

Virginia Penalties for Common Substance Abuse, Drug Trafficking, and Other Offenses

Manufacturing, selling, giving, distributing, or possessing

It shall be unlawful for any person to manufacture, sell, give, distribute, or possess with intent to manufacture, sell, give, or distribute a controlled substance or an imitation controlled substance.

First Conviction:

Imprisoned for not less than five nor more than 40 years and fined not more than \$500,000.

Second Conviction:

Imprisonment for life or for any period not less than five years and shall be fined not more than \$500,000.

Third Conviction:

Imprisonment for life or for a period of not less than 10 years and shall be fined not more than \$500,000.

The following is guilty of a felony punishable by a fine of not more than \$1 million and imprisonment for five years to life:

1. 100 grams or more of a mixture or substance containing a detectable amount of heroin;
2. 500 grams or more of a mixture or substance containing a detectable amount of:
 - a. Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed;
 - b. Cocaine, its salts, optical and geometric isomers, and salts of isomers;
 - c. Ecgonine, its derivatives, their salts, isomers, and salts of isomers; or
 - d. Any compound, mixture, or preparation that contains any quantity of any of the substances referred to in subdivisions 2a through 2c;
3. 250 grams or more of a mixture or substance described in subdivisions 2a through 2d that contain cocaine base; or
4. 10 grams or more of methamphetamine, its salts, isomers, or salts of its isomers or 20 grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers.

Less than 200 grams of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers shall, upon conviction:

First conviction: imprisoned for not less than 10 nor more than 40 years and fined not more than \$500,000.

Second conviction: imprisonment for life or period not less than 10 years and fined not more than \$500,000.

Third conviction or subsequent offense: imprisonment for life or for a period not less than 10 years and shall be fined not more than \$500,000.

Schedule III:

Any person who violates this section with respect to a controlled substance classified in Schedule III except for an anabolic steroid classified in Schedule III, constituting a violation of § 18.2-248.5, shall be guilty of a Class 5 felony.

Schedule IV:

Any person who violates this section with respect to a controlled substance classified in Schedule IV shall be guilty of a Class 6 felony.

Schedule V or VI:

Any person who violates this section with respect to a controlled substance classified in Schedule V or Schedule VI or an imitation controlled substance which imitates a controlled substance classified in Schedule V or Schedule VI, shall be guilty of a Class 1 misdemeanor.

Any person who manufactures, sells, gives, distributes or possesses with the intent to manufacture, sell, give or distribute the following:

1. 1.0 kilograms or more of a mixture or substance containing a detectable amount of heroin;
2. 5.0 kilograms or more of a mixture or substance containing a detectable amount of:
 - a. Coca leaves, except coca leaves and extracts of coca leaves from which cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed;
 - b. Cocaine, its salts, optical and geometric isomers, and salts of isomers;
 - c. Ecgonine, its derivatives, their salts, isomers, and salts of isomers; or
 - d. Any compound, mixture, or preparation which contains any quantity of any of the substances referred to in subdivisions a through c;
3. 2.5 kilograms or more of a mixture or substance described in subdivision 2 which contains cocaine base;
4. 100 kilograms or more of a mixture or substance containing a detectable amount of marijuana; or
5. 100 grams or more of methamphetamine, its salts, isomers, or salts of its isomers or 200 grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers shall be guilty of a felony punishable by a fine of not more than \$1 million and imprisonment for 20 years to life.

Except as authorized in the Drug Control Act ([§ 54.1-3400 et seq.](#)), any person who possesses any two or more different substances listed below with the intent to manufacture methamphetamine, methcathinone, or amphetamine is guilty of a Class 6 felony: liquefied ammonia gas, ammonium nitrate, ether, hypophosphorus acid solutions, hypophosphite salts, hydrochloric acid, iodine crystals or tincture of iodine, phenylacetone, phenylacetic acid, red phosphorus, methylamine, methyl formamide, lithium, sodium metal, sulfuric acid, sodium hydroxide, potassium dichromate, sodium dichromate, potassium permanganate, chromium trioxide, methylbenzene, methamphetamine precursor drugs, trichloroethane, or 2-propanone.

[Code of Virginia § 18.2-248](#)

Manufacturing, selling, giving, distributing or possessing; Methamphetamine

Any person who manufactures, sells, gives, distributes, or possesses with intent to manufacture, sell, give, or distribute 28 grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers:

- Is guilty of a felony punishable by a fine of not more than \$500,000 and imprisonment for not less than five nor more than 40 years, three years of which shall be a mandatory minimum term of imprisonment to be served consecutively with any other sentence.

[Code of Virginia § 18.2-248.03](#)

Penalties for sale, gift, distribution, or possession; Marijuana

Except as authorized in the [Drug Control Act](#) ([§ 54.1-3400 et seq.](#)), it is unlawful for any person to sell, give, distribute or possess with intent to sell, give, or distribute marijuana.

- Any person who violates this section with respect to:
 1. Not more than one ounce of marijuana is guilty of a Class 1 misdemeanor;
 2. More than one ounce but not more than five pounds of marijuana is guilty of a Class 5 felony;
 3. More than five pounds of marijuana is guilty of a felony punishable by imprisonment of not less than five nor more than 30 years.

- 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 imprisonment of not less than five nor more than 30 years and a fine not to exceed \$10,000.
- When a person is convicted of a third or subsequent felony offense, he shall be sentenced to imprisonment for life or for any period not less than five years, five years of which shall be a mandatory minimum term of imprisonment to be served consecutively with any other sentence and he shall be fined not more than \$500,000.

[Code of Virginia § 18.2-248.1](#)

Cause any person under 18 – distributing controlled substance

Imprisoned for a period not less than 10 nor more than 50 years and fined not more than \$100,000.

Unlawful for any person who is at least 18 years of age to knowingly or intentionally distribute any imitation controlled substance to a person under 18 years of age who is at least three years his junior or cause any person under 18 years of age to assist in such distribution of any imitation controlled substance → Guilty of a Class 6 felony.

[Code of Virginia § 18.2-255](#)

Prescribing and dispensing

It shall be unlawful for any person to prescribe, administer or dispense any drug except as authorized in the Drug Control Act (§ [54.1-3400](#) et seq.) or in this article. Any person who violates any provision of the Drug Control Act or of this article, for which no penalty is elsewhere specified in this article or in Article 7 (§ [54.1-3466](#) et seq.) of the [Drug Control Act](#), shall be guilty of a Class 1 misdemeanor.

[Code of Virginia § 18.2-260](#)

[Drug Control Act](#)

Possession or Distribution; Dextromethorphan

Any person who distributes or possesses with the intent to distribute unfinished dextromethorphan who is not registered under § 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 321 et seq.) or otherwise authorized by the Drug Control Act (§ [54.1-3400](#) et seq.) to distribute or possess unfinished dextromethorphan is guilty of a Class 1 misdemeanor

[Code of Virginia § 18.2-265.21](#)

Driving Under the Influence

It is unlawful for any person to drive or operate any motor vehicle:

- I. while such person has a blood alcohol concentration of 0.08 percent or more by weight by volume or 0.08 grams or more per 210 liters of breath as indicated by a chemical test administered as provided in this article,
- II. while such person is under the influence of alcohol,
- III. while such person is under the influence of any narcotic drug or any other self-administered intoxicant or drug of whatsoever nature, or any combination of such drugs, to a degree which impairs his ability to drive or operate any motor vehicle safely,
- IV. while such person is under the combined influence of alcohol and any drug or drugs to a degree which impairs his ability to drive or operate any motor vehicle safely, or
- V. while such person has a blood concentration of any of the following substances at a level that is equal to or greater than:
 - a. 0.02 milligrams of cocaine per liter of blood,
 - b. 0.1 milligrams of methamphetamine per liter of blood,
 - c. 0.01 milligrams of phencyclidine per liter of blood, or
 - d. 0.1 milligrams of 3,4-methylenedioxymethamphetamine per liter of blood.

A charge alleging a violation of this section shall support a conviction under clauses (I), (II), (III), (IV), or (V).

For the purposes of this article, the term "motor vehicle" includes mopeds, while operated on the public highways of this Commonwealth.

[Code of Virginia § 18.2-266](#)

Driving Under the Influence – Under age 21

It shall be unlawful for any person under the age of 21 to operate any motor vehicle after illegally consuming alcohol.

- **Violation if:** blood alcohol concentration of 0.02 percent or more by weight by volume or 0.02 grams or more per 210 liters of breath but less than 0.08 by weight by volume or less than 0.08 grams per 210 liters of breath as indicated by a chemical test administered.

A violation of this section is a Class 1 misdemeanor. Punishment shall include:

- i. forfeiture of such person's license to operate a motor vehicle for a period of one year from the date of conviction and
- ii. a mandatory minimum fine of \$500 or performance of a mandatory minimum of 50 hours of community service.

[Code of Virginia § 18.2-266.1](#)