

Conn. Pot Licensing Program Is Discriminatory, Suit Says

By **Jonathan Capriel**

Law360 (October 15, 2025, 9:41 PM EDT) -- A would-be cannabis grower is challenging Connecticut's marijuana licensing program, claiming it unconstitutionally prioritizes in-state "social equity" applicants "above all others" in direct violation of the dormant commerce clause, according to a federal lawsuit.

Brant Smith claims he has no chance of obtaining a permit to cultivate marijuana in Connecticut because the state licensing program at its core contains a "discriminatory policy" that favors those who can obtain social equity status, according to his lawsuit filed on Tuesday.

"Connecticut's regulatory scheme, by privileging in-state 'social equity individuals' above all others discriminates against [Smith] and others like him by either excluding [him] from consideration for a marijuana cultivation license or significantly diminishing [his] opportunity of receiving one," the suit said.

The program's favoritism toward social equity applicants violates the U.S. Constitution, the complaint said. Specifically, it runs afoul of the dormant commerce clause because out-of-state entrepreneurs could never meet the residency requirements, Smith said.

Notably, Smith's complaint leans on a Second Circuit's **August ruling** in [Variscite NY Four LLC et al. v. New York State Cannabis Control Board et al.](#) , which determined it was unconstitutional for states to privilege their own residents when awarding cannabis licenses.

"Despite the federal illegality of marijuana under the Controlled Substances Act, the dormant commerce clause still applies to state-level marijuana markets," the lawsuit said. "[It] prohibits the states from imposing restrictions that benefit in-state economic interests."

The lawsuit asks the court to declare as unconstitutional the law establishing the licensing program, the Responsible and Equitable Regulation of Adult-Use Cannabis Act, and to impose an injunction blocking the state from issuing licenses under the current policies.

The suit names as defendants Gov. Ned Lamont; the state attorney general, William Tong; and Bryan Cafferelli, the commissioner of the Department of Consumer Protection.

The lawsuit claims that the licensing act requires that half of all adult-use cannabis licenses be given to "social equity individuals," defined as applicants who meet specific income and residency criteria.

Specifically, the laws require such applicants to be from a household with an average "income of less than 300% of the state median household income" over the three tax years preceding the application. Applicants must also be a resident of a "disproportionately impacted area" for at least five of the last 10 years or to have lived in one of these areas for at least nine years as a child, the suit said.

Because 50% of licenses are going to social equity applicants, Smith claims he cannot compete on "equal footing" to get a cultivation license.

"As of the date of this complaint, a total of zero non-social equity marijuana cultivator licenses have been issued in Connecticut," the lawsuit said. "No lotteries have ever been conducted for non-social

equity applicants. No lotteries are currently being conducted for non-social equity cultivator licenses, and no future lotteries have been scheduled."

Smith is represented by Genevieve Park Taylor of Sound Legal LLC.

Counsel information for Connecticut wasn't immediately available.

The case is Smith v. Lamont et al. case number 3:25-cv-01728, in the U.S. District Court for the District of Connecticut.

--Editing by Bruce Goldman.