

Solvent Based THC Extractions – Proposed Code Revisions to Address Public Safety

In response to public safety concerns, the Denver Fire Department, in partnership with the various city agencies that regulate marijuana production, is proposing to amend the Denver Revised Municipal Code (DRMC) to make it unlawful to produce marijuana concentrate (hash oil) by any means except by water-based or food-based extraction methods except in licensed facilities.

Background

- Since the legalization of retail marijuana, production of marijuana concentrate through various extraction methods has proliferated in licensed marijuana businesses, as well as in unlicensed facilities and in residential settings.
- Since January 2014, there have been 8 hash oil explosions in Denver (7 in unlicensed facilities, including single family homes) and at least 30 across Colorado, many causing serious injury and property damage.
- In 2013, the legislature passed a law affirmatively stating that, “a local government may ban the use of a compressed flammable gas as a solvent in the extraction of THC or other cannabinoids in a residential setting.” (C.R.S. Section 9-7-113).
- Currently, Denver has no law that specifically prohibits dangerous hash oil extractions. The laws that might be used to control the dangerous methods– the general zoning and fire codes – have not been a sufficient deterrent to such hash oil extractions.

Additional Health & Safety Concerns

- The storage of solvents (e.g., butane, propane, carbon dioxide, acetone, heptanes, and ethanol) used to extract hash oil can be highly dangerous and hazardous.
- Butane is highly flammable and tends to sink to the ground. If it is used in an enclosed space without sufficient ventilation, any ignition source – including light switches, electrical outlets, cell phones, or refrigerator compressors – could produce a violent explosion.
- The presence of hazardous materials present additional safety concerns for first responders who need to take appropriate precautions when responding to fires involving dangerous solvents.

Additional Considerations

- Explicit direction regarding the extraction of marijuana concentrate will not only protect the public, but will also provide notice and guidance to citizens regarding safe and acceptable methods for marijuana extractions.
- Public safety concerns demand immediate action to control these extraction methods.

Penalties

- Like all other criminal violations of the DRMC, penalties for this code violation include up to one year in jail and up to a \$999 fine.
- The proposed criminal penalty underscores the serious threat to life and safety presented by these dangerous extraction methods.
- Nothing in this legislation will prohibit individuals from making hash oil at home or other locations outside of a licensed facility using safer methods or from purchasing hash oil from a licensed facility.