Know Your Rights
Learn the Virginia Marijuana Laws: July 1, 2022

Decriminalization
1. Possession of up to 1oz of marijuana for ages 21 and up is legal
2. Possession of 1oz-4oz = civil penalty, $25 ticket
3. 4 plants in the home for ages 21 and up
4. Private use and adult sharing within home/on private property
5. The odor of marijuana alone is not cause to stop nor search a person or property

Marijuana Felonies
1. Possession of more than 1lb on person or in public
2. Household cultivation above 50 plants & above
3. Possession with Intent to Distribute over an ounce
4. Manufacturing marijuana not for person use
5. Distributing marijuana to person in state/local custody

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Marijuana Misdemeanors
1. Possession of 4oz-1lb
2. Public use and public giving
3. In school buses and vehicles for hire
4. School grounds (k-12, college campuses) possession
5. Car use on highway (or “presumed” use because of open container)
6. Home cultivation for subsequent offenses of over 4 but under 10 plants
7. Home cultivation for 10-49 plants
8. Possessing no more than one ounce with intent to distribute, giving, or selling to a minor or intoxicated person

Marijuana In Different Spaces

Household Cultivation
1. As of July 1, 2021 households are able to legally cultivate up to 4 plants as long as they are:
   a. inaccessible to minors (under 21)
   b. not visible to public without use of aircraft, binoculars, or other optical aids
   c. labeled with person’s name, driver’s license or identification number
   d. noted that the marijuana plant is being grown for personal use as authorized under the law
Exceeding this limit will be punishable by a schedule of civil penalties, misdemeanor and felony charges, depending on the severity of the violation

Public Spaces
1. Consuming marijuana in a public place, such as a park, sidewalk, or establishment, or an exchange or offer of marijuana in a public space will result in a civil penalty of no more than $25 for 1st and 2nd offenses with Class 4 misdemeanor for subsequent offenses

School Grounds / Campus
Prohibited on all school property

Cars and Other Vehicles
1. Keeping marijuana in a commercial motor vehicle like trucks, buses, taxis, and trailers will result in a civil penalty
2. Using marijuana on the highway (as a driver or passenger) will result in a Class 4 misdemeanor, the same charge for drinking while driving
3. Either a Class 1 or 2 misdemeanor will be given to people found to possess or consume marijuana while driving a school bus or vehicle transporting passengers for hire

Persons with Open Cases
1. Testing positive before serving a weekend sentence, sentence may be converted to jail time
2. Testing positive while on electronic incarceration, probation or out on bond may result in serving remaining sentence in jail

marijuanajustice.org | @thcjusticenow
**Immigration**
Marijuana remains illegal on the federal level and those under immigration-specific surveillance could face federal penalties for any marijuana offense, including deportation.

**Distribution**
It is unlawful for any person to sell, give, or possess with intent to sell, give, or distribute marijuana:
1. 1oz or less – Class 1 Misdemeanor
2. More than 1oz but less than 5lbs – Class 5 Felony
3. More than 5 pounds - minimum five years, not more than 30
4. After 3 felony convictions, judges can get five years to life

**Underage Possession Consequences**
1. Anyone under the age of 21 including minors are subject to a civil penalty of no more than $25 for possessing marijuana, as well as a mandatory substance abuse treatment or education program
2. Notably, children under the age of 18 found in possession will be treated as delinquents by courts: a technical designation that makes them vulnerable to more severe punishments if they run into law enforcement again, including stricter probation, surveillance, and possibly detention under a law known as the valid court order exception
3. $25 civil penalty for first offense for all ages 20 and under
4. Class 3 misdemeanor for ages 18-20 old

**Repairing Records and Reuniting Families**
1. Record sealing
   a. The law will automatically seal past records of arrests, criminal charges, convictions, and civil offenses for violating former possession laws no later than October 1, 2025
   b. People with more serious marijuana charges on their records will be able to petition a judge to have their records sealed, starting no later than July 1, 2025
2. No release or resentencing legislation was passed for people currently incarcerated for past marijuana-related offenses

**Enforcement in Employment**
1. Drug testing by employers, courts, probation officers, etc.
   a. Minors found in possession will be considered delinquents by courts which makes them subject to mandatory drug testing
   b. There haven't been changes to the laws about employers and courts being able to test
   c. Issues with testing - there is no way to test if someone is currently intoxicated, only past usage

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