

1 **BY AUTHORITY**

2 ORDINANCE NO. \_\_\_\_\_  
3 SERIES OF 2022

COUNCIL BILL NO. CB22-0960  
COMMITTEE OF REFERENCE:

4 BUSINESS, ARTS, WORKFORCE & AVIATION SERVICES

5 **A BILL**

6 **For an ordinance amending Article V of Chapter 6 and Article II of Chapter 32 of**  
7 **the Denver Revised Municipal Code to amend provisions relating to marijuana**  
8 **transporter and delivery provisions, marijuana business fees, and providing for**  
9 **clarifying changes.**

10 **BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF DENVER:**

11 **Section 1.** Article V of Chapter 6 shall be amended by adding the language underlined and  
12 deleting the language stricken, to read as follows:

13 **Sec. 6-210. – Marijuana delivery permits.**

14 ~~(a) *Marijuana Delivery* – authorized.~~ Beginning July 1, 2021, local marijuana delivery permits  
15 ~~may be issued to a medical or retail marijuana store or a medical or retail marijuana transporter in~~  
16 ~~order to deliver regulated marijuana to private residences of customers and patients, subject to the~~  
17 ~~provisions the Colorado Marijuana Code and the provisions of this section.~~ Subject to the provisions  
18 of this article and the provisions of the Colorado Marijuana Code, local marijuana delivery permits  
19 may be issued to a:

20 (1) Medical marijuana store to accept orders for delivery of regulated marijuana to  
21 patients at a private residence by a medical marijuana transporter with a valid delivery permit; or

22 (2) Retail marijuana store to accept orders for delivery of regulated marijuana to  
23 consumers at a private residence by a retail marijuana transporter with a valid delivery permit; or

24 (3) Medical marijuana transporter who qualifies as a social equity applicant as defined  
25 in this article to contract with a medical marijuana store with a valid delivery permit to deliver  
26 regulated marijuana to private residence of patients; or

27 (4) Retail marijuana transporter who qualifies as a social equity applicant as defined  
28 in this article to contract with a retail marijuana store with a valid delivery permit to deliver regulated  
29 marijuana to private residence of consumers.

30 (b) *Delivery permit restrictions.* ~~The following restrictions shall be placed on marijuana~~  
31 ~~delivery permits issued pursuant to this article V:~~

32 ~~(1) Prior to July 1, 2024, Only medical or retail marijuana transporters who qualify as~~  
33 ~~a social equity applicant as defined in this article and hold a valid license and a delivery permit~~  
34 ~~issued pursuant to this article V may deliver regulated marijuana to private residences of customers~~

1 and patients, subject to the provisions the Colorado Marijuana Code.

2 ~~(2) On and after July 1, 2024, all medical and retail marijuana transporters and medical~~  
3 ~~and retail marijuana stores holding a valid license and a delivery permit issued pursuant to this~~  
4 ~~article V may deliver regulated marijuana to private residences of customers and patients, subject~~  
5 ~~to the provisions the Colorado Marijuana Code.~~

6 **Sec. 6-219. - Transfers of ownership.**

7 (c) Delivery permits held by transporter licensees. Delivery permits associated with a  
8 transporter license are only transferrable to a person who qualifies as a social equity applicant as  
9 defined in this article. Any delivery permit associated with a transporter license that is transferred to  
10 a person who is not a social equity applicant shall be deemed null and void, together with all the  
11 privileges associated with it.

12 ~~(e)~~ (d) Application requirements. All applications to transfer ownership of a local medical or  
13 retail marijuana business license shall be made in the manner provided by the director. In addition  
14 to information required by chapter 32 of this Code, the application shall contain any supplemental  
15 materials the director deems necessary to implement or enforce this article V and the Colorado  
16 Marijuana Code.

17 ~~(d)~~ (e) Corresponding state license. The director shall not approve an application to transfer  
18 ownership of a local medical or retail license unless the applicant produces written documentation  
19 from the state licensing authority approving the same transfer of ownership of the corresponding  
20 state license recorded upon the face of the local license.

21 ~~(e)~~ (f) Common ownership. If one (1) or more licenses share the same licensed premises, an  
22 application to transfer ownership of any one of the licenses shall not be approved if the transfer  
23 would result in that license no longer having common ownership with the licenses sharing the same  
24 licensed premises.

25 ~~(f)~~ (g) Effect of transfers on proximity and location restrictions. The transfer of ownership of  
26 a medical or retail marijuana business license shall not affect any exemption that the licensed  
27 premises may enjoy from proximity or location restrictions set forth in this article V.

28 **Sec. 6-223. - Causes for denial.**

29 (a) In addition to the grounds set forth in the Colorado Marijuana Code and chapter 32 of this  
30 Code, any application submitted pursuant to this article V shall be denied if:

31 (2) The Director determines after review of the entire record, that the applicant or  
32 licensee has failed to prove by a preponderance of the evidence that the reasonable requirements  
33 of the neighborhood and the desires of the adult inhabitants therein support the issuance of a

1 medical or retail marijuana store license;

2 (10) The applicant or licensee has a license history that does not warrant the  
3 confidence of the Director that the applicant or licensee will operate lawfully based on prior violated  
4 violations or has failed failures to comply with any applicable regulatory or administrative provisions  
5 of state or local laws regulating marijuana, or rules and regulations adopted pursuant thereto; or

6 **Sec. 6-224. - Unlawful acts.**

7 (e) ~~Prior to January 1, 2024, i~~ It shall be unlawful for any person to deliver regulated marijuana  
8 within the city without first obtaining a the required medical or retail marijuana transporter license  
9 from the department and a corresponding delivery permit. ~~On and after January 1, 2024, it shall be~~  
10 ~~unlawful for any person to deliver regulated marijuana within the city without first obtaining a medical~~  
11 ~~or retail marijuana transporter license from the department and corresponding marijuana delivery~~  
12 ~~permit or medical or retail marijuana store license from the department and corresponding marijuana~~  
13 ~~delivery permit.~~

14 **Section 2.** Amend Article 2 of Chapter 32 by adding the language underlined and deleting  
15 the language stricken, to read as follows:

16 **Sec. 32-92. – Cannabis Licensing.**

17 (a) Application and license fees for medical marijuana businesses and medical marijuana off-  
18 premises storage facilities shall be as follows:

19 (3) Annual license fee for medical marijuana businesses, excluding medical marijuana  
20 transporters: ....

21 a. Social equity applicants .....\$1,500.00

22 b. Non-social equity applicants .....3,000.00

23 (4) Annual license fee for medical marijuana transporters: ....

24 a. Social equity applicants .... \$200.00. The annual license fee shall be waived  
25 upon initial application for a new license

26 b. Non-social equity applicants .....3,000.00

27 ~~(4)~~ (5) Annual license fee for medical marijuana off-premises storage facility:

28 a. Social equity applicants .....\$250.00. The annual license fee shall be waived  
29 upon initial application for a new license

30 b. Non-social equity applicants .....500.00

31 ~~(5)~~ (6) Criminal background check fee .....actual costs

32 ~~(6)~~ (7) Transfer of ownership fee .....\$250.00, plus actual cost of background check

33 ~~(7)~~ (8) Change of location fees: .....

- 1 a. Medical marijuana stores .....\$1,500.00
- 2 b. All other medical marijuana business licenses .....1,000.00
- 3 ~~(8)~~ (9) Modification of premises .....\$300.00
- 4 (b) Application and license fees for retail marijuana businesses and retail marijuana off-
- 5 premises storage facilities shall be as follows:
- 6 (2) Application fee for retail marijuana off-premises storage facility: .....
- 7 a. Social equity applicants ~~(The annual license fee shall be waived upon~~
- 8 ~~application for a new license)~~ .....\$0.00
- 9 b. Non-social equity applicants .....500.00
- 10 (3) Annual license fee for retail marijuana businesses, excluding retail marijuana
- 11 transporters: .....
- 12 a. Social equity applicants. ~~(The annual license fee shall be waived upon~~
- 13 ~~application for a new license)~~.....\$2,500.00. The annual license fee shall be waived upon initial
- 14 application for a new license
- 15 b. Non-social equity applicants .....5,000.00
- 16 (4) Annual license fee for marijuana hospitality business and retail marijuana
- 17 hospitality and sales business .....\$2,000.00
- 18 (5) Annual license fee for retail marijuana transporters ....
- 19 a. Social equity applicants ..... \$200.00. The annual license fee shall be waived
- 20 upon initial application for a new license
- 21 b. Non-social equity applicants ..... 5,000.00
- 22 ~~(5)~~ (6) Annual license fee for retail marijuana off-premises storage facility: .....
- 23 a. Social equity applicants .....\$250.00. The annual license fee shall be waived
- 24 upon initial application for a new license
- 25 b. Non-social equity applicants .....500.00
- 26 ~~(6)~~ (7) Criminal background check fee .....actual costs
- 27 ~~(7)~~ (8) Transfer of ownership fee .....\$ 250.00, plus actual cost of background check
- 28 ~~(8)~~ (9) Change of location fees: .....
- 29 a. Retail marijuana stores, marijuana hospitality businesses, and retail
- 30 marijuana hospitality and sales businesses .....\$1,500.00
- 31 b. All other retail marijuana business licenses .....1,000.00
- 32 ~~(9)~~ (10) Modification of premises .....\$300.00
- 33 (c) Application and license fees for marijuana delivery permits shall be as follows:

- 1 (1) Application fee for marijuana delivery permits:-..... \$25.00
- 2 a. Social equity applicants ..... \$0.
- 3 b. Non-social equity applicants ..... 500.00.
- 4 (2) License fee for marijuana delivery permits .....~~\$2,000.00~~ 25.00.
- 5 (5) Fee for adding a motor vehicle(s) after initial permitting .....\$25.00 per vehicle.

6 COMMITTEE APPROVAL DATE: August 31, 2022

7 MAYOR-COUNCIL DATE: September 6, 2022 by Consent

8 PASSED BY THE COUNCIL: \_\_\_\_\_

9 \_\_\_\_\_ - PRESIDENT

10 APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_

11 ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
 12 EX-OFFICIO CLERK OF THE  
 13 CITY AND COUNTY OF DENVER

14 NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_; \_\_\_\_\_

15 PREPARED BY: Reginald Nubine, Assistant City Attorney, and Gennevieve St. Leger, Assistant  
 16 City Attorney DATE: September 8, 2022

17 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the  
 18 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed  
 19 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §  
 20 3.2.6 of the Charter.

21 Kristin Bronson, Denver City Attorney

22 BY: Anshul Bagga, Assistant City Attorney DATE: Sep 8, 2022