

Forensic Science Board July 19, 2023



Legislative Update

Mason Byrd, Chief Deputy Director

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

Previously Signed Bills Discussed at April Meeting



- **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. (Effective 7/1/2025).
- **HB 2204/SB 1398 (Chs. 660/661)** DFS must provide DUI information to the DMV concerning breath tests administered (# and avg.) and blood sample submissions (# and drug classes identified).
- **HB 2364/SB 894 (Chs. 188/189)** Placed 15 compounds in Schedule I previously scheduled by the Board of Pharmacy via regulation.
- **HB 2428/SB 1233 (Chs. 711/712)** Creates advertising restrictions for marijuana and marijuana products (Class 1 misdemeanor).



Chs. 744 and 794 (Governor's substitute)

- Passed in Reconvened Session on April 12. Effective July 1, 2023.
- Concerning industrial hemp, regulated hemp products, and marijuana
- Amended sections in the following titles:
 - 3.2 – Agriculture, Animal Care, and Food
 - 4.1 – Alcoholic Beverage and Cannabis Control
 - 18.2 – Crimes and Offenses Generally
 - 54.1 – Professions and Occupations (Ch. 34 – Drug Control Act)
 - 59.1 – Trade and Commerce (Ch. 17 – Consumer Protection Act)
- Limited overview ...



Tetrahydrocannabinols

- Removed from Schedule I (§ 54.1-3446)
- Tetrahydrocannabinol (now defined in §§ 3.2-4112, 4.1-600, 18.2-247, and 54.1-3401):
 - “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.”



Hemp Products

- “Hemp product” (defined in § 3.2-4112)
 - “means a product, including any raw materials from industrial hemp that are used for or added to a food or beverage, that (i) contains industrial hemp and has completed all stages of processing needed for the product and (ii) when offered for retail sale (a) contains a total tetrahydrocannabinol concentration of no greater than 0.3 percent and (b) contains 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.”
- If outside these limits, it is not a “hemp product” but “marijuana” as defined in §§ 4.1-600 or 18.2-247 (which contain exclusions – see next slide) >>>



“Marijuana”

- defined in §§ 4.1-600, 18.2-247, and 54.1-3401 as:
 - any part of a plant of the genus Cannabis, whether growing or not, ... or any extract containing one or more cannabinoids. **“Marijuana” does not include** ... (ii) **industrial hemp**, as defined in § 3.2-4112, that is possessed by [authorized persons, such as growers, etc.] ... (iv) **a hemp product**, as defined in § 3.2-4112; (v) an **industrial hemp extract**, as defined in § 3.2-5145.1; or (vi) any substance containing a tetrahydrocannabinol isomer, ester, ether, salt, or salts of such isomer, ester, or ether that has been placed by the Board of Pharmacy into one of the schedules set forth in the Drug Control Act (§ 54.1-3400 et seq.) pursuant to § 54.1-3443.
- Something is not excluded if it does not meet the individual definitions (for hemp product, etc.) referenced in the definition of marijuana.



Regulated Hemp Products

("a hemp product intended for smoking or an edible hemp product")

- § 3.2-4123 (Product packaging, labeling, and testing)
 - “No person to offer for sale or sell at retail a regulated hemp product unless the product is:
 - In child-resistant packaging
 - Labeling as to serving sizes and total milligrams of THC in each serving
 - Has a certificate of analysis from accredited lab as to total THC
 - Cannot depict shape of human, animal, vehicle, or fruit.
 - Civil penalties enforced through VDACS



Virginia Consumer Protection Act

§ 59.1-200 Prohibited Practices

- (69) Selling or offering for sale any substance intended for human consumption, orally or by inhalation, that contains a synthetic derivative of tetrahydrocannabinol.
- (74) Selling or offering for sale a topical hemp product, as defined in § 3.2-4112, that does not include a label stating that the product is not intended for human consumption.
- Civil penalties (§ 59.1-206)
 - Up to \$2,500 per violation
 - 2nd or subsequent violation of the THC-related provisions up to \$5,000 per violation



Thank you.

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