



COUNTY OF LOUISA

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TO: Members, Louisa County Planning Commission
FROM: Chris Coon, Deputy County Administrator
DATE: April 16, 2025
SUBJECT: Retail Sales of Controlled Substances & Medical Services Updates

Background:

In prior discussions with the Planning Commission, members expressed a desire to find a way to allow licensed medical facilities to operate by-right while still maintaining appropriate controls over the retail sale of controlled substances. While we were not able to incorporate those provisions before the previous public hearing, at which time the Planning Commission recommended approval, this update reflects that intent.

The revised language ensures that any business engaged in the retail sale of controlled substances without a valid DEA license must obtain a Conditional Use Permit (CUP), to address potential impacts that are otherwise managed by the regulatory and professional standards applied to licensed medical facilities and their associated medical professionals. In contrast, organizations employing licensed medical professionals and maintaining an active DEA registration for dispensing or administering controlled substances will be permitted by-right in appropriate zoning districts. This structure protects public health while promoting access to legitimate healthcare services.

Key Objectives:

- Maintain discretionary review (via CUP) for retail sales of controlled substances.
- Allow regulated medical facilities to operate by-right in suitable zoning districts.
- Consolidate and clarify terminology for outpatient and inpatient medical uses.
- Preserve flexibility for non-dispensing clinics and outpatient providers.

Proposed Actions:

1. **Establish a new definition for *Licensed Medical Facility*** to include inpatient care, emergency services, and DEA-regulated dispensing of controlled substances.
2. **Amend the definition of *Medical Office*** to cover all outpatient services not involving controlled substances.
3. **Repeal the definitions of *Clinic* and *Hospital*** and consolidate their elements into the updated terms above.
4. **Revise the definition of *Retail Sales of Controlled Substances*** to exclude licensed medical providers and identify applicable use types.
5. **Amend Section 86-109 Use Matrix**

Amend Section 86-13. Definitions:

Medical Office (Repeal Clinic)

A facility that provides diagnostic services, minor surgical care, counseling, and outpatient treatment on a routine basis. The facility does not provide overnight care, serve as a base for ambulance services, or primarily offer emergency treatment. Medical offices are operated by doctors, dentists, or similar practitioners licensed by the Commonwealth of Virginia. **Medical offices that dispense or administer controlled substances must also meet the requirements of a Licensed Medical Facility.**

Licensed Medical Facility (New) (Repeal Hospital):

A healthcare establishment providing patient services under the supervision of licensed healthcare professionals. This category includes, but is not limited to, pharmacies, urgent care centers, hospitals, and medical clinics engaged in the diagnosis, treatment, or prevention of illness or injury. **The facility may provide overnight care, serve as a base for ambulance services, or offer emergency treatment. Facilities dispensing or administering controlled substances must operate under a valid and active registration with the United States Drug Enforcement Administration (DEA) in accordance with federal law.**

Retail Sales of Controlled Substances (revised):

The sale or transaction of legally authorized controlled substances directly to consumers, including but not limited to prescription medications, hemp products intended for consumption, substances containing any percentage of controlled substances, and other regulated substances. This category **excludes alcohol, tobacco, agricultural activity passive, and facilities lawfully operating under a valid and active registration with the United States Drug Enforcement Administration (DEA) as licensed medical providers.**

Amend Section 86-109. Use Matrix

- Add **Medical Office** as a by-right use (B) in C-1, C-2, IND, I-1, I-2, RD, and corresponding GAOD zoning districts.
- Add **Licensed Medical Facility** as a by-right use (B) in C-1, C-2, IND, I-1, I-2, RD, and corresponding GAOD zoning districts.
- Maintain **Retail Sales of Controlled Substances** as a CUP (C) in C-1, C-1 GAOD, C-2, C-2 GAOD, RD, and PUD.

Staff Recommendation

Staff recommends that the Planning Commission consider the proposed ordinance amendment as presented and offer any additional feedback or suggested refinements during the public hearing process, prior to making a formal recommendation.