

MEMORANDUM

TO: Voluntown Planning & Zoning Commission
FROM: John Guskowski, AICP, CZEO
DATE: October 19, 2022
SUBJECT: Draft Cannabis Regulations

Summary

Following the passage of Public Act 21-1, An Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis (June Special Session), as of July 1, 2021, the personal use and possession of cannabis by adults over the age of 21 became legal in the State of CT. The law also requires that the CT Department of Consumer Protection draft regulations pertaining to the use and sale of cannabis and to begin accepting applications for licenses. In accordance with the above law and regulations, the Town of Voluntown Planning and Zoning Commission enacted a Temporary and limited Moratorium on Cannabis Uses which will expire on April 1, 2023.

The following draft regulations were developed following regulatory examples from the Towns of Durham, Mansfield, Putnam, Deep River, and North Stonington. As part of the adoption of this regulation, the Moratorium found in Section 8.16 will be removed and replaced with the new language.

Language for Consideration

(Proposed): Section 8.16 Supplementary Regulations: Cannabis Establishments

8.16.1 Purpose

The purpose of this section is to allow for a comprehensive review and appropriate siting of cannabis establishments to ensure any such establishment is in harmony with and will not have a detrimental effect upon the surrounding area, and that both the operation and location of any such establishment is protective of the public health and welfare.

8.16.2 Definition of Terms:

For the purpose of this Section only, the terms referred to herein shall be defined and used as outlined and defined in C.G.S §21-420h (as amended).

8.16.2.1 Cannabis Establishment:

a non-profit, person(s) or business entity otherwise engaged in an activity which would be defined as a producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, and product packager.

8.16.2.2 Cannabis Hybrid Retailer:

A person that is licensed to purchase cannabis and sell cannabis and medical marijuana products.

8.16.2.3 Cannabis Retailer:

A person, excluding a dispensary facility and hybrid retailer, that is licensed to purchase cannabis from producers, cultivators, micro-cultivators, product manufacturers and food and beverage manufacturers and sell cannabis to consumers and research programs.

8.16.2.4 Cultivator:

A person that is licensed to engage in the cultivation, growing and propagation of the cannabis plant at an establishment with no less than fifteen thousand square feet of grow space.

8.16.2.5 Micro-cultivator:

A person licensed to engage in the cultivation, growing and propagation of the cannabis plant at an establishment containing not less than two thousand square feet and not more than ten thousand square feet of grow space, prior any expansion authorized by the Commissioner of DCP.

8.16.2.6 Food and Beverage Manufacturer:

A person that is licensed to own and operate a place of business that acquires cannabis and creates food and beverages.

8.16.2.7 Producer:

A person that is licensed as a producer pursuant to section 21a-408i of the general statutes and any regulations adopted thereunder.

8.16.2.8 Product Manufacturer:

A person that is licensed to obtain cannabis, extract and manufacture products exclusive to such license type.

8.16.2.9 Product packager:

A person that is licensed to package and label cannabis.

8.16.3 Cannabis Retailers and Hybrid Retailers:

Retailers and Hybrid Retailers may be permitted via Special Exception in the Village District and in the Village Commercial Overlay District subject to the standards specified herein in addition to the standards set forth below.

8.16.3.1 All Cannabis Retailers shall meet the following criteria:

1. Shall not be located within five hundred (500) feet of any other cannabis establishment as defined herein or, within 500ft of any child day-care facility, church, public playground or public or private school when measured using a direct line between any part of the permit premises and any part of a lot used as such.
2. Hours of operation will be limited to no earlier than 8:00 AM or later than 10:00 PM Monday through Saturday and 10:00 AM to 6:00 PM on Sunday.
3. No consumption of any cannabis product may take place on site.
4. Signage shall be in accordance with Section 11 of these Regulations and C.G.S §21-420h (as amended) whichever is more restrictive.

8.16.3.2 Any application for a Cannabis Retailer approval shall include:

1. An operational plan to indicate, at a minimum, how the facility will be managed related to:
 - a. Hours of operation
 - b. Security and Access
 - c. Signage to be installed
 - d. Odor monitoring and mitigation
 - e. Parking, Traffic and Circulation

8.16.4 Cannabis Micro-Cultivators:

Cannabis Micro-Cultivators may be permitted in any Zoning District via Special Exception subject to the standards specified herein in addition to the standards set forth below.

8.16.4.1 All Cannabis Micro-Cultivator shall meet the following criteria:

1. Minimum parcel size for Cannabis Micro-Cultivator shall be five (5) acres
2. All cultivation shall be conducted within an enclosed building
3. State of Connecticut Micro-Cultivators License shall be obtained from the State of Connecticut and filed on the Voluntown Land Records
4. There shall be a minimum of one thousand feet (1000') separation distance to all residential structures existing at the effective date of this regulation. The Commission may consider increasing the separation distance based on site topography, height of proposed building and adjacent buildings, Odor Dispersion Analysis, and any other factors specific to the proposed site.
5. No consumption of any cannabis product may take place on site.
6. Signage shall be in accordance with Section 11 of these Regulations and C.G.S §21-420h (as amended) whichever is more restrictive.

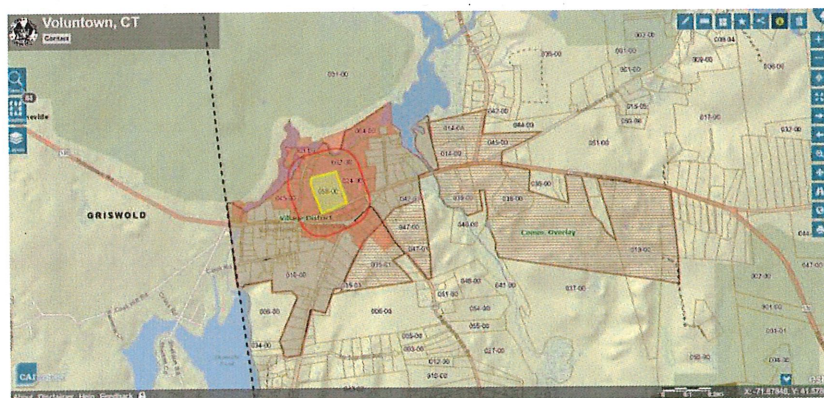
8.16.4.2 Any application for a Cannabis Micro-Cultivator approval shall include an operational plan to indicate, at a minimum, how the facility will be managed related to:

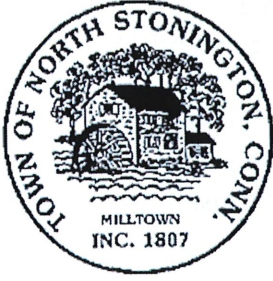
- a. Hours of operation
- b. Security and Access
- c. Signage to be installed
- d. Odor monitoring and mitigation
- e. Parking, Traffic and Circulation

8.16.5 Conditional Approval:

In addition to any conditions imposed pursuant to these Regulations, all special exceptions for cannabis establishments shall be subject to the following conditions:

- 8.15.5.1 Special Exceptions shall be approved with the condition that the applicant continuously maintains all necessary approvals required by the State of Connecticut for the duration of the operation.
- 8.15.5.2 A conditional approval issued by the Commission shall not be considered fully executed until a copy of the State issued license has been provided to the Land Use Department. A fully executed approval, including the State issued license must be filed with the Voluntown Town Clerk within six (6) months of the issuance of the Special Exception.
- 8.15.5.3 The Commission may issue not more than two (2) six-month extensions to this requirement provided the applicant can demonstrate that an application has been filed with the Department of Consumer Protection and the expected decision date will fall within the timeframe of the extension.
- 8.15.5.4 No entity shall commence operations, sales or advertisements without a valid, current license from the State of Connecticut and fully executed Special Permit from the Town filed on the Voluntown Land Records.





Town of
North Stonington
Connecticut

LAND USE DEPARTMENT
PLANNING AND ZONING COMMISSION

Cannabis Use - Regulation
MEMORANDUM

DATE: 1 June 2022
TO: Planning & Zoning Commission
FROM: Nathan Reichert - Planning, Development and Zoning Official
RE: Draft 3 - Cannabis Uses Regulation

Summary

The draft 3 cannabis regulations.

Applicant

The Town of North Stonington Planning and Zoning Commission
Nathan Reichert – Planning, Development and Zoning Official.

Process

Regulation adoption requires that the Planning and Zoning Commission follow a regulation text amendment process. A public hearing must be scheduled, advertised, and held prior to Commission's action. Thus, the Commission needs to order a public hearing advertised. Only after conducting the hearing, the Commission may approve the cannabis uses regulations. Advertising and notice requirements dictate that the earliest the Commission can schedule a public hearing. The six-month Cannabis Moratorium became effective on 10 Feb 2022. The Commission must act by August 10th 2022.

The suggested schedule is as follows:

1. 1 June 2022 – Legal Review underway, submit formal application to Commission for the text change.
2. 2 June 2022 (Regular meeting) – receive the application and schedule the public hearing.
3. 7 July 2022 (Regular meeting) – conduct public hearing. Approve regulations or continue until the Aug 4th regular meeting.
 - a. If approved at the 7 July 2022 meeting, then the public notice will be advertised on 13 July when the regs will take effect.
 - b. If approved at the 4 Aug 2022 meeting, then the public notice will be advertised on 10 Aug when the regs will take effect.

Background

The State of Connecticut's passed SB 1201 An Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis which became effective July 1st 2021. The Act is being amended in the 2022 legislative session. The Act permits State licenses to be granted for the growing, processing and selling of adult recreational use cannabis. The Planning and Zoning Commission is empowered by the act to promulgate use regulations under its Zoning Enabling Act powers. Attached below is a regulation change that, when in place, will regulate various cannabis use permits.

State Review

State of Connecticut - Office of Policy and Management - Intergovernmental Policy and Planning Division Municipal Authority's - Municipal Authority – Impact Overview is attached.

Relevant Sections for the Planning and Zoning Commission are as follows:

Sec. 148 – effective July 1, 2021: *Authorizes municipalities to enact certain zoning regulations or ordinances for cannabis establishments; temporarily prohibits municipalities from granting zoning approval for more retailers or micro-cultivators than a number that would allow for one of each for every 25,000 residents; and allows the DCP commissioner to set a population-based cap for number of retailers or micro-cultivators in the future.*

General Zoning Authority and Restrictions: *Allows municipalities to amend their zoning regulations or local ordinances to take the following actions regarding cannabis establishments: 1. prohibit them from opening; 2. reasonably restrict their hours and signage; or 3. restrict their proximity to religious institutions, schools, charitable institutions, hospitals, veterans' homes, or certain military establishments. Municipal chief zoning officials are required to report these zoning changes to the OPM Secretary and DCP. They must report in writing within 14 days after adopting the change.*

Affirmative Zoning Approval for Retailers and Micro-Cultivators: *Until June 30, 2024, municipalities are prohibited from granting zoning approval for more retailers or micro-cultivators than a number that would allow for one retailer and one micro-cultivator for every 25,000 municipal residents, as determined by the most recent decennial census. Beginning July 1, 2024, the DCP commissioner may post on the department's web site a specific number of residents such that no municipality shall grant zoning approval for more retailers or micro-cultivators than would result in one retailer and one micro-cultivator for every such specific number of residents, as determined by the commissioner.*

In order to ensure compliance, the bill requires a special permit or other affirmative approval for any retailer or micro-cultivator seeking to be located within a municipality. A municipality must not grant the special permit or approval for any applicant if an approval would result in exceeding the density cap set by the bill or DCP Commissioner. The purpose of the special permit or other affirmative approval is not to require a public meeting or any other steps or procedures than would otherwise be required under a municipality's zoning ordinance, but rather to ensure that no more retailers or micro-cultivators are granted zoning approval than the number allowable under the legislation.

1 **Proposed Text Amendment**

2 Add the following to the Zoning Regulations:

3 **602.7**

ZP = Zoning Permit SPL = Site Plan SPP = Special Permit MPL = Master Plan EXP = Excavation Permit

602.7 Cannabis Uses	C	HC	VC	ED	RC	I
Cannabis Cultivator Facility	No	SPP	No	SPP	SPP	SPP
Cannabis Retail Facility	No	SPP	No	SPP	SPP	SPP

C = Commercial District

HC = Highway Commercial District

VC = Village Commercial

ED = Economic Development District

RC = Resort Commercial District

I = Industrial District

4 **3.14 Cannabis Uses**

5 **A. Intent and Purpose**

- 6 1. Public Act No. 21-1, An Act Concerning Responsible and Equitable Regulation Adult Use
7 Cannabis ("The Act") became effective July 1, 2021. The Planning and Zoning Commission
8 has determined that the uses defined and enabled in "The Act" affect the health, safety
9 and welfare of North Stonington's citizens, and the following restrictions and standards
10 for the implementation of uses enabled by "The Act" are here to adopted.

11 **B. Definitions**

12 **Backer** – A licensed Backer is an individual with a financial interest in a cannabis
13 establishment, and either (1) owns 5% or more of the cannabis establishment,
14 including in the aggregate with a spouse, parent, and child, or (2) participates
15 directly or indirectly in the control, management, or operation of the cannabis
16 establishment.

17 **Cannabis Cultivator Facility** – A licensed cultivator or micro-cultivator may cultivate,
18 grow, and propagate cannabis and is licensed to sell cannabis to food and beverage
19 manufacturers, product manufacturers, and/or cannabis retail facilities. A cannabis
20 cultivator facility may include licensed food and beverage manufacturer, product
21 manufacturer, product packager and transporter accessory use.

22 **Cannabis Manufacturer Facility** - A manufacturer facility is a licensed food and
23 beverage manufacturer or product manufacturer who is permitted to purchase
24 cannabis from a licensed cultivator, then manufacture products, food and/or
25 beverages and sell them to a licensed retailer. A cannabis manufacturer facility may
26 be an accessory use to a cannabis cultivator facility.

27 **Cannabis Retail Facility** - Retailers are licensed to purchase cannabis from producers,
28 cultivators, micro-cultivators, product manufacturers and food and beverage
29 manufacturers and to sell cannabis to consumers and research programs. A cannabis
30 retail facility may include additional licensed accessory uses including product hybrid
31 retailer, transporter, delivery service, and/or product packager.

Cultivator - A licensed cultivator may cultivate, grow, and propagate cannabis at an establishment containing not less than 15,000 square feet of grow space.

Delivery Service - A licensed delivery service may deliver cannabis and cannabis products from certain cannabis establishments to consumers or qualifying patients and caregivers.

Employee - An employee is anyone that is a member of the board of a company with an ownership interest in a cannabis establishment, and anyone who is directly employed by a cannabis establishment or has routine access to the establishment and its products.

Food and Beverage Manufacturer - A licensed food and beverage manufacturer may incorporate cannabis into foods or beverages as an ingredient. Licensed food and beverage manufacturers may not sell directly to consumers or qualifying patients or caregivers, and may only sell, transfer, or transport its own products to licensed cannabis establishments, laboratories, or research programs.

Hybrid Retailer - A licensed hybrid retailer may sell cannabis and cannabis products to adult consumers over 21 years of age as well as medical marijuana products to qualifying patients and caregivers.

Key Employee - an employee with one of the following management positions, or an equivalent title in the cannabis establishment:

President or chief officer, or the top-ranking individual at the cannabis establishment responsible for all staff and overall direction of business operations.

Financial Manager, or the individual who reports to the president or chief officer and who is generally responsible for oversight of the financial operations of the cannabis establishment, including, but not limited to, revenue generation, distributions, tax compliance and budget implementation.

Employee - An employee is anyone that is a member of the board of a company with an ownership interest in a cannabis establishment, and anyone who is directly employed by a cannabis establishment or has routine access to the establishment and its products.

Compliance Manager, or the individual who reports to the president or chief officer and who is generally responsible for ensuring the cannabis establishment complies with all laws, regulations and requirements related to the operation of the cannabis establishment

Micro-cultivator- Micro-cultivators are licensed to engage in the cultivation, growing and propagation of the cannabis plant at an establishment that is between 2,000 square feet and 10,000 square feet of grow space, prior to any expansion authorized by the Department of Consumer Protection Commissioner. Once licensed, the micro-cultivator may expand up to 25,000 square feet or convert to a cultivator if they expand to more than 25,000 square feet of grow space.

Product Manufacturer - A licensed product manufacturer may perform cannabis extractions, chemical synthesis, and all other manufacturing activities. A product manufacturer may sell, transfer, or transport its own products to a cannabis establishment, laboratory or research program, provided such transportation is performed by utilizing its own employees or a transporter. A product manufacturer may not deliver any cannabis to a consumer, qualifying patient, or caregiver directly or through a delivery service.

Product Packager - A licensed product packager shall be responsible for ensuring that cannabis products are labeled and packaged in compliance with all state laws, regulations, and policies.

Retailer - licensed to purchase cannabis from producers, cultivators, micro-cultivators, product manufacturers and food and beverage manufacturers and to sell cannabis to consumers and research programs. A licensed retailer may sell cannabis and cannabis products to adult consumers over 21 years of age.

Transporter - A licensed transporter may deliver cannabis and cannabis products between cannabis establishments.

C. Special Permit Requirements

1. A special permit pursuant to Chapter 13 Permits by Commission - 1303 Special Permit Application, approved by the Planning and Zoning Commission shall be required for all cannabis uses.
2. Primary cannabis uses may include a cannabis cultivator facility and/or a cannabis retail facility.
3. Accessory cannabis uses may include a cannabis manufacturer facility, cultivator, micro-cultivator, food and beverage manufacturer, product manufacturer, product packager, delivery service, transporter, retailer, or hybrid retailer and shall only be permitted as accessory to a primary use special permit.
4. Permitted uses may not exceed the population ratio density cap quantity limitations required by state law or by section 3.14.G.1 of these regulations.
5. A security plan for a cannabis facility shall be a part of the application. The Commission may, at the expense of the applicant, engage a security consultant to review the plan and make recommendations to the Commission.
6. The Fire Department and Fire Marshall shall review and approve the site and operations plan to ensure compliance with fire code and firefighting feasibility of the proposed facility.
7. The site and facility shall be served by a drinking water supply source approved by the Health District and/or the State Department of Public Health, as necessary.
8. The growing, manufacture and/or retail sales of cannabis shall not create the emission of dust, odor, fumes, smoke, wastes, noise, vibrations, traffic, illegal discharge of wastewater to the ground or cause adverse environmental impacts to the surrounding properties.
 - a. An environmental impact review/study shall be included as a part of the special permit application.

- 127 b. The impact review / study shall include:
- 128 i. The facility's odor mitigation plan.
- 129 ii. If a septic system is being used for the facility, then a plan to keep separate
- 130 manufacturing waste and wastewater treatment is required. The applicant shall
- 131 secure an approved septic permit that is compliant with the state public health
- 132 code and technical standards and the Department of Energy and Environmental
- 133 Protection's regulations, depending on the projected wastewater and sanitary
- 134 water flows from the facility. Industrial and manufacturing wastewater, other
- 135 than sanitary waste discharges, will need to be evaluated to determine whether
- 136 an industrial discharge permit is required by the Department of Energy and
- 137 Environmental Protection to pre-treat potential wastewater discharges.
- 138 iii. All chemicals used in the growing, production, manufacture, and/or extraction
- 139 process shall be disclosed, including Material Safety Data Sheets, for all
- 140 chemicals used at the facility.
- 141 iv. A detailed plan for the proper storage and potential containment of all hazardous
- 142 wastes, substances and materials shall be included as a part of the application.
- 143 9. A Traffic control and impact study shall be included with any application for retail
- 144 facilities.
- 145 10. A special permit shall be renewed annually and is subject to an annual inspection by the
- 146 1st Selectman or his/her appointee, the Resident Trooper, the Fire Chief, the Fire
- 147 Marshall, Building Inspector, Health District Official and Zoning Official to ensure
- 148 compliance with all special permit requirements, public health, fire and safety regulations.
- 149 The Zoning Official may administratively renew the special permit.
- 150 a. Prior to the refusal to annually renew a special permit, the facility subject to said
- 151 renewal shall be given notice and a hearing before the Planning and Zoning
- 152 Commission.
- 153 11. Town of North Stonington Law Enforcement is granted consent to access a cannabis
- 154 facility's required surveillance systems as a condition of a special permit.
- 155 12. Annually, or upon a state license's issuance or renewal, all State issued licenses required
- 156 for the operation of a cannabis facility shall be filed with the Land Use Office of the Town.

157 **D. Setback Requirements**

- 158 1. Any cannabis use must be a minimum of 500' from an elementary or secondary school
- 159 ground, a house of worship, recreation center or facility, childcare center, playground,
- 160 public park, library, charitable institution, hospital, veteran's home or military
- 161 establishment.
- 162 2. Once a cannabis use is permitted and established, an elementary or secondary school
- 163 ground, a house of worship, recreation center or facility, childcare center, playground,
- 164 public park, library, charitable institution, hospital, veteran's home or military
- 165 establishment may not be established within 500' of a permitted cannabis use.
- 166 3. Any cannabis use must have a 200' setback from a residential home or apartment, except
- 167 for a caretaker apartment permitted in conjunction with a cannabis facility.
- 168 4. All sales, growing, production and storage of cannabis shall be conducted indoors.
- 169 5. Cannabis products may not be consumed on the grounds of a permitted retail,
- 170 manufacturer, or cultivator facility.
- 171 6. Any proposed retail use shall be subject to the requirements of a cannabis retailer and
- 172 hybrid retailer.

E. Hours of Operation

1. The hours of operation for a cannabis retail facility shall be:
 - a. 8:00 A.M. to 10:00 P.M. on Monday through Saturday.
 - b. 10:00 A.M. to 6:00 P.M. on Sunday.
 - c. The facility shall remain closed for retail sales, delivery or production on Thanksgiving, Christmas, and New Years Day.

F. Zoning Districts

1. Zoning Districts of permissible use are pursuant to use chart 602.7.
2. Cannabis facilities shall be strictly prohibited within the R-40, R-60, R-80, C, VC, VPO, and SUO zoning and overlay districts.

G. Special Permit Limit

1. The Town of North Stonington, being less than 25,000 in population, shall not issue a final special permit for more than one (1) cannabis retailer license and one (1) micro-cultivator or cultivator license prior to June 30th 2024.
2. After July 1st 2024 the Town of North Stonington shall not issue a final special permit for a cannabis retailer license or micro-cultivator or cultivator license which exceeds the population ratio density cap as defined by the Commissioner of Consumer Protection as posted on the Department of Consumer Protection's Internet web site.

H. Delivery Service

1. A licensed delivery service or transporter domiciled within North Stonington shall obtain a special permit as an accessory use to an approved primary use special permit.
2. A licensed delivery service may deliver products to recreational cannabis consumers and may deliver medical marijuana to qualifying patients.
3. A licensed transporter may transport cannabis products between cannabis establishments, laboratories, and research programs.

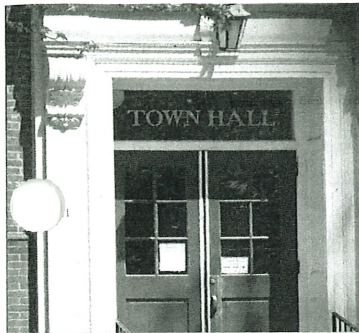
I. Signage

1. Signage shall comply with all aspects of section §312 Signs of the North Stonington Zoning Regulations and must be compliant with all aspects of state law.
2. Signage shall be located:
 - a. On the cannabis establishment's premises, regardless of whether such cannabis establishment leases or owns such premises; or
 - b. On any commercial property occupied by multiple tenants including such cannabis establishment.
 - c. Five hundred (500) feet from an elementary or secondary school ground, house of worship, recreation center or facility, childcare center, playground, public park, library, charitable institution, hospital, veteran's home or military establishment.
3. Signs permitted in conjunction with a cannabis retail or cultivator facility shall be limited to the following standards:
 - a. Freestanding Sign: No more than 1, no greater than 48 square feet and no taller than 10 feet.
 - b. All additional signs: Total of all additional signs 48 square feet, with 8' (eight foot) clearance over pedestrian walkway and a 13' (thirteen foot) clearance over a roadway / ally.
 - c. "Sandwich Board" or "A-frame" signs are not permitted.
- ~~4. Signage for a cannabis establishment shall be prohibited from the following:—~~
 - ~~a. Targeting or being designed to appeal to individuals under 21.~~

- b. ~~Claiming or implying that cannabis products have curative or therapeutic effects.~~
 - c. ~~Advertising cannabis, cannabis products or cannabis paraphernalia in any physical form visible to the public within one thousand five hundred (1,500) feet of an elementary or secondary school ground, a house of worship, recreation center or facility, childcare center, playground, public park, library, charitable institution, hospital, veteran's home, or military establishment.~~
 - d. ~~Including the words 'drug store,' 'pharmacy,' 'apothecary,' 'drug(s),' or 'medicine shop' or any combination of such terms or any other words, displays or symbols indicating that such store, shop, or place of business is a pharmacy~~
 - e. ~~Advertising any specific brand or kind of cannabis product.~~
 - f. ~~Using any image, or any other visual representation, of the cannabis plant or any part of the cannabis plant, including, but not limited to, the leaf of the cannabis plant.~~
 - g. ~~Advertise on or in public or private vehicles or at bus stops, taxi stands, transportation waiting areas, train stations, airports or other similar transportation venues including, but not limited to, vinyl wrapped vehicles or signs or logos on transportation vehicles not owned by a cannabis establishment.~~
 - h. ~~Display cannabis, or cannabis products or any image, or any other visual representation, of the cannabis plant or any part of the cannabis plant, including, but not limited to, the leaf of the cannabis plant, so as to be clearly visible to a person from the exterior of the facility used in the operation of a cannabis establishment, or display signs or other printed material advertising any brand or any kind of cannabis or cannabis product, or including any image, or any other visual representation, of the cannabis plant or any part of the cannabis plant, including, but not limited to, the leaf of the cannabis plant, on the exterior of any facility used in the operation of a cannabis establishment.~~
 - i. ~~Advertise across property lines and/or on a billboard.~~
 - j. ~~Any additional prohibition required by state law.~~
5. ~~Any outdoor signage meeting the requirements of 3.14.1.2 and state law may be permitted if such outdoor signage:~~
- a. ~~Contains only the name and logo of the cannabis establishment.~~
 - b. ~~Does not include any image, or any other visual representation, of the cannabis plant or any part of the cannabis plant, including, but not limited to, the leaf of the cannabis plant.~~
 - c. ~~Is comprised of not more than three colors.~~
 - d. ~~Is located:~~
 - i. ~~On the cannabis establishment's premises, regardless of whether such cannabis establishment leases or owns such premises; or~~
 - ii. ~~On any commercial property occupied by multiple tenants including such cannabis establishment.~~
 - iii. ~~Five hundred (500) feet from an elementary or secondary school ground, house of worship, recreation center or facility, childcare center, playground, public park, library, charitable institution, hospital, veteran's home or military establishment.~~

- 265 **J. Notification of the State**
- 266 1. If zoning regulations are amended in regard to cannabis establishments, the zoning official
- 267 must notify the Secretary of the Connecticut Office of Policy and Management no more
- 268 than 14 days from the adoption of the changes (Sec. 148 (b)). The zoning official must also
- 269 notify the Connecticut Department of Consumer Protection.
- 270 **K. Repeal and Effective Date**
- 271 1. The existing 3.14 Cannabis Uses section of the Zoning Regulations is hereby repealed and
- 272 replaced by this text amendment which shall take effect immediately upon passage.

DRAFT 3



June 24, 2021



Connecticut Conference
of Municipalities

Municipal Management Bulletin

545 LONG WHARF DRIVE, NEW HAVEN, CT 06511 • PHONE (203) 498-3000 • FAX (203) 562-6314

SB 1201—Adult-Use Recreational Marijuana **Municipal Impact and Analysis**

SB 1201 was enacted during the June 2021 Special Session which legalizes adult use of cannabis. Among other things, the new law (a) creates a process for the erasure of previous marijuana related convictions, (b) establishes legal adult recreational use of cannabis by allowing individuals age 21 or older to possess, use, or otherwise consume cannabis and cannabis products, (c) and establishes new laws, regulations and control of cannabis products. In general, the bill limits possession to 1.5 ounces of cannabis plant material and 5 ounces of such material in a locked container in the person's residence or locked vehicle glove box or trunk (or equivalent cannabis product amounts or combined amounts). In addition, beginning on July 1, 2023 the bill allows any individual age 21 or older to cultivate up to three mature and three immature cannabis plants in an individual's primary residence.

The following are specific municipal provisions of SB 1201:

Local referendum (section 83-84) - Effective July 1, 2021 if at least 10% of a municipality's electors petition for a vote to allow certain marijuana sales, it must be done at least 60 days before a regular election. If met, the municipality must hold a referendum to determine whether to allow (1) the recreational sale of marijuana in the municipality or (2) the sale of marijuana in one or more of the cannabis establishment license types. The bill does specify what specific language needs to be used in a referendum question.

Zoning Authority and Restrictions (sections 83-84, 148)

The bill allows municipalities to amend their zoning regulations or local ordinances to take the following actions regarding cannabis establishments:

- a) prohibit them from opening;
- b) reasonably restrict their hours and signage; or
- c) restrict their proximity to religious institutions, schools, charitable institutions, hospitals, veterans' homes, or certain military establishments.

If a municipality imposes regulations or ordinances regarding the above, they will be precluded from imposing additional or modified restrictions on cannabis establishment regarding hours, zoning, or signage existing businesses until five years after the restrictions are originally adopted. If municipalities take no action through zoning regulations or ordinances, these establishments must be zoned as similar uses would be. The bill prohibits municipalities from regulating the delivery of cannabis of any form. In addition, prohibits negotiating or entering into local host agreements.

Until June 30, 2024, the bill prohibits municipalities from granting zoning approval for more retailers or micro-cultivators than a number that would allow for one retailer and one micro-cultivator for every 25,000 municipal residents, as determined by the most recent decennial census.

The law also allows municipalities, for the first 30 days after cannabis retailers or hybrid retailers open, to charge them up to \$50,000 for any necessary and reasonable municipal costs for public safety services related to the opening (such as for directing traffic).

- OVER -

Regulating Cannabis Usage (sections 83-84)

Effective October 1, 2021, existing law allows municipalities to regulate activities deemed harmful to public health, including smoking, on municipally-owned property. The bill broadens this to include property that a municipality controls but does not own. It specifies that this regulatory authority applies to (1) smoking tobacco or cannabis, including cannabis ecigarette use (i.e., electronic delivery systems and vapor products) and (2) other types of cannabis use or consumption. It allows municipalities to ban cannabis smoking (including ecigarette use) at outdoor sections of restaurants. Through regulations, municipalities may set fines for violations, up to (1) \$50 for individuals or (2) \$1,000 for businesses.

For municipalities with more than 50,000 people, if the town or city decides to regulate the public use of cannabis, the local regulations must designate a location in the municipality where public consumption of cannabis is allowed.

Municipal Cannabis Tax (Sections 126—127)

The bill imposes a 3% municipal sales tax (in addition to the state cannabis tax established at 6.35%) on the gross receipts from the sale of cannabis by a cannabis or hybrid retailer or micro-cultivator. Under the bill, “gross receipts” means the total amount received from cannabis sales by the retailer or micro-cultivator. The tax must be collected from consumers at the time of sale and be held in trust until remitted to the municipality. The bill exempts from the municipal sales tax:

- a) cannabis for palliative use;
- b) sales of cannabis by a delivery service to a consumer; and
- c) the transfer of cannabis to a transporter for transport to any cultivator, micro-cultivator, food and beverage manufacturer, product manufacturer, product packager, dispensary facility, cannabis retailer, hybrid retailer, or producer.

Any municipality in which a cannabis or hybrid retailer or micro-cultivator is located will need to submit to the DRS commissioner, at least annually, the name and contact information of the individual designated by the municipality to receive notifications regarding the local cannabis tax. The DRS commissioner will then notify (and establish policies and procedures) the municipally designated individuals of the tax amount reported due from each cannabis and hybrid retailer and micro-cultivator located in their respective municipalities.

Within 60 days after receiving such a notice from DRS, each municipality must invoice each applicable cannabis retailer, hybrid retailer, and micro-cultivator in accordance with the law for DRS notices. This will need to be done through an invoice by first-class mail to the address of the facility on file. The retailer or microcultivator must remit payment to the municipality within 30 days after the invoice was sent.

Under the bill, the amounts remitted become a part of the municipality’s general revenue and must be used for the following purposes:

- a) streetscape improvements and other neighborhood developments in communities where cannabis or hybrid retailers or micro-cultivators are located;
- b) education programs or youth employment and training programs in the municipality;
- c) services for individuals living in the municipality who were released from DOC custody, probation, or parole;
- d) mental health or addiction services;
- e) youth service bureaus and municipal juvenile review boards; and
- f) community civic engagement efforts

CCM hosted municipal representatives from Colorado and Massachusetts at our 2019 Annual Convention to share the municipal perspective regarding the legalization of marijuana in those States. To view the CT-N coverage, please click on the link: [CCM Panel Discussion on the Legalization of Recreational Marijuana](#).

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Municipal Obligations Related to the Passage of Public Act 21-1: An Act Concerning Responsible and Equitable Regulation of Adult-Use Cannabis

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OVERVIEW

On June 22, 2021, Governor Ned Lamont signed [Public Act No. 21-1](#), which legalizes the adult use of cannabis products and establishes a framework for regulating a cannabis industry in Connecticut. The legislation has wide-ranging impacts related to cannabis, including legalizing the possession of cannabis by adults age 21 and over (up to 1.5 ounces on their person and up to 5 ounces in homes or locked in vehicle glove boxes), erasing previous marijuana convictions, and declaring that the smell of marijuana is no longer justification for police to search a vehicle. Additionally, beginning July 1, 2023, individuals age 21 and older may cultivate up to three mature and three immature cannabis plants at their residence without any special permissions.

Cannabis establishments will be licensed by the Connecticut Department of Consumer Protection but must also receive local zoning approval. Final license approval by the State of Connecticut will not be granted without such approval. The law defines cannabis establishments as any cannabis producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer (retail and medical), food and beverage manufacturer, product manufacturer, product packager, and delivery service or transporter. These categories are further defined later in this document. Cannabis establishments may begin to appear in Connecticut as early as the end of 2022.

Importantly, the new legislation authorizes municipal governments to regulate certain aspects of cannabis locally, including the location of production, sales, and usage. Municipalities that are home to cannabis retailers (including hybrid retailers) or micro-cultivator establishments will receive revenues equal to 3% of gross receipts of those establishments.

The municipality's governing body (town meeting, board of selectmen, etc.) and its zoning commission both have roles to play in regulating cannabis operations and use. This paper will discuss the specific issues municipalities and municipal zoning commissions should address. This document is not intended to provide legal advice. The legislation discussed herein is new, and municipal attorneys should be consulted with any legal questions. For further information, we recommend the [municipal impact overview](#) from the Connecticut Office of Policy and Management (OPM) and [this video](#) from the Connecticut Chapter of the American Planning Association (CCAPA) and the Connecticut Association of Zoning Enforcement Officials (CAZEO).

On January 26, 2022, the CT Department of Consumer Protection (DCP) released policies and procedures for cannabis establishments, entitled [Regulation of Adult Use Cannabis](#). This document contains important information regarding how cannabis production will be regulated by the DCP, which should be reviewed by municipalities to ensure approvals granted meet the intent of the Planning and/or Zoning Commissions.

ZONING REGULATIONS

Planning and/or Zoning Commissions are permitted to regulate cannabis establishments through municipal zoning regulations. Zoning regulations may prohibit cannabis establishments, establish reasonable restrictions on the hours and signage of cannabis establishments, or place proximity restrictions on cannabis establishments from churches, schools, charitable institutions, hospitals, veteran's homes, and/or military barracks (Sec. 148 (b)).

Regulations That Do Not Address Cannabis

If a municipality chooses not to address cannabis establishments specifically in their zoning regulations, the law states that cannabis establishments shall be permitted as if they were any other similar use in any zone (Sec. 148 (c)). The intent of the legislation was that existing zoning for similar uses (e.g., liquor stores) would apply to cannabis retailers by default, but that specificity is absent in the statute.

Cannabis Establishment License Types

The new law enables a variety of cannabis-related businesses, from cannabis growers, to producers of cannabis products, to retail stores and delivery services. The law establishes eight different license types, each with unique attributes. The license types are as follows:

LICENSE TYPE	LICENSE DESCRIPTION
Retailer	A retailer may purchase and sell recreational cannabis to consumers and research programs. This license excludes medical marijuana dispensaries and hybrid retailers.
Hybrid Retailer	A hybrid retailer may purchase and sell recreational cannabis, along with medical marijuana products.
Cultivator	A cultivator may cultivate, grow, and propagate cannabis at an establishment of not less than 15,000 square feet of grow space.
Micro-Cultivator	A micro-cultivator may cultivate, grow, and propagate cannabis at an establishment of not less than 2,000 square feet and not more than 10,000 square feet of grow space . Micro-cultivators may deliver cannabis to consumers, but not sell on-site. Delivery must cease within 30 days of five cannabis delivery services commencing operation. ¹
Product Manufacturer	A product manufacturer may obtain cannabis, and extract and manufacture cannabis products.
Food and Beverage Manufacturer	A food and beverage manufacturer may own and operate a business that acquires cannabis, and creates food and beverages.
Product Packager	A product packager may package and label cannabis products.
Delivery Service or Transporter	A delivery service may deliver recreational cannabis to consumers, and may deliver medical marijuana to qualifying patients. A transporter may transport cannabis products between cannabis establishments, laboratories, and research programs.

¹ Micro-cultivators may apply for expansions of grow space in 5,000 square foot increments annually, to a maximum of 25,000 square feet of grow space. They may apply for a cultivator license if they desire to expand beyond 25,000 square feet.

It is important that municipalities address the variety of cannabis-related uses enabled by the new legislation. For example, if cannabis retail stores are addressed within the zoning regulations, but cannabis cultivators are not, the cultivators would by default be regulated by the zoning of the nearest similar use already in the zoning regulations.

Passage of Public Act 22-103 in May of 2022 amended certain provisions of the original cannabis law. Most notably, this Public Act removed the population-based limits on retailer and micro-cultivator licenses. Therefore, municipalities are no longer restricted to one retailer or micro-cultivator per 25,000 residents. The number of establishments of other license types remains unlimited. Retailer and micro-cultivator licenses do still require a special permit or other affirmative approval from the municipality (Sec. 148 (e)). While municipalities may restrict a delivery service from basing its business locally, municipalities may not prohibit delivery of cannabis products within municipal limits (Sec. 83 (b)).

Signage

The Public Act includes restrictions on signage for cannabis establishments (Sec 33). Signage is prohibited from:

- Targeting or being designed to appeal to individuals under 21;
- Claiming or implying that cannabis products have curative or therapeutic effects;
- Being visible to the public within 500 feet of an elementary or secondary school ground, recreation center, child care center, playground, park, or library;
- Including the words 'drug store,' 'pharmacy,' 'apothecary,' 'drug(s),' or 'medicine shop;' or
- Advertising any specific brand or kind of cannabis product.

The law notes that zoning commissions may establish reasonable restrictions regarding the hours and signage of cannabis establishments (Sec. 148 (b)).

Notification of Regulation Changes

If zoning regulations are amended in regards to cannabis establishments, the chief zoning official² must notify the Secretary of the Connecticut Office of Policy and Management and the Department of Consumer Protection via [this online form](#) no more than 14 days from the adoption of the changes (Sec. 148 (b)).

REFERENDUM PROVISION

Planning and/or Zoning Commissions are permitted to regulate cannabis establishments through municipal zoning regulations. Zoning regulations may prohibit cannabis establishments, establish reasonable restrictions on the hours and signage of cannabis establishments, or place proximity restrictions on cannabis establishments from churches, schools, charitable institutions, hospitals, veteran's homes, and/or military barracks (Sec. 148 (b)).

² The term 'chief zoning official' is undefined at this time but presumed to mean the Zoning Enforcement Officer.

MUNICIPAL ORDINANCES

Regulation of Public Smoking of Cannabis

Municipal governing bodies also have authority over certain aspects of cannabis. As of October 1, 2021, governing bodies have the authority to establish ordinances regulating the use of cannabis in lighted cigarette, pipe, or similar form on land under the control of the municipality. Current ordinances related to the use of tobacco products may be sufficient to address this topic, but they should be reviewed if a municipality wishes to also prohibit the smoking of cannabis on municipal land. If a municipality with a population of greater than 50,000 people chooses to limit cannabis consumption on public lands, the municipality must designate a place where public consumption of cannabis is permitted. If they choose, municipalities may also prohibit and set fines for the smoking of cannabis in outdoor sections of restaurants ((Sec. 84 (H) (xvi)). The law does not allow municipalities to prohibit the use of edible cannabis products on municipally-controlled land or outdoor restaurant spaces.

Recouping of Public Service Costs

Municipalities may charge a retailer or hybrid retailer for any necessary and reasonable costs incurred by the municipality for public safety services, including costs to direct traffic, relating to the opening of the establishment. Municipalities may charge retailers for expenses incurred only in the first 30 days after opening, and charges may not exceed \$50,000 (Sec. 83 (d)). Separate local host agreements, such as those entered into by municipalities and cannabis establishment operators in Massachusetts, are not permitted (Sec. 83 (c)).