

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 18.2-250.1 and 54.1-3442.8 of the Code of Virginia, relating to*  
 3 *possession of marijuana; cannabidiol oil or THC-A oil.*

4 [S 1015]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That §§ 18.2-250.1 and 54.1-3442.8 of the Code of Virginia are amended and reenacted as**  
 8 **follows:**

9 **§ 18.2-250.1. Possession of marijuana unlawful.**

10 A. It is unlawful for any person knowingly or intentionally to possess marijuana unless the substance  
 11 was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in  
 12 the course of his professional practice, or except as otherwise authorized by the Drug Control Act  
 13 (§ 54.1-3400 et seq.).

14 Upon the prosecution of a person for violation of this section, ownership or occupancy of the  
 15 premises or vehicle upon or in which marijuana was found shall not create a presumption that such  
 16 person either knowingly or intentionally possessed such marijuana.

17 Any person who violates this section is guilty of a misdemeanor and shall be confined in jail not  
 18 more than 30 days and fined not more than \$500, either or both; any person, upon a second or  
 19 subsequent conviction of a violation of this section, is guilty of a Class 1 misdemeanor.

20 B. The provisions of this section shall not apply to members of state, federal, county, city, or town  
 21 law-enforcement agencies, jail officers, or correctional officers, as defined in § 53.1-1, certified as  
 22 handlers of dogs trained in the detection of controlled substances when possession of marijuana is  
 23 necessary for the performance of their duties.

24 C. ~~In any prosecution under~~ *The provisions of* this section involving marijuana in the form of  
 25 cannabidiol oil or THC-A oil as those terms are defined in § 54.1-3408.3, ~~it shall be an affirmative~~  
 26 ~~defense that the individual possessed~~ *shall not apply to any person who possesses* such oil pursuant to a  
 27 valid written certification issued by a practitioner in the course of his professional practice pursuant to  
 28 § 54.1-3408.3 for treatment or to alleviate the symptoms of (i) the ~~individual's~~ *person's* diagnosed  
 29 condition or disease, (ii) if such ~~individual~~ *person* is the parent or legal guardian of a minor or of an  
 30 incapacitated adult as defined in § 18.2-369, such minor's or incapacitated adult's diagnosed condition or  
 31 disease, or (iii) if such ~~individual~~ *person* has been designated as a registered agent pursuant to  
 32 § 54.1-3408.3, the diagnosed condition or disease of his principal or, if the principal is the parent or  
 33 legal guardian of a minor or of an incapacitated adult as defined in § 18.2-369, such minor's or  
 34 incapacitated adult's diagnosed condition or disease. ~~If the individual files the valid written certification~~  
 35 ~~with the court at least 10 days prior to trial and causes a copy of such written certification to be~~  
 36 ~~delivered to the attorney for the Commonwealth, such written certification shall be prima facie evidence~~  
 37 ~~that such oil was possessed pursuant to a valid written certification.~~

38 **§ 54.1-3442.8. Criminal liability; exceptions.**

39 ~~In any prosecution of an~~ *No* agent or employee of a pharmaceutical processor ~~shall be prosecuted~~  
 40 ~~under § 18.2-248, 18.2-248.1, 18.2-250, or 18.2-250.1 for possession or manufacture of marijuana or for~~  
 41 ~~possession, manufacture, or distribution of cannabidiol oil or THC-A oil, it shall be an affirmative~~  
 42 ~~defense that~~ *subject to any civil penalty, denied any right or privilege, or subject to any disciplinary*  
 43 *action by a professional licensing board* if such agent or employee (i) possessed or manufactured such  
 44 marijuana for the purposes of producing cannabidiol oil or THC-A oil in accordance with the provisions  
 45 of this article and Board regulations or (ii) possessed, manufactured, or distributed such cannabidiol oil  
 46 or THC-A oil in accordance with the provisions of this article and Board regulations. ~~If such agent or~~  
 47 ~~employee files a copy of the permit issued to the pharmaceutical processor pursuant to § 54.1-3442.6~~  
 48 ~~with the court at least 10 days prior to trial and causes a copy of such permit to be delivered to the~~  
 49 ~~attorney for the Commonwealth, such permit shall be prima facie evidence that (a) such marijuana was~~  
 50 ~~possessed or manufactured for the purposes of producing cannabidiol oil or THC-A oil in accordance~~  
 51 ~~with the provisions of this article and Board regulations or (b) such cannabidiol oil or THC-A oil was~~  
 52 ~~possessed, manufactured, or distributed in accordance with the provisions of this article and Board~~  
 53 ~~regulations.~~