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HOUSE BILL NO. 1112

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice on February 24, 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, 18.2-46.1, 18.2-250, 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, 18.2-308.09, 18.2-308.1:5, 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, 54.1-3446, and 54.1-3456 of the Code of Virginia and to repeal § 18.2-248.1:1 of the Code of Virginia, relating to controlled substance analogs; synthetic cannabinoids; 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, 18.2-46.1, 18.2-250, 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, 18.2-308.09, 18.2-308.1:5, 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, 54.1-3446, and 54.1-3456 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.

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

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

64 11. Regulations of the Marine Resources Commission.

65 12. Regulations adopted by the Board of Housing and Community Development pursuant to (i)
66 Statewide Fire Prevention Code (§ 27-94 et seq.), (ii) the Industrialized Building Safety Law (§ 36-70 et
67 seq.), (iii) the Uniform Statewide Building Code (§ 36-97 et seq.), and (iv) § 36-98.3, provided the
68 Board (a) provides a Notice of Intended Regulatory Action in conformance with the provisions of
69 § 2.2-4007.01, (b) publishes the proposed regulation and provides an opportunity for oral and written
70 comments as provided in § 2.2-4007.03, and (c) conducts at least one public hearing as provided in
71 §§ 2.2-4009 and 36-100 prior to the publishing of the proposed regulations. Notwithstanding the
72 provisions of this subdivision, any regulations promulgated by the Board shall remain subject to the
73 provisions of § 2.2-4007.06 concerning public petitions, and §§ 2.2-4013 and 2.2-4014 concerning
74 review by the Governor and General Assembly.

75 13. Amendments to the list of drugs susceptible to counterfeiting adopted by the Board of Pharmacy
76 pursuant to subsection B of § 54.1-3307 *or amendments to regulations of the Board to schedule a*
77 *substance in Schedule I or II pursuant to subsection D of § 54.1-3443.*

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

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

87 **§ 4.1-225. Grounds for which Board may suspend or revoke licenses.**

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

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

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

96 b. Within the five years immediately preceding the date of the hearing held in accordance with
97 § 4.1-227, has (i) been convicted of a violation of any law, ordinance or regulation of the
98 Commonwealth, of any county, city or town in the Commonwealth, of any state, or of the United States,
99 applicable to the manufacture, transportation, possession, use or sale of alcoholic beverages; (ii) violated
100 any provision of Chapter 3 (§ 4.1-300 et seq.); (iii) committed a violation of the Wine Franchise Act
101 (§ 4.1-400 et seq.) or the Beer Franchise Act (§ 4.1-500 et seq.) in bad faith; (iv) violated or failed or
102 refused to comply with any regulation, rule or order of the Board; or (v) failed or refused to comply
103 with any of the conditions or restrictions of the license granted by the Board;

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

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

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

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

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

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

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

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

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

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

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

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

132 o. Has upon the licensed premises (i) illegally possessed, distributed, sold or used, or has knowingly
133 allowed any employee or agent, or any other person, to illegally possess, distribute, sell or use
134 marijuana, controlled substances, imitation controlled substances, drug paraphernalia or controlled
135 paraphernalia as those terms are defined in Articles 1 and 1.1 (§ 18.2-247 et seq.) of Chapter 7 of Title
136 18.2 and the Drug Control Act (§ 54.1-3400 et seq.) ~~or synthetic cannabinoids as defined in~~
137 ~~§ 18.2-248.1-1;~~ (ii) laundered money in violation of § 18.2-246.3; or (iii) conspired to commit any
138 drug-related offense in violation of Articles 1 and 1.1 of Chapter 7 (§ 18.2-247 et seq.) of Title 18.2 or
139 the Drug Control Act (§ 54.1-3400 et seq.). The provisions of this subdivision shall also apply to any
140 conduct related to the operation of the licensed business which facilitates the commission of any of the
141 offenses set forth herein; or

142 p. Has failed to take reasonable measures to prevent (i) the licensed premises, (ii) any premises
143 immediately adjacent to the licensed premises that are owned or leased by the licensee, or (iii) any
144 portion of public property immediately adjacent to the licensed premises from becoming a place where
145 patrons of the establishment commit criminal violations of Article 1 (§ 18.2-30 et seq.), 2 (§ 18.2-38 et
146 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
147 (§ 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
148 (§ 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
149 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
150 Chapter 9 of Title 18.2 and such violations lead to arrests that are so frequent and serious as to
151 reasonably be deemed a continuing threat to the public safety.

152 2. The place occupied by the licensee:

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

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

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

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

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

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

168 6. Any other cause authorized by this title.

169 **§ 9.1-176.1. Duties and responsibilities of local community-based probation officers.**

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

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

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

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

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

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

182 6. Seek a *capias* from any judicial officer in the event of failure to comply with conditions of local

183 community-based probation or supervision on the part of any offender provided that noncompliance
184 resulting from intractable behavior presents a risk of flight, or a risk to public safety or to the offender;

185 7. Seek a motion to show cause for offenders requiring a subsequent hearing before the court;

186 8. Provide information to assist any law-enforcement officer with the return to custody of defendants
187 placed on supervision for which a *capias* has been sought;

188 9. Keep such records and make such reports as required by the Department of Criminal Justice
189 Services; and

190 10. Determine by reviewing the Local Inmate Data System upon intake and again prior to discharge
191 whether a blood, saliva, or tissue sample has been taken for DNA analysis for each offender required to
192 submit a sample pursuant to Article 1.1 (§ 19.2-310.2 et seq.) of Chapter 18 of Title 19.2 and, if no
193 sample has been taken, require an offender to submit a sample for DNA analysis.

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

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

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

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

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

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

207 **§ 15.2-907. Authority to require removal, repair, etc., of buildings and other structures**
208 **harboring illegal drug use.**

209 A. As used in this section:

210 "Affidavit" means the affidavit prepared by a locality in accordance with subdivision B 1 a hereof.

211 "Controlled substance" means illegally obtained controlled substances or marijuana, as defined in
212 § 54.1-3401, or synthetic cannabinoids as defined in § 18.2-248.1-1.

213 "Corrective action" means the taking of steps which are reasonably expected to be effective to abate
214 drug blight on real property, such as removal, repair or securing of any building, wall or other structure.

215 "Drug blight" means a condition existing on real property which tends to endanger the public health
216 or safety of residents of a locality and is caused by the regular presence on the property of persons
217 under the influence of controlled substances or the regular use of the property for the purpose of
218 illegally possessing, manufacturing or distributing controlled substances.

219 "Owner" means the record owner of real property.

220 "Property" means real property.

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

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

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

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

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

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

245 3. Every charge authorized by this section with which the owner of any such property has been
246 assessed and which remains unpaid shall constitute a lien against such property with the same priority as
247 liens for unpaid local taxes and enforceable in the same manner as provided in Articles 3 (§ 58.1-3940
248 et seq.) and 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1.

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

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

256 **§ 16.1-260. Intake; petition; investigation.**

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

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

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

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

299 If a juvenile is alleged to be a truant pursuant to a complaint filed in accordance with § 22.1-258 and
300 the attendance officer has provided documentation to the intake officer that the relevant school division
301 has complied with the provisions of § 22.1-258, then the intake officer shall file a petition with the
302 court. The intake officer may defer filing the complaint for 90 days and proceed informally by
303 developing a truancy plan. The intake officer may proceed informally only if the juvenile has not
304 previously been proceeded against informally or adjudicated in need of supervision for failure to comply
305 with compulsory school attendance as provided in § 22.1-254. The juvenile and his parent or parents,

306 guardian or other person standing in loco parentis must agree, in writing, for the development of a
307 truancy plan. The truancy plan may include requirements that the juvenile and his parent or parents,
308 guardian or other person standing in loco parentis participate in such programs, cooperate in such
309 treatment or be subject to such conditions and limitations as necessary to ensure the juvenile's
310 compliance with compulsory school attendance as provided in § 22.1-254. The intake officer may refer
311 the juvenile to the appropriate public agency for the purpose of developing a truancy plan using an
312 interagency interdisciplinary team approach. The team may include qualified personnel who are
313 reasonably available from the appropriate department of social services, community services board, local
314 school division, court service unit and other appropriate and available public and private agencies and
315 may be the family assessment and planning team established pursuant to § 2.2-5207. If at the end of the
316 90-day period the juvenile has not successfully completed the truancy plan or the truancy program, then
317 the intake officer shall file the petition.

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

327 C. The intake officer shall accept and file a petition in which it is alleged that (i) the custody,
328 visitation or support of a child is the subject of controversy or requires determination, (ii) a person has
329 deserted, abandoned or failed to provide support for any person in violation of law, (iii) a child or such
330 child's parent, guardian, legal custodian or other person standing in loco parentis is entitled to treatment,
331 rehabilitation or other services which are required by law, (iv) family abuse has occurred and a
332 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
333 violence, force, or threat has occurred, a protective order is being sought pursuant to § 19.2-152.8,
334 19.2-152.9, or 19.2-152.10, and either the alleged victim or the respondent is a juvenile. If any such
335 complainant does not file a petition, the intake officer may file it. In cases in which a child is alleged to
336 be abused, neglected, in need of services, in need of supervision or delinquent, if the intake officer
337 believes that probable cause does not exist, or that the authorization of a petition will not be in the best
338 interest of the family or juvenile or that the matter may be effectively dealt with by some agency other
339 than the court, he may refuse to authorize the filing of a petition. The intake officer shall provide to a
340 person seeking a protective order pursuant to § 16.1-253.1, 16.1-253.4, or 16.1-279.1 a written
341 explanation of the conditions, procedures and time limits applicable to the issuance of protective orders
342 pursuant to § 16.1-253.1, 16.1-253.4, or 16.1-279.1. If the person is seeking a protective order pursuant
343 to § 19.2-152.8, 19.2-152.9, or 19.2-152.10, the intake officer shall provide a written explanation of the
344 conditions, procedures, and time limits applicable to the issuance of protective orders pursuant to
345 § 19.2-152.8, 19.2-152.9, or 19.2-152.10.

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

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

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

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

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

376 1. A firearm offense pursuant to Article 4 (§ 18.2-279 et seq.), 5 (§ 18.2-288 et seq.), 6 (§ 18.2-299
377 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;

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

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

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

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

384 6. Manufacture, sale or distribution of marijuana or synthetic cannabinoids pursuant to Article 1
385 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;

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

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

388 9. Robbery pursuant to § 18.2-58;

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

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

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

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

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

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

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

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

406 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
407 commission of any other alcohol-related offense, provided the juvenile is released to the custody of a
408 parent or legal guardian pending the initial court date. The officer releasing a juvenile to the custody of
409 a parent or legal guardian shall issue a summons to the juvenile and shall also issue a summons
410 requiring the parent or legal guardian to appear before the court with the juvenile. Disposition of the
411 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
412 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
413 sample of blood or breath or samples of both blood and breath for chemical analysis pursuant to
414 §§ 18.2-268.1 through 18.2-268.12 or 29.1-738.2, the provisions of these sections shall be followed
415 except that the magistrate shall authorize execution of the warrant as a summons. The summons shall be
416 served on a parent or legal guardian and the juvenile, and a copy of the summons shall be forwarded to
417 the court in which the violation is to be tried. When a violation of § 18.2-250.1 is charged by summons,
418 the juvenile shall be entitled to have the charge referred to intake for consideration of informal
419 proceedings pursuant to subsection B, provided such right is exercised by written notification to the
420 clerk not later than 10 days prior to trial. At the time such summons alleging a violation of § 18.2-250.1
421 is served, the officer shall also serve upon the juvenile written notice of the right to have the charge
422 referred to intake on a form approved by the Supreme Court and make return of such service to the
423 court. If the officer fails to make such service or return, the court shall dismiss the summons without
424 prejudice.

425 4. In the case of offenses which, if committed by an adult, would be punishable as a Class 3 or
426 Class 4 misdemeanor. In such cases the court may direct that an intake officer proceed as provided in
427 § 16.1-237 on a summons issued by the officer investigating the violation in the same manner as
428 provided by law for adults provided that notice of the summons to appear is mailed by the investigating

429 officer within five days of the issuance of the summons to a parent or legal guardian of the juvenile.

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

432 **§ 16.1-278.8:01. Juveniles found delinquent of first drug offense; screening; assessment; drug**
433 **tests; costs and fees; education or treatment programs.**

434 Whenever any juvenile who has not previously been found delinquent of any offense under Article 1
435 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 or under any statute of the United States or of any state
436 relating to narcotic drugs, marijuana, ~~synthetic cannabinoids~~, or stimulant, depressant or hallucinogenic
437 drugs, or has not previously had a proceeding against him for a violation of such an offense dismissed
438 as provided in § 18.2-251, is found delinquent of any offense concerning the use, in any manner, of
439 drugs, controlled substances, narcotics, marijuana, ~~synthetic cannabinoids~~, noxious chemical substances
440 and like substances, the juvenile court or the circuit court shall require such juvenile to undergo a
441 substance abuse screening pursuant to § 16.1-273 and to submit to such periodic substance abuse testing,
442 to include alcohol testing, as may be directed by the court. Such testing shall be conducted by a court
443 services unit of the Department of Juvenile Justice, or by a locally operated court services unit or by
444 personnel of any program or agency approved by the Department. The cost of such testing ordered by
445 the court shall be paid by the Commonwealth from funds appropriated to the Department for this
446 purpose. The court shall also order the juvenile to undergo such treatment or education program for
447 substance abuse, if available, as the court deems appropriate based upon consideration of the substance
448 abuse assessment. The treatment or education shall be provided by a program licensed by the
449 Department of Behavioral Health and Developmental Services or by a similar program available through
450 a facility or program operated by or under contract to the Department of Juvenile Justice or a locally
451 operated court services unit or a program funded through the Virginia Juvenile Community Crime
452 Control Act (§ 16.1-309.2 et seq.).

453 **§ 18.2-46.1. Definitions.**

454 As used in this article unless the context requires otherwise or it is otherwise provided:

455 "Act of violence" means those felony offenses described in subsection A of § 19.2-297.1.

456 "Criminal street gang" means any ongoing organization, association, or group of three or more
457 persons, whether formal or informal, (i) which has as one of its primary objectives or activities the
458 commission of one or more criminal activities; (ii) which has an identifiable name or identifying sign or
459 symbol; and (iii) whose members individually or collectively have engaged in the commission of,
460 attempt to commit, conspiracy to commit, or solicitation of two or more predicate criminal acts, at least
461 one of which is an act of violence, provided such acts were not part of a common act or transaction.

462 "Predicate criminal act" means (i) an act of violence; (ii) any violation of § 18.2-31, 18.2-42,
463 18.2-46.3, 18.2-51, 18.2-51.1, 18.2-51.2, 18.2-51.3, 18.2-51.6, 18.2-52, 18.2-52.1, 18.2-53, 18.2-53.1,
464 18.2-55, 18.2-56.1, 18.2-57, 18.2-57.2, 18.2-59, 18.2-83, 18.2-89, 18.2-90, 18.2-95, 18.2-108.1, 18.2-121,
465 18.2-127, 18.2-128, 18.2-137, 18.2-138, 18.2-146, 18.2-147, 18.2-248.01, 18.2-248.03, 18.2-255,
466 18.2-255.2, 18.2-279, 18.2-282.1, 18.2-286.1, 18.2-287.4, 18.2-289, 18.2-300, 18.2-308.1, 18.2-308.2,
467 18.2-308.2:01, 18.2-308.4, 18.2-355, 18.2-356, or 18.2-357; (iii) a felony violation of § 18.2-60.3 or
468 ~~18.2-248.1-1~~; (iv) a felony violation of § 18.2-248 or of 18.2-248.1 or a conspiracy to commit a felony
469 violation of § 18.2-248 or 18.2-248.1; (v) any violation of a local ordinance adopted pursuant to
470 § 15.2-1812.2; or (vi) any substantially similar offense under the laws of another state or territory of the
471 United States, the District of Columbia, or the United States.

472 **§ 18.2-250. Possession of controlled substances unlawful.**

473 A. It is unlawful for any person knowingly or intentionally to possess a controlled substance unless
474 the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner
475 while acting in the course of his professional practice, or except as otherwise authorized by the Drug
476 Control Act (§ 54.1-3400 et seq.).

477 Upon the prosecution of a person for a violation of this section, ownership or occupancy of premises
478 or vehicle upon or in which a controlled substance was found shall not create a presumption that such
479 person either knowingly or intentionally possessed such controlled substance.

480 (a) Any person who violates this section with respect to any controlled substance classified in
481 Schedule I or II of the Drug Control Act shall be guilty of a Class 5 felony, *except that any person*
482 *other than an inmate of a penal institution as defined in § 53.1-1 or in the custody of an employee*
483 *thereof who violates this section with respect to a cannabimimetic agent is guilty of a Class 1*
484 *misdemeanor.*

485 (b) Any person other than an inmate of a penal institution as defined in § 53.1-1 or in the custody of
486 an employee thereof, who violates this section with respect to a controlled substance classified in
487 Schedule III shall be guilty of a Class 1 misdemeanor.

488 (b1) Violation of this section with respect to a controlled substance classified in Schedule IV shall be
489 punishable as a Class 2 misdemeanor.

490 (b2) Violation of this section with respect to a controlled substance classified in Schedule V shall be

491 punishable as a Class 3 misdemeanor.

492 (c) Violation of this section with respect to a controlled substance classified in Schedule VI shall be
493 punishable as a Class 4 misdemeanor.

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

498 **§ 18.2-251. Persons charged with first offense may be placed on probation; conditions;**
499 **substance abuse screening, assessment treatment and education programs or services; drug tests;**
500 **costs and fees; violations; discharge.**

501 Whenever any person who has not previously been convicted of any offense under this article or
502 under any statute of the United States or of any state relating to narcotic drugs, marijuana, ~~synthetic~~
503 ~~cannabinoids~~, or stimulant, depressant, or hallucinogenic drugs, or has not previously had a proceeding
504 against him for violation of such an offense dismissed as provided in this section, pleads guilty to or
505 enters a plea of not guilty to possession of a controlled substance under § 18.2-250 or to possession of
506 marijuana under § 18.2-250.1, ~~or to possession of synthetic cannabinoids under subsection B of~~
507 ~~§ 18.2-248.1-1~~, the court, upon such plea if the facts found by the court would justify a finding of guilt,
508 without entering a judgment of guilt and with the consent of the accused, may defer further proceedings
509 and place him on probation upon terms and conditions.

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

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

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

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

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

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

543 **§ 18.2-255. Distribution of certain drugs to persons under 18 prohibited; penalty.**

544 A. Except as authorized in the Drug Control Act, Chapter 34 (§ 54.1-3400 et seq.) of Title 54.1, it
545 shall be unlawful for any person who is at least 18 years of age to knowingly or intentionally (i)
546 distribute any drug classified in Schedule I, II, III or IV; ~~or marijuana or synthetic cannabinoids~~ to any
547 person under 18 years of age who is at least three years his junior or (ii) cause any person under 18
548 years of age to assist in such distribution of any drug classified in Schedule I, II, III or IV; ~~or marijuana~~
549 ~~or synthetic cannabinoids~~. Any person violating this provision shall upon conviction be imprisoned in a
550 state correctional facility for a period not less than 10 nor more than 50 years, and fined not more than
551 \$100,000. Five years of the sentence imposed for a conviction under this section involving a Schedule I

552 or II controlled substance or one ounce or more of marijuana shall be a mandatory minimum sentence.
 553 Two years of the sentence imposed for a conviction under this section involving synthetic cannabinoids
 554 or involving less than one ounce of marijuana shall be a mandatory minimum sentence.

555 B. It shall be unlawful for any person who is at least 18 years of age to knowingly or intentionally
 556 (i) distribute any imitation controlled substance to a person under 18 years of age who is at least three
 557 years his junior or (ii) cause any person under 18 years of age to assist in such distribution of any
 558 imitation controlled substance. Any person violating this provision shall be guilty of a Class 6 felony.

559 **§ 18.2-255.1. Distribution, sale or display of printed material advertising instruments for use in**
 560 **administering marijuana or controlled substances to minors; penalty.**

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

565 **§ 18.2-255.2. Prohibiting the sale or manufacture of drugs on or near certain properties;**
 566 **penalty.**

567 A. It shall be unlawful for any person to manufacture, sell or distribute or possess with intent to sell,
 568 give or distribute any controlled substance, imitation controlled substance, or marijuana or synthetic
 569 cannabinoids while:

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

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

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

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

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

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

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

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

605 **§ 18.2-258. Certain premises deemed common nuisance; penalty.**

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

614 agent of any such lessor, manager, chief executive officer, operator, or tenant who knowingly permits,
615 establishes, keeps or maintains such a common nuisance is guilty of a Class 1 misdemeanor and, for a
616 second or subsequent offense, a Class 6 felony.

617 **§ 18.2-258.02. Maintaining a fortified drug house; penalty.**

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

625 **§ 18.2-258.1. Obtaining drugs, procuring administration of controlled substances, etc., by fraud,**
626 **deceit or forgery.**

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

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

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

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

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

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

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

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

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

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

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

674 Unless the accused was fingerprinted at the time of arrest, the court shall order the accused to report

675 to the original arresting law-enforcement agency to submit to fingerprinting.

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

679 **§ 18.2-308.09. Disqualifications for a concealed handgun permit.**

680 The following persons shall be deemed disqualified from obtaining a permit:

681 1. An individual who is ineligible to possess a firearm pursuant to § 18.2-308.1:1, 18.2-308.1:2, or
682 18.2-308.1:3 or the substantially similar law of any other state or of the United States.

683 2. An individual who was ineligible to possess a firearm pursuant to § 18.2-308.1:1 and who was
684 discharged from the custody of the Commissioner pursuant to § 19.2-182.7 less than five years before
685 the date of his application for a concealed handgun permit.

686 3. An individual who was ineligible to possess a firearm pursuant to § 18.2-308.1:2 and whose
687 competency or capacity was restored pursuant to § 64.2-2012 less than five years before the date of his
688 application for a concealed handgun permit.

689 4. An individual who was ineligible to possess a firearm under § 18.2-308.1:3 and who was released
690 from commitment less than five years before the date of this application for a concealed handgun
691 permit.

692 5. An individual who is subject to a restraining order, or to a protective order and prohibited by
693 § 18.2-308.1:4 from purchasing or transporting a firearm.

694 6. An individual who is prohibited by § 18.2-308.2 from possessing or transporting a firearm, except
695 that a permit may be obtained in accordance with subsection C of that section.

696 7. An individual who has been convicted of two or more misdemeanors within the five-year period
697 immediately preceding the application, if one of the misdemeanors was a Class 1 misdemeanor, but the
698 judge shall have the discretion to deny a permit for two or more misdemeanors that are not Class 1.
699 Traffic infractions and misdemeanors set forth in Title 46.2 shall not be considered for purposes of this
700 disqualification.

701 8. An individual who is addicted to, or is an unlawful user or distributor of, marijuana, synthetic
702 cannabinoids, or any controlled substance.

703 9. An individual who has been convicted of a violation of § 18.2-266 or a substantially similar local
704 ordinance, or of public drunkenness, or of a substantially similar offense under the laws of any other
705 state, the District of Columbia, the United States, or its territories within the three-year period
706 immediately preceding the application, or who is a habitual drunkard as determined pursuant to
707 § 4.1-333.

708 10. An alien other than an alien lawfully admitted for permanent residence in the United States.

709 11. An individual who has been discharged from the armed forces of the United States under
710 dishonorable conditions.

711 12. An individual who is a fugitive from justice.

712 13. An individual who the court finds, by a preponderance of the evidence, based on specific acts by
713 the applicant, is likely to use a weapon unlawfully or negligently to endanger others. The sheriff, chief
714 of police, or attorney for the Commonwealth may submit to the court a sworn, written statement
715 indicating that, in the opinion of such sheriff, chief of police, or attorney for the Commonwealth, based
716 upon a disqualifying conviction or upon the specific acts set forth in the statement, the applicant is
717 likely to use a weapon unlawfully or negligently to endanger others. The statement of the sheriff, chief
718 of police, or the attorney for the Commonwealth shall be based upon personal knowledge of such
719 individual or of a deputy sheriff, police officer, or assistant attorney for the Commonwealth of the
720 specific acts, or upon a written statement made under oath before a notary public of a competent person
721 having personal knowledge of the specific acts.

722 14. An individual who has been convicted of any assault, assault and battery, sexual battery,
723 discharging of a firearm in violation of § 18.2-280 or 18.2-286.1 or brandishing of a firearm in violation
724 of § 18.2-282 within the three-year period immediately preceding the application.

725 15. An individual who has been convicted of stalking.

726 16. An individual whose previous convictions or adjudications of delinquency were based on an
727 offense that would have been at the time of conviction a felony if committed by an adult under the laws
728 of any state, the District of Columbia, the United States or its territories. For purposes of this
729 disqualifier, only convictions occurring within 16 years following the later of the date of (i) the
730 conviction or adjudication or (ii) release from any incarceration imposed upon such conviction or
731 adjudication shall be deemed to be "previous convictions."

732 17. An individual who has a felony charge pending or a charge pending for an offense listed in
733 subdivision 14 or 15.

734 18. An individual who has received mental health treatment or substance abuse treatment in a
735 residential setting within five years prior to the date of his application for a concealed handgun permit.

736 19. An individual not otherwise ineligible pursuant to this article, who, within the three-year period

737 immediately preceding the application for the permit, was found guilty of any criminal offense set forth
738 in Article 1 (§ 18.2-247 et seq.) or former § 18.2-248.1:1 or of a criminal offense of illegal possession
739 or distribution of marijuana, synthetic cannabinoids, or any controlled substance, under the laws of any
740 state, the District of Columbia, or the United States or its territories.

741 20. An individual, not otherwise ineligible pursuant to this article, with respect to whom, within the
742 three-year period immediately preceding the application, upon a charge of any criminal offense set forth
743 in Article 1 (§ 18.2-247 et seq.) or former § 18.2-248.1:1 or upon a charge of illegal possession or
744 distribution of marijuana, synthetic cannabinoids, or any controlled substance under the laws of any
745 state, the District of Columbia, or the United States or its territories, the trial court found that the facts
746 of the case were sufficient for a finding of guilt and disposed of the case pursuant to § 18.2-251 or the
747 substantially similar law of any other state, the District of Columbia, or the United States or its
748 territories.

749 **§ 18.2-308.1:5. Purchase or transportation of firearm by persons convicted of certain drug**
750 **offenses prohibited.**

751 Any person who, within a ~~thirty-six consecutive month~~ 36-consecutive-month period, has been
752 convicted of two misdemeanor offenses under subsection B of former § 18.2-248.1:1, § 18.2-250, or
753 18.2-250.1 shall be ineligible to purchase or transport a handgun. However, upon expiration of a period
754 of five years from the date of the second conviction and provided the person has not been convicted of
755 any such offense within that period, the ineligibility shall be removed.

756 **§ 18.2-308.4. Possession of firearms while in possession of certain substances.**

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

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

768 C. It shall be unlawful for any person to possess, use, or attempt to use any pistol, shotgun, rifle, or
769 other firearm or display such weapon in a threatening manner while committing or attempting to commit
770 the illegal manufacture, sale, distribution, or the possession with the intent to manufacture, sell, or
771 distribute a controlled substance classified in Schedule I or Schedule II of the Drug Control Act
772 (§ 54.1-3400 et seq.); ~~synthetic cannabinoids~~ or more than one pound of marijuana. A violation of this
773 subsection is a Class 6 felony, and constitutes a separate and distinct felony and any person convicted
774 hereunder shall be sentenced to a mandatory minimum term of imprisonment of five years. Such
775 punishment shall be separate and apart from, and shall be made to run consecutively with, any
776 punishment received for the commission of the primary felony.

777 **§ 18.2-474.1. Delivery of drugs, firearms, explosives, etc., to prisoners or committed persons.**

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

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

787 **§ 19.2-83.1. Report of arrest of school employees and adult students for certain offenses.**

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

796 B. Every state official or agency and every sheriff, police officer, or other local law-enforcement
797 officer or conservator of the peace having the power to arrest for a felony, shall file a report, as soon as

798 practicable, with the division superintendent of the school division in which the student is enrolled upon
 799 arresting a person who is known or discovered by the arresting official to be a student age 18 or older
 800 in any public school division in this Commonwealth for:

- 801 1. A firearm offense pursuant to Article 4 (§ 18.2-279 et seq.), 5 (§ 18.2-288 et seq.), 6 (§ 18.2-299
- 802 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;
- 803 2. Homicide, pursuant to Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;
- 804 3. Felonious assault and bodily wounding, pursuant to Article 4 (§ 18.2-51 et seq.) of Chapter 4 of
- 805 Title 18.2;
- 806 4. Criminal sexual assault, pursuant to Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;
- 807 5. Manufacture, sale, gift, distribution or possession of Schedule I or II controlled substances,
- 808 pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;
- 809 6. Manufacture, sale or distribution of marijuana or synthetic cannabinoids pursuant to Article 1
- 810 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;
- 811 7. Arson and related crimes, pursuant to Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2;
- 812 8. Burglary and related offenses, pursuant to §§ 18.2-89 through 18.2-93;
- 813 9. Robbery pursuant to § 18.2-58;
- 814 10. Prohibited criminal street gang activity pursuant to § 18.2-46.2; or
- 815 11. Recruitment of juveniles for criminal street gang pursuant to § 18.2-46.3.

816 **§ 19.2-187. Admission into evidence of certain certificates of analysis.**

817 In any hearing or trial of any criminal offense or in any proceeding brought pursuant to Chapter 22.1
 818 (§ 19.2-386.1 et seq.), a certificate of analysis of a person performing an analysis or examination, duly
 819 attested by such person, shall be admissible in evidence as evidence of the facts therein stated and the
 820 results of the analysis or examination referred to therein, provided (i) the certificate of analysis is filed
 821 with the clerk of the court hearing the case at least seven days prior to the proceeding if the attorney for
 822 the Commonwealth intends to offer it into evidence in a preliminary hearing or the accused intends to
 823 offer it into evidence in any hearing or trial, or (ii) the requirements of subsection A of § 19.2-187.1
 824 have been satisfied and the accused has not objected to the admission of the certificate pursuant to
 825 subsection B of § 19.2-187.1, when any such analysis or examination is performed in any laboratory
 826 operated by the Division of Consolidated Laboratory Services or the Department of Forensic Science or
 827 authorized by such Department to conduct such analysis or examination, or performed by a person
 828 licensed by the Department of Forensic Science pursuant to § 18.2-268.9 or 46.2-341.26:9 to conduct
 829 such analysis or examination, or performed by the Federal Bureau of Investigation, the federal Postal
 830 Inspection Service, the federal Bureau of Alcohol, Tobacco and Firearms, the Naval Criminal
 831 Investigative Service, the National Fish and Wildlife Forensics Laboratory, the federal Drug Enforcement
 832 Administration, the Forensic Document Laboratory of the U.S. Department of Homeland Security, or the
 833 U.S. Secret Service Laboratory.

834 In a hearing or trial in which the provisions of subsection A of § 19.2-187.1 do not apply, a copy of
 835 such certificate shall be mailed or delivered by the clerk or attorney for the Commonwealth to counsel
 836 of record for the accused at no charge at least seven days prior to the hearing or trial upon request made
 837 by such counsel to the clerk with notice of the request to the attorney for the Commonwealth. The
 838 request to the clerk shall be on a form prescribed by the Supreme Court and filed with the clerk at least
 839 10 days prior to the hearing or trial. In the event that a request for a copy of a certificate is filed with
 840 the clerk with respect to a case that is not yet before the court, the clerk shall advise the requester that
 841 he must resubmit the request at such time as the case is properly before the court in order for such
 842 request to be effective. If, upon proper request made by counsel of record for the accused, a copy of
 843 such certificate is not mailed or delivered by the clerk or attorney for the Commonwealth to counsel of
 844 record for the accused in a timely manner in accordance with this section, the accused shall be entitled
 845 to continue the hearing or trial.

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

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

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

856 **§ 19.2-386.22. Seizure of property used in connection with or derived from illegal drug**
 857 **transactions.**

858 A. The following property shall be subject to lawful seizure by any officer charged with enforcing
 859 the provisions of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2: (i) all money, medical

860 equipment, office equipment, laboratory equipment, motor vehicles, and all other personal and real
 861 property of any kind or character, used in substantial connection with (a) the illegal manufacture, sale or
 862 distribution of controlled substances or possession with intent to sell or distribute controlled substances
 863 in violation of § 18.2-248, (b) the sale or distribution of marijuana or possession with intent to distribute
 864 marijuana in violation of subdivisions (a) (2), (a) (3) and (c) of § 18.2-248.1, *or* (c) ~~the sale or~~
 865 ~~distribution of synthetic cannabinoids or possession with intent to distribute or manufacture synthetic~~
 866 ~~cannabinoids in violation of subsections C and E of § 18.2-248.1-1, or~~ (d) a drug-related offense in
 867 violation of § 18.2-474.1; (ii) everything of value furnished, or intended to be furnished, in exchange for
 868 a controlled substance in violation of § 18.2-248 or for marijuana in violation of § 18.2-248.1 or ~~for~~
 869 ~~synthetic cannabinoids in violation of § 18.2-248.1-1 or~~ for a controlled substance, *or* marijuana, *or*
 870 ~~synthetic cannabinoids in violation of § 18.2-474.1; and~~ (iii) all moneys or other property, real or
 871 personal, traceable to such an exchange, together with any interest or profits derived from the investment
 872 of such money or other property. Under the provisions of clause (i), real property shall not be subject to
 873 lawful seizure unless the minimum prescribed punishment for the violation is a term of not less than
 874 five years.

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

877 **§ 19.2-386.23. Disposal of seized controlled substances, marijuana, and paraphernalia.**

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

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

887 2. In the event no application is made under subdivision 1 of this subsection, the court shall order
 888 the destruction of all such substances or paraphernalia, which order shall state the existence and nature
 889 of the substance or paraphernalia, the quantity thereof, the location where seized, the person or persons
 890 from whom the substance or paraphernalia was seized, if known, and the manner whereby such item
 891 shall be destroyed. However, the court may order that paraphernalia identified in subdivision 5 of
 892 § 18.2-265.1 not be destroyed and that it be given to a person or entity that makes a showing to the
 893 court of sufficient need for the property and an ability to put the property to a lawful and publicly
 894 beneficial use. A return under oath, reporting the time, place and manner of destruction shall be made to
 895 the court and to the Board of Pharmacy by the officer to whom the order is directed. A copy of the
 896 order and affidavit shall be made a part of the record of any criminal prosecution in which the substance
 897 or paraphernalia was used as evidence and shall, thereafter, be prima facie evidence of its contents. In
 898 the event a law-enforcement agency recovers, seizes, finds, is given or otherwise comes into possession
 899 of any such substances or paraphernalia that are not evidence in a trial in the Commonwealth, the chief
 900 law-enforcement officer of the agency or his designee may, with the written consent of the appropriate
 901 attorney for the Commonwealth, order destruction of same; provided that, a statement under oath,
 902 reporting a description of the substances and paraphernalia destroyed, and the time, place and manner of
 903 destruction is made to the chief law-enforcement officer and to the Board of Pharmacy by the officer to
 904 whom the order is directed.

905 B. No such substance or paraphernalia used or to be used in a criminal prosecution under Chapter 7
 906 (§ 18.2-247 et seq.) of Title 18.2 shall be disposed of as provided by this section until all rights of
 907 appeal have been exhausted, except as provided in § 19.2-386.24.

908 **§ 19.2-386.24. Destruction of seized controlled substances or marijuana prior to trial.**

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

914 Before any destruction is carried out under this section, the law-enforcement agency shall cause the
 915 material seized to be photographed with identification case numbers or other means of identification and
 916 shall prepare a report identifying the seized material. It shall also notify the accused, or other interested
 917 party, if known, or his attorney, at least five days in advance that the photography will take place and
 918 that they may be present. Prior to any destruction under this section, the law-enforcement agency shall
 919 also notify the accused or other interested party, if known, and his attorney at least seven days prior to
 920 the destruction of the time and place the destruction will occur. Any notice required under the

921 provisions of this section shall be by first-class mail to the last known address of the person required to
 922 be notified. In addition to the substance retained for representative purposes as evidence, all photographs
 923 and records made under this section and properly identified shall be admissible in any court proceeding
 924 for any purposes for which the seized substance itself would have been admissible.

925 **§ 19.2-386.25. Judge may order law-enforcement agency to maintain custody of controlled**
 926 **substances, etc.**

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

932 **§ 22.1-277.08. Expulsion of students for certain drug offenses.**

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

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

945 **§ 22.1-279.3:1. Reports of certain acts to school authorities.**

946 A. Reports shall be made to the division superintendent and to the principal or his designee on all
 947 incidents involving (i) the assault or assault and battery, without bodily injury, of any person on a
 948 school bus, on school property, or at a school-sponsored activity; (ii) the assault and battery that results
 949 in bodily injury, sexual assault, death, shooting, stabbing, cutting, or wounding of any person, or
 950 stalking of any person as described in § 18.2-60.3, on a school bus, on school property, or at a
 951 school-sponsored activity; (iii) any conduct involving alcohol, marijuana, ~~synthetic cannabinoids~~ as
 952 ~~defined in § 18.2-248.1-1~~, a controlled substance, imitation controlled substance, or an anabolic steroid
 953 on a school bus, on school property, or at a school-sponsored activity, including the theft or attempted
 954 theft of student prescription medications; (iv) any threats against school personnel while on a school bus,
 955 on school property or at a school-sponsored activity; (v) the illegal carrying of a firearm, as defined in
 956 § 22.1-277.07, onto school property; (vi) any illegal conduct involving firebombs, explosive materials or
 957 devices, or hoax explosive devices, as defined in § 18.2-85, or explosive or incendiary devices, as
 958 defined in § 18.2-433.1, or chemical bombs, as described in § 18.2-87.1, on a school bus, on school
 959 property, or at a school-sponsored activity; (vii) any threats or false threats to bomb, as described in
 960 § 18.2-83, made against school personnel or involving school property or school buses; or (viii) the
 961 arrest of any student for an incident occurring on a school bus, on school property, or at a
 962 school-sponsored activity, including the charge therefor.

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

982 C. The principal or his designee shall submit a report of all incidents required to be reported

983 pursuant to this section to the superintendent of the school division. The division superintendent shall
984 annually report all such incidents to the Department of Education for the purpose of recording the
985 frequency of such incidents on forms that shall be provided by the Department and shall make such
986 information available to the public.

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

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

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

999 Whenever any student commits any reportable incident as set forth in this section, such student shall
1000 be required to participate in such prevention and intervention activities as deemed appropriate by the
1001 superintendent or his designee. Prevention and intervention activities shall be identified in the local
1002 school division's drug and violence prevention plans developed pursuant to the federal Improving
1003 America's Schools Act of 1994 (Title IV - Safe and Drug-Free Schools and Communities Act).

1004 D. Except as may otherwise be required by federal law, regulation, or jurisprudence, the principal
1005 shall immediately report to the local law-enforcement agency any act enumerated in clauses (ii) through
1006 (vii) of subsection A that may constitute a criminal offense and may report to the local law-enforcement
1007 agency any incident described in clause (i) of subsection A. Nothing in this section shall require
1008 delinquency charges to be filed or prevent schools from dealing with school-based offenses through
1009 graduated sanctions or educational programming before a delinquency charge is filed with the juvenile
1010 court.

1011 Further, except as may be prohibited by federal law, regulation, or jurisprudence, the principal shall
1012 also immediately report any act enumerated in clauses (ii) through (v) of subsection A that may
1013 constitute a criminal offense to the parents of any minor student who is the specific object of such act.
1014 Further, the principal shall report that the incident has been reported to local law enforcement as
1015 required by law and that the parents may contact local law enforcement for further information, if they
1016 so desire.

1017 E. A statement providing a procedure and the purpose for the requirements of this section shall be
1018 included in school board policies required by § 22.1-253.13:7.

1019 The Board of Education shall promulgate regulations to implement this section, including, but not
1020 limited to, establishing reporting dates and report formats.

1021 F. For the purposes of this section, "parent" or "parents" means any parent, guardian or other person
1022 having control or charge of a child.

1023 G. This section shall not be construed to diminish the authority of the Board of Education or to
1024 diminish the Governor's authority to coordinate and provide policy direction on official communications
1025 between the Commonwealth and the United States government.

1026 **§ 24.2-233. Removal of elected and certain appointed officers by courts.**

1027 Upon petition, a circuit court may remove from office any elected officer or officer who has been
1028 appointed to fill an elective office, residing within the jurisdiction of the court:

1029 1. For neglect of duty, misuse of office, or incompetence in the performance of duties when that
1030 neglect of duty, misuse of office, or incompetence in the performance of duties has a material adverse
1031 effect upon the conduct of the office; ~~or;~~

1032 2. Upon conviction of a misdemeanor pursuant to Article 1 (§ 18.2-247 et seq.) or Article 1.1
1033 (§ 18.2-265.1 et seq.) of Chapter 7 of Title 18.2 and after all rights of appeal have terminated involving
1034 the:

1035 a. Manufacture, sale, gift, distribution, or possession with intent to manufacture, sell, give, or
1036 distribute a controlled substance; ~~or marijuana; or synthetic cannabinoids as defined in § 18.2-248.1-1;~~
1037 ~~or;~~

1038 b. Sale, possession with intent to sell, or placing an advertisement for the purpose of selling drug
1039 paraphernalia; or

1040 c. Possession of any controlled substance; ~~or marijuana; or synthetic cannabinoids as defined in~~
1041 ~~§ 18.2-248.1-1;~~ and such conviction under *subdivision* a, b, or c has a material adverse effect upon the
1042 conduct of such office; or

1043 3. Upon conviction, and after all rights of appeal have terminated, of a misdemeanor involving a

1044 "hate crime" as that term is defined in § 52-8.5 when the conviction has a material adverse effect upon
 1045 the conduct of such office.

1046 The petition must be signed by a number of registered voters who reside within the jurisdiction of
 1047 the officer equal to ten percent of the total number of votes cast at the last election for the office that
 1048 the officer holds.

1049 Any person removed from office under the provisions of subdivision 2 or 3 may not be subsequently
 1050 subject to the provisions of this section for the same criminal offense.

1051 **§ 53.1-145. Powers and duties of probation and parole officers.**

1052 In addition to other powers and duties prescribed by this article, each probation and parole officer
 1053 shall:

1054 1. Investigate and report on any case pending in any court or before any judge in his jurisdiction
 1055 referred to him by the court or judge;

1056 2. Supervise and assist all persons within his territory placed on probation, secure, as appropriate and
 1057 when available resources permit, placement of such persons in a substance abuse treatment program
 1058 which may include utilization of acupuncture and other treatment modalities, and furnish every such
 1059 person with a written statement of the conditions of his probation and instruct him therein; if any such
 1060 person has been committed to the Department of Behavioral Health and Developmental Services under
 1061 the provisions of Chapter 9 (§ 37.2-900 et seq.) of Title 37.2, the conditions of probation shall include
 1062 the requirement that the person comply with all conditions given him by the Department of Behavioral
 1063 Health and Developmental Services, and that he follow all of the terms of his treatment plan;

1064 3. Supervise and assist all persons within his territory released on parole or postrelease supervision,
 1065 secure, as appropriate and when available resources permit, placement of such persons in a substance
 1066 abuse treatment program which may include utilization of acupuncture and other treatment modalities,
 1067 and, in his discretion, assist any person within his territory who has completed his parole, postrelease
 1068 supervision, or has been mandatorily released from any correctional facility in the Commonwealth and
 1069 requests assistance in finding a place to live, finding employment, or in otherwise becoming adjusted to
 1070 the community;

1071 4. Arrest and recommit to the place of confinement from which he was released, or in which he
 1072 would have been confined but for the suspension of his sentence or of its imposition, for violation of
 1073 the terms of probation, post-release supervision pursuant to § 19.2-295.2 or parole, any probationer,
 1074 person subject to post-release supervision or parolee under his supervision, or as directed by the
 1075 Chairman, Board member or the court, pending a hearing by the Board or the court, as the case may be;

1076 5. Keep such records, make such reports, and perform other duties as may be required of him by the
 1077 Director or by regulations prescribed by the Board of Corrections, and the court or judge by whom he
 1078 was authorized;

1079 6. Order and conduct, in his discretion, drug and alcohol screening tests of any probationer, person
 1080 subject to post-release supervision pursuant to § 19.2-295.2 or parolee under his supervision who the
 1081 officer has reason to believe is engaged in the illegal use of controlled substances, *or* marijuana, ~~or~~
 1082 ~~synthetic cannabinoids~~ *or* the abuse of alcohol. The cost of the test may be charged to the person under
 1083 supervision. Regulations governing the officer's exercise of this authority shall be promulgated by the
 1084 Board;

1085 7. Have the power to carry a concealed weapon in accordance with regulations promulgated by the
 1086 Board and upon the certification of appropriate training and specific authorization by a judge of a circuit
 1087 court;

1088 8. Provide services in accordance with any contract entered into between the Department of
 1089 Corrections and the Department of Behavioral Health and Developmental Services pursuant to
 1090 § 37.2-912;

1091 9. Pursuant to any contract entered into between the Department of Corrections and the Department
 1092 of Behavioral Health and Developmental Services, probation and parole officers shall have the power to
 1093 provide intensive supervision services to persons placed on conditional release, regardless of whether the
 1094 person has any time remaining to serve on any criminal sentence, pursuant to Chapter 9 (§ 37.2-900 et
 1095 seq.);

1096 10. Determine by reviewing the Local Inmate Data System upon intake and again prior to release
 1097 whether a blood, saliva, or tissue sample has been taken for DNA analysis for each person placed on
 1098 probation or parole required to submit a sample pursuant to Article 1.1 (§ 19.2-310.2 et seq.) of Chapter
 1099 18 of Title 19.2 and, if no sample has been taken, require a person placed on probation or parole to
 1100 submit a sample for DNA analysis; and

1101 11. For every offender accepted pursuant to the Interstate Compact for the Supervision of Adult
 1102 Offenders (§ 53.1-176.1 et seq.) who has been convicted of an offense that, if committed in Virginia,
 1103 would be considered a felony, take a sample or verify that a sample has been taken and accepted into
 1104 the data bank for DNA analysis in the Commonwealth.

1105 Nothing in this article shall require probation and parole officers to investigate or supervise cases

1106 before general district or juvenile and domestic relations district courts.

1107 **§ 53.1-203. Felonies by prisoners; penalties.**

1108 It shall be unlawful for a prisoner in a state, local or community correctional facility or in the
1109 custody of an employee thereof to:

- 1110 1. Escape from a correctional facility or from any person in charge of such prisoner;
- 1111 2. Willfully break, cut or damage any building, furniture, fixture or fastening of such facility or any
1112 part thereof for the purpose of escaping, aiding any other prisoner to escape therefrom or rendering such
1113 facility less secure as a place of confinement;
- 1114 3. Make, procure, secrete or have in his possession any instrument, tool or other thing for the
1115 purpose of escaping from or aiding another to escape from a correctional facility or employee thereof;
- 1116 4. Make, procure, secrete or have in his possession a knife, instrument, tool or other thing not
1117 authorized by the superintendent or sheriff which is capable of causing death or bodily injury;
- 1118 5. Procure, sell, secrete or have in his possession any chemical compound which he has not lawfully
1119 received;
- 1120 6. Procure, sell, secrete or have in his possession a controlled substance classified in Schedule III of
1121 the Drug Control Act (§ 54.1-3400 et seq.); ~~or marijuana; or synthetic cannabinoids as defined in~~
1122 ~~§ 18.2-248.1-1;~~
- 1123 7. Introduce into a correctional facility or have in his possession firearms or ammunition for
1124 firearms;
- 1125 8. Willfully burn or destroy by use of any explosive device or substance, in whole or in part, or
1126 cause to be so burned or destroyed, any personal property, within any correctional facility;
- 1127 9. Willfully tamper with, damage, destroy, or disable any fire protection or fire suppression system,
1128 equipment, or sprinklers within any correctional facility; or
- 1129 10. Conspire with another prisoner or other prisoners to commit any of the foregoing acts.

1130 For violation of any of the provisions of this section, except subdivision 6, the prisoner shall be
1131 guilty of a Class 6 felony. For a violation of subdivision 6, he shall be guilty of a Class 5 felony. If the
1132 violation is of subdivision 1 of this section and the escapee is a felon, he shall be sentenced to a
1133 mandatory minimum term of confinement of one year, which shall be served consecutively with any
1134 other sentence. The prisoner shall, upon conviction of escape, immediately commence to serve such
1135 escape sentence, and he shall not be eligible for parole during such period. Any prisoner sentenced to
1136 life imprisonment who escapes shall not be eligible for parole. No part of the time served for escape
1137 shall be credited for the purpose of parole toward the sentence or sentences, the service of which is
1138 interrupted for service of the escape sentence, nor shall it be credited for such purpose toward any other
1139 sentence.

1140 **§ 54.1-3401. Definitions.**

1141 As used in this chapter, unless the context requires a different meaning:

1142 "Administer" means the direct application of a controlled substance, whether by injection, inhalation,
1143 ingestion, or any other means, to the body of a patient or research subject by (i) a practitioner or by his
1144 authorized agent and under his direction or (ii) the patient or research subject at the direction and in the
1145 presence of the practitioner.

1146 "Advertisement" means all representations disseminated in any manner or by any means, other than
1147 by labeling, for the purpose of inducing, or which are likely to induce, directly or indirectly, the
1148 purchase of drugs or devices.

1149 "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer,
1150 distributor, or dispenser. It does not include a common or contract carrier, public warehouseman, or
1151 employee of the carrier or warehouseman.

1152 "Anabolic steroid" means any drug or hormonal substance, chemically and pharmacologically related
1153 to testosterone, other than estrogens, progestins, corticosteroids, and dehydroepiandrosterone.

1154 "Animal" means any nonhuman animate being endowed with the power of voluntary action.

1155 "Automated drug dispensing system" means a mechanical or electronic system that performs
1156 operations or activities, other than compounding or administration, relating to pharmacy services,
1157 including the storage, dispensing, or distribution of drugs and the collection, control, and maintenance of
1158 all transaction information, to provide security and accountability for such drugs.

1159 "Biological product" means a virus, therapeutic serum, toxin, antitoxin, vaccine, blood, blood
1160 component or derivative, allergenic product, protein other than a chemically synthesized polypeptide, or
1161 analogous product, or arsphenamine or any derivative of arsphenamine or any other trivalent organic
1162 arsenic compound, applicable to the prevention, treatment, or cure of a disease or condition of human
1163 beings.

1164 "Biosimilar" means a biological product that is highly similar to a specific reference biological
1165 product, notwithstanding minor differences in clinically inactive compounds, such that there are no
1166 clinically meaningful differences between the reference biological product and the biological product that

1167 has been licensed as a biosimilar pursuant to 42 U.S.C. § 262(k) in terms of safety, purity, and potency
1168 of the product.

1169 "Board" means the Board of Pharmacy.

1170 "Bulk drug substance" means any substance that is represented for use, and that, when used in the
1171 compounding, manufacturing, processing, or packaging of a drug, becomes an active ingredient or a
1172 finished dosage form of the drug; however, "bulk drug substance" shall not include intermediates that
1173 are used in the synthesis of such substances.

1174 "Change of ownership" of an existing entity permitted, registered, or licensed by the Board means (i)
1175 the sale or transfer of all or substantially all of the assets of the entity or of any corporation that owns
1176 or controls the entity; (ii) the creation of a partnership by a sole proprietor, the dissolution of a
1177 partnership, or change in partnership composition; (iii) the acquisition or disposal of 50 percent or more
1178 of the outstanding shares of voting stock of a corporation owning the entity or of the parent corporation
1179 of a wholly owned subsidiary owning the entity, except that this shall not apply to any corporation the
1180 voting stock of which is actively traded on any securities exchange or in any over-the-counter market;
1181 (iv) the merger of a corporation owning the entity or of the parent corporation of a wholly-owned
1182 subsidiary owning the entity with another business or corporation; or (v) the expiration or forfeiture of a
1183 corporation's charter.

1184 "Compounding" means the combining of two or more ingredients to fabricate such ingredients into a
1185 single preparation and includes the mixing, assembling, packaging, or labeling of a drug or device (i) by
1186 a pharmacist, or within a permitted pharmacy, pursuant to a valid prescription issued for a medicinal or
1187 therapeutic purpose in the context of a bona fide practitioner-patient-pharmacist relationship, or in
1188 expectation of receiving a valid prescription based on observed historical patterns of prescribing and
1189 dispensing; (ii) by a practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine as
1190 an incident to his administering or dispensing, if authorized to dispense, a controlled substance in the
1191 course of his professional practice; or (iii) for the purpose of, or as incident to, research, teaching, or
1192 chemical analysis and not for sale or for dispensing. The mixing, diluting, or reconstituting of a
1193 manufacturer's product drugs for the purpose of administration to a patient, when performed by a
1194 practitioner of medicine or osteopathy licensed under Chapter 29 (§ 54.1-2900 et seq.), a person
1195 supervised by such practitioner pursuant to subdivision A 6 or A 19 of § 54.1-2901, or a person
1196 supervised by such practitioner or a licensed nurse practitioner or physician assistant pursuant to
1197 subdivision A 4 of § 54.1-2901 shall not be considered compounding.

1198 "Controlled substance" means a drug, substance, or immediate precursor in Schedules I through VI of
1199 this chapter. The term shall not include distilled spirits, wine, malt beverages, or tobacco as those terms
1200 are defined or used in Title 3.2 or Title 4.1. *The term "controlled substance" includes a controlled
1201 substance analog that has been placed into Schedule I or II by the Board pursuant to the regulatory
1202 authority in subsection D of § 54.1-3443.*

1203 *"Controlled substance analog" means a substance the chemical structure of which is substantially
1204 similar to the chemical structure of a controlled substance in Schedule I or II and either (i) which has a
1205 stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar
1206 to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a
1207 controlled substance in Schedule I or II or (ii) with respect to a particular person, which such person
1208 represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous
1209 system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect
1210 on the central nervous system of a controlled substance in Schedule I or II. "Controlled substance
1211 analog" does not include (a) any substance for which there is an approved new drug application as
1212 defined under § 505 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. § 355) or that is generally
1213 recognized as safe and effective pursuant to §§ 501, 502, and 503 of the federal Food, Drug, and
1214 Cosmetic Act (21 U.S.C. §§ 351, 352, and 353) and 21 C.F.R. Part 330; (b) with respect to a particular
1215 person, any substance for which an exemption is in effect for investigational use for that person under
1216 § 505 of the federal Food, Drug, and Cosmetic Act to the extent that the conduct with respect to that
1217 substance is pursuant to such exemption; or (c) any substance to the extent not intended for human
1218 consumption before such an exemption takes effect with respect to that substance.*

1219 "DEA" means the Drug Enforcement Administration, U.S. Department of Justice, or its successor
1220 agency.

1221 "Deliver" or "delivery" means the actual, constructive, or attempted transfer of any item regulated by
1222 this chapter, whether or not there exists an agency relationship.

1223 "Device" means instruments, apparatus, and contrivances, including their components, parts, and
1224 accessories, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in
1225 man or animals or to affect the structure or any function of the body of man or animals.

1226 "Dialysis care technician" or "dialysis patient care technician" means an individual who is certified
1227 by an organization approved by the Board of Health Professions pursuant to Chapter 27.01
1228 (§ 54.1-2729.1 et seq.) and who, under the supervision of a licensed physician, nurse practitioner,

- 1229 physician assistant, or a registered nurse, assists in the care of patients undergoing renal dialysis
 1230 treatments in a Medicare-certified renal dialysis facility.
- 1231 "Dialysis solution" means either the commercially available, unopened, sterile solutions whose
 1232 purpose is to be instilled into the peritoneal cavity during the medical procedure known as peritoneal
 1233 dialysis, or commercially available solutions whose purpose is to be used in the performance of
 1234 hemodialysis not to include any solutions administered to the patient intravenously.
- 1235 "Dispense" means to deliver a drug to an ultimate user or research subject by or pursuant to the
 1236 lawful order of a practitioner, including the prescribing and administering, packaging, labeling, or
 1237 compounding necessary to prepare the substance for that delivery. However, dispensing shall not include
 1238 the transportation of drugs mixed, diluted, or reconstituted in accordance with this chapter to other sites
 1239 operated by such practitioner or that practitioner's medical practice for the purpose of administration of
 1240 such drugs to patients of the practitioner or that practitioner's medical practice at such other sites. For
 1241 practitioners of medicine or osteopathy, "dispense" shall only include the provision of drugs by a
 1242 practitioner to patients to take with them away from the practitioner's place of practice.
- 1243 "Dispenser" means a practitioner who dispenses.
- 1244 "Distribute" means to deliver other than by administering or dispensing a controlled substance.
- 1245 "Distributor" means a person who distributes.
- 1246 "Drug" means (i) articles or substances recognized in the official United States Pharmacopoeia
 1247 National Formulary or official Homeopathic Pharmacopoeia of the United States, or any supplement to
 1248 any of them; (ii) articles or substances intended for use in the diagnosis, cure, mitigation, treatment, or
 1249 prevention of disease in man or animals; (iii) articles or substances, other than food, intended to affect
 1250 the structure or any function of the body of man or animals; (iv) articles or substances intended for use
 1251 as a component of any article specified in clause (i), (ii), or (iii); or (v) a biological product. "Drug"
 1252 does not include devices or their components, parts, or accessories.
- 1253 "Drug product" means a specific drug in dosage form from a known source of manufacture, whether
 1254 by brand or therapeutically equivalent drug product name.
- 1255 "Electronic transmission prescription" means any prescription, other than an oral or written
 1256 prescription or a prescription transmitted by facsimile machine, that is electronically transmitted directly
 1257 to a pharmacy without interception or intervention from a third party from a practitioner authorized to
 1258 prescribe or from one pharmacy to another pharmacy.
- 1259 "Facsimile (FAX) prescription" means a written prescription or order that is transmitted by an
 1260 electronic device over telephone lines that sends the exact image to the receiving pharmacy in hard copy
 1261 form.
- 1262 "FDA" means the U.S. Food and Drug Administration.
- 1263 "Hashish oil" means any oily extract containing one or more cannabinoids, but shall not include any
 1264 such extract with a tetrahydrocannabinol content of less than 12 percent by weight.
- 1265 "Immediate precursor" means a substance which the Board of Pharmacy has found to be and by
 1266 regulation designates as being the principal compound commonly used or produced primarily for use,
 1267 and which is an immediate chemical intermediary used or likely to be used in the manufacture of a
 1268 controlled substance, the control of which is necessary to prevent, curtail, or limit manufacture.
- 1269 "Interchangeable" means a biosimilar that meets safety standards for determining interchangeability
 1270 pursuant to 42 U.S.C. § 262(k)(4).
- 1271 "Label" means a display of written, printed, or graphic matter upon the immediate container of any
 1272 article. A requirement made by or under authority of this chapter that any word, statement, or other
 1273 information appear on the label shall not be considered to be complied with unless such word,
 1274 statement, or other information also appears on the outside container or wrapper, if any, of the retail
 1275 package of such article or is easily legible through the outside container or wrapper.
- 1276 "Labeling" means all labels and other written, printed, or graphic matter on an article or any of its
 1277 containers or wrappers, or accompanying such article.
- 1278 "Manufacture" means the production, preparation, propagation, conversion, or processing of any item
 1279 regulated by this chapter, either directly or indirectly by extraction from substances of natural origin, or
 1280 independently by means of chemical synthesis, or by a combination of extraction and chemical
 1281 synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its
 1282 container. This term does not include compounding.
- 1283 "Manufacturer" means every person who manufactures.
- 1284 "Marijuana" means any part of a plant of the genus *Cannabis* whether growing or not, its seeds, or
 1285 its resin; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its
 1286 seeds, or its resin. Marijuana shall not include any oily extract containing one or more cannabinoids
 1287 unless such extract contains less than 12 percent of tetrahydrocannabinol by weight, nor shall marijuana
 1288 include the mature stalks of such plant, fiber produced from such stalk, or oil or cake made from the
 1289 seeds of such plant, unless such stalks, fiber, oil, or cake is combined with other parts of plants of the

1290 genus Cannabis.

1291 "Medical equipment supplier" means any person, as defined in § 1-230, engaged in the delivery to
1292 the ultimate consumer, pursuant to the lawful order of a practitioner, of hypodermic syringes and
1293 needles, medicinal oxygen, Schedule VI controlled devices, those Schedule VI controlled substances with
1294 no medicinal properties that are used for the operation and cleaning of medical equipment, solutions for
1295 peritoneal dialysis, and sterile water or saline for irrigation.

1296 "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction
1297 from substances of vegetable origin, or independently by means of chemical synthesis, or by a
1298 combination of extraction and chemical synthesis: (i) opium, opiates, and any salt, compound, derivative,
1299 or preparation of opium or opiates; (ii) any salt, compound, isomer, derivative, or preparation thereof
1300 which is chemically equivalent or identical with any of the substances referred to in clause (i), but not
1301 including the isoquinoline alkaloids of opium; (iii) opium poppy and poppy straw; (iv) coca leaves and
1302 any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, isomer,
1303 derivative, or preparation thereof which is chemically equivalent or identical with any of these
1304 substances, but not including decocainized coca leaves or extraction of coca leaves which do not contain
1305 cocaine or ecgonine.

1306 "New drug" means (i) any drug, except a new animal drug or an animal feed bearing or containing a
1307 new animal drug, the composition of which is such that such drug is not generally recognized, among
1308 experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs,
1309 as safe and effective for use under the conditions prescribed, recommended, or suggested in the labeling,
1310 except that such a drug not so recognized shall not be deemed to be a "new drug" if at any time prior
1311 to the enactment of this chapter it was subject to the Food and Drugs Act of June 30, 1906, as
1312 amended, and if at such time its labeling contained the same representations concerning the conditions
1313 of its use, or (ii) any drug, except a new animal drug or an animal feed bearing or containing a new
1314 animal drug, the composition of which is such that such drug, as a result of investigations to determine
1315 its safety and effectiveness for use under such conditions, has become so recognized, but which has not,
1316 otherwise than in such investigations, been used to a material extent or for a material time under such
1317 conditions.

1318 "Nuclear medicine technologist" means an individual who holds a current certification with the
1319 American Registry of Radiological Technologists or the Nuclear Medicine Technology Certification
1320 Board.

1321 "Official compendium" means the official United States Pharmacopoeia National Formulary, official
1322 Homeopathic Pharmacopoeia of the United States, or any supplement to any of them.

1323 "Official written order" means an order written on a form provided for that purpose by the U.S. Drug
1324 Enforcement Administration, under any laws of the United States making provision therefor, if such
1325 order forms are authorized and required by federal law, and if no such order form is provided then on
1326 an official form provided for that purpose by the Board of Pharmacy.

1327 "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to
1328 morphine or being capable of conversion into a drug having such addiction-forming or
1329 addiction-sustaining liability. It does not include, unless specifically designated as controlled under
1330 Article 4 (§ 54.1-3437 et seq.), the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts
1331 (dextromethorphan). It does include its racemic and levorotatory forms.

1332 "Opium poppy" means the plant of the species *Papaver somniferum* L., except the seeds thereof.

1333 "Original package" means the unbroken container or wrapping in which any drug or medicine is
1334 enclosed together with label and labeling, put up by or for the manufacturer, wholesaler, or distributor
1335 for use in the delivery or display of such article.

1336 "Person" means both the plural and singular, as the case demands, and includes an individual,
1337 partnership, corporation, association, governmental agency, trust, or other institution or entity.

1338 "Pharmacist-in-charge" means the person who, being licensed as a pharmacist, signs the application
1339 for a pharmacy permit and assumes full legal responsibility for the operation of the relevant pharmacy in
1340 a manner complying with the laws and regulations for the practice of pharmacy and the sale and
1341 dispensing of controlled substances; the "pharmacist-in-charge" shall personally supervise the pharmacy
1342 and the pharmacy's personnel as required by § 54.1-3432.

1343 "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

1344 "Practitioner" means a physician, dentist, licensed nurse practitioner pursuant to § 54.1-2957.01,
1345 licensed physician assistant pursuant to § 54.1-2952.1, pharmacist pursuant to § 54.1-3300, TPA-certified
1346 optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32, veterinarian, scientific investigator,
1347 or other person licensed, registered, or otherwise permitted to distribute, dispense, prescribe and
1348 administer, or conduct research with respect to a controlled substance in the course of professional
1349 practice or research in the Commonwealth.

1350 "Prescriber" means a practitioner who is authorized pursuant to §§ 54.1-3303 and 54.1-3408 to issue
1351 a prescription.

1352 "Prescription" means an order for drugs or medical supplies, written or signed or transmitted by word
 1353 of mouth, telephone, telegraph, or other means of communication to a pharmacist by a duly licensed
 1354 physician, dentist, veterinarian, or other practitioner authorized by law to prescribe and administer such
 1355 drugs or medical supplies.

1356 "Prescription drug" means any drug required by federal law or regulation to be dispensed only
 1357 pursuant to a prescription, including finished dosage forms and active ingredients subject to § 503(b) of
 1358 the Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 353(b)).

1359 "Production" or "produce" includes the manufacture, planting, cultivation, growing, or harvesting of a
 1360 controlled substance or marijuana.

1361 "Proprietary medicine" means a completely compounded nonprescription drug in its unbroken,
 1362 original package which does not contain any controlled substance or marijuana as defined in this chapter
 1363 and is not in itself poisonous, and which is sold, offered, promoted, or advertised directly to the general
 1364 public by or under the authority of the manufacturer or primary distributor, under a trademark, trade
 1365 name, or other trade symbol privately owned, and the labeling of which conforms to the requirements of
 1366 this chapter and applicable federal law. However, this definition shall not include a drug that is only
 1367 advertised or promoted professionally to licensed practitioners, a narcotic or drug containing a narcotic,
 1368 a drug that may be dispensed only upon prescription or the label of which bears substantially the
 1369 statement "Warning - may be habit-forming," or a drug intended for injection.

1370 "Radiopharmaceutical" means any drug that exhibits spontaneous disintegration of unstable nuclei
 1371 with the emission of nuclear particles or photons and includes any non-radioactive reagent kit or
 1372 radionuclide generator that is intended to be used in the preparation of any such substance, but does not
 1373 include drugs such as carbon-containing compounds or potassium-containing salts that include trace
 1374 quantities of naturally occurring radionuclides. The term also includes any biological product that is
 1375 labeled with a radionuclide or intended solely to be labeled with a radionuclide.

1376 "Reference biological product" means the single biological product licensed pursuant to 42 U.S.C.
 1377 § 262(a) against which a biological product is evaluated in an application submitted to the U.S. Food
 1378 and Drug Administration for licensure of biological products as biosimilar or interchangeable pursuant to
 1379 42 U.S.C. § 262(k).

1380 "Sale" includes barter, exchange, or gift, or offer therefor, and each such transaction made by any
 1381 person, whether as an individual, proprietor, agent, servant, or employee.

1382 "Therapeutically equivalent drug products" means drug products that contain the same active
 1383 ingredients and are identical in strength or concentration, dosage form, and route of administration and
 1384 that are classified as being therapeutically equivalent by the U.S. Food and Drug Administration
 1385 pursuant to the definition of "therapeutically equivalent drug products" set forth in the most recent
 1386 edition of the Approved Drug Products with Therapeutic Equivalence Evaluations, otherwise known as
 1387 the "Orange Book."

1388 "USP-NF" means the current edition of the United States Pharmacopeia-National Formulary.

1389 "Warehouser" means any person, other than a wholesale distributor, engaged in the business of
 1390 selling or otherwise distributing prescription drugs or devices to any person who is not the ultimate user
 1391 or consumer. No person shall be subject to any state or local tax by reason of this definition.

1392 "Wholesale distribution" means distribution of prescription drugs to persons other than consumers or
 1393 patients, subject to the exceptions set forth in § 54.1-3401.1.

1394 "Wholesale distributor" means any person engaged in wholesale distribution of prescription drugs
 1395 including, but not limited to, manufacturers; repackers; own-label distributors; private-label distributors;
 1396 jobbers; brokers; warehouses, including manufacturers' and distributors' warehouses, chain drug
 1397 warehouses conducting wholesale distributions, and wholesale drug warehouses; independent wholesale
 1398 drug traders; and retail pharmacies conducting wholesale distributions. No person shall be subject to any
 1399 state or local tax as a wholesale merchant by reason of this definition.

1400 The words "drugs" and "devices" as used in Chapter 33 (§ 54.1-3300 et seq.) and in this chapter
 1401 shall not include surgical or dental instruments, physical therapy equipment, X-ray apparatus, or glasses
 1402 or lenses for the eyes.

1403 The terms "pharmacist," "pharmacy," and "practice of pharmacy" as used in this chapter shall be
 1404 defined as provided in Chapter 33 (§ 54.1-3300 et seq.) unless the context requires a different meaning.

1405 **§ 54.1-3443. Board to administer article.**

1406 A. The Board shall administer this article and may add substances to or deschedule or reschedule all
 1407 substances enumerated in the schedules in this article pursuant to the procedures of the Administrative
 1408 Process Act (§ 2.2-4000 et seq.). In making a determination regarding a substance, the Board shall
 1409 consider the following:

- 1410 1. The actual or relative potential for abuse;
- 1411 2. The scientific evidence of its pharmacological effect, if known;
- 1412 3. The state of current scientific knowledge regarding the substance;

- 1413 4. The history and current pattern of abuse;
- 1414 5. The scope, duration, and significance of abuse;
- 1415 6. The risk to the public health;
- 1416 7. The potential of the substance to produce psychic or physical dependence; and
- 1417 8. Whether the substance is an immediate precursor of a substance already controlled under this
- 1418 article.
- 1419 B. After considering the factors enumerated in subsection A, the Board shall make findings and issue
- 1420 a regulation controlling the substance if it finds the substance has a potential for abuse.
- 1421 C. If the Board designates a substance as an immediate precursor, substances which are precursors of
- 1422 the controlled precursor shall not be subject to control solely because they are precursors of the
- 1423 controlled precursor.
- 1424 D. *If the Board, in consultation with the Department of Forensic Science, determines the substance*
- 1425 *shall be placed into Schedule I or II pursuant to § 54.1-3445 or 54.1-3447, the Board may amend its*
- 1426 *regulations pursuant to Article 2 (§ 2.2-4006 et seq.) of the Administrative Process Act. Prior to making*
- 1427 *such amendments, the Board shall conduct a public hearing. At least 30 days prior to conducting such*
- 1428 *hearing, it shall post notice of the hearing on the Virginia Regulatory Town Hall and shall send notice*
- 1429 *of the hearing to any persons requesting to be notified of a regulatory action. In the notice, the Board*
- 1430 *shall include a list of all substances it intends to schedule by regulation. The Board shall notify the*
- 1431 *House Courts of Justice and Senate Courts of Justice Committees of any new substance added to*
- 1432 *Schedule I or II pursuant to this subsection.*
- 1433 E. If any substance is designated, rescheduled, or descheduled as a controlled substance under federal
- 1434 law and notice of such action is given to the Board, the Board may similarly control the substance under
- 1435 this chapter after the expiration of 120 days from publication in the Federal Register of the final order
- 1436 designating a substance as a controlled substance or rescheduling or descheduling a substance without
- 1437 following the provisions specified in subsections A and B of this section.
- 1438 ~~E. F.~~ Authority to control under this section does not extend to distilled spirits, wine, malt beverages,
- 1439 or tobacco as those terms are defined or used in Title 4.1.
- 1440 ~~F. G.~~ The Board shall exempt any nonnarcotic substance from a schedule if such substance may,
- 1441 under the provisions of the federal Food, Drug and Cosmetic Act (21 U.S.C. § 301 et seq.) or state law,
- 1442 be lawfully sold over the counter without a prescription.
- 1443 **§ 54.1-3446. Schedule I.**
- 1444 The controlled substances listed in this section are included in Schedule I:
- 1445 1. Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers,
- 1446 esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers
- 1447 and salts is possible within the specific chemical designation:
- 1448 Acetylmethadol;
- 1449 Allylprodine;
- 1450 Alphacetylmethadol (except levo-alphacetylmethadol, also known as levo-alpha-acetylmethadol,
- 1451 levomethadyl acetate, or LAAM);
- 1452 Alphameprodine;
- 1453 Alphamethadol;
- 1454 Benzethidine;
- 1455 Betacetylmethadol;
- 1456 Betameprodine;
- 1457 Betamethadol;
- 1458 Betaprodine;
- 1459 Clonitazene;
- 1460 Dextromoramide;
- 1461 Diampromide;
- 1462 Diethylthiambutene;
- 1463 Difenoxin;
- 1464 Dimenoxadol;
- 1465 Dimepheptanol;
- 1466 Dimethylthiambutene;
- 1467 Dioxaphetylbutyrate;
- 1468 Dipipanone;
- 1469 Ethylmethylthiambutene;
- 1470 Etonitazene;
- 1471 Etoxadine;
- 1472 Furethidine;
- 1473 Hydroxypethidine;
- 1474 Ketobemidone;

- 1475 Levomoramide;
 1476 Levophenacymorphan;
 1477 Morpheridine;
 1478 Noracymethadol;
 1479 Norlevorphanol;
 1480 Normethadone;
 1481 Norpipanone;
 1482 Phenadoxone;
 1483 Phenampromide;
 1484 Phenomorphan;
 1485 Phenoperidine;
 1486 Piritramide;
 1487 Proheptazine;
 1488 Properidine;
 1489 Propiram;
 1490 Racemoramide;
 1491 Tilidine;
 1492 Trimeperidine.
- 1493 2. Any of the following opium derivatives, their salts, isomers and salts of isomers, unless
 1494 specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible
 1495 within the specific chemical designation:
- 1496 Acetorphine;
 1497 Acetyldihydrocodeine;
 1498 Benzylmorphine;
 1499 Codeine methylbromide;
 1500 Codeine-N-Oxide;
 1501 Cyprenorphine;
 1502 Desomorphine;
 1503 Dihydromorphine;
 1504 Drotebanol;
 1505 Etorphine;
 1506 Heroin;
 1507 Hydromorphanol;
 1508 Methyldesorphine;
 1509 Methyldihydromorphine;
 1510 Morphine methylbromide;
 1511 Morphine methylsulfonate;
 1512 Morphine-N-Oxide;
 1513 Myrophine;
 1514 Nicocodeine;
 1515 Nicomorphine;
 1516 Normorphine;
 1517 Pholcodine;
 1518 Thebacon.
- 1519 3. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture,
 1520 or preparation, which contains any quantity of the following hallucinogenic substances, or which
 1521 contains any of its salts, isomers, and salts of isomers, whenever the existence of such salts, isomers,
 1522 and salts of isomers is possible within the specific chemical designation (for purposes of this subdivision
 1523 only, the term "isomer" includes the optical, position, and geometric isomers):
- 1524 Alpha-ethyltryptamine (some trade or other names: Monase;a-ethyl-1H-indole-3-ethanamine;
 1525 3-2-aminobutyl] indole; a-ET; AET);
 1526 4 - Bromo - 2,5 - dimethoxyphenethylamine (some trade or other names:
 1527 2-4-bromo-2,5-dimethoxyphenyl]-1-aminoethane;alpha-desmethyl DOB;2C-B; Nexus);
 1528 3,4-methylenedioxy amphetamine;
 1529 5-methoxy-3,4-methylenedioxy amphetamine;
 1530 3,4,5-trimethoxy amphetamine;
 1531 Alpha-methyltryptamine (other name: AMT);
 1532 Bufotenine;
 1533 Diethyltryptamine;
 1534 Dimethyltryptamine;
 1535 4-methyl-2,5-dimethoxyamphetamine;

- 1536** 2,5-dimethoxy-4-ethylamphetamine (DOET);
1537 2,5-dimethoxy-4-(n)-propylthiophenethylamine (other name: 2C-T-7);
1538 Ibogaine;
1539 5-methoxy-N,N-diisopropyltryptamine (other name: 5-MeO-DIPT);
1540 Lysergic acid diethylamide;
1541 Mescaline;
1542 Parahexyl (some trade or other names: 3-Hexyl-1-hydroxy-7, 8, 9, 10-tetrahydro-6, 6,
1543 9-trimethyl-6H-dibenzo -b,d] pyran; Synhexyl);
1544 Peyote;
1545 N-ethyl-3-piperidyl benzilate;
1546 N-methyl-3-piperidyl benzilate;
1547 Psilocybin;
1548 Psilocyn;
1549 Salvinorin A;
1550 Tetrahydrocannabinols, except as present in marijuana and dronabinol in sesame oil and encapsulated
1551 in a soft gelatin capsule in a drug product approved by the U.S. Food and Drug Administration;
1552 Hashish oil (some trade or other names: hash oil; liquid marijuana; liquid hashish);
1553 2,5-dimethoxyamphetamine (some trade or other names: 2,5-dimethoxy-a-methylphenethylamine;
1554 2,5-DMA);
1555 3,4-methylenedioxyamphetamine (MDMA), its optical, positional and geometric isomers, salts
1556 and salts of isomers;
1557 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4
1558 (methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA);
1559 N-hydroxy-3,4-methylenedioxyamphetamine (some other names:
1560 N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine, and N-hydroxy MDA);
1561 4-bromo-2,5-dimethoxyamphetamine (some trade or other names:
1562 4-bromo-2,5-dimethoxy-a-methylphenethylamine; 4-bromo-2,5-DMA);
1563 4-methoxyamphetamine (some trade or other names: 4-methoxy-a-methylphenethylamine;
1564 paramethoxyamphetamine; PMA);
1565 Ethylamine analog of phencyclidine (some other names: N-ethyl-1-phenylcyclohexylamine,
1566 (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE);
1567 Pyrrolidine analog of phencyclidine (some other names: 1-(1-phenylcyclohexyl) -pyrrolidine, PCPy,
1568 PHP);
1569 Thiophene analog of phencyclidine (some other names: 1-1-(2-thienyl) -cyclohexyl]-piperidine,
1570 2-thienyl analog of phencyclidine, TPCP, TCP);
1571 1-1-(2-thienyl)cyclohexyl]pyrrolidine (other name: TCPy);
1572 3,4-methylenedioxypropylvalerone (other name: MDPV);
1573 4-methylmethcathinone (other names: mephedrone, 4-MMC);
1574 3,4-methylenedioxypropylmethcathinone (other name: methylone);
1575 Naphthylpyrovalerone (other name: naphyrone);
1576 4-fluoromethcathinone (other name: flephedrone, 4-FMC);
1577 4-methoxymethcathinone (other names: methedrone; bk-PMMA);
1578 Ethcathinone (other name: N-ethylcathinone);
1579 3,4-methylenedioxyethcathinone (other name: ethylone);
1580 Beta-keto-N-methyl-3,4-benzodioxolybutanamine (other name: butylone);
1581 N,N-dimethylcathinone (other name: metamfepramone);
1582 Alpha-pyrrolidinopropiophenone (other name: alpha-PPP);
1583 4-methoxy-alpha-pyrrolidinopropiophenone (other name: MOPPP);
1584 3,4-methylenedioxy-alpha-pyrrolidinopropiophenone (other name: MDPPP);
1585 Alpha-pyrrolidinovalerophenone (other name: alpha-PVP);
1586 6,7-dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine (other name: MDAI);
1587 3-fluoromethcathinone (other name: 3-FMC)
1588 4-Ethyl-2,5-dimethoxyphenethylamine (other name: 2C-E);
1589 4-Iodo-2,5-dimethoxyphenethylamine (other name: 2C-I);
1590 4-Methylethcathinone (other name: 4-MEC);
1591 4-Ethylmethcathinone (other name: 4-EMC);
1592 N,N-diallyl-5-methoxytryptamine (other name: 5-MeO-DALT);
1593 Beta-keto-methylbenzodioxolylpentanamine (other name: Pentylone, bk-MBDP);
1594 Alpha-methylamino-butyrphenone (other name: Buphedrone);
1595 Alpha-methylamino-valerophenone (other name: Pentedrone);
1596 3,4-Dimethylmethcathinone (other name: 3,4-DMMC);
1597 4-methyl-alpha-pyrrolidinopropiophenone (other name: MPPP);

- 1598 4-Iodo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names: 25-I,
1599 25I-NBOMe);
- 1600 Methoxetamine (other names: MXE, 3-MeO-2-Oxo-PCE);
- 1601 4-Fluoromethamphetamine (other name: 4-FMA);
- 1602 4-Fluoroamphetamine (other name: 4-FA);
- 1603 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (other name: 2C-D);
- 1604 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (other name: 2C-C);
- 1605 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (other name: 2C-T-2);
- 1606 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (other name: 2C-T-4);
- 1607 2-(2,5-Dimethoxyphenyl)ethanamine (other name: 2C-H);
- 1608 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (other name: 2C-N);
- 1609 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (other name: 2C-P);
- 1610 (2-aminopropyl)benzofuran (other name: APB);
- 1611 (2-aminopropyl)-2,3-dihydrobenzofuran (other name: APDB);
- 1612 4-chloro-2,5-dimethoxy-N-[2-methoxyphenylmethyl]-benzeneethanamine (other names:
1613 2C-C-NBOMe, 25C-NBOMe);
- 1614 4-bromo-2,5-dimethoxy-N-[2-methoxyphenylmethyl]-benzeneethanamine (other names:
1615 2C-B-NBOMe, 25B-NBOMe);
- 1616 Acetoxymethyltryptamine (other names: AcO-Psilocin, AcO-DMT, Psilacetin);
- 1617 Benocyclidine (other names: BCP, BTCP) - ;
- 1618 *Alpha-pyrrolidinobutirophenone (other name: alpha-PBP).*
- 1619 4. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture
1620 or preparation which contains any quantity of the following substances having a depressant effect on the
1621 central nervous system, including its salts, isomers and salts of isomers whenever the existence of such
1622 salts, isomers and salts of isomers is possible within the specific chemical designation:
- 1623 Gamma hydroxybutyric acid (some other names include GHB; gamma hydroxybutyrate;
1624 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate);
- 1625 Mecloqualone;
- 1626 Methaqualone.
- 1627 5. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture
1628 or preparation which contains any quantity of the following substances having a stimulant effect on the
1629 central nervous system, including its salts, isomers and salts of isomers:
- 1630 Aminorex (some trade or other names; aminoxaphen; 2-amino-5-phenyl-2-oxazoline; 4,
1631 5-dihydro-5-phenyl-2-oxazolamine);
- 1632 N-Benzylpiperazine (some other names: BZP, 1-benzylpiperazine);
- 1633 Fenethylamine;
- 1634 Ethylamphetamine;
- 1635 Cathinone (some trade or other names: 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone,
1636 2-aminopropiophenone, norephedrone), and any plant material from which Cathinone may be derived;
- 1637 Methcathinone (some other names: 2-(methylamino)-propionophenone; alpha-(methylamino)
1638 propiophenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-N-methylaminopropiophenone;
1639 monomethylpropion; ephedrone; N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463 and UR
1640 1432);
- 1641 Cis-4-methylaminorex (other name: cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);
- 1642 N,N-dimethylamphetamine (other names: N,N-alpha-trimethyl-benzeneethanamine,
1643 N,N-alpha-trimethylphenethylamine).
- 1644 6. Any material, compound, mixture or preparation containing any quantity of the following
1645 substances:
- 1646 N-3-methyl-1-(2-phenethyl)-4-piperidyl]-N-phenylpropanamide (other name: 3-methylfentanyl), its
1647 optical and geometric isomers, salts, and salts of isomers;
- 1648 1-methyl-4-phenyl-4-propionoxypiperidine (other name: MPPP), its optical isomers, salts and salts of
1649 isomers;
- 1650 1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine (other name: PEPAP), its optical isomers, salts and
1651 salts of isomers;
- 1652 N-1-(alpha-methyl-beta-phenyl) ethyl-4-piperidyl] propionanilide (other names:
1653 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine), alpha-methylfentanyl);
- 1654 N-1-(1-methyl-2-phenethyl)-4-piperidyl]-N-phenylacetamide (other name:
1655 acetyl-alpha-methylfentanyl), its optical isomers, salts and salts of isomers;
- 1656 N-1-(1-methyl-2-2-thienyl)ethyl-4 piperidyl]-N-phenylpropanamide (other name:
1657 alpha-methylthiofentanyl), its optical isomers, salts and salts of isomers;
- 1658 N-1-benzyl-4-piperidyl]N-phenylpropanamide (other name: benzylfentanyl), its optical isomers, salts

- 1659 and salts of isomers;
- 1660 N-1-(2-hydroxy-2-phenyl) ethyl-4-piperidyl]-N-phenylpropanamide (other name:
- 1661 beta-hydroxyfentanyl), its optical isomers, salts and salts of isomers;
- 1662 N-3-methyl-1-(2-hydroxy-2-phenethyl)4-piperidyl]Nphenylpropanamide (other name:
- 1663 beta-hydroxy3methylfentanyl), its optical and geometric isomers, salts and salts of isomers;
- 1664 N-(3-methyl-1-(2-thienyl)ethyl-4-piperidiny]-N-phenylpropanamide (other name:
- 1665 3-methylthiofentanyl), its optical and geometric isomers, salts and salts of isomers;
- 1666 N-1-(2-thienyl)methyl-4-piperidyl]-N-phenylpropanamide (other name: thenylfentanyl), its optical
- 1667 isomers, salts and salts of isomers;
- 1668 N-phenyl-N-1-(2-thienyl)ethyl-4-piperidiny]-propanamide (other name: thiofentanyl), its optical
- 1669 isomers, salts and salts of isomers;
- 1670 N-(4-fluorophenyl)-N-1-(2-phenethyl)-4-piperidiny] propanamide (other name: para-fluorofentanyl),
- 1671 its optical isomers, salts and salts of isomers.
- 1672 7. Any substance that contains one or more cannabimimetic agents or that contains their salts,
- 1673 isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is
- 1674 possible within the specific chemical designation, and any preparation, mixture, or substance containing,
- 1675 or mixed or infused with, any detectable amount of one or more cannabimimetic agents.
- 1676 a. "Cannabimimetic agents" includes any substance that is within any of the following structural
- 1677 classes:
- 1678 2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or
- 1679 alkenyl, whether or not substituted on the cyclohexyl ring to any extent;
- 1680 3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane with substitution at the nitrogen atom of
- 1681 the indole ring, whether or not further substituted on the indole ring to any extent, whether or not
- 1682 substituted on the naphthoyl or naphthyl ring to any extent;
- 1683 3-(1-naphthoyl)pyrrole with substitution at the nitrogen atom of the pyrrole ring, whether or not
- 1684 further substituted in the pyrrole ring to any extent, whether or not substituted on the naphthoyl ring to
- 1685 any extent;
- 1686 1-(1-naphthylmethyl)indene with substitution of the 3-position of the indene ring, whether or not
- 1687 further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to
- 1688 any extent;
- 1689 3-phenylacetylindole or 3-benzoylindole with substitution at the nitrogen atom of the indole ring,
- 1690 whether or not further substituted in the indole ring to any extent, whether or not substituted on the
- 1691 phenyl ring to any extent;
- 1692 3-cyclopropoylindole with substitution at the nitrogen atom of the indole ring, whether or not further
- 1693 substituted on the indole ring to any extent, whether or not substituted on the cyclopropyl ring to any
- 1694 extent;
- 1695 3-adamantoylindole with substitution at the nitrogen atom of the indole ring, whether or not further
- 1696 substituted on the indole ring to any extent, whether or not substituted on the adamantyl ring to any
- 1697 extent;
- 1698 N-(adamantyl)-indole-3-carboxamide with substitution at the nitrogen atom of the indole ring,
- 1699 whether or not further substituted on the indole ring to any extent, whether or not substituted on the
- 1700 adamantyl ring to any extent; and
- 1701 N-(adamantyl)-indazole-3-carboxamide with substitution at a nitrogen atom of the indazole ring,
- 1702 whether or not further substituted on the indazole ring to any extent, whether or not substituted on the
- 1703 adamantyl ring to any extent.
- 1704 b. The term "cannabimimetic agents" includes:
- 1705 5-(1,1-Dimethylheptyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497);
- 1706 5-(1,1-Dimethylhexyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C6 homolog);
- 1707 5-(1,1-Dimethyloctyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C8 homolog);
- 1708 5-(1,1-Dimethylnonyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C9 homolog);
- 1709 1-pentyl-3-(1-naphthoyl)indole (other names: JWH-018, AM-678);
- 1710 1-butyl-3-(1-naphthoyl)indole (other name: JWH-073);
- 1711 1-pentyl-3-(2-methoxyphenylacetyl)indole (other name: JWH-250);
- 1712 1-hexyl-3-(naphthalen-1-oyl)indole (other name: JWH-019);
- 1713 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (other name: JWH-200);
- 1714 (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chr-
- 1715 omen-1-ol (other name: HU-210);
- 1716 1-pentyl-3-(4-methoxy-1-naphthoyl)indole (other name: JWH-081);
- 1717 1-pentyl-3-(4-methyl-1-naphthoyl)indole (other name: JWH-122);
- 1718 1-pentyl-3-(2-chlorophenylacetyl)indole (other name: JWH-203);
- 1719 1-pentyl-3-(4-ethyl-1-naphthoyl)indole (other name: JWH-210);
- 1720 1-pentyl-3-(4-chloro-1-naphthoyl)indole (other name: JWH-398);

- 1721 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (other name: AM-694);
 1722 1-((N-methylpiperidin-2-yl)methyl)-3-(1-naphthoyl)indole (other name: AM-1220);
 1723 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (other name: AM-2201);
 1724 1-[(N-methylpiperidin-2-yl)methyl]-3-(2-iodobenzoyl)indole (other name: AM-2233);
 1725 Pravadoline (4-methoxyphenyl)-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-yl]methanone (other
 1726 name: WIN 48,098);
 1727 1-pentyl-3-(4-methoxybenzoyl)indole (other names: RCS-4, SR-19);
 1728 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (other names: RCS-8, SR-18);
 1729 1-pentyl-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other name: UR-144);
 1730 1-(5-fluoropentyl)-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other name: XLR-11);
 1731 N-adamantyl-1-fluoropentylindole-3-carboxamide (other name: STS-135);
 1732 N-adamantyl-1-pentylindazole-3-carboxamide (other name: AKB48);
 1733 1-pentyl-3-(1-adamantoyl)indole (other name: AB-001);
 1734 (8-quinolinyl)(1-pentylindol-3-yl)carboxylate (other name: PB-22);
 1735 (8-quinolinyl)(1-(5-fluoropentyl)indol-3-yl)carboxylate (other name: 5-fluoro-PB-22);
 1736 (8-quinolinyl)(1-cyclohexylmethyl-indol-3-yl)carboxylate (other name: BB-22);
 1737 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide (other name: AB-PINACA);
 1738 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)indazole-3-carboxamide (other name:
 1739 AB-FUBINACA);
 1740 1-(5-fluoropentyl)-3-(1-naphthoyl)indazole ;
 1741 N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentyl-indazole-3-carboxamide (other name:
 1742 ADB-PINACA).
 1743 **§ 54.1-3456. Controlled substance analog.**
 1744 Any drug not listed on Schedule I or II in this chapter, which is privately compounded, with the
 1745 specific intent to circumvent the provisions of this chapter, to emulate or simulate the effects of another
 1746 drug or class of drugs listed on Schedule I or II in this chapter through chemical changes such as the
 1747 addition, subtraction or rearranging of a radical or the addition, subtraction or rearranging of a
 1748 substituent, A controlled substance analog shall, to the extent intended for human consumption, be
 1749 treated, for the purposes of any state law, as a controlled substance in Schedule I or II. A controlled
 1750 substance analog shall be considered to be listed on the same schedule as the drug or class of drugs
 1751 which it imitates in the same manner as any isomer, ester, ether, salts of isomers, esters and ethers of
 1752 such drug or class of drugs.
 1753 **2. That § 18.2-248.1:1 of the Code of Virginia is repealed.**
 1754 **3. That the provisions of this act may result in a net increase in periods of imprisonment or**
 1755 **commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is at**
 1756 **least \$66,663 for periods of imprisonment in state adult correctional facilities and cannot be**
 1757 **determined for periods of commitment to the custody of the Department of Juvenile Justice.**