



Virginia Laws & Penalties

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Offense	Penalty	Incarceration	Max. Fine
Possession			
Less than 1/2 oz (first offense)	Misdemeanor	30 days	\$ 500
Less than 1/2 oz (subsequent offense)	Misdemeanor	1 year	\$ 2,500
Sale/Manufacture/Trafficking			
1/2 oz - 5 lbs	Felony	1* - 10 years	\$ 2,500
5 lbs - 100 kg	Felony	5* - 30 years	\$ 1,000
More than 100 kg	Felony	20 years* - life	\$ 100,000
To a minor who is at least 3 years younger	Felony	2* - 50 years	\$ 100,000
Within 1000 ft of a school or school bus stop	Felony	1* - 5 years	\$ 100,000
Manufacture of marijuana	Felony	5* - 30 years	\$ 10,000

Transporting more than 5 lbs into the state	Felony	5* - 40 years	\$ 1,000,000
Includes possession with intent to distribute			
* Mandatory minimum sentence			
Hash & Concentrates			
Possessing hashish oil	Felony	1 - 10 years	\$ 2,500
Manufacturing, selling, giving, distributing, or possessing with intent	Felony	5 - 40 years	\$ 500,000
Bringing more than 1 oz of hashish oil into the state	Felony	5 - 40 years	\$ 1,000,000
Subsequent offenses carry greater penalties			
Paraphernalia			
Sale or possession with intent to sell paraphernalia	Misdemeanor	1 year	\$ 2,500
To a minor who is at least 3 years younger	Felony	1 year	\$ 2,500
Civil Asset Forfeiture			
Vehicles and other assets can be seized in a civil proceeding, regardless of whether criminal charges are brought.			
Miscellaneous (license suspensions, civil damages, etc...)			
Maintaining a fortified drug house	Felony	1* - 10 years	\$ 0
A convicted person shall be deprived of driving privileges for 6 months.			
* Mandatory minimum sentence			

Penalty Details

Possession

Possession of marijuana is a Class I misdemeanor punishable by no more than 30 days in jail and/or a fine of up to \$500 for a first offense. A second or subsequent offense is punishable with up to 12 months in jail and/or a fine up to \$2,500. Possession of less than a one half ounce of marijuana is simple possession (possession for personal use).

See

- Va. Code Ann. §§ 182.248-250 [Web Search](#)

Conditional Release

First time offenders may be placed on probation instead of receiving jail time, if the offender agrees to undergo and pay for a series of drug tests during probation and a drug treatment program. Probation terms may also require up to 24 community service hours for a misdemeanor conviction and up to 100 hours for a felony conviction. The conviction still shows up on the offender's record as a conviction and applicable driver's license revocation proceedings are not waived. Violations of the terms of probation can lead to the full penalty as otherwise applicable.

See

- Va. Code Ann. §18.2- 251 (2015) [Web Search](#)

Sale/Delivery

In VA, having a large quantity of marijuana is not proof of intent to distribute alone. Distributing more than a half-ounce of marijuana, but less than 5 lbs., is a Class 5 felony, punishable by at least one year but not more than 10 years in jail. For a first offense, the judge may use his discretion to sentence the offender to a term in jail for not more than 12 months and a fine of not more than \$2,500.

See

- Va. Code. Ann. § 18.2-248.1 (2015) [Web Search](#)
Distributing more than 5 lbs., but less than 100kg., of marijuana is a felony punishable by no less than 5 and no more than 30, years in prison.

See

- Va. Code. Ann. § 18.2-248.1 (2015) [Web Search](#)
Distributing more than 100kg of marijuana is punishable with an automatic 20 years to life sentence, with 20 years being the mandatory minimum sentence. This mandatory minimum may be reduced by the judge if:
 1. the person does not have a prior conviction for an drug-related offense;
 2. the person did not use violence or credible threats of violence or possess a firearm or other dangerous weapon in committing the offense and did not convince another participant in the offense to do so;
 3. the offense did not result in death or serious bodily injury to any person;
 4. the person was not an organizer, leader, manager, or supervisor of others in the offense, and was not engaged in a continuing criminal enterprise; and
 5. the offender cooperates with police and judicial officials by providing to the State all information and evidence the person has concerning the offense, but the fact that the person has no relevant or useful other information to provide or that the Commonwealth already is aware of the information shall not preclude a determination by the court that the defendant has complied with this requirement.

A third sale or intent to distribute conviction brings a mandatory minimum sentence of 5 years.

See

- Va. Code Ann. §18.2-248 (H) (2015) [Web Search](#)
Distributing more than 1 ounce of marijuana to any person under 18 years of age who is at least 3 years younger than the offender, or using such a minor to distribute more than 1 ounce of marijuana, is a felony and will be punished with a mandatory minimum jail sentence of 5 years, a maximum sentence of 50 years, and a fine of no more than \$100,000.

See

- Va. Code Ann. § 18.2-255 (2015). [Web Search](#)
Distributing 1 ounce of marijuana or less to any person under 18 years of age who is at least 3 years younger than the offender, or using such a minor to distribute less than 1 ounce of marijuana, is a felony and will be punished with a mandatory minimum jail sentence of 2 years, a maximum sentence of 50 years, and a fine of no more than \$100,000.

See

- Va. Code Ann. § 18.2-255 (2015) [Web Search](#)
Distributing more than a half-ounce of marijuana within 1,000 ft. of a school or school bus stop is a felony, punishable with a mandatory minimum sentence of 1 year and a maximum sentence of 5 years, plus a fine not to exceed \$100,000. However, if such person proves that he sold such controlled substance or marijuana only as an accommodation to another individual and not with intent to profit thereby, he shall be guilty of a Class 1 misdemeanor, punishable by confinement in jail for not longer than 12 months and a fine not to exceed \$2,500.

See

- Va. Code Ann. § 18.2-255.2 (2015) [Web Search](#)
- Va. Code Ann. § 63.2-100 (2015) [Web Search](#)

Manufacture

Any person who manufactures marijuana, or possesses marijuana with the intent to manufacture such substance, not for his own use is guilty of a felony punishable by mandatory imprisonment of not less than five, nor more than 30, years and a fine not to exceed \$10,000.

See

- Va. Code Ann. § 18.2-248.1 (2015) [Web Search](#)

Trafficking

Transporting 5lbs or more of marijuana into Virginia with the intent to distribute it is a felony, punishable with a mandatory minimum sentence of 5 years, a maximum sentence of 40 years, and a fine not to exceed \$1,000,000. A second or subsequent conviction for the same crime raises the mandatory minimum sentence to 10 years.

See

- Va. Code Ann. § 18.2-248.01 (2015) [Web Search](#)

Hash & Concentrates

In Virginia, hashish and concentrates fall under the definition of marijuana as long as they contain less than 12 percent of THC by weight, meaning that the restrictions and penalties associated with marijuana also apply to hashish and concentrates. Hashish oil, falls outside the definition of marijuana and is Schedule I substance. Possessing hashish oil is a Class 5 felony punishable by a term of imprisonment no less than 1 year and no greater than 10 years. For a first offense, the judge or jury may reduce the sentence to a term of imprisonment no greater than 1 year and/or a fine of \$2,500.

See

- Va. Code Ann. § 18.2-247(D) [Web Search](#)
Manufacturing, distributing, or possessing with intent to manufacture, sell, or give hashish oil is punishable by no less than 5 years and no greater than 40 years imprisonment and a fine no greater than \$500,000. A second conviction carries a term of imprisonment no less than 5 years, the mandatory minimum, and up to the remainder of the offender's life. A third conviction carries a mandatory minimum term of imprisonment for no less than five years and up to the remainder of the offender's life.

See

- Va. Code Ann. §18.2-248 (C) (2015) [Web Search](#)
More than 1 ounce of hashish oil into Virginia is a felony, punishable by a no less than 5 years imprisonment and no greater than 40 years, with a minimum term of 3 years and a fine no greater than \$1,000,000. A second conviction increases the minimum term of imprisonment to 10 years.

See

- Va. Code Ann. §18.2-248.01 (2015) [Web Search](#)
Distributing hashish oil to a person under 18 years of age, or using a person under the age of 18 in the distribution of hashish oil is a crime if the minor is 3 years the offenders junior. The crime is punishable by a fine of \$100,000 and a term of imprisonment no less than 10 years and no greater than 50 years, with a minimum term of imprisonment of 5 years.

See

- Va. Code Ann. §18.2-255(a) (2015) [Web Search](#)
Manufacturing, distributing, or possessing hashish oil with intent to sell, give, or distribute hashish oil near certain designated areas is a felony punishable by a term of imprisonment no less than 1 year and no greater than 5 years and/or a fine no greater than \$100,000. A second conviction is punishable by a mandatory minimum term of imprisonment no less than 1 year and no greater than 5 years and/or a fine no greater than \$100,000.

The designated areas include:

- all areas open to the public within 1,000 feet of any school or marked child day care facility or school buses; all areas open to the public within 1,000 feet of a school bus stop during hours where the bus stop is in use; public community or recreation centers; public libraries; all areas open to the public within 1,000 feet of a hospital or, out-patient center; or any other state operated medical facility.

See

- Va Code Ann. §18.2-255.2 (2015) [Web Search](#)
- Va Code Ann §37.2-100 (2015) [Web Search](#)

Paraphernalia

Any person who sells or possesses with intent to sell drug paraphernalia, knowing that it is either designed for use or intended by such person for use to illegally plant, propagate, cultivate, grow, harvest, manufacture, inhale, or otherwise introduce into the human body marijuana is guilty of a Class 1 misdemeanor, punishable by no more than 12 months in jail and a fine of no more than \$2,500.

See

- Va. Code Ann. §§ 18.2-11- 18.2-265.3 (2015) [Web Search](#)
Any person eighteen years of age or older who sells drug paraphernalia to a minor who is at least three years junior to the accused is guilty of an additional Class 6 felony, which is punishable by not more than 12 months in jail and a fine of not more than \$2,500.

See

- Va. Code. Ann § 18.2-265.3 (2015) [Web Search](#)
Advertising for the sale of drug paraphernalia is a Class I misdemeanor with a punishment of confinement for not more than 12 months in jail and a fine of not more than \$2,500.

See

- Va. Code Ann. §18.2-265.5 (2015) [Web Search](#)
Knowingly distributing any printed material the distributor knows contains advertisements for drug paraphernalia is a Class 1 misdemeanor, punishable by confinement in jail for not more than 12 months and a fine of not more than \$2,500.

See

- Va. Code Ann. §18.2-265.5 (2015) [Web Search](#)

Miscellaneous

Fortified drug house

Maintaining a fortified drug house is a Class 5 felony, punishable with a mandatory minimum sentence of 1 year, and a maximum sentence of 10 years.

See

- Va. Code Ann. §18.2-258.02 (2015) [Web Search](#)

Driver's license suspension

In addition to any other sanction or penalty imposed for a violation of this article, the (i) judgment of conviction under this article or (ii) placement on probation following deferral of further proceedings is enough to deprive the person convicted or placed on probation of their privilege to drive or operate a motor vehicle for six months.

See

- Va. Code Ann. 18.2-259.1(A) (2015) [Web Search](#)

CONDITIONAL RELEASE

The state allows conditional release or alternative or diversion sentencing for people facing their first prosecutions. Usually, conditional release lets a person opt for probation rather than trial. After successfully completing probation, the individual's criminal record does not reflect the charge.

HEMP

This state has an active [hemp industry or has authorized research](#). Hemp is a distinct variety of the plant species *cannabis sativa* L. that contains minimal (less than 1%) amounts of tetrahydrocannabinol (THC), the primary psychoactive ingredient in marijuana. Various parts of the plant can be utilized in the making of textiles, paper, paints, clothing, plastics, cosmetics, foodstuffs, insulation, animal feed, and other products. For more information see NORML's Industrial Use section.

MANDATORY MINIMUM SENTENCE

When someone is convicted of an offense punishable by a mandatory minimum sentence, the judge must sentence the defendant to the mandatory minimum sentence or to a higher sentence. The judge has no power to sentence the defendant to less time than the mandatory minimum. A prisoner serving an MMS for a federal offense and for most state offenses will not be eligible for parole. Even peaceful marijuana smokers sentenced to "life MMS" must serve a life sentence with no chance of parole.

MEDICAL CBD

This state has passed a [medical CBD](#) law allowing for the use of cannabis extracts that are high in CBD and low in THC to treat severe, debilitating epileptic conditions.

Virginia CBD-Specific Marijuana Law

Status

2015

QUALIFYING CONDITIONS

- Intractable epilepsy

PATIENT POSSESSION LIMITS

A processed cannabis plant extract that contains at least 15 percent cannabidiol but no more than five percent tetrahydrocannabinol, or a dilution of the resin of the cannabis plant that contains at least 50 milligrams of cannabidiol per milliliter but not more than five percent tetrahydrocannabinol or THC-A which is defined as a processed cannabis plant extract that contains at least 15 percent tetrahydrocannabinol acid but not more than five percent tetrahydrocannabinol, or a dilution of the resin of the cannabis plant that contains at least 50 milligrams of tetrahydrocannabinol acid per milliliter but not more than five percent tetrahydrocannabinol

HOME CULTIVATION

No

STATE-LICENSED DISPENSARIES

No

CAREGIVERS

No

RECIPROCITY

No

CONTACT INFORMATION

Not available