

(NEW) Special Regulations: Section 14.7 - Cannabis Establishments

14.7.1: Purpose

The purpose of this section is to allow for the comprehensive review and deliberation on cannabis establishments to ensure any cannabis establishments as proposed, is in harmony with and will not have a detrimental effect with on the surrounding area and that both the operation and location are protective of public health and welfare.

14.7.2: Definition of Terms:

For the purpose of this section, the terms referred to herein shall be defined and used as outlined in PA-21-1.

Cannabis Establishment: a non-profit, person(s) or business entity otherwise engaged in an activity which would be defined as a producer, dispensary facility, cultivator, micro-cultivator, retailer, hybrid retailer, food and beverage manufacturer, product manufacturer, product packager, transporter and, delivery service by PA-21-1 (SB 1201).

Cannabis Hybrid Retailer- means a person that is licensed to purchase cannabis and sell cannabis and medical marijuana products at a cultivating facility.

Cannabis 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 sell cannabis to consumers and research programs.

Cultivator-means a person that is licensed to engage in the cultivation, growing and propagation of the cannabis plant at an establishment with no less than fifteen thousand square feet of grow space.

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 a section 21a-408 of the general statutes, or to hospices or other impatient care facilities licensed by the Department of Public Health pursuant to chapter 368v of the general statutes that have protocol for handling and distribution of cannabis that has been approved by the department, or a combination thereof.

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 any expansion authorized by the commissioner.

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.

Producer: means a person that is licensed as a medical marijuana producer pursuant to section 21a-408i of the general statutes and any regulations adopted thereunder.

Product Manufacturer: means a person that is licensed to obtain cannabis, extract and manufacture products exclusive to such license type.

Product packager: means a person that is licensed to package and label cannabis.

Transporter: means a person licensed to transport cannabis between cannabis establishments, laboratories and research programs.

14.7.3 Cannabis Establishments Allowed by Special Permit:

Non-Conforming Properties by Use: This Provision does not apply to any non-conforming commercial or industrial use in a residential zone. These uses are strictly prohibited in all Residential zones including on legal non-conforming properties.

License Type	Commercial	Industrial	Farm Res.	Main St.
Cannabis Hybrid Retailer	NA	SP	NA	NA
Cannabis Retailer	SP	SP	NA	NA
Cultivator	NA	NA	NA	NA
Micro-cultivator	NA	SP	NA	NA
Food and Beverage Manufacture	NA	SP	NA	NA
Producer	NA	SP	NA	NA
Product Manufacturer	NA	SP	NA	NA
Product Packager	NA	SP	NA	NA

Cannabis retailers, micro-cultivators and cultivators may be allowed by Special Permit in accordance with Section 14.7.3 of the Regulations and are subject to the standards below:

14.7.4 Cannabis Retailers:

1. All retailers shall comply with the following standards:
 - a. Shall not be located with 500 feet of any church, school, park, playground, or childcare facility.
 - b. Hours of operation shall not extend beyond 8:00 a.m. to 10:00 p.m. Monday- Saturday, Sunday 10:00 a.m. to 6:00 p.m.
 - c. No consumption on the premises.
2. Application requirements include:
 - a. A provisional license issued for a retail operation issued by the Connecticut Department of Consumer Protection
 - b. Operational Plan which includes:
 - Hours of operation
 - Security and access plan
 - Proposed signage
 - Odor Management- monitoring and mitigation

14.7.5 Micro-cultivators:

1. All micro-cultivators shall comply with the following standards:
 - a. All cultivation shall be conducted within an enclosed building.
 - b. State of Connecticut Micro-cultivators License shall be obtained from the State of Connecticut and filed upon the Land Records for the Town of Durham.
 - c. Minimum 1,000 feet to a residential structure. The Commission may consider increasing the separating distance based on site topography, height of proposed building and adjacent buildings, Odor Dispersion Analysis, and any other factors that may be site specific.
2. Application requirements include:

- a. A provisional license issued for a micro cultivation or cultivation operation issued by the Connecticut Department of Consumer Protection
- b. Operational Plan which shall include:
 - Hours of operation
 - Security and access plan
 - Proposed signage
 - Odor Control Plan- monitoring and mitigation

14.7.6 Conditional Approval:

A. Special Permits shall be approved with the condition that the applicant obtains the appropriate Dispensary or Production Facility license issued by the State of Connecticut Department of Consumer Protection (or other State agency as regulatory changes occur).

B. The conditional approval shall become finalized upon the receipt by the Town Planner of a copy of the Department of Consumer Protection-issued license.

C. The conditional approval shall expire if the applicant fails to provide the Town Planner with a copy of the Department of Consumer Protection-issued license within six months of the date of the TPZ's conditional approval.

1. A six-month extension of such conditional approval shall be granted to the applicant upon written notification to the Town Planner that an application for a Department of Consumer Protection license has been filed, indicating the expected decision date of the Department of Consumer Protection license.

D. No entity shall operate without a valid, current license.