

1 **BY AUTHORITY**

2 ORDINANCE NO. _____

COUNCIL BILL CB12-0365

3 SERIES OF 2012

COMMITTEE OF REFERENCE:

4 BUSINESS, WORKFORCE & SUSTAINABILITY

5
6 **A BILL**

7 For an ordinance prohibiting the advertising of medical marijuana in proximity to
8 schools, child care centers, and parks

9
10 **WHEREAS**, the possession and use of marijuana by minors as well as the distribution of
11 marijuana to minors is and remains unlawful under various federal, state and city laws; and

12 **WHEREAS**, section 14 (6) of Article XVIII of the Colorado Constitution places strict
13 limitations on the authority of minors to lawfully possess and use marijuana for medical purposes;
14 and

15 **WHEREAS**, the Colorado Medical Marijuana Code imposes various limitations on the
16 authority of minors to receive, possess or use medical marijuana, including a presumptive 1000-
17 foot separation requirement between licensed medical marijuana centers and schools and child
18 care centers; a prohibition against minors being on the licensed premises of any medical
19 marijuana center; and a prohibition against the advertising and marketing of medical marijuana
20 products in any matter that is oriented toward minors; and

21 **WHEREAS**, parks and recreation centers as well as schools and child care centers are
22 locations where minors demonstrably congregate; and

23 **WHEREAS**, a prohibition against advertising of medical marijuana products in proximity to
24 locations where minors tend to congregate serves the compelling government interest in
25 preserving and protecting the health, safety and general welfare of this most vulnerable segment
26 of the population;

27 **NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY OF**
28 **DENVER:**

29 **Section 1.** That subsection 24-508(e), D.R.M.C. shall be amended by adding the language
30 underlined, to read as follows:

31 **Sec. 24-508. - Licensing requirements—Medical marijuana centers.**

32 In addition to the requirements set forth in the CMMC, the following requirements shall apply to
33 the issuance of any local license for a medical marijuana center:

34 (a) *Signs and advertising.*

35 (1) Any person or premises licensed as a medical marijuana center shall comply with all
36 city ordinances regulating signs and advertising. In addition, no licensed medical marijuana
37 center shall use any advertising material that is misleading, deceptive, or false, or that, as
38 evidenced either by the content of the advertising material or by the medium or the manner
39 in which the advertising is disseminated, is designed to appeal to minors.

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41 (2) Except as otherwise provided herein, it shall be unlawful for any person or premises
42 licensed as a medical marijuana center to advertise any medical marijuana or medical
43 marijuana product in a publicly visible location within one thousand (1,000) feet of any
44 public park or recreation center operated by the department of parks and recreation or any
45 school or licensed child care center as defined in this article XII, with the 1000-foot
46 limitation being measured in a straight line from the nearest point of the advertisement to
47 the nearest point on the property line of the premises upon which the public park,
48 recreation center, school, or licensed child care center is located. The prohibition set forth
49 in this paragraph (2) shall not apply to:

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51 (i) Advertising in proximity to any designated parkway which falls
52 within the jurisdiction of the department of parks and recreation,
53 provided the advertising otherwise complies fully with any other
54 applicable city laws and any applicable regulations adopted by
55 the manager of parks and recreation;

- 56 (ii) Any sign located upon the building in which a licensed medical
57 marijuana center is located which exists solely for the purpose
58 of identifying the business and which otherwise complies with
59 the Denver Zoning Code and any other applicable city laws and
60 regulations;
61 (iii) Any advertising contained solely within a newspaper, magazine,
62 or other periodical; or
63 (iv) Advertising which is purely incidental to sponsorship of a
64 charitable event by a medical marijuana center.

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66 COMMITTEE APPROVAL DATE: June 6, 2012.

67 MAYOR-COUNCIL DATE: June 12, 2012.

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PASSED BY THE COUNCIL _____ 2012

_____ - PRESIDENT

APPROVED: _____ - MAYOR

_____ 2012

ATTEST: _____ - CLERK AND RECORDER,

EX-OFFICIO CLERK OF THE CITY AND COUNTY OF DENVER

NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2012;

_____ 2012

PREPARED BY: David W. Broadwell, Asst. City Attorney; DATE: _____

Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the office of the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed ordinance. The proposed ordinance **is not** submitted to the City Council for approval pursuant to § 3.2.6 of the Charter.

Douglas J. Friednash, City Attorney

BY: _____, Assistant City Attorney DATE: _____, 2012

SPONSORED BY COUNCIL MEMBER: Ortega