, finding employment, or in otherwise becoming adjusted to the community;

4. Arrest and recommit to the place of confinement from which he was released, or in which he would have been confined but for the suspension of his sentence or of its imposition, for violation of the terms of probation, post-release supervision pursuant to § 19.2-295.2 or parole, any probationer, person subject to post-release supervision or parolee under his supervision, or as directed by the Chairman, Board member or the court, pending a hearing by the Board or the court, as the case may be;

5. Keep such records, make such reports, and perform other duties as may be required of him by the Director or by regulations prescribed by the Board of Corrections, and the court or judge by whom he was authorized;

6. Order and conduct, in his discretion, drug and alcohol screening tests of any probationer, person subject to post-release supervision pursuant to § 19.2-295.2 or parolee under his supervision who the officer has reason to believe is engaged in the illegal use of controlled substances, marijuana, or synthetic cannabinoids, cannabimimetic agents or the abuse of alcohol. The cost of the test may be charged to the person under supervision. Regulations governing the officer's exercise of this authority shall be promulgated by the Board;

7. Have the power to carry a concealed weapon in accordance with regulations promulgated by the Board and upon the certification of appropriate training and specific authorization by a judge of a circuit court;

8. Provide services in accordance with any contract entered into between the Department of Corrections and the Department of Behavioral Health and Developmental Services pursuant to § 37.2-912;

9. Pursuant to any contract entered into between the Department of Corrections and the Department of Behavioral Health and Developmental Services, probation and parole officers shall have the power to provide intensive supervision services to persons placed on conditional release, regardless of whether the person has any time remaining to serve on any criminal sentence, pursuant to Chapter 9 (§ 37.2-900 et seq.);

10. Determine by reviewing the Local Inmate Data System upon intake and again prior to release whether a blood, saliva, or tissue sample has been taken for DNA analysis for each person placed on probation or parole required to submit a sample pursuant to Article 1.1 (§ 19.2-310.2 et seq.) of Chapter 18 of Title 19.2 and, if no sample has been taken, require a person placed on probation or parole to submit a sample for DNA analysis; and

11. For every offender accepted pursuant to the Interstate Compact for the Supervision of Adult Offenders (§ 53.1-176.1 et seq.) who has been convicted of an offense that, if committed in Virginia, would be considered a felony, take a sample or verify that a sample has been taken and accepted into the data bank for DNA analysis in the Commonwealth.

Nothing in this article shall require probation and parole officers to investigate or supervise cases before general district or juvenile and domestic relations district courts.

§ 53.1-203. Felonies by prisoners; penalties.

It shall be unlawful for a prisoner in a state, local or community correctional facility or in the custody of an employee thereof to:

1. Escape from a correctional facility or from any person in charge of such prisoner;

2. Willfully break, cut or damage any building, furniture, fixture or fastening of such facility or any part thereof for the purpose of escaping, aiding any other prisoner to escape therefrom or rendering such facility less secure as a place of confinement;

3. Make, procure, secrete or have in his possession any instrument, tool or other thing for the purpose of escaping from or aiding another to escape from a correctional facility or employee thereof;

4. Make, procure, secrete or have in his possession a knife, instrument, tool or other thing not authorized by the superintendent or sheriff which is capable of causing death or bodily injury;

5. Procure, sell, secrete or have in his possession any chemical compound which he has not lawfully received;

6. Procure, sell, secrete or have in his possession a controlled substance classified in Schedule III of the Drug Control Act (§ 54.1-3400 et seq.), marijuana, or ~~synthetic cannabinoids~~ *cannabimimetic agents* as defined in § 18.2-248.1:1;

7. Introduce into a correctional facility or have in his possession firearms or ammunition for firearms;

8. Willfully burn or destroy by use of any explosive device or substance, in whole or in part, or cause to be so burned or destroyed, any personal property, within any correctional facility;

9. Willfully tamper with, damage, destroy, or disable any fire protection or fire suppression system, equipment, or sprinklers within any correctional facility; or

10. Conspire with another prisoner or other prisoners to commit any of the foregoing acts.

For violation of any of the provisions of this section, except subdivision 6, the prisoner shall be guilty of a Class 6 felony. For a violation of subdivision 6, he shall be guilty of a Class 5 felony. If the violation is of subdivision 1 of this section and the escapee is a felon, he shall be sentenced to a mandatory minimum term of confinement of one year, which shall be served consecutively with any other sentence. The prisoner shall, upon conviction of escape, immediately commence to serve such escape sentence, and he shall not be eligible for parole during such period. Any prisoner sentenced to life imprisonment who escapes shall not be eligible for parole. No part of the time served for escape shall be credited for the purpose of parole toward the sentence or sentences, the service of which is interrupted for service of the escape sentence, nor shall it be credited for such purpose toward any other sentence.

§ 54.1-3401. Definitions.

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

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

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

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

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

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

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

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

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

"Board" means the Board of Pharmacy.

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

"*Cannabimimetic agents*" has the same meaning as defined in § 18.2-248.1:1.

"Change of ownership" of an existing entity permitted, registered, or licensed by the Board means (i) the sale or transfer of all or substantially all of the assets of the entity or of any corporation that owns or controls the entity; (ii) the creation of a partnership by a sole proprietor, the dissolution of a partnership, or change in partnership composition; (iii) the acquisition or disposal of 50 percent or more

1167 of the outstanding shares of voting stock of a corporation owning the entity or of the parent corporation
1168 of a wholly owned subsidiary owning the entity, except that this shall not apply to any corporation the
1169 voting stock of which is actively traded on any securities exchange or in any over-the-counter market;
1170 (iv) the merger of a corporation owning the entity or of the parent corporation of a wholly-owned
1171 subsidiary owning the entity with another business or corporation; or (v) the expiration or forfeiture of a
1172 corporation's charter.

1173 "Compounding" means the combining of two or more ingredients to fabricate such ingredients into a
1174 single preparation and includes the mixing, assembling, packaging, or labeling of a drug or device (i) by
1175 a pharmacist, or within a permitted pharmacy, pursuant to a valid prescription issued for a medicinal or
1176 therapeutic purpose in the context of a bona fide practitioner-patient-pharmacist relationship, or in
1177 expectation of receiving a valid prescription based on observed historical patterns of prescribing and
1178 dispensing; (ii) by a practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine as
1179 an incident to his administering or dispensing, if authorized to dispense, a controlled substance in the
1180 course of his professional practice; or (iii) for the purpose of, or as incident to, research, teaching, or
1181 chemical analysis and not for sale or for dispensing. The mixing, diluting, or reconstituting of a
1182 manufacturer's product drugs for the purpose of administration to a patient, when performed by a
1183 practitioner of medicine or osteopathy licensed under Chapter 29 (§ 54.1-2900 et seq.), a person
1184 supervised by such practitioner pursuant to subdivision A 6 or A 19 of § 54.1-2901, or a person
1185 supervised by such practitioner or a licensed nurse practitioner or physician assistant pursuant to
1186 subdivision A 4 of § 54.1-2901 shall not be considered compounding.

1187 "Controlled substance" means a drug, substance, or immediate precursor in Schedules I through VI of
1188 this chapter. The term shall not include distilled spirits, wine, malt beverages, or tobacco as those terms
1189 are defined or used in Title 3.2 or Title 4.1.

1190 "DEA" means the Drug Enforcement Administration, U.S. Department of Justice, or its successor
1191 agency.

1192 "Deliver" or "delivery" means the actual, constructive, or attempted transfer of any item regulated by
1193 this chapter, whether or not there exists an agency relationship.

1194 "Device" means instruments, apparatus, and contrivances, including their components, parts, and
1195 accessories, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in
1196 man or animals or to affect the structure or any function of the body of man or animals.

1197 "Dialysis care technician" or "dialysis patient care technician" means an individual who is certified
1198 by an organization approved by the Board of Health Professions pursuant to Chapter 27.01
1199 (§ 54.1-2729.1 et seq.) and who, under the supervision of a licensed physician, nurse practitioner,
1200 physician assistant, or a registered nurse, assists in the care of patients undergoing renal dialysis
1201 treatments in a Medicare-certified renal dialysis facility.

1202 "Dialysis solution" means either the commercially available, unopened, sterile solutions whose
1203 purpose is to be instilled into the peritoneal cavity during the medical procedure known as peritoneal
1204 dialysis, or commercially available solutions whose purpose is to be used in the performance of
1205 hemodialysis not to include any solutions administered to the patient intravenously.

1206 "Dispense" means to deliver a drug to an ultimate user or research subject by or pursuant to the
1207 lawful order of a practitioner, including the prescribing and administering, packaging, labeling, or
1208 compounding necessary to prepare the substance for that delivery. However, dispensing shall not include
1209 the transportation of drugs mixed, diluted, or reconstituted in accordance with this chapter to other sites
1210 operated by such practitioner or that practitioner's medical practice for the purpose of administration of
1211 such drugs to patients of the practitioner or that practitioner's medical practice at such other sites. For
1212 practitioners of medicine or osteopathy, "dispense" shall only include the provision of drugs by a
1213 practitioner to patients to take with them away from the practitioner's place of practice.

1214 "Dispenser" means a practitioner who dispenses.

1215 "Distribute" means to deliver other than by administering or dispensing a controlled substance.

1216 "Distributor" means a person who distributes.

1217 "Drug" means (i) articles or substances recognized in the official United States Pharmacopoeia
1218 National Formulary or official Homeopathic Pharmacopoeia of the United States, or any supplement to
1219 any of them; (ii) articles or substances intended for use in the diagnosis, cure, mitigation, treatment, or
1220 prevention of disease in man or animals; (iii) articles or substances, other than food, intended to affect
1221 the structure or any function of the body of man or animals; (iv) articles or substances intended for use
1222 as a component of any article specified in clause (i), (ii), or (iii); or (v) a biological product. "Drug"
1223 does not include devices or their components, parts, or accessories.

1224 "Drug product" means a specific drug in dosage form from a known source of manufacture, whether
1225 by brand or therapeutically equivalent drug product name.

1226 "Electronic transmission prescription" means any prescription, other than an oral or written
1227 prescription or a prescription transmitted by facsimile machine, that is electronically transmitted directly
1228 to a pharmacy without interception or intervention from a third party from a practitioner authorized to

prescribe or from one pharmacy to another pharmacy.

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

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

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

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

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

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

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

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

"Manufacturer" means every person who manufactures.

"Marijuana" means any part of a plant of the genus *Cannabis* whether growing or not, its seeds, or its resin; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or its resin. Marijuana shall not include any oily extract containing one or more cannabinoids unless such extract contains less than 12 percent of tetrahydrocannabinol by weight, nor shall marijuana include the mature stalks of such plant, fiber produced from such stalk, or oil or cake made from the seeds of such plant, unless such stalks, fiber, oil, or cake is combined with other parts of plants of the genus *Cannabis*.

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

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

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

"Nuclear medicine technologist" means an individual who holds a current certification with the

- 1290 American Registry of Radiological Technologists or the Nuclear Medicine Technology Certification
1291 Board.
- 1292 "Official compendium" means the official United States Pharmacopoeia National Formulary, official
1293 Homeopathic Pharmacopoeia of the United States, or any supplement to any of them.
- 1294 "Official written order" means an order written on a form provided for that purpose by the U.S. Drug
1295 Enforcement Administration, under any laws of the United States making provision therefor, if such
1296 order forms are authorized and required by federal law, and if no such order form is provided then on
1297 an official form provided for that purpose by the Board of Pharmacy.
- 1298 "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to
1299 morphine or being capable of conversion into a drug having such addiction-forming or
1300 addiction-sustaining liability. It does not include, unless specifically designated as controlled under
1301 Article 4 (§ 54.1-3437 et seq.), the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts
1302 (dextromethorphan). It does include its racemic and levorotatory forms.
- 1303 "Opium poppy" means the plant of the species *Papaver somniferum* L., except the seeds thereof.
- 1304 "Original package" means the unbroken container or wrapping in which any drug or medicine is
1305 enclosed together with label and labeling, put up by or for the manufacturer, wholesaler, or distributor
1306 for use in the delivery or display of such article.
- 1307 "Person" means both the plural and singular, as the case demands, and includes an individual,
1308 partnership, corporation, association, governmental agency, trust, or other institution or entity.
- 1309 "Pharmacist-in-charge" means the person who, being licensed as a pharmacist, signs the application
1310 for a pharmacy permit and assumes full legal responsibility for the operation of the relevant pharmacy in
1311 a manner complying with the laws and regulations for the practice of pharmacy and the sale and
1312 dispensing of controlled substances; the "pharmacist-in-charge" shall personally supervise the pharmacy
1313 and the pharmacy's personnel as required by § 54.1-3432.
- 1314 "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.
- 1315 "Practitioner" means a physician, dentist, licensed nurse practitioner pursuant to § 54.1-2957.01,
1316 licensed physician assistant pursuant to § 54.1-2952.1, pharmacist pursuant to § 54.1-3300, TPA-certified
1317 optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32, veterinarian, scientific investigator,
1318 or other person licensed, registered, or otherwise permitted to distribute, dispense, prescribe and
1319 administer, or conduct research with respect to a controlled substance in the course of professional
1320 practice or research in the Commonwealth.
- 1321 "Prescriber" means a practitioner who is authorized pursuant to §§ 54.1-3303 and 54.1-3408 to issue
1322 a prescription.
- 1323 "Prescription" means an order for drugs or medical supplies, written or signed or transmitted by word
1324 of mouth, telephone, telegraph, or other means of communication to a pharmacist by a duly licensed
1325 physician, dentist, veterinarian, or other practitioner authorized by law to prescribe and administer such
1326 drugs or medical supplies.
- 1327 "Prescription drug" means any drug required by federal law or regulation to be dispensed only
1328 pursuant to a prescription, including finished dosage forms and active ingredients subject to § 503(b) of
1329 the Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 353(b)).
- 1330 "Production" or "produce" includes the manufacture, planting, cultivation, growing, or harvesting of a
1331 controlled substance or marijuana.
- 1332 "Proprietary medicine" means a completely compounded nonprescription drug in its unbroken,
1333 original package which does not contain any controlled substance or marijuana as defined in this chapter
1334 and is not in itself poisonous, and which is sold, offered, promoted, or advertised directly to the general
1335 public by or under the authority of the manufacturer or primary distributor, under a trademark, trade
1336 name, or other trade symbol privately owned, and the labeling of which conforms to the requirements of
1337 this chapter and applicable federal law. However, this definition shall not include a drug that is only
1338 advertised or promoted professionally to licensed practitioners, a narcotic or drug containing a narcotic,
1339 a drug that may be dispensed only upon prescription or the label of which bears substantially the
1340 statement "Warning - may be habit-forming," or a drug intended for injection.
- 1341 "Radiopharmaceutical" means any drug that exhibits spontaneous disintegration of unstable nuclei
1342 with the emission of nuclear particles or photons and includes any non-radioactive reagent kit or
1343 radionuclide generator that is intended to be used in the preparation of any such substance, but does not
1344 include drugs such as carbon-containing compounds or potassium-containing salts that include trace
1345 quantities of naturally occurring radionuclides. The term also includes any biological product that is
1346 labeled with a radionuclide or intended solely to be labeled with a radionuclide.
- 1347 "Reference biological product" means the single biological product licensed pursuant to 42 U.S.C.
1348 § 262(a) against which a biological product is evaluated in an application submitted to the U.S. Food
1349 and Drug Administration for licensure of biological products as biosimilar or interchangeable pursuant to
1350 42 U.S.C. § 262(k).
- 1351 "Sale" includes barter, exchange, or gift, or offer therefor, and each such transaction made by any

person, whether as an individual, proprietor, agent, servant, or employee.

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

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

"Warehouser" means any person, other than a wholesale distributor, engaged in the business of selling or otherwise distributing prescription drugs or devices to any person who is not the ultimate user or consumer. No person shall be subject to any state or local tax by reason of this definition.

"Wholesale distribution" means distribution of prescription drugs to persons other than consumers or patients, subject to the exceptions set forth in § 54.1-3401.1.

"Wholesale distributor" means any person engaged in wholesale distribution of prescription drugs including, but not limited to, manufacturers; repackers; own-label distributors; private-label distributors; jobbers; brokers; warehouses, including manufacturers' and distributors' warehouses, chain drug warehouses conducting wholesale distributions, and wholesale drug warehouses; independent wholesale drug traders; and retail pharmacies conducting wholesale distributions. No person shall be subject to any state or local tax as a wholesale merchant by reason of this definition.

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

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

§ 54.1-3443. Board to administer article.

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

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

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

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

D. *Notwithstanding the provisions of subsections A and B, if the Board, in consultation with the Department of Forensic Science, determines that the substance shall be added to Schedule I or II pursuant to § 54.1-3445 or 54.1-3447 or that a substance is a cannabimimetic agent and shall be added to the list of cannabimimetic agents set forth in § 18.2-248.1:1, the Board may amend its regulations pursuant to Article 2 (§ 2.2-4006 et seq.) of the Administrative Process Act. Prior to making such amendments, the Board shall conduct a public hearing. At least 30 days prior to conducting such hearing, it shall post notice of the hearing on the Virginia Regulatory Town Hall and shall send notice of the hearing to any persons requesting to be notified of a regulatory action. In the notice, the Board shall include a list of all substances it intends to schedule or add to the list of cannabimimetic agents by regulation. The Board shall notify the House Courts of Justice and Senate Courts of Justice Committees of any new substance added to Schedule I or II or to the list of cannabimimetic agents pursuant to this subsection. Any substance added to Schedule I or II or to the list of cannabimimetic agents pursuant to this subsection shall remain on Schedule I or II or on the list of cannabimimetic agents for a period of 18 months. Upon expiration of such 18-month period, such substance shall be descheduled or removed from the list of cannabimimetic agents unless a general law is enacted adding such substance to Schedule I or II or to the list of cannabimimetic agents. Nothing in this subsection shall preclude the Board from adding substances to or descheduling or rescheduling all substances enumerated in the schedules pursuant to the provisions of subsections A, B, and E.*

1413 *E.* If any substance is designated, rescheduled, or descheduled as a controlled substance under federal
1414 law and notice of such action is given to the Board, the Board may similarly control the substance under
1415 this chapter after the expiration of 120 days from publication in the Federal Register of the final order
1416 designating a substance as a controlled substance or rescheduling or descheduling a substance without
1417 following the provisions specified in subsections A and B of this section.

1418 *F.* Authority to control under this section does not extend to distilled spirits, wine, malt beverages,
1419 or tobacco as those terms are defined or used in Title 4.1.

1420 *G.* The Board shall exempt any nonnarcotic substance from a schedule if such substance may,
1421 under the provisions of the federal Food, Drug and Cosmetic Act (21 U.S.C. § 301 et seq.) or state law,
1422 be lawfully sold over the counter without a prescription.

1423 **§ 54.1-3446. Schedule I.**

1424 The controlled substances listed in this section are included in Schedule I:

1425 1. Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers,
1426 esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers
1427 and salts is possible within the specific chemical designation:

1428 Acetylmethadol;

1429 Allylprodine;

1430 Alphacetylmethadol (except levo-alphacetylmethadol, also known as levo-alpha-acetylmethadol,
1431 levomethadyl acetate, or LAAM);

1432 Alphameprodine;

1433 Alphamethadol;

1434 Benzethidine;

1435 Betacetylmethadol;

1436 Betameprodine;

1437 Betamethadol;

1438 Betaprodine;

1439 Clonitazene;

1440 Dextromoramide;

1441 Diampromide;

1442 Diethylthiambutene;

1443 Difenoxin;

1444 Dimenoxadol;

1445 Dimepheptanol;

1446 Dimethylthiambutene;

1447 Dioxaphetylbutyrate;

1448 Dipipanone;

1449 Ethylmethylthiambutene;

1450 Etonitazene;

1451 Etoxidine;

1452 Furethidine;

1453 Hydroxypethidine;

1454 Ketobemidone;

1455 Levomoramide;

1456 Levophenacymorphan;

1457 Morpheridine;

1458 Noracymethadol;

1459 Norlevorphanol;

1460 Normethadone;

1461 Norpipanone;

1462 Phenadoxone;

1463 Phenampromide;

1464 Phenomorphan;

1465 Phenoperidine;

1466 Piritramide;

1467 Proheptazine;

1468 Properidine;

1469 Propiram;

1470 Racemoramide;

1471 Tilidine;

1472 Trimeperidine.

1473 2. Any of the following opium derivatives, their salts, isomers and salts of isomers, unless
1474 specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible

1475 within the specific chemical designation:

1476 Acetorphine;
 1477 Acetyldihydrocodeine;
 1478 Benzylmorphine;
 1479 Codeine methylbromide;
 1480 Codeine-N-Oxide;
 1481 Cyprenorphine;
 1482 Desomorphine;
 1483 Dihydromorphine;
 1484 Drotebanol;
 1485 Etorphine;
 1486 Heroin;
 1487 Hydromorphinol;
 1488 Methyl-desorphine;
 1489 Methyl-dihydromorphine;
 1490 Morphine methylbromide;
 1491 Morphine methylsulfonate;
 1492 Morphine-N-Oxide;
 1493 Myrophine;
 1494 Nicocodeine;
 1495 Nicomorphine;
 1496 Normorphine;
 1497 Pholcodine;
 1498 Thebacon.

1499 3. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture,
 1500 or preparation, which contains any quantity of the following hallucinogenic substances, or which
 1501 contains any of its salts, isomers, and salts of isomers, whenever the existence of such salts, isomers,
 1502 and salts of isomers is possible within the specific chemical designation (for purposes of this subdivision
 1503 only, the term "isomer" includes the optical, position, and geometric isomers):

1504 Alpha-ethyltryptamine (some trade or other names: Monase;a-ethyl-1H-indole-3-ethanamine;
 1505 3-2-aminobutyl] indole; a-ET; AET);
 1506 4 - B r o m o - 2 , 5 - d i m e t h o x y p h e n e t h y l a m i n e (some trade or other names:
 1507 2-4-bromo-2,5-dimethoxyphenyl]-1-aminoethane;alpha-desmethyl DOB;2C-B; Nexus);
 1508 3,4-methylenedioxy amphetamine;
 1509 5-methoxy-3,4-methylenedioxy amphetamine;
 1510 3,4,5-trimethoxy amphetamine;
 1511 Alpha-methyltryptamine (other name: AMT);
 1512 Bufotenine;
 1513 Diethyltryptamine;
 1514 Dimethyltryptamine;
 1515 4-methyl-2,5-dimethoxyamphetamine;
 1516 2,5-dimethoxy-4-ethylamphetamine (DOET);
 1517 2,5-dimethoxy-4-(n)-propylthiophenethylamine (other name: 2C-T-7);
 1518 Ibogaine;
 1519 5-methoxy-N,N-diisopropyltryptamine (other name: 5-MeO-DIPT);
 1520 Lysergic acid diethylamide;
 1521 Mescaline;
 1522 Parahexyl (some trade or other names: 3-Hexyl-1-hydroxy-7, 8, 9, 10-tetrahydro-6, 6,
 1523 9-trimethyl-6H-dibenzo -b,d] pyran; Synhexyl);
 1524 Peyote;
 1525 N-ethyl-3-piperidyl benzilate;
 1526 N-methyl-3-piperidyl benzilate;
 1527 Psilocybin;
 1528 Psilocyn;
 1529 Salvinorin A;
 1530 Tetrahydrocannabinols, except as present in marijuana and dronabinol in sesame oil and encapsulated
 1531 in a soft gelatin capsule in a drug product approved by the U.S. Food and Drug Administration;
 1532 Hashish oil (some trade or other names: hash oil; liquid marijuana; liquid hashish);
 1533 2,5-dimethoxyamphetamine (some trade or other names: 2,5-dimethoxy-a-methylphenethylamine;
 1534 2,5-DMA);
 1535 3,4-methylenedioxymethamphetamine (MDMA), its optical, positional and geometric isomers, salts

- 1536 and salts of isomers;
- 1537 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4
- 1538 (methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA);
- 1539 N-hydroxy-3,4-methylenedioxyamphetamine (some other names:
- 1540 N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine, and N-hydroxy MDA);
- 1541 4-bromo-2,5-dimethoxyamphetamine (some trade or other names:
- 1542 4-bromo-2,5-dimethoxy-a-methylphenethylamine; 4-bromo-2,5-DMA);
- 1543 4-methoxyamphetamine (some trade or other names: 4-methoxy-a-methylphenethylamine;
- 1544 paramethoxyamphetamine; PMA);
- 1545 Ethylamine analog of phencyclidine (some other names: N-ethyl-1-phenylcyclohexylamine,
- 1546 (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE);
- 1547 Pyrrolidine analog of phencyclidine (some other names: 1-(1-phenylcyclohexyl) -pyrrolidine, PCPy,
- 1548 PHP);
- 1549 Thiophene analog of phencyclidine (some other names: 1-1-(2-thienyl) -cyclohexyl]-piperidine,
- 1550 2-thienyl analog of phencyclidine, TPCP, TCP);
- 1551 1-1-(2-thienyl)cyclohexyl]pyrrolidine (other name: TCPy);
- 1552 3,4-methylenedioxypyrovalerone (other name: MDPV);
- 1553 4-methylmethcathinone (other names: mephedrone, 4-MMC);
- 1554 3,4-methylenedioxymethcathinone (other name: methylone);
- 1555 Naphthylpyrovalerone (other name: naphyrone);
- 1556 4-fluoromethcathinone (other name: flephedrone, 4-FMC);
- 1557 4-methoxymethcathinone (other names: methedrone; bk-PMMA);
- 1558 Ethcathinone (other name: N-ethylcathinone);
- 1559 3,4-methylenedioxyethcathinone (other name: ethylone);
- 1560 Beta-keto-N-methyl-3,4-benzodioxolybutanamine (other name: butylone);
- 1561 N,N-dimethylcathinone (other name: metamfepramone);
- 1562 Alpha-pyrrolidinopropiophenone (other name: alpha-PPP);
- 1563 4-methoxy-alpha-pyrrolidinopropiophenone (other name: MOPPP);
- 1564 3,4-methylenedioxy-alpha-pyrrolidinopropiophenone (other name: MDPPP);
- 1565 Alpha-pyrrolidinoveralophenone (other name: alpha-PVP);
- 1566 6,7-dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine (other name: MDAI);
- 1567 3-fluoromethcathinone (other name: 3-FMC)
- 1568 4-Ethyl-2,5-dimethoxyphenethylamine (other name: 2C-E);
- 1569 4-Iodo-2,5-dimethoxyphenethylamine (other name: 2C-I);
- 1570 4-Methylethcathinone (other name: 4-MEC);
- 1571 4-Ethylmethcathinone (other name: 4-EMC);
- 1572 N,N-diallyl-5-methoxytryptamine (other name: 5-MeO-DALT);
- 1573 Beta-keto-methylbenzodioxolylpentanamine (other name: Pentylone, bk-MBDP);
- 1574 Alpha-methylamino-butyrophenone (other name: Buphedrone);
- 1575 Alpha-methylamino-valerophenone (other name: Pentedrone);
- 1576 3,4-Dimethylmethcathinone (other name: 3,4-DMMC);
- 1577 4-methyl-alpha-pyrrolidinopropiophenone (other name: MPPP);
- 1578 4-Iodo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names: 25-I,
- 1579 25I-NBOMe);
- 1580 Methoxetamine (other names: MXE, 3-MeO-2-Oxo-PCE);
- 1581 4-Fluoromethamphetamine (other name: 4-FMA);
- 1582 4-Fluoroamphetamine (other name: 4-FA);
- 1583 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (other name: 2C-D);
- 1584 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (other name: 2C-C);
- 1585 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (other name: 2C-T-2);
- 1586 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (other name: 2C-T-4);
- 1587 2-(2,5-Dimethoxyphenyl)ethanamine (other name: 2C-H);
- 1588 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (other name: 2C-N);
- 1589 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (other name: 2C-P);
- 1590 (2-aminopropyl)benzofuran (other name: APB);
- 1591 (2-aminopropyl)-2,3-dihydrobenzofuran (other name: APDB);
- 1592 4-chloro-2,5-dimethoxy-N-[2-methoxyphenyl]methyl]-benzeneethanamine (other names:
- 1593 2C-C-NBOMe, 25C-NBOMe);
- 1594 4-bromo-2,5-dimethoxy-N-[2-methoxyphenyl]methyl]-benzeneethanamine (other names:
- 1595 2C-B-NBOMe, 25B-NBOMe);
- 1596 Acetoxymethyltryptamine (other names: AcO-Psilocin, AcO-DMT, Psilacetin);
- 1597 Benocyclidine (other names: BCP, BTCP);

1598 *Alpha-pyrrolidinobutiophenone (other name: alpha-PBP).*

1599 4. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture
1600 or preparation which contains any quantity of the following substances having a depressant effect on the
1601 central nervous system, including its salts, isomers and salts of isomers whenever the existence of such
1602 salts, isomers and salts of isomers is possible within the specific chemical designation:

1603 Gamma hydroxybutyric acid (some other names include GHB; gamma hydroxybutyrate;
1604 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate);

1605 Mecloqualone;

1606 Methaqualone.

1607 5. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture
1608 or preparation which contains any quantity of the following substances having a stimulant effect on the
1609 central nervous system, including its salts, isomers and salts of isomers:

1610 Aminorex (some trade or other names; aminoxaphen; 2-amino-5-phenyl-2-oxazoline; 4,
1611 5-dihydro-5-phenyl-2-oxazolamine);

1612 N-Benzylpiperazine (some other names: BZP, 1-benzylpiperazine);

1613 Fenethylamine;

1614 Ethylamphetamine;

1615 Cathinone (some trade or other names: 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone,
1616 2-aminopropiophenone, norephedrone), and any plant material from which Cathinone may be derived;

1617 Methcathinone (some other names: 2-(methylamino)-propionophenone; alpha-(methylamino)
1618 propionophenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-N-methylaminopropiophenone;
1619 monomethylpropion; ephedrone; N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463 and UR
1620 1432);

1621 Cis-4-methylaminorex (other name: cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);

1622 N,N-dimethylamphetamine (other names: N,N-alpha-trimethyl-benzeneethanamine,
1623 N,N-alpha-trimethylphenethylamine).

1624 6. Any material, compound, mixture or preparation containing any quantity of the following
1625 substances:

1626 N-3-methyl-1-(2-phenethyl)-4-piperidyl]-N-phenylpropanamide (other name: 3-methylfentanyl), its
1627 optical and geometric isomers, salts, and salts of isomers;

1628 1-methyl-4-phenyl-4-propionoxypiperidine (other name: MPPP), its optical isomers, salts and salts of
1629 isomers;

1630 1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine (other name: PEPAP), its optical isomers, salts and
1631 salts of isomers;

1632 N-1-(alpha-methyl-beta-phenyl) ethyl-4-piperidyl] propionanilide (other names:
1633 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine), alpha-methylfentanyl);

1634 N-1-(1-methyl-2-phenethyl)-4-piperidyl]-N-phenylacetamide (other name:
1635 acetyl-alpha-methylfentanyl), its optical isomers, salts and salts of isomers;

1636 N-1-(1-methyl-2-thienyl)ethyl-4 piperidyl]-N-phenylpropanamide (other name:
1637 alpha-methylthiofentanyl), its optical isomers, salts and salts of isomers;

1638 N-1-benzyl-4-piperidyl]N-phenylpropanamide (other name: benzylfentanyl), its optical isomers, salts
1639 and salts of isomers;

1640 N-1-(2-hydroxy-2-phenyl) ethyl-4-piperidyl]-N-phenylpropanamide (other name:
1641 beta-hydroxyfentanyl), its optical isomers, salts and salts of isomers;

1642 N-3-methyl-1-(2-hydroxy-2-phenethyl)4-piperidyl]Nphenylpropanamide (other name:
1643 beta-hydroxy3methylfentanyl), its optical and geometric isomers, salts and salts of isomers;

1644 N-(3-methyl-1-(2-thienyl)ethyl-4-piperidyl]-N-phenylpropanamide (other name:
1645 3-methylthiofentanyl), its optical and geometric isomers, salts and salts of isomers;

1646 N-1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (other name: thenylfentanyl), its optical
1647 isomers, salts and salts of isomers;

1648 N-phenyl-N-1-(2-thienyl)ethyl-4-piperidyl]-propanamide (other name: thiofentanyl), its optical
1649 isomers, salts and salts of isomers;

1650 N-(4-fluorophenyl)-N-1-(2-phenethyl)-4-piperidyl] propanamide (other name: para-fluorofentanyl),
1651 its optical isomers, salts and salts of isomers.

1652 **2. That the provisions of this act may result in a net increase in periods of imprisonment or**
1653 **commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is at**
1654 **least \$11,933 for periods of imprisonment in state adult correctional facilities and cannot be**
1655 **determined for periods of commitment to the custody of the Department of Juvenile Justice.**