



COMMONWEALTH of VIRGINIA

DEPARTMENT OF FORENSIC SCIENCE

OFFICE OF THE DIRECTOR
A Nationally Accredited Laboratory
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DFS POLICY NOTICE

TO: All Agencies Served by DFS
FROM: Alka B. Lohmann, Department Director *Alka B. Lohmann*
DATE: September 11, 2026
RE: Updated Submission Policy for Cannabis/Marijuana

The budget language passed by the 2026 Special Session I of the General Assembly establishing the retail marijuana market included changes to Title 4.1 offenses that require an update to the Department's submission guidelines for cannabis/marijuana evidence. The table on the following page summarizes the current updated submission guidelines for marijuana evidence and is applicable to evidence submitted alone or with other suspected controlled substances.

As a reminder, for cannabis edibles, DFS can identify cannabinoids that may be present in a food product but cannot quantify the THC concentration. The Department established a contract with a private laboratory, NMS Laboratories, to provide this analysis. For edible items, initial examination and qualitative identification of THC isomers will be performed by the Department. Should the item(s) be suitable for THC quantitation by NMS Laboratories, a DFS examiner will contact the submitting agency to determine if this type of analysis is needed. If multiple edible items have been submitted, DFS will work with the submitting agency to determine which evidentiary items should be submitted for this further analysis. If testimony is required for the quantitative results, it must be provided by NMS Laboratories. DFS strongly encourages the use of video testimony to limit billable time and travel expenses.

DFS anticipates that additional revisions to its cannabis/marijuana submission guidelines will be necessary to address additional legislative changes that will become effective July 1, 2027. We will notify customers of those revisions at that time.

If you have any questions regarding these cannabis/marijuana submission guidelines, please contact the Controlled Substances Section Supervisor at the DFS Laboratory that provides service to your agency:

Laboratory	Section Contact	Phone Number
Central (Richmond)	John Przybylski	(804) 588-4154
Eastern (Norfolk)	Brian Meinweiser	(757) 355-5958
Northern (Manassas)	Juli Cruciotti	(703) 334-9726
Western (Roanoke)	Rebecca Hutchison	(540) 283-5930

Submission Guidelines for Cannabis/Marijuana as of July 1, 2026

Offense	Policy
• Possession of marijuana and marijuana products (§ 4.1-1100)	Accepted: Quantities over 4 ounces Accepted with Limitations: Contested civil offenses (greater than 2 ounces but less than 4 ounces) submitted by law enforcement Not Accepted: Quantities under 2 ounces or uncontested civil offenses
• Home cultivation of marijuana (§ 4.1-1101)	Accepted: Five or more separately packaged plants or portions thereof, if a plant count is needed Not Accepted: Four or less plants, or portions thereof
• Possession of marijuana and marijuana products by individuals under the age of 21 (§ 4.1-1105.1) • Other misdemeanors with no weight thresholds (§§ 4.1-1107, 4.1-1108, 4.1-1109, 4.1-1110 and 4.1-1112) • Manufacture, Sell, Distribute or PWID Marijuana (§ 18.2-248.1) ○ Offering for sale or selling at retail a substance that has total THC that is outside the legal limit for hemp products (§ 3.2-4112) or industrial hemp extracts (§ 3.2-5145.1) and would, therefore, meet the definition of marijuana under Virginia Code §§ 4.1-600 and 18.2-247 • Distribution of marijuana to persons under 18 (§ 18.2-255) • Possession of marijuana by prisoners (§ 53.1-203(6)) and delivery of marijuana to prisoners (§ 18.2-474.1)	Accepted: All weighable quantities (not residue amounts) seized during criminal investigations or were the subject of controlled purchases Not Accepted: Edibles in violation of labeling and packaging requirements as described in §§ 3.2-4123 or 3.2-5145.4:1 or inhalants in violation of labeling and packaging requirements as described in § 3.2-4123 [contact the Virginia Department of Agriculture and Consumer Services (VDACS) for enforcement guidance]