TOWN OF EAST HADDAM
PROPOSED CANNABIS REGULATIONS
SECTION 32

A. Purpose

It is the purpose of this Section 32 is to establish uniform regulation of Cannabis Establishments within the Town of East Haddam in order to protect the health, safety, and general welfare; to ensure due process and to promote social equity as directed by the Cannabis Act, Connecticut Public Act 21-1 (2021), and to ensure harmony with the general purpose of this regulation and compatibility with the Connecticut General Statues by:

1. Creating a system for evaluating and siting permitted cannabis establishments in appropriate locations within the Town of East Haddam.

2. Protecting environmental, cultural, residential and/or other sensitive areas, institutions, features, structures and/or sites from potential negative externalities from cannabis establishments.

B. Evaluation

Except as provided in Section 32 below, the following types of Cannabis Establishment uses may be permitted by Special Exception Application: Producer, Dispensary Facility, **[**Cultivator**]**, Micro-Cultivator, Retailer, Delivery Service or Transporter, Hybrid Retailer, Food and Beverage manufacturer or Product Packager

In evaluating an application for Special Exception Application under this Section 30, the East Haddam Planning & Zoning Commission shall take into consideration the following:

1. All criteria for evaluating a Special Exception Application under Section 14.B and;

2. The health, safety and welfare of the public, in general, and the neighborhood in particular and;

3. The following suitability criteria:

(a). Proximity to sensitive receptors including but not limited to schools, parks, playgrounds, community gardens, recreational centers and/or facilities, churches, childcare centers, health care facility, rehabilitation facility, religious institution, or libraries.

(b). The location, the size, nature and the intensity of the proposed Cannabis Establishment and its operations,

(c). Provisions for odor control, security, noise, and lighting as may be appropriate as well as other externalities that may create a nuisance.

(d). Provisions to foster and encourage subsequent adaptive reuse of any structure proposed to be used as a Cannabis Establishment.

(e). Size of the structure for a Cannabis Establishment. No building shall exceed 15,000 square feet.

(f). Impacts on traffic: The applicant shall submit copies of a traffic, access, and parking study prepared by a professional engineer registered in the State of Connecticut, with expertise in traffic engineering as part of the application. This study shall project traffic flows for the proposed application, site orientation of vehicle trips, and existing and future levels of service on the area roadway network. The study shall include anticipated opening traffic generation and parking demands. The traffic study should also determine if traffic control is necessary.
The application shall detail specific measures that will be employed to prevent adverse impacts on the public way including but not limited to sidewalk crowding, blocking of vehicular or bicycle travel lanes, potential safety hazards, and other issues identified in the traffic and parking study. The application shall include a specific plan for the initial opening period that includes measures to identify and respond to unexpected impacts.

(h). License or Registration Materials: Copies of all materials submitted to applicable state and local agencies for the purpose of licensing and/or registration, and any certification or license issued by any such agencies shall be submitted to the commission excluding any information required by law to be kept confidential.

C. Standards

The following additional standards are hereby established for Cannabis Establishment uses.

1. Distance Requirement

(a) No Cannabis Establishment use shall be permitted to locate, relocate, move and/or operate within any premises where the outside entrance of such premises is within 500’ from the property line of any public, parochial, or private elementary or secondary school, recreation center or facility, childcare center, playground, public park, library, health care center, health care facility, rehabilitation facility, or religious institution.

(b) The following Cannabis Establishment uses shall not be permitted to locate, relocate, move and/or operate within any premises where the outside entrance of such premises is within 1,500 feet of another Cannabis Establishment; Dispensary Facility, Retailer, Hybrid Retailer, Hybrid Retailer or Tobacco/Cannabis Bar.

2. Development Concept Plan: The applicant shall submit a preliminary Development Concept Plan of the proposed development showing all proposed and existing buildings and uses on the lot, proposed grow spaces, retail floor areas, storage areas, yard setbacks, the proposed location and design of all signage, driveways, parking lots, number of parking spaces, screening, landscaping, open space under the submittal criteria of Section 14 B of the East Haddam Zoning Regulations.

3. All Cannabis Establishment uses shall occur within a fully enclosed structure.

4. All Cannabis Establishments shall comply with state law regarding concealed design standards and security measures.

5. Hours of operation - 8:00 A.M. to 10:00 P.M. Monday thru Saturday
   10:00 A.M. to 6:00 P.M. Sunday

D. Prohibitions

1. Cannabis Establishments are prohibited in all residential districts (R ½, R-1, R-2, R-4, R, and L Districts)

2. Temporary Cannabis events, including but not limited to private marijuana vending events, cannabis trade shows or public cannabis events are prohibited unless authorized by state law, Town Ordinance, and Zoning Regulations.

3. Smoking, vaping, ingestion, or other use of Cannabis, shall be prohibited in all Indoor Public Places as defined in RERACA, S.B. 1201, Conn. Pub. Act 21, where smoking or consumption of tobacco or tobacco products is prohibited by state law, unless specifically permitted by this regulation, or other ordinance of the Town of East Haddam, Connecticut.

E. Conflicting Provisions

1. All reasonable efforts shall be made to harmonize interpretations of the Section 32 with the other provisions of the East Haddam Zoning Regulations. If any standards objectives, land uses, provisions, controls, permitted uses and other restrictions and requirements stated in this Section 32, materially conflict with the provisions in other section(s) of the East Haddam Zoning Regulations, unless otherwise specified this section of the regulations shall prevail.

2. Nothing in this Section 32 shall be construed to allow the use of Cannabis or allow any activity relating to the cultivation or consumption of Cannabis that is otherwise not expressly allowed in the East Haddam Zoning Regulations or is illegal under state law.

F. Severability

Should any section, subsection paragraph, sentence, clause, provision, or phrase of this Section 32 be declared by any court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect any other portion of this section.

G. Definitions For the purpose of this Section 32 the following definitions as defined in the Connecticut General Statutes apply:

CANNABIS: Means marijuana, as defined in Section 21a-240 of the general statutes; in accordance with the Responsible Equitable Regulation of Adult-Use Cannabis Act, Connecticut Public Act 21-1 (2021), as may be amended from time to time.

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 to the Responsible and Equitable Regulation of Adult-Use Cannabis Act 21-1 (2021), as may be amended from time to time. (RERACA Defined shortened).

CANNABIS FLOWER: Means the flower, including abnormal and immature flowers, of a plant of the genus cannabis that has been harvested, dried, and cured, and prior to any processing whereby the flower material is transformed into a cannabis product. "Cannabis flower" does not include (A) the leaves or stem of such plant, or (B) hemp, as defined in Section 22-61l of the general statutes.

CANNABIS TRIM: Means all parts, including abnormal or immature parts, of a plant of the genus cannabis, other than cannabis flower, which have been harvested, dried, and cured, and prior to any processing whereby the plant material is transformed into a cannabis product. "Cannabis trim" does not include hemp, as defined in CGS 22-61l of the general statutes.

CANNABIS PRODUCT: Means cannabis that is in the form of a cannabis concentrate or a product that contains cannabis, which may be combined with other ingredients, and is intended for use or consumption. "Cannabis product" does not include the raw cannabis plant.

CANNABIS CONCENTRATE: Means any form of concentration, including, but not limited to, extracts, oils, tinctures, shatter and waxes, 48 that is extracted from cannabis.

CANNABIS-TYPE-SUBSTANCES: Have the same meaning as "marijuana", as defined in CGS 21a-240.

COMMISSIONER: Means the Commissioner of Consumer Protection and includes any designee of the commissioner.

CONSUMER: An individual who is twenty-one years of age or older pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Connecticut Public Act 21-1 (2021), as may be amended from time to time.

CULTIVATION: Has the same meaning as provided in CGS 21a56 408.

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 (15,000) square feet of grow space.

DELIVERY SERVICE: Means a person who 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.

DEPARTMENT: Means the Department of Consumer Protection.

DISPENSARY FACILITY: Means a place of business where cannabis may be dispensed, sold or distributed in accordance with CGS 420f and any regulations adopted thereunder, to qualifying patients and caregivers, and to which the department has issued a dispensary facility license under CGS 420f and any regulations adopted thereunder.

EXTRACT: Means the preparation, compounding, conversion, or processing of cannabis, either directly or indirectly by extraction or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis to produce a cannabis concentrate.

FOOD AND BEVERAGE MANUFACTURE: A person who is licensed to own and operate a place of business that acquires cannabis and creates food and beverages pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Connecticut Public Act 21-1 (2021) as may be amended from time to time.

FINANCIAL INTEREST: Means any right to, ownership, an investment, or a compensation arrangement with another person, directly, through business, investment, or family. "Financial interest" does not include ownership of investment securities in a publicly held corporation that is traded on a national exchange or over-the-counter market, provided the investment securities held by such person and such person's spouse,

parent or child, in the aggregate, do not exceed one-half of one per cent of the total number of shares issued by the corporation.

GROW SPACE: Means the portion of a premises owned and controlled by a producer, cultivator or micro-cultivator that is utilized or the cultivation, growing or propagation of the cannabis plant, and contains cannabis plants in an active stage of growth, measured starting from the outermost wall of the room containing cannabis plants and continuing around the outside of the room. "Grow space" does not include space used to cure, process, store harvested cannabis or manufacture cannabis once the cannabis has been harvested.

HYBRID RETAILER: Means a person that is licensed to purchase cannabis and sell cannabis and medical marijuana products.

INDOOR PUBLIC PLACE: An enclosed area to which the public is invited or in which the public is permitted, including, but not limited to:

1. Aquariums, galleries, libraries, and museums.
2. Areas available to and customarily used by the public in business.
3. Bars.
4. Bingo facilities.
5. Childcare and adult day care facilities.
6. Convention facilities.
7. Governmental facilities, including building and vehicles.
8. Health care facilities.
9. Hotel's condominiums, retirement facilities, nursing homes and other multiple-unit residential facilities.
10. Polling places.
11. Pool and billiard halls.
12. Public transportation depots.
13. Retail establishments.
14. Service lines.
15. Shopping malls.
16. Sports arenas.
17. Theaters and other facilities primarily used for exhibiting motion pictures, stage dramas, lectures, musical recitals, or other similar performances.

A private residence is not a "public place" unless used as a child-care, adult day care, or health care facility.

LABORATORY: Means a laboratory located in the state that is licensed by the department to provide analysis of cannabis that meets the licensure requirements set forth in CGS 21a-246.

MARIJUANA: Means CANNABIS, as defined in CGS 21a-240 in accordance with pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act

(RERACA) Connecticut Public 21-1 (2021, as may be amended from time to time. See CANNABIS above.

MANUFACTURE: Means to add or incorporate cannabis into other products or ingredients or create a cannabis product.

MEDICAL MARIJUANA PRODUCT: Means cannabis that may be exclusively sold to qualifying patients and caregivers by dispensary facilities and hybrid retailers and which are designated by the commissioner as reserved for sale to qualifying patients and caregivers and published on the department's Internet web site, pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Connecticut Public Act 21-1 (2021), as may be amended from time to time.

MICRO-CULTIVATOR: A person licensed to engage in the cultivation, growing and propagation of the cannabis plant at an establishment 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 of consumer protection pursuant to the Responsible and Equitable Regulation of Adult Use Cannabis Act (RERACA) Conn. Pub. Act 21-1 (2021)

MUNICIPALITY: Means any town, city or borough, consolidated town and city or consolidated town and borough.

PARAPHERNALIA: Means drug paraphernalia, as defined in CGS 21a-240.

PERSON: Means an individual, partnership, limited liability company, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee or any other legal entity and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination thereof.

PRODUCER: Means a person who is licensed as a producer pursuant to section 21a-408i of the general statutes and any regulations adopted thereunder, pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act (21-1 (2021), as may be amended from time to time.

PRODUCT MANUFACTURER: Means a person that is licensed to obtain cannabis, extract, and manufacture products exclusive to such license, pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Connecticut Public Act 21-1 (2021), as may be amended from time to time.

PRODUCT PACKAGER: Means a person who is licensed to package and label cannabis pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Connecticut Public Act 21-1 (2021), as may be amended from time to time.

QUALIFYING PATIENT: Has the same meaning as provided in CGS 222 21a-408 pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Connecticut Public Act 21-1 (2021), as may be amended from time.

RESEARCH PROGRAM: Has the same meaning as provided in CGS 21a-408 pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Connecticut Public Act 21-1 (2021), as may be amended from time to time.

RESPONSIBLE AND EQUITABLE REGULATION OF ADULT-USE CANNABIS ACT (RERACA): Pursuant to Section 24 of the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Connecticut Public Act 21-1 (2021), as may be amended from time to time.

RETAILER: Means a person, excluding a dispensary facility and hybrid retailer, who 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 pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Connecticut Public Act 21-1 (2021), as may be amended from time to time.

SALE OR RESALE: Has the same meaning as provided in CGS 21a 231 pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Connecticut Public Act 21-1 (2021), as may be amended from time to time.

THC: Has the same meaning as provided in CGS 21a-240 of 247.

TRANSPORT: Means to physically move from one place to another pursuant to the Responsible and Equitable Regulation of Adult-Use Cannabis Act (RERACA) Connecticut Public Act 21-1 (2021), as may be amended from time to time.

TRANSPORTER: Means a person licensed to transport cannabis between cannabis establishments, dispensary facility, retailer, laboratories, and research programs pursuant to the Responsible and Equitable of Adult-Use Cannabis Act (RERACA) Connecticut Public Act 21-1 (2021).

Proposed Amendment to Section 2.10 of the East Haddam Zoning Regulations Discussion of extending past June 15, 2022

A. Temporary and Limited Moratorium on Cannabis Establishments

1. **Statement of Purpose**. This section has been adopted to provide the Commission with the time necessary to consider adoption of potential changes to the Zoning Regulations pursuant to Section 8-2 of the Connecticut General Statutes.

The Connecticut General Assembly has passed, and the Governor has signed S.B. 1201, An Act Concerning *Responsible and Equitable Regulation of Adult-Use Cannabis (the "Act")*, portions of which are effective on July 1, 2021. Said Act contains provisions allowing municipalities to prohibit or place certain restrictions on cannabis establishments with the exception of existing dispensary facilities and producers for medical marijuana as defined in Chapter 420f, C.G.S., *Palliative Use of Marijuana* – legislation passed in 2012 authorizing the use of medical marijuana. This temporary and limited term moratorium has been adopted to provide the Town with the time necessary to develop regulations for cannabis establishments that meet statutory responsibilities and promote the public's general health, safety and welfare.

2. **Definitions.**

a. *Cannabis.* Marijuana as defined in Section 21a-240, C.G.S.

b. *Cannabis Establishment*. Producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager and or delivery service.

c. *Cultivator.* 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.

d. *Delivery Service.* 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, C.G.S., or to hospices or other inpatient care facilities licensed by the Department of Public Health pursuant to Chapter 368v, C.G.S. that have a protocol for the handling and distribution of cannabis that

has been approved by the department, or a combination thereof.

e. *Dispensary Facility.* Means a place of business where cannabis may be dispensed, sold or distributed in accordance with Chapter 420f, C.G.S. and any regulations adopted thereunder, to qualifying patients and caregivers, and to which the department has issued a dispensary facility license under Chapter 420f, C.G.S. and any regulations adopted thereunder.

f. *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.

g. *Hybrid Retailer.* A person that is licensed to purchase cannabis and sell cannabis and medical marijuana products.

h. *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 to any expansion authorized by the commissioner.

i. *Person.* An individual, partnership, limited liability company, society, association, joint stock company, corporation, estate, receiver, trustee, assignee, referee or any other legal entity and any other person acting in a fiduciary or representative capacity, whether appointed by a court or otherwise, and any combination thereof.

j. *Product Manufacturer.* A person, excluding a producer, that is licensed to obtain cannabis, extract and manufacture products exclusive to such license type and who may sell or transfer cannabis and cannabis products to laboratories, research programs and cannabis establishments.

k. *Product Packager.* A person that is licensed to package and label cannabis and cannabis products.

l. *Retailer.* A person, excluding a dispensary facility that is licensed to purchase cannabis and cannabis products from producers, cultivators, product manufacturers and food and beverage manufacturers and to sell cannabis and cannabis products to consumers and research programs.

m. *Transporter.* Means a person licensed to transport cannabis between cannabis establishments, laboratories and research programs.

3. **Applicability.** During this temporary and limited-term moratorium, cannabis establishments shall be prohibited in the Town of East Haddam, and any and all applications submitted for the approval of any cannabis establishment shall be denied by the Planning and Zoning Commission or Zoning Enforcement Officer, as may be appropriate.

4. **Effective Date/Term.** This temporary and limited moratorium shall become effective on December 15, 2021 and shall remain in effect until June 15, 2022.

Discussion of extending the moratorium until ????