

The Honorable Kendra Black
Councilmember, City of Denver
1437 Bannock St.
Denver, CO 80202

The Honorable Mary Beth Susman
Councilmember, City of Denver
1437 Bannock St.
Denver, CO 80202

The Honorable Jolon Clark
Councilmember, City of Denver
1437 Bannock St.
Denver, CO 80202

September 10, 2018

Re: Request to maintain current child and youth safety requirements for Denver social consumption areas

Dear Councilors Kendra Black, Mary Beth Susman, and Jolon Clark:

On behalf of the American Academy of Pediatrics Colorado Chapter, Children's Hospital Colorado, Colorado Children's Campaign, Illuminate Colorado, and The Kempe Foundation, we respectfully request that you and other members of the Social Consumption Area Task Force preserve the current child and youth safety requirements governing Denver businesses attempting to open designated recreational marijuana consumption areas. We support the entirety of the existing rule package and especially appreciate the location and proximity standards for marijuana consumption areas. The Department of Excise and Licenses' Social Consumption Advisory Committee (Committee) developed a thoughtful set of regulations to implement the pilot program launched by Initiative 300, and we would regret to see an undoing of the efforts involved in keeping children safe as a result of this measure's passage.

Of critical importance is the Committee's arrival at ensuring social marijuana sites are a safe distance from where children tend to gather, as reflected in the final permit proximity restrictions that no permit shall be issued within 1,000 feet of any school, child care establishment, city-owned recreation center, or city-owned outdoor pool. We are aware that Denver's Social Consumption Area Task Force is preparing to release recommendations for changes to the program. As specifics of the final report are deliberated, we urge you to oppose weakening or eliminating the existing rules.

Research has demonstrated that during the same time period in which cigarette smoking around children decreased over 7%, marijuana smoking around children increased nearly 5%¹. The normalization of legalized recreational marijuana—as evidenced by passage of measures like Initiative 300 to expand the public places within which consumption can occur—will likely only accelerate this trend. Experts agree that teen marijuana use tends to rise when the substance is easily available, socially acceptable, and perceived to be harmless. Normalizing recreational consumption of marijuana poses

¹ McCarthy, Claire. "Secondhand Marijuana Smoke and Kids." *Harvard Health Publishing*, 5 Jun. 2018, <https://www.health.harvard.edu/blog/secondhand-marijuana-smoke-and-kids-2018060514012>.

certain health and safety risks that could otherwise be avoided, from inhaling hazardous pollutants to decreased longer-term cognitive function. The science surrounding marijuana exposure to the developing brain reveals the drug's potential to adversely impact attention, cognition, executive control, memory, problem-solving, and more. It is our collective responsibility to prevent youth exposure to marijuana for these reasons, in part by upholding a buffer of at least 1,000 feet between social consumption areas and youth-oriented facilities. Relaxing the current buffer requirement could endanger our youngest Denver residents, when ideally, 1,000 feet of distance should constitute the floor—not the ceiling—for proximity restrictions.

Not only would decreasing the buffer distance be harmful—there are other ways that the progress achieved on the current distance and proximity rules could be undone. These include but are not limited to empowering Denver's licensing director with greater discretion to waive certain restrictions "for good cause," as well as allowing a lesser distance requirement when, for example, the child care facility or other protected facility does not indicate an objection. Each proposal sets a troubling precedent. The ambiguity around the phrase "for good cause" in the first proposal could translate to a lack of uniform treatment toward various business entities trying to pursue a permit of this type, while the second proposal could open the door to disproportionate marijuana industry influence over facilities that are meant to be protected, like schools.

We applaud the efforts to date to implement and enforce a set of rules for this measure that promote the safety of Denver residents, while respecting the limits of local law in the broader context of state law, which not only prohibits clubs intended for the recreational consumption of marijuana—it also outlines the same 1,000-foot safety buffer included in the Initiative 300 rules.

We understand that proponents of weakening the distance restrictions believe the current rules are overly restrictive for Denver's marijuana industry. Given that Denver dispensaries accounted for \$577.5 million—or over a third—of Colorado's total sales last year alone, we don't believe that the distance standards pose a threat to the city's business environment's continued ability to profit from marijuana sales.

When voters passed Initiative 300, they surely did not intend for their vote to promote the spread of marijuana consumption sites near schools, child care centers, pools, and other locations frequented by youth. As organizations whose priority is the protection of children's health and safety, we implore you to continue doing everything in your power to keep marijuana away from Denver youth, including maintaining the distance standards implemented to regulate Initiative 300.

Thank you for the opportunity to comment. Please do not hesitate to contact us with any questions.

Sincerely,

Meghan Treitz, MD, FAAP
American Academy of Pediatrics, Colorado Chapter

Heidi Baskfield
Vice President of Population Health and Advocacy
Children's Hospital Colorado

Erin Miller
Vice President, Health Initiatives
Colorado Children's Campaign

Jade Woodard
Executive Director
Illuminate Colorado

John Faught
Chief Executive Officer
The Kempe Foundation

CC: Mayor Michael Hancock
Councilor Rafael Espinoza
Councilor Kevin Flynn
Councilor Paul D. López
Councilor Paul Kashmann
Councilor Christopher Herndon
Councilor Albus Brooks
Councilor Wayne New
Councilor Stacie Gilmore
Councilor Robin Kniech
Councilor Deborah Ortega

Ashley Kilroy, Executive Director, Dept. of Excise and Licenses, City and County of Denver
Molly Duplechian, Deputy Director of Policy and Administration, Dept. of Excise and Licenses, City and County of Denver

