

Forensic Science Board April 10, 2023



Legislative Update

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Photo: <https://viriniageneralassembly.gov/index.php>



HB 2150 (Ch. 312)

- Creates “trace evidence collection kits” to be collected as part of a forensic medical examination of a person in connection with an alleged strangulation. Va. Code § 19.2-11.5.
- A “trace evidence collection kit” is defined as “any evidence collection kit supplied by the Department [of Forensic Science] to health care providers for use in collecting evidence from victims of strangulation during forensic medical examinations or to the Office of Chief Medical Examiner for use during death investigations to collect evidence from decedents who may be victims of strangulation.”



HB 2150 (Ch. 312) cont'd

- It requires the Division of Consolidated Laboratory Services (DCLS) to store “anonymous trace evidence collection kits” under circumstances and in the manner consistent with existing law concerning “anonymous” physical evidence recovery kits (PERKs) used in sexual assaults.
- Unlike the PERK laws, it gives law enforcement agencies the discretion whether to submit trace evidence collection kits to the Department of Forensic Science for analysis to support a prosecution.



HB 2150 (Ch. 312) cont'd

- The law provides that the victim shall not be charged for the cost of collecting the evidence and storing such kits.
- The bill has a delayed effective date of July 1, 2025.





HB 2204/SB 1398 (Chs. 660/661)

- Requires the Department of Motor Vehicles (DMV) to collect a wide range of data from multiple agencies related to driving under the influence of alcohol, drugs, or a combination thereof.
 - Agency not required to provide if data not regularly maintained by it.
- From DFS:
 - the number of breath alcohol tests administered and the average blood alcohol concentration test result;
 - the number of driving under the influence-related blood sample submissions and any drugs or drug classes identified in such samples.



Pending Budget Language re: DUI Tox

- Beginning January 1, 2024, DFS shall identify all blood samples submitted in DUI cases that it analyzed for alcohol and THC content but did not screen for the presence of other drugs.
- If eligible for destruction pursuant to subsection B of [§ 18.2-268.7](#), deidentify the sample and screen for the presence of drugs.
- Report the results to DMV by judicial district in which the DUI arose.
- Recommended by the Virginia State Crime Commission.



HB 2428/SB 1233 (Ch. 711/712)

- Concerns advertising for marijuana, marijuana products, etc.
 - Among other restrictions, creates a Class 1 misdemeanor to advertise those things that cannot be legally sold.
 - Creates a definition for “Tetrahydrocannabinol” in § 4.1-1400: “means any naturally occurring or synthetic tetrahydrocannabinol, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation and any preparation, mixture, or substance containing, or mixed or infused with, any detectable amount of tetrahydrocannabinol. For the purposes of this definition, ‘isomer’ means the optical, position, and geometric isomers.”



HB 2294/SB 903 (Governor's substitute)

- Reconvened Session is April 12, 2023.
- Contains same definition of “Tetrahydrocannabinol” as in HB 2428/SB 1233 (previous slide).
- Limits the total tetrahydrocannabinol concentrations in products offered for sale to no greater than 0.3 percent, and either no more than two milligrams of total tetrahydrocannabinol per package or an amount of cannabidiol that is no less than 25 times greater than the amount of total tetrahydrocannabinol per package.
- Primarily enforced with civil penalties.



HB 2364/SB 894 (Chs. 188/189)

- Permanently placed 15 compounds in Schedule I of the Drug Control Act that were previously scheduled by the Board of Pharmacy via regulation.



Thank you.

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