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HOUSE BILL NO. 455

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice

on _____)

(Patron Prior to Substitute--Delegate Callsen)

A BILL to amend the Code of Virginia by adding a section numbered 54.1-3466.1, relating to possession of an item containing residue of a controlled substance; penalty.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 54.1-3466.1 as follows:

§ 54.1-3466.1. Possession of an item containing residue of a controlled substance; penalty.

A. As used in this section, "residue" means a sample that is too small to be weighed accurately.

B. Upon motion of the attorney for the Commonwealth, possession of a controlled substance in violation of subdivision A (a) of § 18.2-250 may be reduced to unlawful possession of an item containing residue of a controlled substance. A violation of this section is a Class 1 misdemeanor.

C. This section shall not apply to the possession of an item containing any residue of fentanyl, including its isomers, esters, ethers, salts, and salts of isomers, as described in Schedule II of the Drug Control Act (§ 54.1-3400 et seq.), except as authorized in the Drug Control Act.

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