

Regulating retail sales of tobacco and hemp (aka “vape shops”)

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Why regulate retail sales of tobacco and hemp?

manufacturers allocate 90% of cigarette advertising and 70% of smokeless tobacco advertising to point-of-sale

the number, density, and proximity of retailers to schools are associated with greater number of adolescents who smoke

adolescents who smoke are at higher risk for long-term addiction because their brains are still developing

long-term tobacco addiction leads to illnesses like lung cancer, chronic obstructive pulmonary disease, heart disease, asthma

long-term, tobacco-related illnesses have tremendous personal, social, and financial costs

How to regulate retail sales of tobacco and hemp?

ORD. 2025-157 (adopted 28 July)

To amend City Code §§ 30-433.3, 30-433.11.1, 30-436.2, 30-438.2, 30-440.2, 30-442.1:1, 30-444.2:1, 30-447.2:1, 30-447.11:1, 30-448.3, 30-449.4, 30-451.2:1, 30-452.1:1, all concerning principal uses permitted by conditional use permit, 30-454.1 concerning permitted principal and accessory uses, 30-1045.6, concerning specific conditions applicable to particular uses, and 30-1220, concerning definitions, for the purpose of establishing “retail sales of tobacco and hemp” as a defined use in the City’s zoning ordinance and regulating where such uses can occur.

What is retail sales of tobacco and hemp?

any business, establishment,
or use...

- that sells, offers, or distributes
- electronic smoking devices and retail tobacco products [*§ 18.2-371.2 Code of Virginia*];
- or hemp products and hemp products intended for smoking [*§ 3.2-4112 Code of Virginia*];

and where one (1) or more of the
following apply:

1. 10% or more of the usable floor area is dedicated to the sale, offering, or distribution of such materials;
2. 10% or more of the total area used to display merchandise, or 10% or more of the total area used to otherwise promote merchandise, is dedicated to the sale, offering, or distribution of such materials
3. 10% or more of the total permitted sign area on the lot refers to such materials;
4. 10% or more of inventory is comprised of such materials;
5. 10% or more of monthly gross revenue of the is derived from the sale, offering, or distribution of such materials.

Where to allow retail sales of tobacco and hemp?

UB UB-2

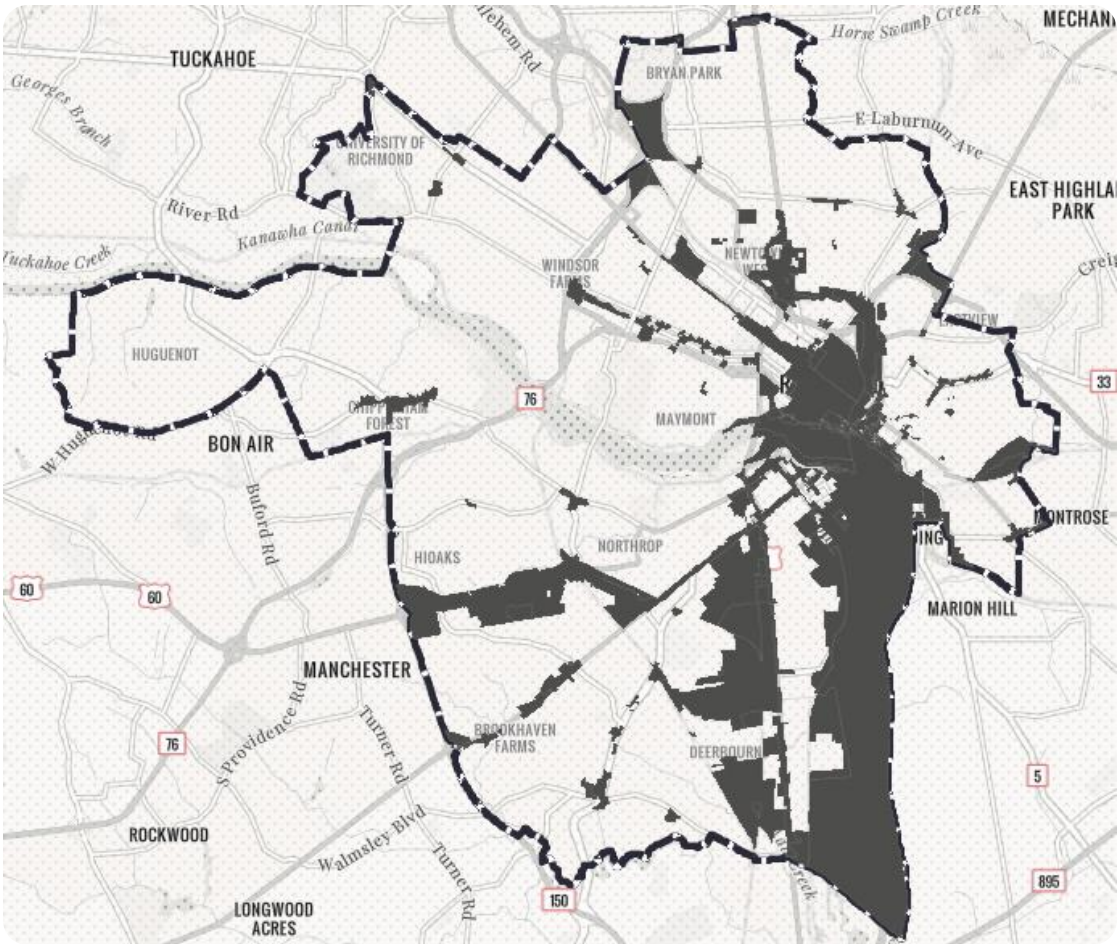
B-2 B-3 B-4 B-5 B-6

RF-1 RF-2

CM DCC

RP

M-1 M-2



How should we condition such uses?



Shall be located no less than one thousand (1,000) feet from:

- any lot in a R or RO zoning district; and
- any lot containing a child day center; public or private pre-, elementary, middle, or high school; park; public library; church or other place of worship; and
- any lot containing retail sales of tobacco and hemp; and

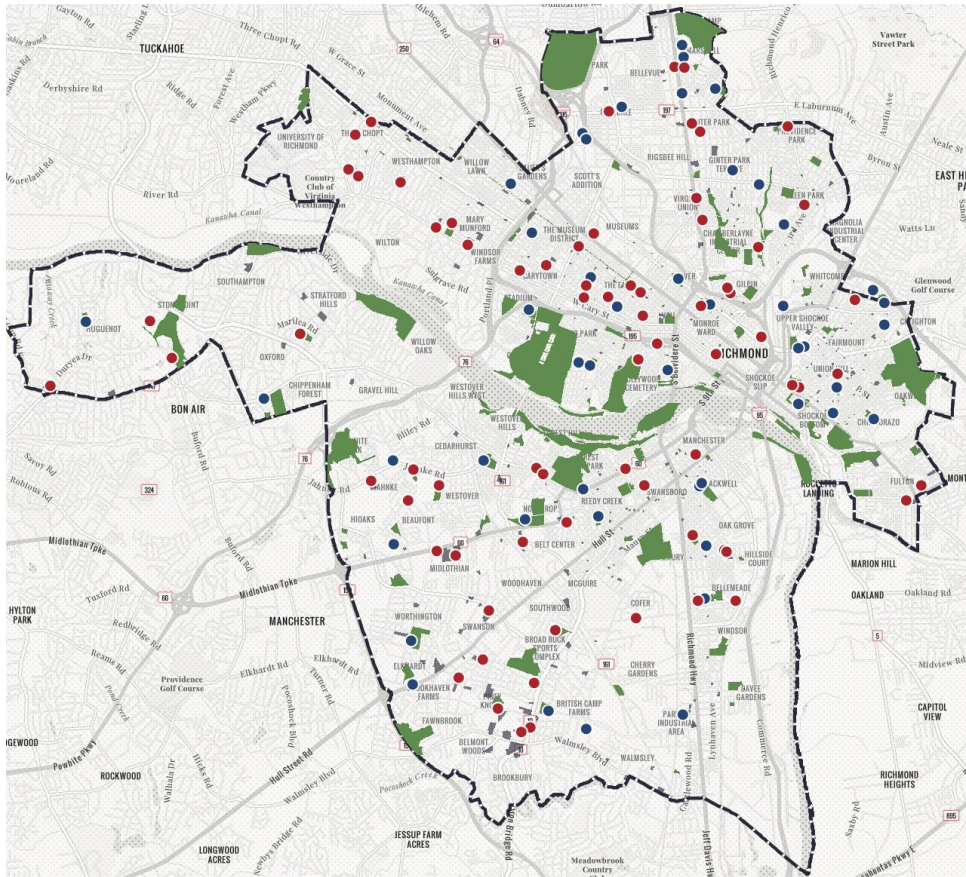


Drive-up facilities shall not be permitted in conjunction with such use; and

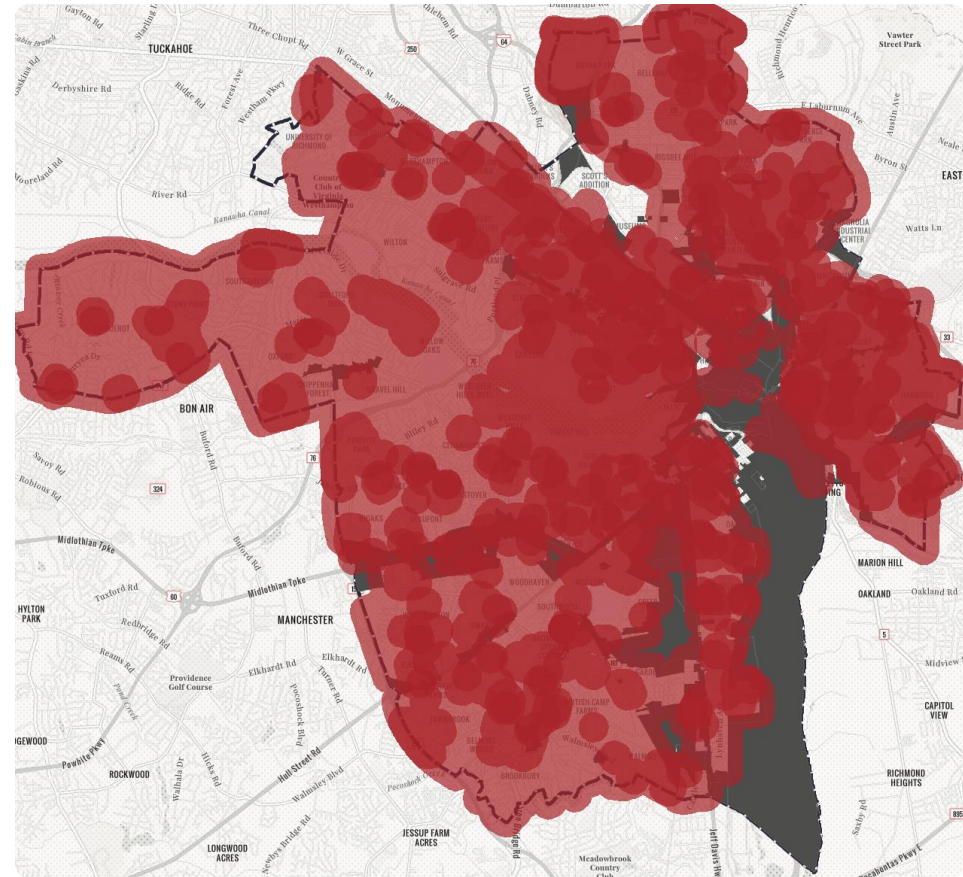


Sales shall only take place within the interior of a building or structure

How should we condition such uses?



Public schools, day centers, parks, and
places of worship



R- Districts, Public schools, day centers,
parks, and places of worship + 1,000' buffer
over permitted zoning districts

How to ensure compliance?

Existing “retail sales of tobacco and hemp” uses operating prior to the 28th of July may continue to operate, unless:

- they do not have a certificate of occupancy (CO) or certificate of zoning compliance (CZC); or
- CO or CZC is not for retail sales of tobacco

Cannot end use by building code violations, health code violations, lack of business license, or delinquent taxes.

Legality of Marijuana in Virginia

Activity	Offense / Charge
Possession up to 1oz. in public	Legal
Home cultivation up to four plants	Legal
Private adult sharing up to 1oz.	Legal
Registered medical cannabis patients	Legal
Consuming or giving in public	Civil, \$25 fine (4.1-1108)
Possession by anyone under 21	Civil, \$25 fine (4.1-1105.1)
Public possession of 1oz. to 4oz.	Civil, \$25 fine
Possession in car ("open container")	Misdemeanor Class 4 (4.1-1107)
Public possession of 4oz. to 1lb.	Misdemeanor Class 3
Public possession of more than 1lb.	Felony

Distribution, in all cases, is **criminal** (18.2-248.1):

Activity	Offense / Charge
Distribution up to 1oz.	Misdemeanor Class 1 (up to 12 months)
Distribution 1oz. to 5lbs.	Felony (up to 10 years)
Distribution over 5lbs.	Felony (5 to 30 years)



2025 Violent Crime (YTD)

	2024	2025	% change
Murder	48	45	↓ -6%
Non-fatal Shooting	166	138	↓ -17%
Robbery Commercial	47	54	↑ +15%
Robbery Individual	179	164	↓ -8%
Aggravated Assault	418	402	↓ -4%
Aggravated Assault Domestic	69	133	↑ +93%

Total Violent Crime

2024: 800

2025: 821

↑ 3%



Commercial Robberies

34% of commercial robberies have occurred at vape shops

88% of vape shop robberies have had firearms brandished by the offender



Vape Shop Issues

RPD continues to deal with criminal activity stemming from vape shops, particularly the **illegal distribution of marijuana** and other THC products.

Many products they sell are not criminal, but heavily regulated – hemp (VA Office of Hemp Enforcement), vape devices (FDA), liquid nicotine (VA AG). **Enforcing compliance on these is not within the authority of RPD.**

Vape shops also contribute to other criminal activity such as **commercial robberies**, vagrancy and selling to minors.



Vape Shop Issues

RPD has conducted **10 search warrants** at vape shops so far this year which were evenly split between Northside (Chamberlayne Avenue and Broad Street) and Southside (Broad Rock Boulevard and Hull Street).

- Overall, RPD seized **75 lbs. of marijuana** / THC-related products and **10 firearms** related to these search warrants.
- Typically, the store **quickly re-opens** and resumes activity.
- In a very few cases, vape shops have been closed due to code violations found by the city's Planning, Development & Review.





Questions?

