



---

# 2021 Legislative Update

Forensic Science Board Meeting – April 21, 2021

Katya N. Herndon, Chief Deputy Director



# Marijuana Legalization Bills

---

HB2312 (Chapter 551) – Leader Herring

SB1406 (Chapter 550) – Senators Ebbin and Lucas



# Marijuana Legalization Bills (cont.)

---

Amends Industrial Hemp Act to create “hemp product intended for smoking” and “hemp testing laboratories”

- Board of Agriculture and Consumer Services to regulate hemp products intended for smoking
- VDACS to license hemp testing laboratories

Edible marijuana products are now regulated by VDACS



# Marijuana Legalization Bills (cont.)

---

Cannabis Control Act is created (§ 4.1-600 et seq.)

- Establishes licensing structure for the cultivation, manufacture, and wholesale and retail sale of retail marijuana (MJ)/retail MJ products

Cannabis Control Authority

- Board of Directors tasked with promulgating regulations to address retail MJ/retail MJ Products
- Cannabis Public Health Advisory Council charged with assessing and monitoring public health issues related MJ legalization
  - DFS Director is one of 21 members on the Advisory Council



# Marijuana Legalization Bills (cont.)

---

§ 4.1-1100—Persons 21 and older may possess up to 1 oz.

§ 4.1-1101—Persons 21 and older may cultivate up to 4 plants for personal use at their residence (limit is per household)

§ 4.1-1105.1—Consumption or possession by persons under 21 is prohibited



# Marijuana Legalization Bills (cont.)

---

§ 4.1-1302—No law enforcement officer may stop, search or seize any person, and no search warrant may be issued, based solely on the odor of marijuana

§ 4.1-1310—Certificate of Analysis of forensic scientist is admissible in any criminal or civil proceeding

§ 4.1-1311—Label on a sealed container of retail marijuana or retail marijuana product is prima facie evidence of the contents



# Marijuana Legalization Bills (cont.)

---

## § 9.1-1101—Power and Duties of Department

Amended to specify that DFS determines the proper method for detecting THC concentrations in substances for the purpose of § 4.1-1100 et seq. and the Drug Control Act (§§ 54.1-3401 and 54.1-3446)

## § 19.2-188.1—Testimony regarding identification of controlled substances

Officers may testify to the results of marijuana field tests at preliminary hearings for felonies and for trials for violations of § 4.1-1105.1 (effective July 1, 2021)



# Schedule I Bill

SB1464 (Chapter 73) – Newman

---

Permanently adds new compounds to Schedule I that were identified by DFS and previously scheduled by the Board of Pharmacy via regulation

- 4 Synthetic opioids
- 12 Research chemicals/Hallucinogenic Substances
- 8 Cannabimimetic agents