

Cannabis Laws

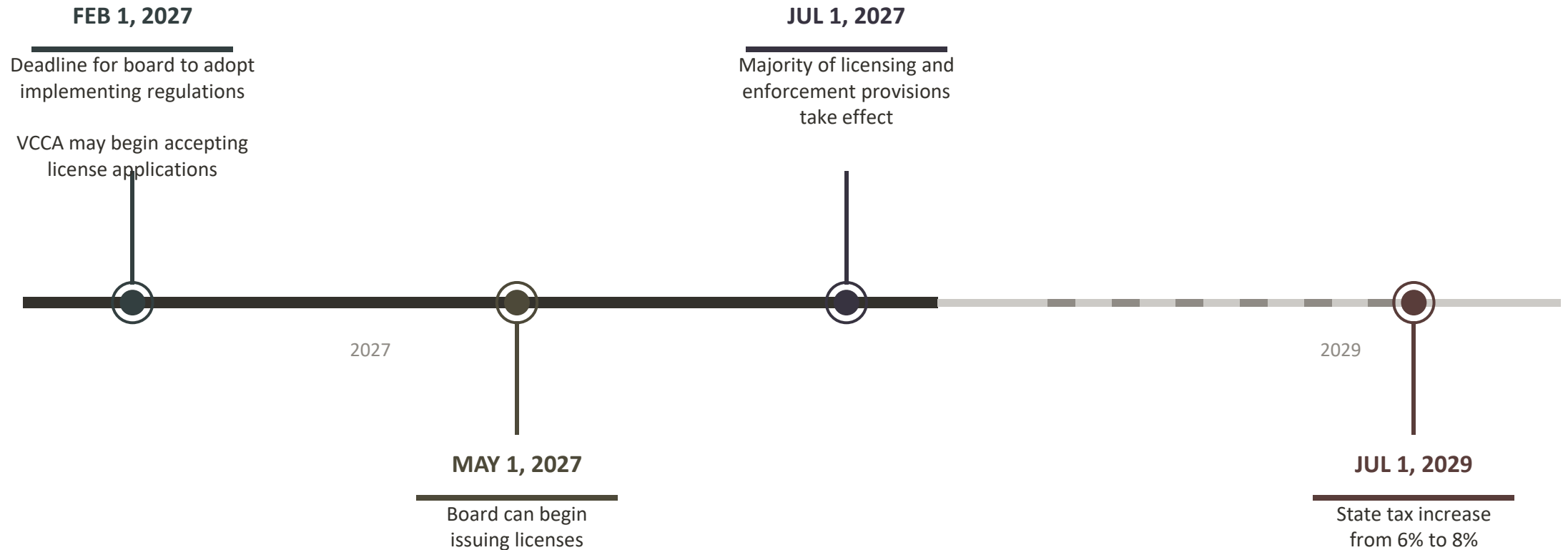
- 2026 Special Session – established a legal, adult-use retail cannabis market in Virginia.
- Virginia Cannabis Control Authority – power to regulate, tax, and license retail sales.
- Cannabis Control Act Title 4.1

Virginia Code § 4.1-629(A): State Preemption

“No county, city or town shall, except as provided in §4.1-630, adopt any ordinance or resolution that regulates or prohibits the cultivation, processing, possession, sale, distribution, handling, transportation, consumption, use, advertising, or dispensing of marijuana or marijuana products.”

Implementation Timeline

Virginia Cannabis Control Authority — Licensing & Enforcement Milestones



License Types

Va. Code § 4.1-800 — Defined Facility Categories

Retail Cannabis Store

A licensed establishment where cannabis and cannabis products are sold directly to consumers.

Cannabis Cultivation Facility

A licensed facility for growing and harvesting cannabis plants.

Cannabis Mfg. Facility

A licensed facility for processing raw cannabis into finished cannabis products.

Cannabis Wholesaler

A licensed entity that purchases cannabis from cultivators or manufacturers for resale to retail stores.

Cannabis Testing Laboratory

A licensed independent lab that tests cannabis and cannabis products for quality, potency, and safety.

Localities May NOT

- Ban or “opt-out” of retail sales
- Impose a moratorium on cannabis sales
- Regulate the advertising of cannabis sales
- Regulate the product or packaging
- Cap the number of licenses within their boundaries
- Increase the VCCA buffer requirements
- Impose any tax other than the 3.5% local tax

Localities MUST:

Make Tax Decisions

- Local tax rate may not be less than 1% and may not be more than 3.5%
- Once the tax rate is set (by ordinance) it cannot be changed for three years.

Local Cannabis Tax for Towns

- County tax rates do not apply within Town limits
- Towns must independently levy their own local cannabis tax.
- Towns that fail to act will have no local tax revenue from sales that occur within the Town limits.

Localities MUST

- Create internal administrative procedures
- The County will receive information from the VCCA related to license approvals.
- The County may object to a license, but failure to act within 30 days waives the County's right to make the objection.
- The County needs internal procedures to ensure that communications from VCCA do not go unnoticed.

Localities May

- Adopt an ordinance that prohibits public consumption of cannabis.
- Use Zoning as a way to regulate
- State code allows for buffers between retail establishments and schools, parks, daycare, etc.
- Localities can reduce the buffers, but not increase
- Establish hours of sales for retail establishments

Zoning Ordinance Amendments

- The County may amend its Zoning Ordinance:
 - Include definition section to incorporate definitions from VA Code § 4.1-600.
 - Establish zoning districts where retail sales will be allowed.
 - Adopt ordinance to set minimum distances between retail stores and schools, daycare, hospitals, etc. (The buffer cannot be greater than 1,000 linear feet – Va. Code § 15.2-912.4)
 - Adopt an ordinance that fixes the hours during which marijuana may be sold.

Risks to Regulation

- Overly restrictive zoning ordinances may be considered a de facto ban
- CUP/SUP process *can* be used but could be seen as a de facto ban.

Next Steps

- Determine Taxes
- Public Consumption laws
- Work with staff and the Planning Commission to amend zoning ordinance.
- Possible Amendments to the Zoning Ordinance