

BY AUTHORITY

ORDINANCE NO. _____

COUNCIL BILL

NO _____

SERIES OF _____

COMMITTEE OF REFERENCE:

A BILL

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

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

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

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

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

WHEREAS, a prohibition against advertising of medical marijuana products in proximity to locations where minors tend to congregate serves the compelling

government interest in preserving and protecting the health, safety and general welfare of this most vulnerable segment of the population;

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

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

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

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

(a) *Signs and advertising.*

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

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

- (i) Advertising in proximity to any designated parkway which falls within the jurisdiction of the department of parks and recreation, provided the advertising otherwise complies fully with any other applicable city laws and any applicable regulations adopted by the manager of parks and recreation;
- (ii) Any sign located upon the building in which a licensed medical marijuana center is located which exists solely for the purpose of identifying the business and which otherwise complies with the Denver Zoning Code and any other applicable city laws and regulations; or
- (iii) Any advertising contained solely within a newspaper, magazine, or other periodical.
- (iv) Advertising which is purely incidental to sponsorship of a charitable event by a medical marijuana center.

COMMITTEE APPROVAL DATE: _____, 2012.

MAYOR-COUNCIL DATE: _____, 2012.

PASSED BY THE COUNCIL

_____ 2012

_____ - PRESIDENT

APPROVED: _____ - MAYOR

_____ 2012

ATTEST: _____ - CLERK AND RECORDER,
EX-OFFICIO CLERK OF THE

Draft, 4-3-12

CITY AND COUNTY OF
DENVER

NOTICE PUBLISHED IN THE DAILY JOURNAL _____ 2011;
_____ 2011

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: _____, _____ City Attorney

DATE: _____

SPONSORED BY COUNCIL MEMBER: Ortega