



# *Town of Simsbury*

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

## **Work Group for an Ordinance Prohibiting the Use of Tobacco, Vaping and Cannabis Products on Public Property**

July 24, 2023

5:00 PM

Main Meeting Room, Town Hall, 933 Hopmeadow Street

### **SPECIAL MEETING AGENDA**

Call to Order

- 1) Review and Discussion of Draft Ordinance Prohibiting the Use of Tobacco, Vaping and Cannabis Products on Public Property
- 2) Next steps and meeting date

Adjournment



# Town of Simsbury

933 HOPMEADOW STREET ~ SIMSBURY, CONNECTICUT 06070

**TOWN OF SIMSBURY  
AN ORDINANCE PROHIBITING  
THE USE OF TOBACCO, VAPING AND CANNABIS PRODUCTS ON PUBLIC  
PROPERTY**

*Adopted by the Board of Selectmen on Month Day, 2023*

## **I. Purpose**

The purpose of this policy is to protect the health and safety of all individuals who use public property. This policy prohibits the use of Tobacco, vaping, and cannabis products on all public property owned and/or controlled by the Town of Simsbury, including sidewalks, trails, parks, playgrounds, and government buildings.

## **II. Scope**

This policy applies to all public property owned or operated by the Town of Simsbury. This includes all property that is open to the public, such as sidewalks, trails, parks, playgrounds, and government buildings.

## **III. Definitions**

- Tobacco Product: Any product that contains tobacco, including cigarettes, cigars, pipes, hookahs, and electronic cigarettes.
- Vaping Product: Any product that uses an electronic device to heat a liquid nicotine solution, creating an aerosol that is inhaled by the user.
- Cannabis Product: Any product that contains cannabis, including marijuana and hashish.

## **IV. Use of Tobacco, Vaping and Cannabis Products on Public Property**

It shall be unlawful for any person within the Town of Simsbury to use any Tobacco, Vape, and/or Cannabis products regardless of form or manner of ingestion on any property owned or controlled by the Town of Simsbury

## **V. Violations and Penalties**

Whenever the authorized enforcement agency determines that a person has violated this ordinance, the authorized enforcement agency is authorized to issue a fine to the violator in the amount of two hundred and fifty dollars (\$250.00) for each offense.

## **VI. Appeals**

Any person receiving a fine may appeal the determination of the authorized enforcement agency. The notice of appeal must be received in writing and filed with the Town Clerk's Office within ten (10) business days from receipt of the notice of the fine. The appeal shall be deemed received by the Town on the first business day following the day it is filed with and received by the Town Clerk's Office. Hearing on the appeal before the Hearing Officer shall take place within thirty (30) business days from the date of receipt of the notice of appeal. The decision of the Hearing Officer may be appealed to Superior Court.

## **VII. Severability**

Should any provision of this Article be declared invalid for any reason, such declaration shall not affect the validity of other provisions of this Chapter as a whole, it being the legislative intent that the provisions of this Ordinance shall be severable and that the remainder shall be valid.

*Town of Simsbury, CT  
Wednesday, July 19, 2023*

## Chapter 63. Alcoholic Beverages

[HISTORY: Adopted by the Town of Simsbury as indicated in article histories.  
Amendments noted where applicable.]

### Article I. Purchase at Town Expense

[Adopted by the Town Meeting 11-5-1832]

#### § 63-1. Purchase at Town expense prohibited.

No ardent spirits or wine shall be furnished or procured by the Selectmen or others at the expense of the Town.

### Article II. Public Consumption

[Adopted by the Board of Selectmen 3-24-2003]

#### § 63-2. Possession or consumption in Town buildings limited; permit required.

Except as permitted under the provisions of this article, no person shall consume any alcoholic beverage or have in his or her possession or control an open container containing any alcoholic beverage while he or she is an occupant in any Town-owned building. For the purposes of this article, alcoholic beverages shall be as those terms are defined in Connecticut General Statutes Section 30-1(3).

- A. Exception to prohibition; permit required. Notwithstanding the provisions of this § **63-2**, any person may possess and consume alcoholic liquor in Town-owned buildings, excluding buildings operated by the Board of Education, if a written permit so authorizing said possession and consumption has been obtained from the office of the Town Manager for a specific event on a specific date or dates. Such a permit may be issued by the Town Manager upon receipt of a completed application on a form approved by the Board of Selectmen and upon a determination by the Board of selectmen that the issuance of the permit will not be detrimental to the public safety, health or welfare or result in a violation of any other ordinance of the Town, or state or federal law.  
[Amended 7-12-2021]
- B. Property exempted. The premises known as the "Simsbury Farms Restaurant," including the patio, located at the Simsbury Farms Recreation Complex, is specifically exempted from this permitting requirement set forth in

§ **63-2A** of this article. The purpose of this exemption for § **63-2A** is to permit patrons of the Simsbury Farms Restaurant to bring their own alcoholic liquor, as those terms are defined in the Connecticut General Statutes Sections 30-1(5) and 30-1(19), to the restaurant for consumption that is customary and incidental to consumption with meals served at the restaurant. This exemption shall be subject to the ongoing review of the Board of Selectmen and shall be reviewed by the Board of Selectmen at least annually.

## § 63-3. Penalties for offenses.

Any person who shall violate any of the provisions of this article or who shall aid or abet in the violation of any of said provisions shall be fined not less than \$25 nor more than \$50 for each offense.

## Article III. Possession by Minors

[Adopted 1-26-2004]

## § 63-4. Possession of alcoholic beverages by minors.

- A. Definitions. As used in this section, the following terms shall have the meanings indicated:

### **ALCOHOLIC LIQUOR**

Shall have the same meaning, as the same term is defined in Title 30, Section **30-1** of the Connecticut General Statutes from time to time.

### **HOST**

To organize a gathering of two or more persons, or to allow the premises under one's control to be used with one's knowledge of two or more persons for personal, social or business interaction.

### **MINOR**

Shall have the same meaning as the same term is defined in Title 30, Section **30-1** of the Connecticut General Statutes, which states a "minor" means any person under 21 years of age.

- B. Possession. Subject to the exceptions set forth in Subsection **E**, no minor shall be in possession of alcoholic liquors, whether in opened or closed containers or otherwise on private property within the Town of Simsbury except when accompanied by or in the presence of his or her parent, guardian or spouse who has attained the age of 21.
- C. Hosting events. No person shall host an event or gathering on private property at which alcoholic liquor is consumed by or dispensed to any minor unless said minor is accompanied by or in the presence of his or her parent, guardian, or spouse who has attained the age of 21.
- D. Penalty. Any person violating any provisions of this section shall be subject to a fine not to exceed \$90 for each offense.
- E. Exceptions. The provisions of § **63-4B** of this article shall not apply to the following:

- (1) A minor who possesses alcoholic liquor on the order of a practicing physician or any person who sells, ships, delivers or gives any alcoholic liquors to a minor on the order of a practicing physician.
- (2) A person over the age of 18 who is an employee or permit holder under Section 30-90a of the Connecticut General Statutes and who possesses alcoholic liquor in the course of such persons employment or business or in the course of a sale, shipment or delivery of alcoholic liquor made to a person over age 18 who is an employee or permit holder under § 30-90a of the Connecticut General Statutes and where such sale, shipment or delivery is made in the course of such person's employment or business.
- (3) A minor who possesses an unopened container of alcoholic liquor without intent to consume the alcoholic liquor.

## Chapter 144. Tobacco and Drugs

[HISTORY: Adopted by the Board of Selectmen of the Town of Simsbury as indicated in article histories. Amendments noted where applicable.]

### Article I. Sale of Equipment to Minors

[Adopted 9-12-1979]

#### § 144-1. Sale restricted.

No person shall sell, give, deliver or otherwise transfer any tobacco-related equipment or drug-related equipment to any minor under the age of 16 years, provided that such person at the time of such sale, gift, delivery or transfer knows or has reason to know that such tobacco-related equipment will or is likely to be used in the consumption or preparation of any tobacco product or that such drug-related equipment will or is likely to be used in the consumption or preparation of any dependency-producing drug the possession of which is a violation of Connecticut General Statutes Section 21a-279(a), (b) and (c). If any such drug-related equipment has printed thereon or is accompanied by instructions explaining the purpose and use of such equipment and if following such instructions would cause a person to commit an act involving the use or possession of a dependency-producing drug in violation of Connecticut General Statutes Section 21a-279(a), (b) and (c), then the trier of fact may infer that such person knew or had reason to know that such drug-related equipment was to be used or was likely to be used in the consumption of a dependency-producing drug.

#### § 144-2. Definitions.

The following definitions shall apply in the interpretation and enforcement of this article:

##### **DEPENDENCY-PRODUCING DRUG**

Any controlled drug as defined in Connecticut General Statutes Section 21a-240(8) and any controlled substance as defined in Connecticut General Statutes Section 21a-240(9).

## **DRUG-RELATED EQUIPMENT**

Any instrument, apparatus or contrivance, including components, parts and accessories thereof, intended or reasonably adapted to be used for one or more of the following purposes:

- A. The consumption or the preparation of any dependency-producing drug. Consumption shall include smoking and injection.
- B. The enhancement of the effect on the human body of any dependency-producing drug.
- C. The concealment of any quantity of any dependency-producing drug.
- D. The testing of the strength, effectiveness, purity or weight of any dependency-producing drug.

## **TOBACCO-RELATED EQUIPMENT**

Any instrument, apparatus or contrivance, including components, parts and accessories thereof, intended or reasonably adapted for use in the consumption or preparation of any tobacco.

## **§ 144-3. Exceptions.**

No person shall be guilty of violating § **144-1** if:

- A. The person had reasonable cause to believe that the minor involved was 16 years of age or over because such minor exhibited to such person a driver's license, birth certificate or other official document purporting to establish that such minor was 16 years of age or over.
- B. The person was acting in his capacity as an employee or official of any governmental agency or governmental institution or of any public school or other public educational institution or health care facility or institution; or the person was acting in his capacity as a registered pharmacist or veterinarian, or under the direction of a registered pharmacist or veterinarian, to sell said object for a legitimate medical purpose.

## **§ 144-4. Penalties for offenses.**

Any person who violates § **144-1** of this article shall be fined not less than \$25 nor more than \$99.

## **§ 144-5. Severability; conflict with statutes.**

All provisions of the Town ordinances in conflict herewith are hereby repealed, and if for any reason any word, clause, paragraph or section of this article shall be held to make the same unconstitutional, this article shall not thereby be invalidated, and the remainder of the article shall continue in effect. Any provision herein which is in conflict with the Connecticut General Statutes is hereby repealed, it being understood that said statutes shall take precedence over this article.

## **Article II. Sale of Tobacco to Minors**

[Adopted 3-23-1987]

## § 144-6. Definitions.

For purposes of this article, the following terms shall have the meanings indicated:

### **CIGARETTE VENDING MACHINE**

A machine or mechanical device used or intended to be used for the purpose of automatically merchandising packaged cigarettes, the operation of which is governed or controlled by the insertion of coins or tokens.

### **PERSON**

Any individual, firm, fiduciary, partnership, corporation, trust or association.

## § 144-7. Sale prohibited.

No person shall sell cigarettes or tobacco in any form to any person under 18 years of age.

## § 144-8. Sale from vending machines prohibited.

[Amended 1-8-1990; 9-10-2001]

- A. Purpose. The purpose of this section is to prohibit the dispensing of cigarettes, tobacco or smokeless tobacco from cigarette vending machines within the Town of Simsbury.
- B. Statement of findings. The Town of Simsbury finds:
  - (1) Sections 53-344 and 53-344a of the Connecticut General Statutes make it unlawful for any person engaged in the manufacture or sale of cigarettes to sell, barter, give or deliver cigarettes to any individual under the age of 18 years; and
  - (2) Cigarettes are the most heavily advertised consumer product in the United States and the tobacco industry spends more than \$8.24 billion on advertising and promotion of cigarettes; and
  - (3) Connecticut medical costs related to treating smoking related diseases exceeds \$1 billion every year; and
  - (4) Tobacco kills more people than AIDS, alcohol, car accidents, murder, suicide, drugs and fire combined; and
  - (5) More than 3,000,000 young people under the age of 18 consume more than 947 million packs of cigarettes annually in the United States, yielding gross sales to the tobacco industry each year of approximately \$1 billion; and
  - (6) In Connecticut nearly one of every three high school students and 13% of middle school children used tobacco within the last 30 days; and
  - (7) Every year, 12,000 Connecticut children became daily smokers; and



- (8) The average start-smoking age in Connecticut is 11 years old; and
  - (9) Current laws and regulations have proved ineffective and inadequate in preventing the illegal purchase of cigarettes by children under the age of 18 years, particularly from cigarette vending machines; and
  - (10) Connecticut General Statutes § 12-289a(h) authorizes a town or municipality to ban or significantly restrict the placement of vending machines for cigarettes, tobacco or smokeless tobacco products.
- C. Prohibitions. No person shall dispense, or cause to be dispensed, cigarettes, tobacco or smokeless tobacco products from cigarette vending machines at any location within the Town of Simsbury.

## § 144-9. Enforcement.

It shall be the duty of the Director of Health or his designee to enforce the provisions of this article.

## § 144-10. Penalties for offenses.

The penalty for violation of the provisions of this article shall be a fine not to exceed \$100.