



COMMONWEALTH of VIRGINIA


DEPARTMENT OF FORENSIC SCIENCE

OFFICE OF THE DIRECTOR
A Nationally Accredited Laboratory

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NOTICE OF DFS POLICY CHANGE

To: All Agencies Serviced by Department of Forensic Science Laboratories

From: Linda C. Jackson, Director 

Date: October 22, 2014 *Rescinded with policy dated January 24, 2020.

RE: **Revised Marijuana Submission Policy – Plant Material Will Not Be Accepted in Simple Possession Cases Without Court Order for Analysis**

DFS will be implementing changes to the current marijuana submission policy effective January 1, 2015. This policy change is necessary to best manage DFS' limited resources and better serve our customers by attempting to reduce turnaround times for controlled substances analyses.

Effective January 1, 2015, DFS will discontinue the routine analysis of marijuana plant material in simple possession of marijuana cases without a court order. DFS will only accept plant material, suspected to be marijuana, to support a charge of simple possession with a court order as prescribed in Virginia Code § 19.2-188.1(B) or if the result of the field test kit is inconclusive. Inconclusive field test results must be indicated on the Request for Laboratory Examination (RFLE) form or a court order must be submitted with the evidence.

Code § 19.2-188.1(B), which was enacted in 2006, permits a law enforcement officer to testify to the results of any DFS approved marijuana field test regarding whether or not any plant material is marijuana provided the defendant has been given written notice of his right to request a full chemical analysis. If the defendant desires a full chemical analysis of the plant material, he may, by motion filed prior to trial, request a chemical analysis. Upon such motion, the court shall order that DFS perform the analysis.

Overall drug submissions to DFS were reduced by 20% statewide after Code § 19.2-188.1(B) was enacted in 2006; however, DFS is now receiving a high percentage of simple possession of marijuana cases without a court order where plant material is being submitted for analysis. Implementing this policy change will result in more efficient and effective operations and allow DFS to reduce the amount of overtime worked by Controlled Substances examiners.

For information about ordering marijuana field test kits, please contact Forensic Evidence Manager Ellen Spain at (804) 588-4027. For questions regarding controlled substances submission criteria, please contact Chemistry Program Manager Scott Maye at (804) 588-4168.