

Protections for the public - Marijuana Consumption

Protection Measure

Clean Indoor Air Act

No visibility to the public

Requirement for a needs and desires hearing

Requirement of neighborhood support

Distance requirements

Application/Permit Fee

Not allowed on liquor-licensed premises

Not allowed on marijuana-licensed premises

Only marijuana-licensed businesses allowed to sell marijuana, so it must be bring your own cannabis

Protections to the public from special events

Age restrictions

Building Requirements

Operational Requirements

▪ Within the Rule Governing Marijuana Designated Consumption Areas an eligible neighborhood organization is defined as (i) a registered neighborhood organization (RNO) that has been in existence for more than 2 years, (ii) a business improvement district, or (iii) any other type of association of residents and owners of real property. This requirement for neighborhood support provides extra protections for residents near a designated consumption area (DCA) because the DCA must remain accountable and in good faith with the neighborhood in order to maintain its permits.

▪ Furthermore, requiring the support of an established RNO makes it more difficult for DCAs to fabricate neighborhood support by forming a shell RNO for the purposes of showing they have community support.

Description

▪The Colorado Clean Indoor Air Act (C.R.S. 25-14-202) prohibits smoking tobacco and marijuana in most indoor areas open to the public...and places of employment.

▪2018 state legislative session there was one bill that would permit DCAs and exclude them from the CCIA.

▪2019 state legislative session there is a bill that will include vaping and ecigarettes in the CCIAA

▪Marijuana consumption occuring within a DCA is **not visible to the public** from a place where children congregate or from any public place (Sec. 3.01(d) of Rules Governing Marijuana Designated Consumption Areas).

▪Public place is defined as a place to which the public or a substantial number of public have access without restriction (Section 1.03 (y)of Rules Governing Marijuana Designated Consumption Areas).

▪Required by Excise and License for all applicants of a DCA, and can be requested by the community for a special events permit.

▪Must have support or non-opposition from an RNO or other qualifying neighborhood organization

▪Original I300 language prohibited DCAs from being with 1000 feet of a school, the 1000 feet language falls into alignment with federal practices. In 2012 the federal government shut down 47 marijuana dispensaries that were within 1000 feet of schools.

▪Excise and License increased distance requirements to include: childcare facilities and city-owned pools and recreation centers, as well as, addiction treatment facilities, and residential zone district. Excise and License includes this language in Article III. Section 3.02.

▪Application and permit fees are \$1000 each.

▪According to state law, marijuana cannot be sold or consumed in an establishment with a liquor-license. Excise and license includes this language in Article III. Section 3.03

▪ According to state law, marijuana cannot be consumed in a marijuana-licensed premise such as a dispensary. This requires DCAs to be BYOC.

▪DCAs are currently BYOC

▪Applicants are required to submit their special event permit application 120 days in advance of their event. Excise and License determined the 120 day deadline due to a need to extend the timeline in which it takes to process applications, notify the public, and address public concerns. (Sec. 6.02(b) of Rules Governing Marijuana Designated Consumption Areas)

▪Inability to have alcohol and cannabis at the event

▪Limit to 10 special events/individual/year

▪I300 language, in accordance with state law, also created age restrictions for patrons of DCAs. Individuals 21 and over can consume marijuana in an DCA.

▪I300 language required that when a business was applying for a social consumption permit they must have the following: a designated consumption area plan, a responsible operations plan, a health and sanitation plan, and a community engagement plan

▪I300 language required permit holders to adhere to the following: clear signage delineating where the social consumption area is

▪Smoking of cannabis is not visible from the public right-of-way or a place where children congregate

▪Adhere to the Colorado Clean Indoor Air Act

▪Odor mitigation

▪E&L expanded on these requirements and added specific waste removal requirements in Article V. Operational Requirements

Department or Agency Responsible

Colorado Department of Public Health and Environment (C.R.S. 25-14-202);

- I300, Sec.6-310(b)
- Excise and License, (Sec. 3.01(d) of Rules Governing Marijuana Designated Consumption Areas)
- (Section 1.03 (y)of Rules Governing Marijuana Designated Consumption Areas).

▪Excise and License - Rules Governing Marijuana Designated Consumption Areas

▪I300 Sec. 6-303

▪I300 Sec. 6-304

▪Excise and License - Rules Governing Marijuana Designated Consumption Areas

▪I300 Sec. 6-311(a)

▪Excise and License Rules Governing Marijuana Designated Consumption Areas, (Sec. 3.02)

▪Federal Government (DEA)

▪I300 Sec. 6-315

▪Excise and License Rules Governing Marijuana Designated Consumption Areas

▪State Laws and Rules (Marijuana Enforcement Division within Department of Revenue)

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▪I300 Sec. 6-309(a) (b)

▪Excise and License - Rules Governing Marijuana Designated Consumption Areas, Sec. 3.03(e)(f)

▪Marijuana Enforcement Division within DoR

▪Excise and License (Sec. 602(b))

▪ State Laws and Rules (MED)

▪I300 Sec.6-309(c)(d)

▪Excise and License Rules Governing Social Consumption Sec 5.01(a)

▪ State Laws and Rules (Marijuana Enforcement Division within Dept. of Revenue)

▪I300

▪ E&L Rules Governing Social Consumption

▪I300

▪E&L Rules Governing Social Consumption

Protections for the public - Alcohol Consumption

Protection Measure	Description
Clean Indoor Air Act	NA
No visibility to the public	NA
Requirement for a needs and desires hearing	<ul style="list-style-type: none"> ▪Public hearings are held in the event of a liquor license application ▪Notice to the public is given 20 days before the hearing is scheduled
Requirement of neighborhood support	<ul style="list-style-type: none"> ▪RNOs are notified of a liquor license application if they are within the Designated Area and have the opportunity to support or oppose the application
Distance requirements	<ul style="list-style-type: none"> ▪Based of state law, E&L can deny a liquor license application in the event that there is an undue concentration of liquor outlets in a neighborhood ▪State law dictates that liquor licenses cannot be issued to an establishment within 500 feet of a public, parochial school or university/college campus or seminary ▪E&L adopted a 500 foot distance requirement in 2012 (this is not applicable for hotels or restaurants)
Application/Permit Fee	<ul style="list-style-type: none"> ▪State - \$550.00 fee made payable to Colorado Department of Revenue + Liquor License Fees ▪State - \$650.00 fee for Concurrent Review + Liquor License Fees ▪State - \$550.00 fee for Transfer of Ownership + Liquor License Fees ▪City - \$1,000.00 + other fees assigned at time of application ▪Colorado Bureau of Investigations Fingerprinting: \$38.50 per person for anyone that owns at least 10% of the business entity.
Not allowed on liquor-licensed premises	NA

Not allowed on marijuana-licensed premises	In accordance with state law, businesses with a liquor license cannot have a marijuana license
Only marijuana-licensed businesses allowed to sell marijuana, so it must be bring your own cannabis	NA
Protections to the public from special events	<ul style="list-style-type: none"> ▪Food must be available at SE ▪15 SE permits/person/year ▪Applications received 30 days before event ▪\$100 application fee ▪\$10 to \$25/day fee ▪Certificate of Good Standing from Secretary of State ▪The application packet must include the following: <ul style="list-style-type: none"> ▪The application (signed by President, Secretary or Political Candidate) ▪Certificate of Good Standing from the Secretary of State ▪Diagrams of proposed liquor licensed area (must be outlined in RED denoting the liquor boundary). Need to also notate where posting notice will be placed. ▪Authorization documents depending on property use will be as follows: <ul style="list-style-type: none"> ▪Street closures require a ROW/Public Works Permit. ▪Events held in a park require a Parks and Recreation Permit. ▪Events held within the confines of a building require a ▪Lease, Deed, or a Letter of Authorization from the property owners.
Age restrictions	<ul style="list-style-type: none"> ▪In accordance with federal and state law, only individuals 21 or older may consume alcohol in hotels and restaurants ▪In accordance with state and federal law individuals 21 or older may enter a bar or cabaret
Operational/Building Requirements	<ul style="list-style-type: none"> ▪Inspections are required to receive a liquor license: fire inspections, public health inspections, excise and license ▪State licensing authority must then approve liquor license application

Department or Agency Responsible

NA

NA

C.R.S. § 12-47-301(2)(b), Colorado Liquor Rules Regulations 7-326 (A)

NA



NA



E&L

