

Marijuana Dispensaries Should Be Put On Main Street

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Medical marijuana is now legal in Connecticut, though still not legal under federal law. Control over the industry is in the hands of the Department of Consumer Protection (DCP), which has chosen four companies to operate grow facilities and six to operate dispensary facilities. (Under the new state regulations, a "dispensary" is defined as a specially licensed pharmacist who can sell the product; a "dispensary facility" is the location from which the product can be sold.) To receive a license from DCP, the facilities must receive zoning approval from the municipality where they want to locate.

To date, zoning approval for the authorized grow facilities has not been very difficult to obtain. Medical marijuana in Connecticut must be grown indoors under very strict conditions set by DCP. So far, those Connecticut municipalities with many vacant warehouse-type buildings have shown less resistance to seeing a tax-paying employer occupy those buildings.

Dispensary facilities are a different matter. It is proving very difficult for people to move beyond marijuana's illegal past and accept it as a medicinal product of value to those with serious chronic medical conditions that respond poorly to other treatment. News of chaotic conditions at dispensary facilities in California, where regulatory oversight is far less comprehensive than in Connecticut, further fuels the public's concern. A third complicating issue is the fact that most banks will not work with a business that violates federal law. One consequence of this reluctance is that the dispensaries may need to keep unusually large amounts of cash on their premises, increasing the risk for burglaries.

Though many of these concerns are legitimate, they have led to zoning decisions that are ill-advised. Many towns have refused to make any decisions at all. Virtually every city and town in Fairfield County has put a moratorium in place, refusing to deal with dispensary facility applications until they can see what happens in other locations. The result may be that patients in Fairfield County will need to travel a considerable distance to purchase medical marijuana to which they are lawfully entitled.

Local zoning commissions should certainly consider how to treat this new use. We suggest that it can be treated in a way that helps establish the legitimacy of the business and at the same time complies with the town's zoning regulations. The business is, at bottom, a one-product pharmacy. The only people who can buy the product are patients and caregivers licensed by DCP who suffer from a limited list of specific conditions and have a prescription from a specially licensed physician. As of March 17, there were 2,079 registered patients and caregivers in Connecticut, a number that is sure to rise as the product becomes available.

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Where should a dispensary facility be located? Why not on Main Street? In an unassuming storefront shop with adequate parking, easy pedestrian access, on or near a bus line. Proximity to a hospital or medical office complex would be both appropriate and efficient. The business should be treated just like a pharmacy, and permitted in a retail/commercial zone, keeping in mind that what is being sold is a serious medicine for seriously ill patients that can only be sold in small amounts. It is considerably less dangerous than many of the narcotics sold in every pharmacy in the state every day. What's more, it is subject to even more careful regulatory protections than many such narcotics.

It has been suggested that facilities should be at a certain distance from other uses, such as schools, playgrounds, parks, churches and even residences. That notion appears to be based on a concern that children will either access the drug or see people with it. Neither concern seems justified. Children cannot access marijuana from a dispensary facility unless there has been a serious failure in a multilevel security system or a patient has broken the law. Though both are possible, neither is likely.

What children will likely see at a dispensary facility is very sick people getting a medicine to help them, just as they can see at the pharmacy counter of any drugstore in their community. Under Connecticut's strict regulations, there will not even be anything on the building identifying it as a place that sells marijuana.

Some Connecticut municipalities have decided to restrict medical marijuana dispensary facilities to industrial zones. This is unfortunate for patients, the business and the town itself. Placement in an industrial zone detracts from the professional image of the business, giving the impression that it is something less than a legitimate retail pharmacy use. Such a location may also be less accessible by public transportation. And if the facility remains open in the evening for patient convenience, it might require seriously ill patients to travel through a dark, uninhabited industrial zone. The potential isolation of an industrial zone is not the most appropriate location for this business.

DCP has done an admirable job of drafting regulations to ensure that medical marijuana dispensary facilities will be carefully, securely and discreetly run. But the public perception of the use may be formed by the treatment it receives in each town. Treating it as a pharmacy filling an important medical need would establish it as a legitimate business; hiding it in a less desirable, less visible place perpetuates the stigma of the drug, and worse, those who are lawfully permitted to dispense and purchase it.

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