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ORDINANCE AMENDMENT OF THE NEW HAVEN BOARD OF ALDERS ADOPTING THE CGA STATE STATUTE, CHAPTER 420H, REGULATION OF ADULT-USE CANNABIS, 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 October 1, 2024, the Connecticut General Assembly enacted new provisions that establish penalties for unfair and deceptive cannabis trade practices and grant municipal officials new enforcement powers.

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; and

WHEREAS: by adopting this legislation by the Connecticut General Assembly, any person found in violation of this statute or as amended, who poses an immediate threat to public health and safety in relation to the sale, delivery, and offering of adult-use cannabis, the City of New Haven is empowered to impose fines upon that person through a civil legal process; and

WHEREAS: (b) no person except a delivery service, or an employee of a delivery service, subject to the restrictions set forth in section 21a-420z of the Connecticut General Statutes, acting in the course of such employee's employment, may deliver cannabis to consumers, patients, or caregivers; and

WHEREAS: (c) any violation of the provisions of this section shall be deemed an unfair or deceptive trade practice under subsection (a) of section 42-110b of the Connecticut General Statutes; and

WHEREAS: (d) (1) any municipality may, by vote of its legislative body, prohibit the operation of any business within such municipality that is found to be in violation of the provisions of this section or if such operation poses an immediate threat to public health and safety; and

WHEREAS: (2) if the chief executive officer of a municipality determines that a business within the municipality is operating in violation of the provisions of this section or poses an immediate threat to public health and safety, the chief executive officer may apply to the Superior Court for an order under subdivision (3) of this subsection; and

WHEREAS: (3) upon an application under subdivision (2) of this subsection, the Superior Court, upon a finding that a business within the municipality is operating in violation of the provisions of this section or poses an immediate threat to public health and safety, may issue forthwith, ex parte and without a hearing, an order that shall direct the chief law enforcement officer of the municipality to take from such business possession and control of any merchandise related to such violation or immediate threat to public health and safety, which merchandise shall include, but need not be limited to, (A) any cannabis or cannabis product, (B) any cigarette, tobacco or tobacco product, (C) any merchandise related to the merchandise described in

subparagraphs (A) and (B) of this subdivision, and (D) any proceeds related to the merchandise described in subparagraphs (A) to (C), inclusive, of this subdivision; and

WHEREAS: (4) As used in this subsection, (A) “cigarette” has the same meaning as provided in section 4-28h of the Connecticut General Statutes, (B) “immediate threat to public health and safety” includes, but is not limited to, the presence of (i) any cannabis or cannabis product in connection with a violation of this section, or (ii) any cigarette or tobacco product alongside any cannabis or cannabis product, and (C) “operation” and “operating” mean engaging in the sale of, or otherwise offering for sale, goods and services to the general public, including, but not limited to, through indirect retail sales.

NOW THEREFORE, BE IT ORDAINED by the Board of Alders, that the Code of Ordinances be amended pursuant to CGA state statutes Sec. 21a-420c. be approved as follows:

(e) (1) Any person who violates any provision of this section shall be assessed a civil penalty of thirty thousand dollars for each violation. Each day that such violation continues shall constitute a separate offense.

(2) Any person who aids or abets any violation of the provisions of this section shall be assessed a civil penalty of thirty thousand dollars for each violation. Each day that such person aids or abets such violation shall constitute a separate offense. For the purposes of this subdivision, no person shall be deemed to have aided or abetted a violation of the provisions of this section unless (A) such person was the owner, officer, controlling shareholder or in a similar position of authority that allowed such person to make command or control decisions regarding the operations and management of another person who (i) is prohibited from selling or offering any cannabis or cannabis product under this section, and (ii) sold or offered any cannabis or cannabis product in violation of this section, (B) such person knew that such other person (i) is prohibited from selling or offering any cannabis or cannabis product under this section, and (ii) sold or offered any cannabis or cannabis product in violation of this section, (C) such person provided substantial assistance or encouragement in connection with the sale or offer of such cannabis or cannabis product in violation of this section, and (D) such person's conduct was a substantial factor in furthering the sale or offer of such cannabis or cannabis product in violation of this section.

(3) Any person who manages or controls a commercial property, or who manages or controls a commercial building, room, space or enclosure, in such person's capacity as an owner, lessee, agent, employee or mortgagor, who knowingly leases, rents or makes such property, building, room, space or enclosure available for use, with or without compensation, for the purpose of any sale or offer of any cannabis or cannabis product in violation of this section shall be assessed a civil penalty of ten thousand dollars for each violation. Each day that such violation continues shall constitute a separate offense.

(4) No person other than the Attorney General, upon complaint of the Commissioner of Consumer Protection, or a municipality in which the violation of this section occurred, shall assess any civil penalty under this subsection or institute a civil action to recover any civil penalty imposed under this subsection. If a municipality institutes a civil action to recover any civil penalty imposed under this subsection, such penalty shall be paid first to the municipality to reimburse such municipality for the costs incurred in instituting such action. One-half of the remainder, if any, shall be payable to the treasurer of such municipality and one-half of such remainder shall be payable to the Treasurer and deposited in the General Fund.

(f) Nothing in this section shall be construed to prohibit the imposition of any criminal penalty on any person who (1) is prohibited from selling or offering any cannabis or cannabis product under this section, and (2) sells or offers any cannabis or cannabis product in violation of this section.