

November 5, 2018

Denver City Council
Special Issues Marijuana Committee
1437 Bannock Street
Denver, CO 80202

Re: Designated Consumption Area Distance Requirements Protect Public Health & Safety

Dear Chairwoman Ms. Black, Committee Councilmembers Mr. Clark, Mr. Flynn, Mr. Herndon, Mr. Kashmann, Mr. New and Ms. Susman:

On behalf of the undersigned, we request that the Special Issues Committee reject the Neighborhood Supported Social Use Task Force recommendation to remove distance requirements for Designated Consumption Areas (DCAs) from child care centers, alcohol and drug treatment centers, and public pools and recreation centers, or to allow a waiver of the distance requirements.

The 1,000 feet distance requirements were originally reached through a fair and balanced stakeholder process, were the result of careful compromise and were intended to promote consistency among various marijuana businesses in Denver. Moreover, these distance requirements do not frustrate the intent of Initiative 300.

After Denver voters approved I-300, the Neighborhood Supported Cannabis Consumption Pilot Program, Denver Excise and License convened the Social Consumption Advisory Committee (SCAC). The SCAC was evenly balanced between marijuana industry proponents (7), community representatives (5), Denver city representatives (6) and public health and education representatives (4). In contrast, the Task Force was a lopsided representation of marijuana business interests. It failed to include any representation for public health and safety. Members of the SCAC who were not on the Task Force include: Colorado Department of Public Health & Environment, Denver Public Schools, Mothers Against Drunk Driving, the campaign to Protect Denver's Atmosphere, Confluence Ministries and the Colorado Restaurant Association.

After months of well-publicized SCAC meetings that included public comment, a public hearing was held on June 13, 2017. Dozens of Denver citizens testified or provided written comments. Of those, 58% supported the rules, including the 1,000 feet distance requirements from schools, child care centers, alcohol and drug treatment centers and public pools and recreation centers. An additional 25% thought the rules were not strict enough. Only 17% said the rules were too strict.

The distance requirements are consistent with distance requirements City Council has previously imposed on other marijuana licenses. The 1,000 foot restrictions from schools, child care centers and drug and alcohol treatments centers were adopted by City Council for medical marijuana centers in 2010 and for retail marijuana stores in 2013. These distance restrictions were strongly supported by the fair and balanced SCAC. According to the minutes from the February 8, 2017 SCAC meeting, "All of the group members continue to agree that childcare, and alcohol/drug treatment facilities, and schools were appropriate types of facilities to place distance restrictions around."

The fair and balanced SCAC actually chose not to apply to DCAs some of the distance requirements that apply to licensed medical marijuana centers or retail marijuana stores. For example, the SCAC decided not to apply the 1,000 foot distance requirement between DCAs or between DCAs and a licensed medical marijuana center or retail marijuana store. This compromise was made with the acknowledgment that it would increase the available locations for DCAs.

The distance requirements are not "thwarting the intent" of I-300, as claimed in the Task Force report. This claim is unsupported speculation. Similar distance requirements have not impeded the expansion of the marijuana industry in Denver. As of October 29, 2018, there are 38 medical marijuana centers and 167 retail marijuana stores in Denver, with 2018 sales totalling \$363 million through August.

The current rules governing distance requirements for DCAs were proposed, debated and adopted after a fair and balanced process with significant majority support at a public hearing. These rules should be maintained by the Special Issues Committee and City Council.

Sincerely,

Rachel O'Bryan
Protect Denver's Atmosphere

Sonia Riggs, President and CEO
Colorado Restaurant Association

Jude del Hierro, Founder and CEO
Confluence Ministries

Cc: Mayor Michael Hancock
Councilmember Albus Brooks
Councilmember Rafael Espinoza
Councilmember Stacie Gilmore
Councilmember Robin Kniech
Councilmember Paul Lopez
Councilmember Debbie Ortega
Ashley Kilroy, Executive Director, Dept. Of Excise & Licenses
Molly Duplechian, Deputy Director of Policy and Administration
Alan Salazar, Chief of Staff
Marley Bordovsky, Denver City Attorney's Office
Kristin Bronson, Denver City Attorney's Office

