

TOWN OF WOODBURY

PROPOSED ORDINANCE BANNING CANNABIS ESTABLISHMENTS

Prohibition on Cannabis [Marijuana] Establishments pursuant ^{to} Connecticut Public Act 21-1, S.B. Bill No. 1201, *Responsible and Equitable Regulation of Adult-Use Act* (RERACA), Section 148(b).

All types of cannabis establishments, as defined in said Public Act and Bill, Section 1(4), and as may otherwise be defined by Connecticut law or regulation, to include, without limitation, all cannabis establishments, producers, dispensary facilities, cultivators, micro-cultivators, retailers, hybrid retailers, food and beverage manufacturers, product manufacturers, product packagers, delivery services or transporters, any other types of licensed cannabis-related businesses, or the conducting of any such activity for commercial purposes by whichever name used, are and shall be prohibited within the Town of Woodbury.

Proposed By: Board of Selectmen
Approved By:
Reviewed By: Thomas A. Kaelin, Esq., Town Attorney
Date Approved by BOS:
Date for BOS Public Hearing:
Proposed Ordinance Posted for Public Hearing:
Proposed Ordinance Public Hearing publication Notice:
BOS Holds Public Hearing:
BOS vote to have vote on Proposed Ordinance as proposed or modified to go to Town Meeting:
Town Meeting Date:
Date of Passage:
Notice of Ordinance Published:
Effective Date:

Section 1. (NEW) (Effective from passage)

- As used in RERACA, unless the context otherwise requires:
 - (4) "Cannabis establishment" means a producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager, delivery service or transporter;
 - (13) "Cultivator" means a person that is licensed to engage in the cultivation, growing and propagation of the cannabis plant at an establishment with not less than fifteen thousand square feet of grow space;
 - (14) "Delivery service" means a person that is licensed to deliver cannabis from (A) micro-cultivators, retailers and hybrid retailers to consumers and research program subjects, and (B) hybrid retailers and dispensary facilities to qualifying patients, caregivers and research program subjects, as defined in section 21a-408 of the general statutes, or to hospices or other inpatient care facilities licensed by the Department of Public Health pursuant to chapter 368v of the general statutes that have a protocol for the handling and distribution of cannabis that has been approved by the department, or a combination thereof;
 - (16) "Dispensary facility" means a place of business where cannabis may be dispensed, sold or distributed in accordance with chapter 420f of the general statutes and any regulations adopted thereunder, to qualifying patients and caregivers, and to which the department has issued a dispensary facility license under chapter 420f of the general statutes and any regulations adopted thereunder;
 - (25) "Food and beverage manufacturer" means a person that is licensed to own and operate a place of business that acquires cannabis and creates food and beverages;
 - (29) "Hybrid retailer" means a person that is licensed to purchase cannabis and sell cannabis and medical marijuana products;
 - (36) "Micro-cultivator" means 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 to any expansion authorized by the commissioner;
 - (40) "Producer" means a person that is licensed as a producer pursuant to section 21a-408i of the general statutes and any regulations adopted thereunder;
 - (41) "Product manufacturer" means a person that is licensed to obtain cannabis, extract and manufacture products exclusive to such license type;
 - (42) "Product packager" means a person that is licensed to package and label cannabis;
 - (45) "Retailer" means 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 to sell cannabis to consumers and research programs;
 - (53) "Transporter" means a person licensed to transport cannabis between cannabis establishments, laboratories and research programs; and

Sec. 148. (NEW) (Effective July 1, 2021)

- **(a)** As used in this section, "municipality" means any town, city or borough, consolidated town and city or consolidated town and borough, and a district establishing a zoning commission under section 7-326 of the general statutes.
- **(b)** Any municipality may, by amendment to such municipality's zoning regulations or by local ordinance, (1) prohibit the establishment of a cannabis establishment, (2) establish reasonable restrictions regarding the hours and signage within the limits of such municipality, or (3) establish restrictions on the proximity of cannabis establishments to any of the establishments listed in subsection (a) of subdivision (1) of section 30-46 of the general statutes. The chief zoning official of a municipality shall report, in writing, any zoning changes adopted by the municipality regarding cannabis establishments pursuant to this subsection to the Secretary of the Office of Policy and Management and to the department not later than fourteen days after the adoption of such changes.
- **(c)** Unless otherwise provided for by a municipality through its zoning regulations or ordinances, a cannabis establishment shall be zoned as if for any other similar use, other than a cannabis establishment, would be zoned.
- **(d)** Any restriction regarding hours, zoning and signage of a cannabis establishment adopted by a municipality shall not apply to an existing cannabis establishment located in such municipality if such cannabis establishment does not convert to a different license type, for a period of five years after the adoption of such prohibition or restriction.
- **(e)** Until June 30, 2024, no municipality shall grant zoning approval for more retailers or micro-cultivators than a number that would allow for one retailer and one micro-cultivator for every twenty-five thousand residents of such municipality, as determined by the most recent decennial census.
- **(f)** On and after July 1, 2024, the Commissioner of Consumer Protection may, in the discretion of the commissioner, post on the Department of Consumer Protection's Internet 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. Any such determination shall be made to ensure reasonable access to cannabis by consumers.
- **(g)** For purposes of ensuring compliance with this section, a special permit or other affirmative approval shall be required for any retailer or micro-cultivator seeking to be located within a municipality. A municipality shall not grant such special permit or approval for any retailer or micro-cultivator applying for such special permit or approval if that would result in an amount that (1) until June 30, 2024, exceeds the density cap of one retailer and one micro-cultivator for every twenty-five thousand residents, and (2) on and after July 1, 2024, exceeds any density cap determined by the commissioner under subsection (f) of this section. When awarding final licenses for a retailer or micro-cultivator, the Department of Consumer Protection may assume that, if an applicant for such final license has obtained zoning approval, the approval of a final license for such applicant shall not result in a violation of this section or any other municipal restrictions on the number or density of cannabis establishments.