

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

*Setting the Stage for the 2026 Interim*

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# Recent Action on Adult-Use of Cannabis in the Commonwealth

## ● 2020

- HB 972 (Herring) and SB 2 (Ebbin) decriminalized simple possession of marijuana and transitioned the penalty from a misdemeanor to a \$25 civil penalty.

## ● 2021

- HB 2312 (Herring) and SB 1406 (Ebbin and Lucas):
  - Allowed persons 21+ to (a) possess up to one ounce of marijuana and (b) cultivate up to four marijuana plants at their residence for personal consumption
  - Also included a regulatory and licensing framework to govern the cultivation, manufacture, testing, and sale of marijuana in the Commonwealth, to be administered by the newly created Virginia Cannabis Control Authority
- However, many of the provisions of the legislation, including the regulatory and licensing framework, were subject to reenactment (requiring passage by 2022 General Assembly to become law).

# Recent Action on Adult-Use of Cannabis in the Commonwealth

- 2022

- 2022 General Assembly did not reenact = the licensing and regulatory framework for recreational retail sales provisions never became law

- 2024

- HB 698 (Krizek) and SB 448 (Rouse) established a framework for the creation of a retail marijuana market in the Commonwealth, administered by the Cannabis Control Authority.
  - Vetoed by Governor Youngkin.

- 2025

- HB 2485 (Krizek) and SB 970 (Rouse): very similar to the 2024 cannabis retail market bills - both passed GA, but were vetoed by Governor Youngkin.
- **During that Regular Session, HJR 497 (Krizek), establishing this Joint Commission, passed both bodies.**

# Recent Action on Adult-Use of Cannabis in the Commonwealth

- HJR 497 (Del. Krizek):
  - Charge of this Joint Commission:
    - (i) Oversee the administration of responsibilities assigned to the Virginia Cannabis Control Authority under the Cannabis Control Act (§ 4.1-600 et seq.);
    - (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 CCA, necessary legislative changes to the medical cannabis program that would make the program more competitive, accessible, and economically inclusive.
  - Joint Commission set to expire July 1, 2028.

# Recent Action on Adult-Use of Cannabis in the Commonwealth

- **2025 Interim** - This Joint Commission met on four occasions during the 2025 Interim with a variety of detailed presentations and public comment opportunities to inform 2026 legislative changes, including:
  - *Cannabis in the Commonwealth: An Overview of the Background and Current Status of Marijuana Legalization in Virginia* - Division of Legislative Services;
  - *Overview of Virginia Cannabis Control Authority and Medical Cannabis Program* - Virginia Cannabis Control Authority;
  - *Marijuana Taxation and Distributions* - NCSL Fiscal Affairs;
  - *Retail Cannabis Legalization: Revenue Considerations and Equity Analysis* - The Commonwealth Institute for Fiscal Analysis;
  - *Use of Revenue: How We Legalize It Right* - Marijuana Justice;
  - *Empowering Virginia Small Businesses in the Cannabis Industry* - Cannabis Small Business Association;
  - *Virginia Medical Cannabis Program Overview & Opportunities* - Virginia NORML;
  - *The National Landscape on Transitioning from Medical Cannabis to Adult-Use* - KND Group;
  - *Preventing Market Capture in Virginia: An Evidence-Based Risk Analysis* - Cannabis Wise Guys;
  - *Building a Fair and Competitive Cannabis Market for Virginia* - Bronx Cannabis Hub
  - *Enforcement of Illicit Products and Overview of the Differences in Potency Across Cannabis Products* - Dr. Michelle Peace.

# Recent Action on Adult-Use of Cannabis in the Commonwealth

## ● 2026

- HB 642 (Del. Krizek) and SB 542 (Sen. Aird) - updated framework for the creation of a retail marijuana market in the Commonwealth, administered by the Cannabis Control Authority, based on (i) information presented to and lessons learned by this Joint Commission during the 2025 interim and (ii) changes from the 2026 legislative process.
- Governor Spanberger recommended an amendment in the nature of a substitute with significant changes to the enrolled version of the bill.
  - For a description of differences in the Governor's proposed substitute, please see the [DLS Governor's Amendment and Veto Publication \(Pages 17-23; 61-66\)](#).
- Reconvene: General Assembly returns enrolled versions of both bills to the Governor.
- Governor Spanberger vetoed the bills on May 19.
  - [Governor's Veto Explanation](#)

# Current Law - Adult Use of Cannabis

- Code of Virginia - Title 4.1, Subtitle II (Cannabis Control Act)
- What is legal?
  - Adults 21+ may possess marijuana in their private residence for personal use and up to 1 oz of marijuana on their person or in public. (§ 4.1-1100).
  - Adults 21 years + can cultivate up to 4 marijuana plants at home for their personal use. (§ 4.1-1101).
    - Note: 4 plants per “household,” which includes all those living in the place of residence.
  - Plants must not be visible from a public way.
  - Must take precautions to prevent unauthorized access by under 21s.
  - Plants must be tagged with name, ID number, and notation that its being grown for personal use.
  - Property owners and landlords may prohibit marijuana consumption or cultivation in rental housing agreements.
  - Adults 21+ may share up to 1 oz of marijuana w/o exchanging anything of value. (§ 4.1-1101.1).

# Current Law - Adult Use of Cannabis

- What is prohibited?

- Sale or purchase of marijuana. (§ 18.2-248.1) (outside of medical cannabis program)
- Growing more than four plants at home or manufacturing cannabis concentrate from home-cultivated cannabis (§ 4.1-1101)
- Use of marijuana in a public place. (§ 4.1-1108)
- Possess or consume marijuana on public school grounds during school hours or school activities. (§ 4.1-1109)
- Driving under the influence of marijuana (§ 18.2-266)
- Using or consuming marijuana while driving or while being a passenger (§ 4.1-1107)
- Carrying cannabis while providing transportation services, like driving a cab or for Uber or Lyft (§ 4.1-1112)
- Purchase, possession, and consumption of marijuana by a person under 21. (§ 4.1-1105.1)
- Advertising restrictions (§ 4.1-1401) & outdoor advertising restrictions (§ 4.1-1402)

# **New Laws Related to Cannabis in the Commonwealth**

- HB 26 (Del. Henson)/ SB 62 (Sen. Lucas):
  - Marijuana-related offenses; modification of sentence, sunset.
- HB 75 (Del. Keys-Gamarra)/SB 332 (Sen. Favola):
  - Medical cannabis; administration to terminally ill patients; report.
- HB 391 (Del. Askew):
  - Medical cannabis program; product labels; delivery.
- SB 543 (Sen. Aird):
  - Marijuana and hemp products; enforcement.

# HB 26 (Henson) and SB 62 (Lucas)

- **Modification of sentence for marijuana-related offenses.**
  - Creates a process by which a person adjudicated delinquent or convicted of certain felony offenses involving, or violations of probation or community supervision related to, the possession, manufacture, selling, giving, distribution, transportation, or delivery of marijuana committed prior to July 1, 2021, who remains incarcerated or on probation or community supervision on July 1, 2026, may receive an automatic hearing to consider modification of such person's sentence.
  - Note: Sunsets on **July 1, 2029**.

# HB 26 (Henson) and SB 62 (Lucas)

- **Two Processes:**

- (1) only marijuana OR (2) marijuana & any other offense other than an act of violence (§ 19.2-297.1).

- Must be sentenced to jail, to the Department of Juvenile Justice, or to the Department of Corrections or placed on probation or on community supervision for the marijuana offense and remains incarcerated in a state or local correctional facility or secure facility serving the sentence for such adjudication or conviction, a combination of such adjudications or convictions, or a violation of probation or community supervision or remains on probation or community supervision for such adjudication or conviction or a combination of such adjudications or convictions on July 1, 2026.

- **For only marijuana adjudication/conviction:**

- The court that entered the original judgment or order **shall schedule a hearing by January 1, 2027**, to consider modification of such person's sentence

- **For marijuana adjudication/conviction plus any other offense other than act of violence:**

- The court that entered the original judgment or order **shall schedule a hearing by April 1, 2027**, to consider **modification of such person's sentence that was imposed as a result of his adjudication or conviction of a felony offense or offenses for marijuana offenses.**

- Any person eligible may file a petition for the assistance of counsel and a statement of indigency

- Note: If found indigent at original sentencing = shall be entitled to assistance of counsel for the hearing on modification of his sentence without the filing of such petition. No fee shall be charged for filing a petition.

# HB 26 (Henson) and SB 62 (Lucas)

- **Court Procedure**

- At the hearing, the court:
  - A) Shall consider that marijuana has been legalized, and
  - B) ***Shall reduce***, including a reduction to time served, vacate, or otherwise modify the person's sentence, including removing such person from community supervision, *unless the Commonwealth demonstrates it would not be compatible with the public interest to do so. Any modification of sentence shall not exceed the original term imposed by court.*
- Court decision whether to modify a sentence **within 30 days following the sentence modification hearing**.
  - If modification of a sentence is denied, the court shall file with the record of the case a **written explanation for the denial** and shall provide copies of such written explanation to the person whose sentence was considered for modification, to his attorney if represented, and to the attorney for the Commonwealth.
- Court modification decisions under this procedure shall not form the basis for any relief in any habeas corpus or appellate proceeding, unless such decision was contrary to law.

# HB 26 (Henson) and SB 62 (Lucas)

- Notification of Eligibility

- On or before September 1, 2026, the Department of Corrections, sheriff of a local jail, regional director of a regional jail, and the Department of Juvenile Justice, respectively, \ul>  - **shall** determine which individuals **currently incarcerated** in such state correctional facility, local correctional facility, or secure facility, or placed on community supervision, respectively, meet the criteria for a hearing on the modification of sentence and
  - **shall** (i) provide an electronic list of such individuals to the clerk of each court in the jurisdiction where the individual was sentenced and (ii) notify all such individuals that they may be eligible for modification of their sentence, that a hearing will be scheduled for such determination, and that they may file a petition for assistance of counsel and a statement of indigency.
- **Within 30 days of receiving the electronic list**, the clerk of each court shall notify the chief judge or presiding judge of that court who **shall subsequently set a hearing** within the timeframes required for each individual to determine whether to modify such individual's sentence

# HB 75 (Keys-Gamarra) and SB 332 (Favola)

- **Medical cannabis; administration to terminally ill patients; report.**
  - Directs the Department of Health to promulgate regulations specifying that hospital staff may store, dispense, and administer cannabis oil when a patient has valid certification and exempts such staff from criminal penalties for possession of cannabis oil.
  - The bill directs the Department of Health to *convene a work group* to discuss the implementation process for providing cannabis products to patients in medical care facilities and report on its discussion to the Chairs of the House Committee on Health and Human Services and the Senate Committee on Education and Health by November 1, 2026. This bill incorporates HB 486.

# HB 75 (Keys-Gamarra) and SB 332 (Favola)

- **§ 18.2-251.1:2. Possession or distribution of medical cannabis; hospitals, nursing homes, and certified nursing facilities; hospice and hospice facilities; assisted living facilities.**
  - No person employed by a hospital, nursing home, hospice, hospice facility, or assisted living facility and authorized to possess, distribute, or administer medications to patients or residents shall be prosecuted... for administering, etc. cannabis oil to a patient or resident who has been issued a valid written certification for the use of cannabis oil in accordance with § 4.1-1601.
  - Bill adds “hospital” to list of place
- **§ 32.1-127. Regulations**
  - 26. Shall permit hospital and nursing home staff members who are authorized to possess, distribute, or administer medications to residents to store, dispense, or administer cannabis oil to a patient or resident who has been issued a valid written certification for the use of medical cannabis oil in accordance with § 4.1-1601;

# HB 75 (Keys-Gamarra) and SB 332 (Favola)

- **Workgroup**

- The Department of Health shall convene a work group consisting of representatives of:
  - Virginia Hospital & Health Care Association;
  - Virginia Health Care Association;
  - health care providers; and
  - palliative, hospice, and hospital volunteers familiar with issues associated with providing care to individuals experiencing chronic illness
- **Why?**
  - To discuss the implementation process for providing cannabis products to patients within medical care facilities.
  - Shall assess any available federal guidance/ proposed regulations on the use of cannabis products or changes to the schedule for cannabis products under the federal Controlled Substances Act (21 U.S.C. § 801 et seq.) and interaction with applicable state laws.
- Report on discussion, including written guidelines for the use of medical cannabis within medical care facilities and the safe operations of medical care facilities, to the Chairs of the House Committee on Health and Human Services and the Senate Committee on Education and Health **by November 1, 2026.**

# HB 391 (Askew)

## Medical cannabis program; product labels; delivery.

- Changes the requirements for what is included on **medical cannabis product labels** affixed by pharmaceutical processors to include **(i) the total milligrams of tetrahydrocannabinol (THC) and cannabidiol (CBD) included in the edible cannabis product or topical cannabis product; (ii) the number of milligrams of THC and CBD in each serving of the edible cannabis product or topical cannabis product; and (iii) the total percentage of THC and CBD included in the inhalable cannabis product.** Current Law = product label of any medical cannabis product is required to include total % and milligrams of THC and CBD included in product and number of milligrams of THC and CBD in each serving.
- **Allows a pharmaceutical processor or cannabis dispensing facility to dispense or deliver cannabis products in person to a patient or such patient's registered agent, parent, or legal guardian at any residence, including a temporary residence or business.** However, the bill prohibits dispensing or delivering cannabis products to (a) any military base, child day center, school, or correctional facility; (b) the State Capitol; or (c) any public gathering places, including sporting events, festivals, fairs, races, concerts, and terminals of public transportation companies. The bill also specifies that all transportation or delivery of usable cannabis, botanical cannabis, cannabis oil, or cannabis products, whether by an employee or marijuana delivery operator, **shall comply with all relevant laws and regulations and provides that the Board of Directors of the Virginia Cannabis Control Authority may suspend or revoke the privileges of any employee or the license of any marijuana delivery operator to transport or deliver such products for failure to comply.**
- Provides that the 12-month stability testing period for medical cannabis products **begins on the date the cannabis product is tested, rather than the date of product registration approval** and that any medical cannabis product with an expiration date exceeding 12 months shall be supported by stability testing measured from the testing date, rather than the date of product registration approval. The bill contains technical amendments.

# HB 391 (Askew)

## Definitions

- **§ 4.1-1600**
  - **"Edible cannabis product"** means a cannabis product that is intended to be ingested and is (i) formulated with cannabis oil or botanical cannabis, (ii) produced by a pharmaceutical processor and sold by a pharmaceutical processor or cannabis dispensing facility, (iii) registered with the Board, and (iv) compliant with testing requirements.
  - **"Inhalable cannabis product"** means a cannabis product that is intended to be inhaled and is (i) formulated with cannabis oil or botanical cannabis, (ii) produced by a pharmaceutical processor and sold by a pharmaceutical processor or cannabis dispensing facility, (iii) registered with the Board, and (iv) compliant with testing requirements.
  - **"Marijuana delivery operator"** means an entity licensed by the Board to take possession of usable cannabis, botanical cannabis, cannabis oil, or cannabis products from a pharmaceutical processor or cannabis dispensing facility and deliver such cannabis, cannabis oil, or cannabis products only in person to patients at their residence or business.
  - **"Topical cannabis product"** means a cannabis product that is intended to be applied topically to the skin and is (i) formulated with cannabis oil or botanical cannabis, (ii) produced by a pharmaceutical processor and sold by a pharmaceutical processor or cannabis dispensing facility, (iii) registered with the Board, and (iv) compliant with testing requirements.

# HB 391 (Askew)

§ 4.1-1602. Permit to operate pharmaceutical processor or cannabis dispensing facility.

- Removed requirement for a pharmaceutical processor to maintain evidence of criminal background checks for all delivery agents of the pharmaceutical processor.
- Pharmaceutical processors shall affix to all cannabis products and botanical cannabis a label, which shall also be accessible on the pharmaceutical processor's website, that includes
  - 3. The total milligrams of THC and CBD included in an **edible cannabis product or topical cannabis product**, the number of milligrams of THC and CBD in each serving **of an edible cannabis product or topical cannabis product**, and the total percentage of THC and CBD included in an inhalable cannabis product

# HB 391 (continued)

## § 4.1-1603. Dispensing cannabis products; report.

- A pharmaceutical processor or cannabis dispensing facility **may dispense or deliver, either by employee or marijuana delivery operator**, cannabis products to such patient or such patient's registered agent, parent, or legal guardian at any residence, including a temporary residence, or business. Notwithstanding the foregoing, a pharmaceutical processor or cannabis dispensing facility **shall not dispense or deliver cannabis products to** (a) any military base, child day center, school, or correctional facility; (b) the State Capitol; or (c) any public gathering places, including sporting events, festivals, fairs, races, concerts, and terminals of public transportation companies.
- E. All transportation or delivery of usable cannabis, botanical cannabis, cannabis oil, or cannabis products, whether by an employee or marijuana delivery operator, shall comply with the provisions of this subtitle and Board regulations, including those related to background checks, proof of identification, vehicle security, GPS tracking, secure communications, and recordkeeping. **The Board may suspend or revoke the privileges of any employee or the license of any marijuana delivery operator to transport or deliver usable cannabis, botanical cannabis, cannabis oil, or cannabis products for failure of such employee or marijuana delivery operator to comply with the provisions of this subtitle or Board regulations.**

# SB 543 (Aird)

**Marijuana and hemp products; enforcement.** Amends various provisions of law to increase enforcement and penalties related to the illegal sale of marijuana or marijuana products by persons licensed or permitted by the Virginia Department of Agriculture and Consumer Services, the Virginia Alcoholic Beverage Control Authority, and the Virginia Cannabis Control Authority (CCA). The bill requires the Board of Directors of the CCA (the Board) to **create and require a decal** for retail marijuana stores, microbusinesses, pharmaceutical processors, and cannabis dispensing facilities **to prominently display on the premises of such establishments where marijuana, marijuana products, marijuana paraphernalia, immature marijuana plants, or marijuana seeds are sold** to consumers that **allows consumers to electronically verify the validity of such establishment's license or permit from the Board**. The bill requires such decal to be displayed with a civil penalty of \$10,000 for each day that such decal is not displayed in the establishment. The bill also creates a \$10,000 civil penalty for creating or falsifying such decal.

Allows Board to **issue a notice of violation and order to cease unlicensed activity** to any person who is engaged in the cultivation, processing, distribution, or selling of marijuana or marijuana products in violation of current law, and if the Board issues such notice and order, it **may also order the seizure** of such marijuana or marijuana products. Any person who intentionally removes such notice and order or sticker without authorization of the Board is subject to a civil penalty prescribed by the Board, not to exceed \$5,000. The bill specifies that the Chief Executive Officer of the Board or investigators appointed by him shall be sworn to enforce the provisions of the Cannabis Control Act and Board regulations and have the authority to investigate violations of the statutes and regulations the CCA is required to enforce. The bill also requires the Board to **establish, advertise, and administer a tip line**, which may be accessed by phone and by internet, for members of the public to anonymously report concerns about, or suspected instances of, illicit retail marijuana practices.

## SB 543 (Aird)

- Revises certain provisions related the assessment of civil penalties against manufacturers and sellers of certain industrial hemp extracts and foods containing industrial hemp extracts.
- **Effective November 1, 2026**, also creates a civil action pursuant to the Virginia Fraud Against Taxpayers Act and makes it a prohibited practice under the Virginia Consumer Protection Act **to sell or offer for sale a substance intended for human consumption, orally or by inhalation, that (i) contains more than 0.3 percent total tetrahydrocannabinol or (ii) contains more than two milligrams of total tetrahydrocannabinol per package.**

# SB 543 (Aird)

- Requires Department of Criminal Justice Services to establish compulsory minimum and in-service training standards for law-enforcement officers on the enforcement of the Cannabis Control Act and certain provisions of law related to hemp **by January 1, 2027**.
- Requires the Secretary of Public Safety and Homeland Security and the Secretary of Health and Human Resources to convene a work group to **analyze the current efforts in the Commonwealth to combat the sale of illicit cannabis products** and submit a report of its findings and recommendations to **by October 1, 2026** to Chairs of:
  - House Appropriations
  - House General Laws
  - House Courts of Justice
  - Senate Finance and Appropriations
  - Senate General Laws and Technology
  - Senate Rehabilitation and Social Services, and
  - Senate Courts of Justice

# SB 543 (Aird)

## Enactments

- Any person employed as a law-enforcement officer prior to July 1, 2026, shall complete the compulsory in-service training **by July 1, 2028**.
- The Board of Directors of the Cannabis Control Authority shall, in promulgating regulations for the creation of the decal, **include a quick response (QR) Code in such decal** that links to a webpage from the Cannabis Control Authority to confirm the validity of a retail marijuana store's, microbusiness's, pharmaceutical processor's, or cannabis dispensing facility's license or permit from the Board. Such decal shall also prominently display the words "**LICENSED BY THE VIRGINIA CANNABIS CONTROL AUTHORITY**".



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

## **Interim 2026**

