

2003 SESSION

BILL NO. _____

Offered March 27, 2003

A BILL to amend and reenact § 18.2-250.1 of the Code of Virginia relating to the possession of marijuana.

Patron—Trinity Episcopal School

Referred to Committee on _____

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-250.1 of the Code of Virginia be amended and reenacted as follows:

§ 18.2-250.1. Possession of marijuana unlawful under the age of 21

A. It is unlawful for any person under 21 years of age knowingly or intentionally to possess or be under the influence of marijuana unless the substance was obtained directly from, or pursuant to, a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by the Drug Control Act (§ 54.1-3400 et seq.).

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

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

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

C. A system of regulation will be established for the cultivation, taxation, sale, and distribution of marijuana. The purchase of marijuana from licensed establishments, by persons 21 years or older, is authorized under this act.

House Patron:

Kevin Green

Senate Patron:

Clay Broga