

CBD Hemp Retail Store

Intro - A CBD hemp retail store in North Carolina is a business that sells various products derived from the hemp plant, such as oils, gummies, lotions, and hemp flowers, that contain very low levels of delta-9 THC (tetrahydrocannabinol), the psychoactive compound found in marijuana.

Legal Products - The products sold are considered legal under both North Carolina and federal law because they are derived from hemp (not marijuana) and contain a maximum of **0.3% delta-9 THC** on a dry weight basis. Anything exceeding this limit is legally considered marijuana and is illegal for general sale and use in NC.

No Psychoactive Effects (Typically) - The primary compound is cannabidiol (CBD), which is non-intoxicating and does not cause a "high". Some stores may also sell other hemp-derived cannabinoids like Delta-8 or THCa, which are legal if they meet the strict THC limits, but some of these may have psychoactive effects.

Not a Marijuana Dispensary - These stores are distinct from state-licensed marijuana dispensaries, which North Carolina does not currently have for recreational use. They are regular retail outlets, and no specific state license was historically required to sell the products, although regulations are becoming stricter.

Age Restrictions - As of new regulations in North Carolina (effective October 2025), customers must be at least **21 years old** to purchase any hemp or THCa product, and retailers must verify age with a government-issued ID.

In essence, a CBD hemp retail store in NC operates within a specific legal framework that allows the sale of hemp-derived products, provided they adhere to strict THC potency limits and new age and testing regulations. Just as the state regulates the sale of alcohol and hard liquors, it regulates the sale of CBD products.

As it relates to zoning – We have typically always allowed the sell of beer & wine in B-1, B-2, or L-1 districts without any additional restriction or guidelines. It was treated as just another retail sales business. Staff feels that CBD Hemp sales is very similar to the sale of CBD and should be allowed as a use by right in the same districts as beer & wine. We have an inclusionary zoning ordinance vs an exclusionary zoning ordinance meaning that if a use is not listed in the list of uses found in Sec. 32-198, then if there's a similar use in the table it can be considered allowable by right. Beer & wine is a similar use to CBD sales and should be allowed as a use by right in the same districts.

Some NC jurisdiction have looked at CBD sales and added additional requirements to this particular use and listed the use in their table of uses. Those additional requirements are similar to those we added to Electronic Gaming Facilities (1,000 feet from schools, daycares, parks, churches, etc.). Staff does not feel that this is needed for this particular use but would ask council to review this uses and decide if they would like to get our attorney to do a text amendment and add the use to Sec. 32-198, Commercial. or just let it be a similar use like the sale of beer & wine.