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## Safety and Well-being Committee Summary Minutes

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**Tuesday, March 03, 2015**

**1:30 PM**

**City & County Building, Room 391**

**Committee Members:** López, Chair; Faatz, Vice-Chair; Brooks; Kniech;  
Lehmann; Susman

**Committee Staff:** Zach Rothmier

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**Council Members Present:** Faatz, Kniech, Lehmann, Lopez, Brooks, Susman

**Members Absent:** None

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### Presentations

\*\*\* Lopez called meeting to order \*\*\*

Brooks, Lehman, Susman, Robb, Shepherd, Herndon, and Lopez present

Ms. Palmer accepted her recognition from the Sherriff's department.

- 1 Presentation honoring Melissa Palmer of the Denver Sherriff Department**  
*Chief Kielar*

### Bill Requests

- BR15-0109 Amends the Denver Revised Municipal Code making it unlawful to cultivate more than thirty-six (36) marijuana plants on any non-residential zone lot in the city, except in a**

**licensed marijuana cultivation facility.**

*Ashley Kilroy and Eric Tade*

\*\*\* Councilman Nevitt, Kniech, and Ortega joined the meeting \*\*\*

Ashley Kilroy and Chief Tade introduced the topic.

Unlicensed grows - individuals are allowed to grow 6 plants. The language allows for individuals to grow for others, but remains silent on collective growing.

Denver has seen larger scale grow operations under this ambiguity. The recommendation is to limit the grows to 36 plants for these unlicensed operations.

The ordinance does NOT apply to licensed businesses.

Caregivers cannot get together to grow - based on state law. The 36 plants limit comes from this statute.

Patients and caregivers can get waivers from CDPHE to grow more than the mandated limit. Only 23 caregivers statewide have waivers. 8% of patients have waivers for more than 26 plants. Caregivers cannot charge for grown marijuana must give to patients.

Study in 2014 - 60% of marijuana in CO is from licensed operations. The problem is due to public safety - overloaded electrical, sealed doors, windows, etc. Most inspections are based on code violations. Use of sulfur dioxide is unregulated in unlicensed grows - use is highly regulated in licensed grow operations.

The unlicensed grows are straining Denver Police Department, Fire Department, Court staff, and building inspectors.

\*\*\* Public Comment 2:12 PM\*\*\*

Mike Elliot - Executive Director of the Marijuana trade association: Unlicensed grow operations are inhibiting businesses that are complying with the regulations.

Larissa Bolivar - Executive Director of Cannabis Caregivers Alliance: Medical Marijuana patients have already been limited. Some collectives that are legitimately being used for caregivers are up to code and abide by the policies.

Jonathan Shifren - Caregiver in Denver County: This bill's implications do not allow for caregivers to be compliant in a commercial space. Why would caregivers be limited to 36 plants?

Lucas Ramires - Dispensary owner: The amount of marijuana in these operations

creates a large black market. The fees to be up to code and regulations that do not affect the businesses fairly.

Robert Lowe: Currently a caregiver bill in the state legislature that addresses these concerns. The caregiver model would be limited to 99 plants. Cooperative grows will be illegal.

Marvin Heath - Fire protection consultant: One of the concerns that the group has is that the platte valley cooridor is very dense and people will begin growing in their homes instead.

Mica Ranquist - Growspace storage: We allow for people to grow outside their house. Cannibis is a part of the operation and business model. Compliant with current regulations - allows for a safe growing operation outside the house.

Chris Weatherhawk - Grower/caregiver: The medical cannibis that is grown does not contain high doses of THC, but the oil is used for treatment.

Nadav Aschner - Constitutionality issues with this bill. This bill limits what is constitutionally granted by the State of Colorado. Canniboid concentration levels are relevant to be included in the ordinance.

\*\*\* Questions \*\*\*

Brooks - What is the constitutionality of the bill?

David Broadwell - The City is confident that the bill is legal.

Nevitt - What council would you give to 36 vs any plants?

Broadwell - Three parts of marijuana cultivation - This addresses a loophole with the caregiver/patient model.

Shepherd - Clarify the zone lot scenario - can buildings be combined?

Kilroy - The zone lots would be restricted to a minimum of 3000 sf.

Susman - This is more of a code and land use issue. We don't want more than 36 plants in a space of 3000 sf.

Lehmann - Why don't we charge everyone for growing a marijuana plant?

Kniech - Civil vs criminal code? Why can we not create a grow license for these operations?

Kilroy: Chapter 38 - criminal/ State had very little interest in administrating this.

\*\*\* Meeting adjourned \*\*\*

A motion offered by Councilmember Herndon<MOVER>, duly seconded by Councilmember Brooks, to file the bill carried by the following vote:

AYES: Kniech, Lehmann, Lopez, Brooks, Susman(5)  
NAYS: (None)  
ABSENT: Faatz(1)  
ABSTAIN: (None)