

..title

ORDINANCE AMENDMENT OF THE NEW HAVEN BOARD OF ALDERS ADOPTING THE CONNECTICUT GENERAL STATUTES, SEC. 21a-420c LICENSE REQUIRED FOR SALE, OFFERING, OR DELIVERY OF CANNABIS. PENALTIES. ENFORCEMENT POWERS OF THE COMMISSIONER, ATTORNEY GENERAL, AND MUNICIPALITIES.

..body

WHEREAS, on June 17, 2021, the Connecticut General Assembly passed the Connecticut Responsible and Equitable Adult Use of Cannabis Act (“RERACA”), which provided for the licensed sale, offering, cultivation, and delivery of cannabis in the State of Connecticut; and

WHEREAS, RERACA also provides that “(1) no person, other than a retailer, hybrid retailer, micro-cultivator or delivery service, or an employee thereof in the course of such employee's employment, may sell or offer cannabis to a consumer, and (2) no person, other than a hybrid retailer, dispensary facility or a delivery service, or an employee thereof in the course of such employee's employment, may sell or offer cannabis to qualifying patients and caregivers [and] No person except a delivery service, or an employee of a delivery service, subject to the restrictions set forth in section 21a-420c, acting in the course of such employee's employment may deliver cannabis to consumers, patients or caregivers”;

WHEREAS, on October 1, 2025, the Connecticut General Assembly amended the “RERACA” (i) establishing that violations of RERACA, including the unlicensed sale, offering, cultivation, or delivery of cannabis are deemed to be unfair trade practices and established enhanced civil penalties for such violations; and (ii) permitting municipalities to impose enhanced civil penalties for violations of RERACA; and

WHEREAS, in particular the 2025 RERACA amendments permit a municipality to: (1) prohibit the operation of any business that is found to be operating in violation of C.G.S. 21a-420c or poses an immediate threat to public health and safety; (ii) defined “immediate threat to public health and safety to include, but [be] not limited to, the presence of any cannabis or cannabis product in connection with a violation of this section, or any cigarette or tobacco product alongside any cannabis or cannabis product (iii) authorize the chief executive of a municipality to apply to the Superior Court for an Order authorizing the chief of police to remove any merchandise related to a violation of C.G.S. 21a-420c from a business operating in violation of C.G.S. 21a-420c or poses an immediate threat to public health and safety; (iv) issue a civil violation and civil penalty of Thirty Thousand Dollars (\$30,000.00) to any person who violates or abets the violation of C.G.S. 21a-420c and that each day the violation continues shall constitute a separate violation; (v) issue a civil violation and civil penalty of Ten Thousand Dollars (\$10,000.00) to any person who manages or controls a commercial property who knowingly leases or rents such a property for the purposes of the unlicensed or illegal sale of cannabis.

WHEREAS, C.G.S. Sec. 21a-420c requires a municipality, by vote of its legislative body, to adopt the authority granted under C.G.S. Sec. 21a-420c before such municipality may exercise the authority to impose civil penalties for violations of C.G.S. Sec. 21a-420c; and

WHEREAS, the Board of Alders of the City of New Haven desires to reduce and deter violations of RERACA within the City of New Haven; and

WHEREAS, adopting the municipal authority to impose civil fines and seek the closure of business violating RERACA will work to reduce violations and deter future violations of RERACA; and

WHEREAS, on March 17, 2025, the New Haven Board of Alders passed an ordinance amendment to the New Haven Code of Ordinances, amending Chapter 17 by adding Article XIX to establish retail license requirements for tobacco and smoking products; updating licensing fees in Article XX - Fees and Charges, as applicable to these retailers; and updating Chapter 16, Article VI, regarding the prohibition of tobacco, smoking, vapor, and nicotine products; and

WHEREAS, also, on March 17, 2024, the New Haven Board of Alders passed a Zoning Ordinance Amendment to establish zoning regulations for retailers of tobacco and/or vapor products, smoke shops, and smoking places.

NOW, THEREFORE, BE IT ORDAINED by the New Haven Board of Alders that the New Haven Code of Ordinances be amended by adding the following new Section:

..ord

(a) Adoption of Authority

The Board of Alders of the City of New Haven hereby adopts the municipal civil enforcement and civil penalty provisions of C.G.S. Sec. 21a-420c, as amended from time to time, in their entirety.

(b) Violations of C.G.S. Sec. 21a-420c; Civil Penalty; Appeal

- (i) No business shall operate a business in violation of the provisions of Connecticut General Statutes Section 21a-420c.
- (ii) If the Mayor determines that a business has operated or is operating in violation of the provisions of Connecticut General Statutes Section 21a-420c or that such business poses an immediate threat to public health and safety as defined in Connecticut General Statutes Section 21a-420c, the Mayor may apply to the superior court for relief as set out in such section.
- (iii) The Mayor or designee may provide any information or evidence of a business violating the provisions of Connecticut General Statutes Sec. 21a-420c to the appropriate state licensing agency for its determination on any appropriate licensing enforcement action.
- (iv) Any person who violates the provisions of subsection (i) or subsection (ii) of this section or any applicable section of C.G.S. Sec. 21a-420c, shall be liable for a civil penalty in the maximum amount permitted under C.G.S. Sec. 21a-420c, as amended from time to time.
- (v) The Economic Development Administrator or designee may issue to such person a notice of civil penalty in accordance with the provisions of this ordinance and C.G.S. Sec. 21a-420c. Such person may request a hearing which shall be conducted in accordance with the provisions of section C.G.S. Sec. 7-152c.
- (vi) If the hearing officer upholds the civil penalty and such penalty has not been paid, the Mayor may institute a civil action to recover such penalty pursuant to Connecticut General Statutes Section 21a-420c.