



DENVER
THE MILE HIGH CITY

Initiative 300 Update

**Excise and Licenses/
Office of Marijuana Policy**

**Marijuana Special Issues Committee
May 1, 2017**

- **What?**
 - Purpose is to allow persons in the city to obtain a cannabis consumption permit to operate a **designated consumption area (DCA)** at any type of **business** or **event**.
- **Where?**
 - May be permanent or temporary (including outdoors).
 - Does not require additional zoning permits, but shall be permitted where the underlying business or event is permitted.
 - Unlike other MJ establishments, the only proximity restriction is 1,000 feet from schools.
- **When?**
 - Allowed to operate between 7 a.m. and 2 a.m.
 - A permit shall be valid for one year from the date of issuance or such shorter or non-consecutive times.
- **How?**
 - Application shall contain evidence of community support or “non-opposition.”
 - Outdoor smoking occurring at ground level cannot be visible by the public or from a place where children congregate.
 - Must provide proof of possession, a criminal background check, a responsible operations plan, among other things.
- **How much?**
 - Permit and application fees shall be set by City Council.
 - Until City Council sets a different fee, the annual fee shall be \$1,000 and the application fee shall be \$1,000.

- In November 2016 Denver voters approved [Initiative 300](#), granting individuals the ability to apply for a permit to operate a designated consumption area at any type of business or event.
- Adoption of rules and regulations is the responsibility of EXL per a public hearing process allowing for review and comment.
- In December 2016 EXL provided an update to you
 - CAO addressed legal issues
 - EXL/OMP provided an aggressive timeline for implementation

- Co-Chair: Ashley Kilroy (Executive Director, Denver of Excise & Licenses)
- Co-Chair: Molly Duplechian (Denver Office of Marijuana Policy)
- Kendra Black (Denver City Council)
- Mary Beth Susman (Denver City Council)
- Deputy Chief David Quinones (Denver Police Department)
- Marley Bordovsky (Denver City Attorney's Office)
- Jude Del Hierro (Community Representative)
- Sam Kamin (Professor, Denver University Sturm College of Law)
- Kristi Kelly (Marijuana Industry Group)
- Dan Landes (Business representative)
- Fran Lanzer (Mothers Against Drunk Driving)
- Aubrey Lavizzo (Community representative)
- Amber Leytem (Denver Public Schools)
- Amie Mayhew (Colorado Hotel and Lodging Association)
- Karin McGowin (Colorado Department of Public Health and Environment)
- Maureen McNamara (Cannabis Trainers)
- Rachel O'Bryan (Protect Denver's Atmosphere)
- Jordon Person (Denver NORML)
- Emmett Reistroffer (Denver Relief Consulting/Yes on 300)
- Sonia Riggs (Colorado Restaurant Association)
- Margie Valdez (Inter-Neighborhood Cooperation)
- Kobi Waldfogel (Event planning representative)

Business Licensing Center

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Past Meetings

Meeting 6 - April 6

[📄 Agenda](#)[🕒 Minutes](#)

Meeting 5 - March 24

[📄 Agenda](#)[🕒 Minutes](#)

Meeting 4 - March 10

[📄 Agenda](#)[🕒 Minutes](#)

Meeting 3 - Feb. 22

[📄 Agenda](#)[🕒 Minutes](#)

Meeting 2 - Feb. 8

[📄 Agenda](#)[🕒 Minutes](#)

Meeting 1 - Jan. 18

[📄 Agenda](#)[🕒 Minutes](#)

Next Steps: TENTATIVE timeline

Late April:
Internal
review
process

Week of
May 8th:
Post draft
rules and
regulations

Early June:
Public
Hearing

June: Adopt
final rules
and
regulations

Late June:
Complete
internal
business
processes

July: Begin
accepting
applications

- The EXL rules shall not “frustrate the intent” of the ordinance

**** Balanced with ****

- State and local law prohibit open and public consumption of MJ
- State prohibits consumption of MJ on liquor-licensed premises
- Colorado Clean Indoor Act
 - Prohibits smoking indoors
 - Doesn't prohibit vaping or edibles
 - Doesn't apply if less than 3 employees (includes volunteers)
- Federal Guidance – strict rules and robust enforcement

Ideas . . .

Yoga Studio

Fridays
vaping &
edibles

Coffee

Shop daily
smoking on
patio

Special Event

Warehouse

vaping &
edibles
(maybe
smoking if
< 3
employees)

Restaurant/Bar

monthly MJ
nights, after
storing liquor
and “de-
licensing”

Bookstore

children
present, but
vaping in
separate room
not viewable

10 Special
Events

Private Parking Lot

smoking,
tour buses

Event

Centers

vaping and
edibles
indoors

Special Event

in Parking Lot

next to **Bar**
during
games

Amusement Facilities

after business
hours

Craft Studio

classes and
periodic
smoking
outside

Special

Event

adjacent to
a liquor
licensed
event

Special Event
neighborhood

Private Pool

- Summary attached to [Advisory Committee Meeting #6 Agenda](#)
 - Still in the drafting phase
 - Not the detailed language that will be used in the draft nor in the final rules and regulations to be adopted
 - Changes to the proposed rules and regulations should be expected as the draft receives additional feedback as it moves through the process
- Reviewed with the Advisory Committee on April 6, 2017
 - Every recommendation received either unanimous consensus from the committee or majority consensus
- Posted online for about a month
 - Receiving comments
- The summary also includes a high-level, short-hand explanation of the policy for some of the proposed rules and regulations, but is not a complete analysis of all the pros and cons associated with each rule or regulation.

Ordinance

- ❖ Modified “openly” to not include the consumption of marijuana occurring within a permitted DCA.
- ❖ Ensure outside smoking of cannabis occurring at street level is not visible from a public- right-of-way or a place where children congregate

Rule

- ❖ “Public Place” = a place to which the public or a substantial number of the public have access without restriction.
- ❖ A Cannabis Consumption Permit shall only be issued for a designated consumption area (DCA) that:
 - Is restricted to ages 21 years and older
 - Is not visible to the public from a public place
 - Has constant monitoring at the entrance for 21+
 - Requires patrons to sign a waiver upon entry
 - Other restrictions/requirements
 - ✓ Advertising
 - ✓ Visibility
 - ✓ Signage

Ordinance

- ❖ Evidence of community support may include additional operational requirements such as guidelines for prohibition of consumption of both alcohol and marijuana, addressing concerns about driving under the influence, a plan to train managers and employees, etc.

Proposed Rules

- ❖ Unlawful to permit the consumption of alcohol within a DCA.
- ❖ Cannot be located at the same business or event where a liquor license exists, unless the liquor is not being served while the DCA is operating.
- ❖ A Special Event Permit cannot be issued for a Special Event with a Special Event Liquor Permit.

Ordinance	Rule
<ul style="list-style-type: none"> ❖ Application shall contain evidence of community support <ul style="list-style-type: none"> - The director may create methods of obtaining community support in addition to those outlined. - Requirements included in evidence of community support may be incorporated as conditions of the permit ❖ Application shall include a community engagement plan 	<p>Public Hearing</p> <ul style="list-style-type: none"> ❖ Business Permits will have a public hearing scheduled upon receipt of the application. ❖ Special Event Permits will have a public hearing scheduled upon receipt of 10 signatures from interested parties.
<ul style="list-style-type: none"> ❖ DCA must be clearly marked with conspicuous signage including the statement “No entry under 21” 	<ul style="list-style-type: none"> ❖ Require businesses to have a standard sign/placard indicating that marijuana consumption may be occurring (to be developed)

Ordinance	Proposed Rules
<ul style="list-style-type: none">❖ No specific zoning permits required.❖ Permitted in any zone lot where the underlying business or event is permitted.❖ Cannot be located within 1,000 feet of a school.	<ul style="list-style-type: none">❖ Cannot be located within 1000 feet of childcare establishments and drug/alcohol facilities.❖ Cannot be located within 1000 feet of city-owned recreation center and outdoor pools.❖ Cannot be located within a residential zone district (as defined by the Denver Zoning Code).

Ordinance

Rule

- ❖ Purpose of this article is to... to permit persons in the city to obtain a cannabis consumption permit to operate a designated consumption area (DCA) at any type of business or event...
- ❖ Permit holder shall have permission to use the premises to permit cannabis consumption from a person who is the lawful owner of the property.

- ❖ Cannabis Consumption Business Permit (CCBP)
- ❖ Cannabis Consumption Special Event Permit (CCSEP)
- ❖ CCBP means an annual permit and CCSEP means a permit for a designated consumption area temporarily located: (i) on or adjacent to a licensed premise or other business, or (ii) not located on or adjacent to a licensed premise or other business.
- ❖ A CCSEP may not be issued to any applicant for more than ten (10) days in one (1) calendar year.
- ❖ All CCSEP applications must include a description of the event and cannot be issued for a Special Event with a Special Event Liquor Permit.
- ❖ CCBP and CCSEP's will not be allowed on public property.



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Questions?