

Memo

21-20

To: John Elsesser, Town Manager
From: Chief Mark Palmer
Date: July 1, 2021
Re: Information regarding cannabis sales and use



This is an informational memo regarding the sale of cannabis and cannabis products.

As you know, cannabis products became legal effective July 1, 2021 as a result of the passage of Public Act 21-1. We had discussed looking at the provisions of this bill in regards to the sales and use of cannabis products.

Section 83 of the act (attached) indicates that upon petition of no less than 10 percent of the electors of a municipality, (logged with the town clerk at least sixty days before the date of any regular election) the municipality would be required to include a vote on the question on whether or not marijuana sales would be allowed in town. If passed by a majority of voters, the provision shall go into effect the first Monday of the month next succeeding such election. A subsequent vote to overturn the measure can be taken after one year has passed since the previous vote.

Section 83 (xvi) allows a municipality to regulate, on any property owned by or under the control of the municipality, smoking, including cannabis products. It should be noted here that currently, smoking is not prohibited in town parks. There's no doubt, we will begin to receive complaints of people smoking marijuana in the parks. There is no enforcement action we can take at this time. I recommend having either the Parks and Recreation Commission or the Town Council review this issue in the near future. If any restrictions on smoking are created, they should be codified in a town ordinance.

Section 91 of the act (attached) states that effective July 1, 2022, the use of cannabis is prohibited on any state lands or waters. This provision can only be enforced by agents of the Department of Energy and Environmental Protection (DEEP). This would include Lake Wangumbaug.

Section 148 of the act (attached) describes the process of approving or regulating establishments selling cannabis products. Essentially, a municipality, through amendment of its zoning regulations, can regulate three things pursuant to the law:

1. Prohibit cannabis establishments altogether
2. Allow cannabis establishments and regulate location, hours and signage

3. Allow cannabis establishments and impose restrictions on the proximity of such establishments that would have a detrimental effect on. These include:

- Churches
- Schools
- Charitable institutions
- Other similar institutions

If approved, only one retailer would be allowed in Coventry (if one chose to open an establishment) as the act provides that until June 30, 2024, only one retailer is allowed for every twenty-five thousand residents. Any zoning changes affecting establishments that sell marijuana must be reported to the Secretary of the Office of Policy and Management not later than fourteen days after the adoption of such changes.

Section 126 of the act addresses taxes due to a municipality in which a cannabis retailer is located.

While there are numerous other provisions of the 303 page public act that I have not discussed here, I believe I've outlined the most significant portions of the bill affecting the town.

I'm available to discuss these issues further at your convenience.