



Joint Commission to Oversee the Transition of the Commonwealth into a Cannabis Retail Market

June 2, 2026, at 10:00 a.m.

General Assembly Building, House Room B-205

<https://studies.viriniageneralassembly.gov/studies/774>

The Joint Commission to Oversee the Transition of the Commonwealth into a Cannabis Retail Market (the Joint Commission) met on June 2, 2026. Senator Lashrecse D. Aird was elected as chair, and Delegate Paul E. Krizek was elected as vice-chair.¹ The meeting began with introductions and opening remarks followed by presentations and discussion. Materials presented at the meeting are accessible through the [Joint Commission's meetings webpage](#).

Virtual Meeting Policy

Stephen Kindermann, Lead Senior Attorney, Division of Legislative Services

Mr. Kindermann provided an overview of the proposed virtual meeting policy for the Joint Commission to adopt. He explained the options available to the Joint Commission and how the policy encompasses all of the allowable provisions under the Virginia Freedom of Information Act as well as House and Senate rules for virtual voting. The Joint Commission unanimously voted to adopt the policy.

Presentation: Federal Cannabis and Hemp Policy Actions and Implications for States

Nicole Ezeh, Legislative Director, National Conference of State Legislatures

Megan Bland, Associate Legislative Director, National Conference of State Legislatures

Karmen Hanson, Senior Fellow, National Conference of State Legislatures

Ms. Ezeh provided an overview of federal cannabis rescheduling. She noted that until April 2026, most forms of tetrahydrocannabinol (THC) were subject to Schedule I control in the federal Controlled Substances Act (CSA), with exceptions for certain cannabis-derived medications and cultivation for federally approved studies. Ms. Ezeh explained that, between October 2022 and December 2025, cannabis scheduling was examined by the federal government and recommended to be moved from Schedule I to Schedule III. In December 2025, President Donald J. Trump issued an executive order instructing the Attorney General of the United States to expedite the rescheduling process, and in April 2026, the Department of Justice issued an order placing cannabis products and medical cannabis products approved by the U.S. Food and Drug Administration (FDA) in Schedule III. She also noted that while this rescheduling does move certain products and drugs into a lower schedule and imposes new regulatory requirements for such items, it does not authorize or decriminalize adult cannabis use

¹ **Members Present:** Senator Lashrecse D. Aird (chair), Delegate Paul E. Krizek (vice-chair), Senator Emily M. Jordan, Senator Saddam Azlan Salim, Senator Schuyler T. VanValkenburg, Delegate Katrina Callsen, Delegate Rae Cousins, Delegate Hyland F. "Buddy" Fowler, Jr., Delegate James W. Morefield, Delegate Marcia S. "Cia" Price

Members Absent: None

or recreational cannabis sales or address monetary issues (e.g., taxes and funding) associated with cannabis businesses.

Ms. Bland explained the changes to the federal definitions of "hemp," including how the federal Agriculture Improvement Act of 2018 (a.k.a. the 2018 Farm Bill) legalized hemp under the CSA by changing its federal definition to include "a delta-9 tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis" and how the federal Continuing Appropriations and Extensions Act of 2026 closed the "hemp loophole" by narrowing its federal definition to include "a total tetrahydrocannabinols concentration (including tetrahydrocannabinolic acid [THCa]) of not more than 0.3 percent on a dry weight basis." She noted that questions remain about the impacts these changes will have on the hemp industry and federal enforcement due to their delayed effective date of November 12, 2026, as well as potential conflicts between state and federal laws for hemp.

Ms. Hanson explained the implications for states based on federal cannabis and hemp policy changes. She showed maps of the United States and its territories depicting which states have regulated cannabis programs, including programs for medical or adult use and cannabidiol/low-THC products, which states have no public cannabis access programs, and a breakdown of state regulatory policies for hemp-derived THC beverages, including where such beverages are prohibited, follow FDA guidance, are considered to be cannabis, are neither banned nor regulated, and have some regulation. She also noted that there is pending litigation in New Jersey regarding such beverages. Ms. Hanson concluded by explaining how the changes in cannabis rescheduling and the definition of "hemp" could impact states, noting that there are still many unknowns.

Introduction for 2026 Interim and Review of New Virginia Laws

Stephen Kindermann, Lead Senior Attorney, Division of Legislative Services

Troy Hatcher, Staff Attorney, Division of Legislative Services

Mr. Kindermann began the presentation with a legislative history of action on adult-use cannabis since 2020, including the legalization of recreational cannabis, first through decriminalization in 2020 via HB 972 (Herring, 2020 Regular Session) and SB 2 (Ebbin, 2020 Regular Session) and then in 2021 through legalization and possession via HB 2312 (Herring, 2021 Special Session I) and SB 1406 (Ebbin and Lucas, 2021 Special Session I). He also highlighted the bills introduced during past sessions to establish a retail marijuana market in the Commonwealth that were passed but subsequently vetoed.

Mr. Kindermann then provided a brief overview of HJ 497 (Krizek, 2025), which established the Joint Commission and directed it to (i) oversee the administration of responsibilities assigned to the Virginia Cannabis Control Authority (the Authority) under the Cannabis Control Act (§ 4.1-600 et seq. of the Code of Virginia); (ii) oversee the implementation and enforcement of cannabis-related laws and regulations; (iii) monitor issues, trends, and impacts related to cannabis; and (iv) examine, in consultation with the Authority, necessary legislative changes to the medical cannabis program that would make the program more competitive, accessible, and economically inclusive. HJ 497 also established an expiration date of July 1, 2028, for the Joint Commission. He also briefly noted the topics that the Joint Commission addressed at its meetings during the 2025 Interim.



Mr. Hatcher provided the Joint Commission with an update on the new laws related to cannabis, including modification of sentences for marijuana-related offenses (HB 26 [Henson] and SB 62 [Lucas], medical cannabis (HB 75 [Keys-Gamarra] and SB 332 [Favola], delivery and labeling requirements (HB 391 [Askew]), and enforcement (SB 543 [Aird]), that were passed during the 2026 Regular Session and approved by the Governor.

Public Comment

Members of the public were given a chance to speak regarding the information presented at the meeting.

Next Meeting

The next meeting of the Joint Commission was not set.

For more information, see the [*Joint Commission's website*](#) or contact the Division of Legislative Services staff:

Stephen Kindermann, Lead Senior Attorney, DLS
skindermann@dls.virginia.gov
804-698-1880

Troy Hatcher, Staff Attorney, DLS
thatcher@dls.virginia.gov
804-698-1829

