

SIXTH DRAFT

PROHIBITION OF RETAIL AND HYBRID CANNABIS ESTABLISHMENTS AND USE OF CANNABIS ON TOWN PROPERTY

WHEREAS, the State of Connecticut enacted the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) which legalized possession, use, and consumption of cannabis by individuals aged twenty-one years and older in Connecticut; and

WHEREAS, Connecticut General Statutes Section 21a-422f permits municipalities to pass zoning regulations and ordinances regulating "cannabis establishments" as a land use; and

WHEREAS, Connecticut General Statutes Sections 21a-422f and 7-148(c)(7)(H) permit municipalities to safeguard the health and safety of the public by regulating the transfer and use of cannabis, including on municipal property, and by prohibiting or limiting the number of cannabis establishments in such municipalities; and

WHEREAS, the Board of Selectmen has previously enacted ordinances establishing a temporary limited time moratorium on cannabis establishments through and including January 31, 2025;

NOW, THEREFORE, THE BOARD OF SELECTMEN OF THE TOWN OF GUILFORD HEREBY ADOPTS THE FOLLOWING ORDINANCE:

Section 1. Authority.

This ordinance is adopted pursuant to General Statutes Section 21a-422f(b), which provides, "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 subdivision (1) of subsection (a) of section 30-46....".

Further, this ordinance is adopted pursuant to General Statutes Section 7-148(c)(7)(H), which authorizes any municipality to, "provide for the health of the inhabitants of the municipality and do all things necessary or desirable to secure and promote the public health"; to "regulate and prohibit the carrying on within the municipality of any trade, manufacture, business or profession which is, or may be, so carried on as to become prejudicial to public health, conducive to fraud and cheating, or dangerous to, or constituting an unreasonable annoyance to, those living or owning property in the vicinity."; and to "regulate, on any property owned by or under the control of the municipality, any activity deemed to be deleterious to public health, including the burning of a lighted cigarette, cigar, pipe or similar device, whether containing, wholly or in part, tobacco or cannabis, as defined in section 21a-420, and the use or consumption of cannabis, including, but not limited to, electronic cannabis delivery systems, as defined in section 19a-342a, or vapor products, as defined in said section, containing cannabis."

Section 2. Definitions.

As set forth in Conn. Gen Stat. Sec. 21a-420(4) and as hereby adopted “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” of “cannabis” or “cannabis product” as defined in said statute.

As set forth in Conn. Gen Stat. Sec. 21a-420(3) and as hereby adopted "Cannabis” means marijuana, as defined in Connecticut Gen Stat Sec.21a-240.

As set forth in Conn. Gen Stat. Sec. 21a-420(9) “Cannabis product” means cannabis, intended for use or consumption, that is in the form of (A) a cannabis concentrate, or (B) a product that contains cannabis and at least one other cannabis or noncannabis ingredient or component, excluding cannabis flower.

As set forth in Conn. Gen Stat. Sec. 21a-420(48) and as hereby adopted "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.

As set forth in Conn. Gen Stat. Sec. 21a-420(33) and as hereby adopted "Hybrid Retailer” means a person that is licensed to purchase cannabis and sell cannabis and medical marijuana products.

The Town of Guilford further adopts the statutory definitions set forth in Conn. Gen. Stat. Sec. 21a-420 for each of the remaining types of establishments included in the foregoing definition of “Cannabis Establishment”.

Section 3. Prohibition of Retail and Hybrid Cannabis Establishments in the Town of Guilford

Retailers and Hybrid Retailers of cannabis and cannabis products are prohibited within the Town of Guilford. Violation of this section shall be punishable by a fine of \$250.00 for each offense. Each day of operation, or each sale, whichever is greater, shall constitute a separate offense.

Cannabis Establishments other than Retailers and Hybrid Retailers are permitted if licensed and in full compliance with all state statutory and regulatory requirements for such establishments and in full compliance with all Guilford zoning, building and regulatory requirements.

Section 4. Prohibition of Temporary Cannabis Events

Temporary Cannabis events, including but not limited to private marijuana vending events, cannabis trade shows, ‘pop up’ cannabis retail events and other public cannabis events are prohibited. Violation of this section shall be punishable by a fine of \$250.00 for each offense. Each day of operation, or each sale, whichever is greater, shall constitute a separate offense.

Section 5. Cannabis Product Use Prohibited on Town Property.

It shall be unlawful for any person to ingest cannabis or cannabis-derived products, regardless of form or manner of ingestion, on any property owned or controlled by the Town of Guilford. This prohibition includes but is not limited to: the lighting or carrying of a lighted cannabis or marijuana cigarette or cigar or pipe, use of a vaping device producing vapor of any cannabis product, or ingestion of a cannabis edible substance. Violation of this section shall be punishable by a fine of \$50 per offense.

Section 6. Sale, Gift, or Transfer of Cannabis Products on Town Property Prohibited.

It shall be unlawful for any person, organization, entity, or any other party to sell, give, trade, or in any other way transfer cannabis products of any sort to another person, organization, entity, or other party on property owned or controlled by the Town of Guilford. Such products include but are not limited to: cannabis or marijuana cigarettes or cigars or pipes, vaping devices and vaping substances, and edible substances. Violation of this section shall be punishable by a fine of \$50 per offense.

Section 7. Enforcement

The First Selectman, officers of the Guilford Police Department, the Zoning Enforcement Officer and the Planning and Zoning Commission shall have the authority to enforce the fines established herein by citation.

Any person issued a municipal citation shall be entitled to a hearing to contest the citation. The Town hereby specifically adopts the provisions of C.G.S. § 7-152c for the establishment of a citation hearing process to contest citations issued pursuant to this ordinance. The procedures for notice, hearing, disposition, appeal and enforcement shall be as set forth in C.G.S. § 7-152c. The citation hearing process shall not apply to those violations which are otherwise governed by state statute.

In addition to the enforcement by citation of the fines established herein, this ordinance may also be enforced by cease and desist order, injunction, action for abatement or other appropriate civil remedy, or as otherwise allowed by law.

Section 8. Effective Date

The effective date of this ordinance shall be February 1, 2025.