



**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	Rule
<ul style="list-style-type: none"><li>❖ Modified “openly” <u>to not include the consumption of marijuana occurring within a permitted DCA.</u></li><li>❖ Ensure outside smoking of cannabis occurring at street level is <u>not visible from a public- right-of-way or a place where children congregate</u></li></ul>	<ul style="list-style-type: none"><li>❖ “Public Place” = a place to which the public or a substantial number of the public have access <u>without restriction.</u></li><li>❖ A Cannabis Consumption Permit shall only be issued for a designated consumption area (DCA) that:<ul style="list-style-type: none"><li>• Is restricted to ages 21 years and older</li><li>• Is not visible to the public from a public place</li><li>• Has constant monitoring at the entrance for 21+</li><li>• Requires patrons to sign a waiver upon entry</li><li>• Other restrictions/requirements<ul style="list-style-type: none"><li>✓ Advertising</li><li>✓ Visibility</li><li>✓ Signage</li></ul></li></ul></li></ul>

Ordinance	Proposed Rules
<p>❖ Evidence of community support may include additional operational requirements <i><u>such as guidelines for prohibition of consumption of both alcohol and marijuana</u></i>, addressing concerns about driving under the influence, a plan to train managers and employees, etc.</p>	<p>❖ Unlawful to permit the consumption of alcohol within a DCA.</p> <p>❖ 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.</p> <p>❖ A Special Event Permit cannot be issued for a Special Event with a Special Event Liquor Permit.</p>

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

## Ordinance

- ❖ 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.

## Proposed Rules

- ❖ 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
<ul style="list-style-type: none"> <li>❖ Purpose of this article is to... to permit persons in the city to obtain a cannabis consumption permit <u>to operate a designated consumption area (DCA) at any type of business or event...</u></li> <li>❖ Permit holder shall have permission <u>to use the premises to permit cannabis consumption</u> from a person who is the lawful owner of the property.</li> </ul>	<ul style="list-style-type: none"> <li>❖ Cannabis Consumption Business Permit (CCBP)</li> <li>❖ Cannabis Consumption Special Event Permit (CCSEP)</li> <li>❖ CCBP means an <u>annual</u> permit and CCSEP means a permit for a designated consumption area <u>temporarily located</u>: (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.</li> <li>❖ A CCSEP may not be issued to any applicant for more than ten (10) days in one (1) calendar year.</li> <li>❖ All CCSEP applications must include a description of the event and cannot be issued for a Special Event with a Special Event Liquor Permit.</li> <li>❖ CCBP and CCSEP's will not be allowed on public property.</li> </ul>



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# Questions?