

Infobrief: Monitoring & Enforcing Retailer Compliance

Background: CT has a variety of retailers that sell adult-only substances: liquor stores, smoke shops, and now cannabis stores – and also gas stations, convenience stores, drugstores. More smoke shops are popping up all the time. Many of these retailers are unregistered with the state. In all cases, state law requires that clerks verify ID in order to avoid underage sales, but it is important to ensure regular *compliance checks* to identify stores that are selling to minors, as well as smoke shops that are selling cannabis illegally. When violations are found, it is important to follow up with *meaningful consequences (both education and significant fines)* that impact the retailers' future practices. Currently, retailers who sell nicotine products to minors pay a small fee which increases for subsequent occurrences– a couple of hundred dollars. Illegal sales of cannabis products at an unlicensed location (e.g., smoke shop) are a criminal offense. Enforcement rests solely with local or state police.

Compliance Issues:

1. **State Oversight:** Currently licensing and compliance checks are handled through different state agencies. The CT Department of Revenue Services and police have jurisdiction over enforcement of sales of tobacco to minors, and DMHAS supports local police in conducting tobacco compliance checks (nicotine and vaping). To regulate alcohol, there is a Liquor Control Division at DCP and a state Liquor Control Commission. DCP also has a separate Cannabis program, but DCP does not have authority over licensed sellers of cannabis or to seize illegal cannabis from an unlicensed location.
2. **Meaningful Consequences:** During repeated compliance checks, certain stores have been found to be in violation on many occasions. In Norwalk, one store was cited multiple times in one year for selling nicotine products to minors and was later also found to be selling THC products. Clearly the total amount of the fines did not outweigh the revenue from selling to minors. The local police department did not have the ability to shut down the business or suspend their license to sell. In terms of supportive consequences, education is necessary. Tobacco retailers can complete an online training through the CT Clearinghouse in lieu of a fine. We support our colleagues at the Stamford and Greenwich prevention coalitions in advocating for improvements to that training, including multiple languages and adding THC content. (More info available through those coalitions.) The training is not currently required when retailers first get a license.
3. **Human & Financial Resources:** Conducting compliance checks requires funding and staff, including trained youth. There are additional costs for storage and incineration of products that are confiscated.

- Each compliance check requires significant human resources, usually 2-4 hours at each establishment for photographing, interviewing, seizures. Westport PD estimates it takes an additional 8 hours for processing and reporting. As new stores open, it will not be possible to regularly visit them all for compliance checks.
 - Compliance checks also require trained underage youth. Westport was able to borrow youth from DMHAS for recent smoke shop checks. Meanwhile, Trumbull reached out to surrounding communities but the few departments who have trained youth could not make them available. The state Tobacco Compliance department only has a few trained youth to serve the entire state.
 - The state has specific requirements about separate storage of confiscated products and requires that they are incinerated, which is an unfunded cost to the police department. These costs will continue to grow as more smoke shops proliferate and cannabis use grows with the new retailers.
4. **Advertising:** Statewide, individuals and groups such as LPCs have identified and reported cannabis advertising that is noncompliant with CT laws. However, there is no designated local authority to monitor and enforce those issues. In Norwalk, there is a Lamar billboard for Fine Fettle (a hybrid dispensary) that has been out of compliance for several years, first due to its location next to a preschool, and subsequently as a result of an amendment to the state law stating that cannabis advertising is banned between 6am-11pm. While this has been reported by Norwalk and Westport residents to the Attorney General's office and to Lamar, no action has been taken.

Policy solutions for consideration:

1. Ensure all retailers are licensed by the state.
2. Revisit and streamline the roles of DCP, DMHAS, etc. so that all substance-related compliance checks are handled through one department.
3. Create meaningful consequences to retailers for underage sales or illicit sales (such as selling THC at a smoke shop):
 - Require and track merchant education through online trainings that are multilingual. (More data available from Stamford & Greenwich prevention coalitions.)
 - Fine not only clerks but owners. Treat first, second, and multiple violations differently, ensuring significant fines for subsequent violations that will have an impact on the retailer. Ensure fines are consistent across all substances. (More data available from Stamford & Greenwich prevention coalitions.)
 - Provide local law enforcement with the ability to suspend licenses or close down a business.

- Look to CT's process for compliance checks on massage parlors and nail salons. These compliance checks are conducted by law enforcement together with the Department of Labor. Violators are fined and the businesses can be shut down. Half the fines go to the Police Department to cover the overtime required.
- 4. Develop and fund regional teams of youth, along with a trained officer, to support compliance checks related to any substance in local communities. Doing so will increase community capacity to respond to the proliferation of smoke shops while also providing employment and skill development for area youth.
- 5. Provide funding to law enforcement agencies to conduct compliance checks and to store and incinerate products that are found.
 - Consider providing funding based on the number of retailers in each town.
- 6. Identify clear responsibility at the local level for monitoring and enforcing state and local advertising laws.
- 7. Locally, look at Planning & Zoning to limit the proliferation and density of retail outlets, as Westport and Stamford have done.

Recent Local Data

In November, the CT Department of Consumer Protection issued a warning about the growing issues related to unregulated THC products widely available: [Connecticut DCP Warns of Potentially Dangerous Unregulated THC Products](#). Our local towns have been finding a proliferation of these products for sale at unlicensed facilities, as well as multiple smoke shops selling nicotine/vape products to minors.

Westport:

- In November 2022, the Westport Prevention Coalition had two minors conduct an environmental scan of six smoke shops. They found that half of these stores were not registered with the state; half sold nicotine products to minors; and half were also illegally selling cannabis, which was not yet for sale at any retail location. They also found a yoga/wellness studio that was selling THC gummies, each of which contained multiple servings of THC. As a result, multiple compliance checks have been conducted since then finding violations.
- **WP Convenience** - In April 2023, a compliance check was done with Westport Police Department and DMHAS. A female under the age of 21 who worked for the State was
- The [Savvy Smoker in Westport was recently found to be illegally selling a wide variety of cannabis products](#). Not only is the store not licensed to sell any form of cannabis, the products

themselves were in violation of the state's requirements in terms of packaging and, for the hemp-based products, potency.

Wilton:

- On 2/15/23, the Wilton Police Department, with the assistance of the State of CT Department of Mental Health and Addiction Services and the State of CT Department of Consumer Protection, conducted a pre-planned compliance check of the Mohegan Smoke Shop located at 14 Danbury Road in Wilton. The Wilton Police Department had recently received information that multiple underaged youths were purchasing tobacco and other products from the store. During this compliance check, an individual under the age of 18 that works with the State of CT, was able to purchase a nicotine vape device from the clerk at the store. The clerk, Mhd Talal Najib of Norwalk, CT was issued an infraction for Illegal Sale of a Nicotine Device in violation of C.G.S 53-344b(b). While at the store, it was observed by Wilton Police and members of the State Agencies that the store was displaying for sale multiple items that contained Delta 8, 9 and 10 levels of THC, greater than the legal amount of .3 percent THC by dry weight, in violation of CT law. The items in question were seized by the Wilton Police Department while the investigation continues. Products found:



- On August 29, 2023, the Wilton Police Department and staff members of the State of Connecticut, Department of Mental Health and Addiction Services (DMHAS), conducted unannounced compliance inspections of establishments that sell tobacco and electronic nicotine delivery products. The inspections were performed in an effort to determine compliance with state laws concerning the prohibition of the sale of cigarettes, vaping, and/or tobacco products to youth under the age of twenty-one. Under the direction and supervision of DMHAS investigators, an underage youth, employed by DMHAS, entered the establishment and attempted to purchase vaping products. A total of 8 (eight) unannounced compliance inspections were conducted. Of this total, 3 (three) establishments were found to be in violation of the Connecticut General Statutes, Sec. 53-344b(b): Sale or delivery of electronic nicotine

delivery systems or vapor products to minors under age twenty-one. Two of the three offending clerks at these establishments were issued an infraction in the amount of \$300 for the first offense, and one was issued an infraction in the amount of \$750 for a second offense within twenty-four months. The establishments found to be in violation are as follows:

- Mohegan Smoke Shop - 14 Danbury Road, Wilton, CT (second offense)
- Mobil Gas Station – 46 Danbury Rd, Wilton, CT (first offense)
- Shell Food Mart – 210 Danbury Road Wilton, CT

Two of such establishments (Mohegan Smoke Shop and the Shell Food Mart) were also found to be in violation of legislation regulating the sale of cannabis products. In collaboration with staff from the Department of Consumer Protection (DCP), several cannabis items were seized.

It should also be noted that the following businesses were found to be in compliance with the law:

- PVC Gulf LLC – 287 Danbury Rd, Wilton, CT
- Citgo/Wheels – 386 Danbury Road, Wilton, CT
- Shell
- Snack Shop – 912 Danbury Road, Wilton, CT
- Mobil Snack Shop – 932 Danbury Road, Wilton, CT
- Grassy Plain Smoke Shop – 991 Danbury Rd, Wilton, CT

Norwalk:

- A [Norwalk compliance check](#) just before Christmas found that 6 out of 7 smoke shops visited were illegally selling nicotine products to minors.
- In addition to retailer violations, in Norwalk, a billboard that is in violation of the cannabis advertising law has been visible for several years. Enforcing substance advertising law is not the responsibility of the police department or town.

The Norwalk Police Department remains focused on the illegal sale of cannabis, THC, and vaping products to minors at vape shops and retail locations in Norwalk. Since the legalization of adult use cannabis in Connecticut the City of Norwalk has seen a dramatic increase in illegal sales of cannabis from retail stores and smoke shops that are not permitted cannabis dispensaries. This trend is concerning because products being sold illegally are not regulated and monitored for safe legalized consumption.

In addition to its being illegal and addictive, marijuana with high levels of THC is associated with a decrease in IQ points, increased anxiety and psychosis, developing schizophrenia, and other long-term issues, especially in young teenaged users. (National Institute on Drug Abuse).

During January, 10 total infractions were issued at 5 different locations. During July, 4 total infractions were issued at 3 different locations. Finally, during December, 9 total infractions were issued at 6 locations.

Police Investigators routinely engage in spot checks of different establishments throughout the city and The Norwalk Police Department receives tips from community members via phone, email, or texting tips to Tip411. Investigators will continue to monitor Norwalk businesses to ensure compliance with State and City Regulations.

Enforcement efforts in the City of Norwalk

Below infractions issued were for 53-344b – Sale or delivery of electronic nicotine delivery systems or vapor products to persons under twenty-one years of age. Offenses varied from first offense to second offense:

January 12, 2023

- Vapewise – 203 Liberty Square: 2 infractions issued
- Mohegan Smoke Shop – 84 North Main Street: 2 infractions issued
- Mohegan Smoke Shop- 6 Belden Avenue: 2 infractions issued
- Exxon Gas Station – 452 Westport Avenue: 2 infractions issued
- Sono Vape – 68 Washington Street: 2 infractions issued

July 6, 2023

- Mohegan Smoke Shop – 6 Belden Avenue: 2 infractions issued
- Triple A Smoke Shop – 168 Main Street: 1 infraction issued
- Jet Vape – 99 New Canaan Avenue: 1 infraction issued

December 18, 2023

- Triple A Smoke Shop - 168 Main Street: 2 infractions issued
- Smokey Bear Sono – 43 North Main Street: 1 infraction issued
- Exxon Gas Station – 452 Westport Avenue: 2 infractions issued
- Mohegan Smoke Shop – 84 North Main Street: 1 infraction issued
- Mohegan Smoke Shop – 6 Belden Avenue: 1 infraction issued
- Smokehouse – 108 Connecticut Avenue: 2 infractions issued

Cannabis-related enforcement:

- 1) **October 12, 2023**, Norwalk Police Special Services Division along with the State of Connecticut Consumer Protection Drug Control Division, executed a search and seizure warrant at the Smoke House vape shop located at #108 Connecticut Avenue. The execution of this warrant is part of the ongoing investigation into Smoke/Vape shops that sell Cannabis without a Cannabis license. As a result of the search warrant, investigators seized the following evidence: Several Hundred products that contained illegal levels of THC Over 1 kilo (2.28lbs) of marijuana packaged in large freezer bags, plastic containers, plastic vials, and packaging with misleading labels affixed to them.
- 2) **July 18, 2023** members of the Norwalk Police Department’s Special Services Division executed a search and seizure warrant at the Smoke House 1 vape shop, located at 108 Connecticut Avenue. This was the result of an ongoing investigation into local shops selling marijuana and hallucinogens without a license. The investigators seized the following items from the shop: Over 1 kilogram of marijuana hundred products containing greater levels than the legal limit of the psychedelic mushrooms, and products containing mushrooms Fraudulent medical marijuana decals Paraphernalia used for packaging and weighing marijuana Ledgers documenting sales, financial records \$9,000 in US Currency
- 3) **January 2023**, The Norwalk Police Special Services Division began receiving information that certain Vape Shops within the City limits were selling marijuana, pills, psychedelic mushrooms, and various other

narcotics. After a lengthy investigation, utilizing numerous investigative techniques, arrest warrants, and search warrants were obtained. On Tuesday, March 7, 2023 search warrants were executed and the arrest warrants were served.

- **Vape Wise** 203 Liberty Square -search warrant executed arrest made
- **New York Exotic Snax** 117 Washington Street -search warrant executed arrest made
- **Sono Vape** 68a Washington Street -search warrant executed
- Approximately 2.73lbs of marijuana, 29.3 grams of psychedelic mushrooms, thousands of products containing illegal levels of THC(gummies, vapes, oils), and approximately \$8400 in US Currency were seized from all three locations

Prior years (tobacco and alcohol):

- **December 18, 2022**, The Norwalk Police Department Special Services Division and Special Victims Unit conducted tobacco vape sales compliance checks in several Norwalk businesses. The Norwalk Police have continued to receive complaints from parents regarding minors purchasing vape tobacco products. As a result, the Norwalk Police worked with underage community members and visited 5 locations. All the locations were found not to be in compliance, where clerks sold vape products to children under 21 years of age, without asking for identification or verifying their age.
 - **Mohegan Smoke Shop.** 84 North Main St.
 - **Smokey Bear Smoke Shop.** 43 North Main St.
 - **ZAZA Smoke Shop.** 360 Connecticut Ave.
 - **Vape wise.** 201 Liberty Square
- **January 21, 2021**, The Norwalk Police Department Special Services Division conducted compliance checks at multiple package stores and Vape Shops with the assistance of cooperating minors
 - **Vapewise**-203 Liberty Square This is the fourth violation in less than 30 days
 - **Mohegan Smoke Shop**-82-84 North Main Street
 - **Tropical Grocery**- 79 Cedar Street Sale of Alcohol to a minor
 - **World of Beverages** -295 Main Avenue Norwalk Sale of Alcohol to a minor
 - **Cibao**- 39 Harbor Avenue Sale of Alcohol to a minor