Cannabis Control Act Zoning Changes
10/23/26 DRAFT

Note: This DRAFT does not include any ordinance updates related to the collection of a Town sales tax on cannabis sales nor any ordinance updates related to the use of cannabis on public property.

New use added § 154.086 Use regulations for B-1:

(19) Furniture stores; ~~and~~

(20) Restaurants whether serving or not serving alcoholic beverages. Off-street parking as required by this chapter~~.~~;

(21) [Reserved for B-1 apartment language]

(22) Retail marijuana store licensed per Virginia Title 4.1, Subtitle II Cannabis Control Act; provided that the Retail marijuana store is located at least 1,000 feet from any hospital; public, private, or parochial school or institution of higher education; or child day program.

New use added § 154.126 Use regulations for M-1:

(H) Boat building, repairing, servicing storage and marine services; ~~and~~

(I) Marinas with docks, piers, electrical service, water and waste pump out services. See § 154.004 for the definition of nonconforming lot; and~~.~~

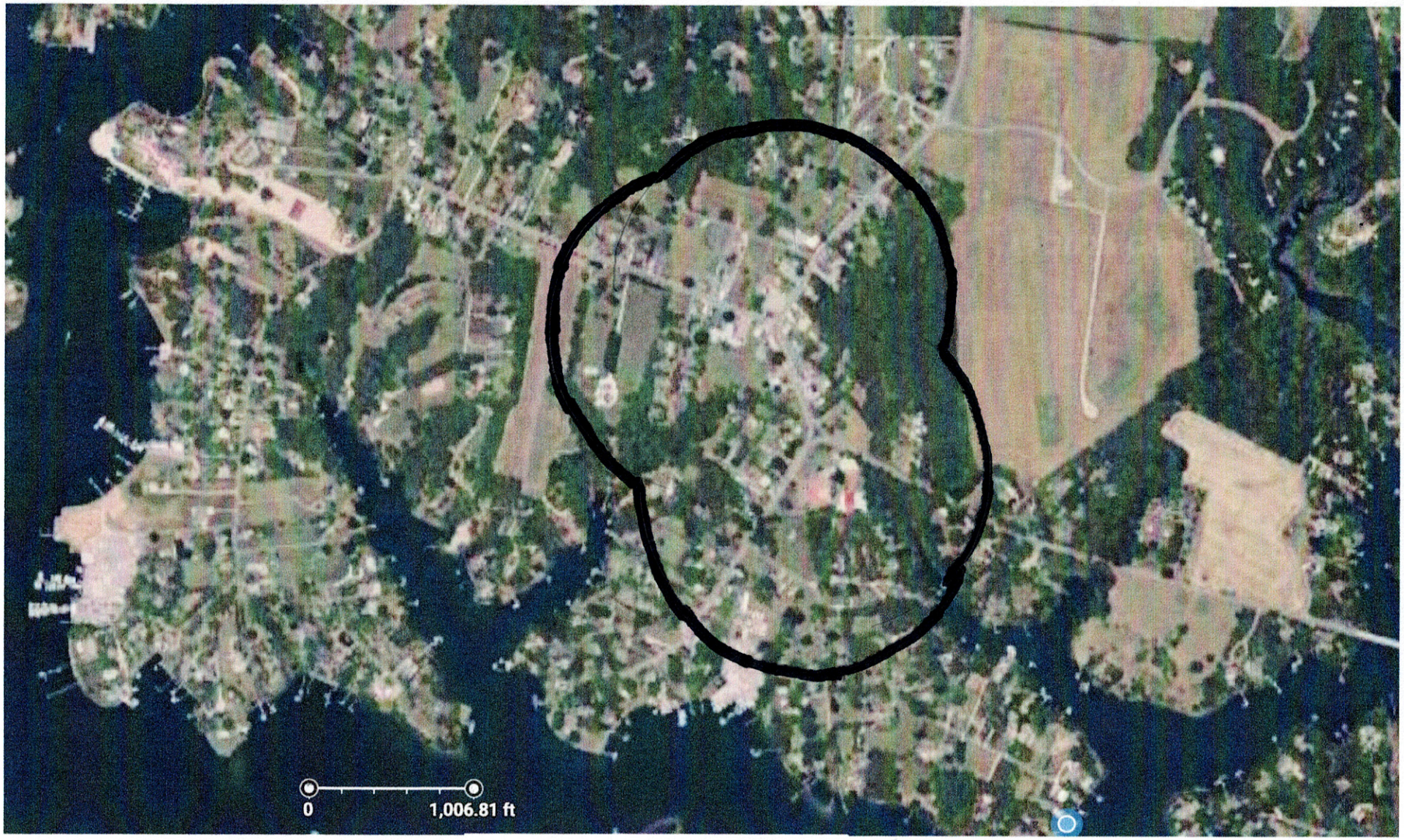
(J) Marijuana establishment licensed per Virginia Title 4.1, Subtitle II Cannabis Control Act; provided that the Marijuana establishment is located at least 1,000 feet from any hospital; public, private, or parochial school or institution of higher education; or child day program.

New definitions added § 154.004 Definitions:

Marijuana establishment (as defined in Code of Virginia Title 4.1, Subtitle II Cannabis Control Act) means a marijuana cultivation facility, marijuana microbusiness, marijuana delivery operator, marijuana testing facility, marijuana processing facility, marijuana transporter, retail marijuana store, or pharmaceutical processor or cannabis dispensing facility authorized to exercise dual-use privileges.

Retail marijuana store (as defined in Code of Virginia Title 4.1, Subtitle II Cannabis Control Act) means a facility licensed by the Board to purchase or take possession of marijuana, marijuana products, immature marijuana plants, or marijuana seeds from a marijuana cultivation facility or marijuana processing facility; to take possession of marijuana, marijuana products, immature marijuana plants, or marijuana seeds from a marijuana transporter; to sell marijuana, marijuana products, marijuana paraphernalia, immature marijuana plants, or marijuana seeds to consumers on premises approved by the Board; to deliver marijuana, marijuana products, marijuana paraphernalia, immature marijuana plants, or marijuana seeds only in person to consumers; to transfer possession of marijuana, marijuana products, marijuana paraphernalia, immature marijuana plants, or marijuana seeds to marijuana delivery operators; and to transport marijuana, marijuana products, marijuana paraphernalia, immature marijuana plants, and marijuana seeds from the retail marijuana store's licensed premises to another retail marijuana store.

10/23/26 - approx. 1,000 ft from edges of buildings for churches & school.
(not official boundaries)



§ 4.1-629. Local ordinances or resolutions regulating marijuana or marijuana products.

A. 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 in the Commonwealth.

B. 1. Notwithstanding subsection A, the governing body of any county, city, or town may adopt an ordinance that prohibits the acts described in § 4.1-1108 or the acts described in § 4.1-1109 in its local public parks, playgrounds, public streets, or any sidewalk adjoining any public street. A penalty may be prescribed by the locality for a violation of such ordinance.

2. Notwithstanding subsection A, the governing body of any county, city, or town may adopt an ordinance that decreases the minimum distance requirements as promulgated in Board regulations (i) between retail marijuana stores and microbusinesses or (ii) between a retail marijuana store or microbusiness and any hospital; public, private, or parochial school or institution of higher education; or child day program.

C. Except as provided in this section, nothing in this subtitle shall be construed to supersede or limit the authority of a locality to adopt and enforce local ordinances to regulate businesses licensed pursuant to this subtitle, including local zoning and land use requirements and business license requirements.

D. Except as provided in this section, all local acts, including charter provisions and ordinances of counties, cities, and towns, inconsistent with any of the provisions of this subtitle, are repealed to the extent of such inconsistency.

2026, Sp. Sess. I, c. 1.

§ 4.1-630. Local ordinances regulating time of sale of marijuana or marijuana products.
The governing body of each county may adopt ordinances effective in that portion of such county not embraced within the corporate limits of any incorporated town, and the governing body of each city and town may adopt ordinances effective in such city or town, fixing hours during which marijuana and marijuana products may be sold. Such governing bodies shall provide for fines and other penalties for violations of any such ordinances, which shall be enforced as if the violations were Class 1 misdemeanors with a right of appeal pursuant to § 16.1-106.

A copy of any ordinance adopted pursuant to this section shall be certified by the clerk of the governing body adopting it and transmitted to the Board.

On and after the effective date of any ordinance adopted pursuant to this section, no marijuana store shall sell marijuana or marijuana products during the hours limited by the ordinance.

2026, Sp. Sess. I, c. 1.

§ 4.1-810. Conditions under which the Board shall or may refuse to grant licenses.

A. The Board may refuse to grant any license if it has reasonable cause to believe that the granting of the license would be detrimental to the interest, morals, safety, or welfare of the public or would be inconsistent with the provisions of this subtitle.

B. The Board shall refuse to grant any license if it has reasonable cause to believe that:

1. The applicant, or if the applicant is a partnership, any general partner thereof, or if the applicant is an association, any member thereof, or a limited partner of 10 percent or more with voting rights, or if the applicant is a corporation, any officer, director, or shareholder owning 10 percent or more of its capital stock, or if the applicant is a limited liability company, any member-manager or any member owning 10 percent or more of the membership interest of the limited liability company:

a. Is not 21 years of age or older;

b. Has been convicted in any court of a felony, other than a conviction for a felony violation of § 18.2-248.1, or any crime or offense involving moral turpitude under the laws of any state or of the United States within seven years of the date of the application or has not completed all terms of sentencing and probation resulting from any such conviction;

c. Knowingly employs or allows to volunteer someone younger than 21 years of age;

d. Is not the legitimate owner of the business proposed to be licensed, or other persons have ownership interests in the business that have not been disclosed;

e. Has not demonstrated financial responsibility sufficient to meet the requirements of the business proposed to be licensed;

f. Has misrepresented a material fact in applying to the Board for a license;

g. Has defrauded or attempted to defraud the Board, or any federal, state, or local government or governmental agency or authority, by making or filing any report, document, or tax return required by statute or regulation that is fraudulent or contains a false representation of a material fact, or has willfully deceived or attempted to deceive the Board, or any federal, state, or local government or governmental agency or authority, by making or maintaining business records required by statute or regulation that are false or fraudulent;

h. Is violating or allowing the violation of any provision of this subtitle in his establishment at the time his application for a license is pending;

i. Is a full-time or part-time employee of the Department of State Police or of a police department or sheriff's office that is a part of or administered by the Commonwealth or any political subdivision thereof, and who is responsible for the enforcement of the penal, traffic, or motor vehicle laws of the Commonwealth;

j. Has been sanctioned by the Board pursuant to regulations promulgated by the Board for a violation pursuant to Chapter 16 (§ 4.1-1600 et seq.);

k. Is physically unable to carry on the business for which the application for a license is filed or has been adjudicated incapacitated; or

l. Is delinquent for a period of 90 days or more in the payment of any taxes, or any penalties or interest related thereto, lawfully imposed by the locality where the place to be occupied by the applicant is located, as certified by the treasurer, commissioner of the revenue, or finance director of such locality, unless (i) the outstanding amount is de minimis; (ii) the applicant has pending a bona fide application for correction or appeal with respect to such taxes, penalties, or interest; or (iii) the applicant has entered into a payment plan approved by the same locality to settle the outstanding liability.

2. The applicant is a member or employee of the Board or is a corporation or other business entity in which a member or employee of the Board is a stockholder or has any other economic interest. Whenever any other elected or appointed official of the Commonwealth or any political subdivision thereof applies for such a license or continuance thereof, he shall state on the application the official position he holds, and whenever a corporation or other business

entity in which any such official is a stockholder or has any other economic interest applies for such a license, it shall state on the application the full economic interests of each such official in such corporation or other business entity.

3. The place to be occupied by the applicant:

a. Does not conform to the requirements of the governing body of the county, city, or town in which such place is located with respect to sanitation, health, construction, or equipment, or to any similar requirements established by the laws of the Commonwealth or by Board regulation;

b. Is so located that granting a license and operation thereunder by the applicant would result in violations of this subtitle or Board regulations or violation of the laws of the Commonwealth or local ordinances relating to peace and good order;

c. When the applicant is applying for a retail marijuana store license or microbusiness license, is (i) located within 1,000 feet of any hospital; public, private, or parochial school or institution of higher education; or child day program; or (ii) so located with respect to any such facilities, programs, or institutions that the operation of such place under such license will adversely affect or interfere with the normal, orderly conduct of the affairs of such facilities, programs, or institutions;

d. When the applicant is applying for a retail marijuana store license or microbusiness license, is so located with respect to any residence or residential area that the operation of such place under such license will adversely affect real property values or substantially interfere with the usual quietude and tranquility of such residence or residential area;

e. Is so constructed, arranged, or illuminated that law-enforcement officers and agents of the Board are prevented from ready access to and reasonable observation of any room or area within which marijuana or marijuana products are to be sold; or

f. Is an establishment where alcoholic beverages, tobacco, or tobacco products are manufactured, sold, or used.

Nothing in this subdivision 3 shall be construed to require an applicant to have secured a place or premises until the final stage of the license approval process.

4. The number of licenses existing in the locality is such that the granting of a license is detrimental to the interest, morals, safety, or welfare of the public. In reaching such conclusion, the Board shall consider (i) the criteria established by the Board to evaluate new licensees based on the density of retail marijuana stores in the community; (ii) the character of, population of, number of similar licenses in, and number of all licenses existent in the particular county, city, or town and the immediate neighborhood concerned; (iii) the effect that a new license may have on such county, city, town, or neighborhood in conforming with the purposes of this subtitle; and (iv) the objections, if any, that may have been filed by a local governing body or local residents.

5. There exists any law, ordinance, or regulation of the United States, the Commonwealth, or any political subdivision thereof that warrants refusal by the Board to grant any license.

§ 15.2-912.4. (Effective October 1, 2026) Regulation of retail tobacco, nicotine, and hemp product retail sale locations.

Any locality may, by ordinance, regulate a retail tobacco establishment, as such term is defined in § 4.1-100, a retail sale location of tobacco products, as such term is defined in § 58.1-1021.01, or a retail sale location of hemp products intended for smoking, as such term is defined in § 4.1-600, and may prohibit such establishment or location on property within 1,000 linear feet of a child day center as defined in § 22.1-289.02 or a public, private, or parochial school. An ordinance adopted pursuant to this section shall not affect (i) a licensee holding a valid license under § 4.1-206.3 or (ii) any retail sale location of tobacco products, hemp products intended for smoking, or retail tobacco establishments operating before July 1, 2024.

2024, c. 536; 2025, cc. 595, 596; 2026, cc. 1021, 1044; 2026, Sp. Sess. I, c. 1.