

# Department of Excise and Licenses

## Development of DCA distance requirements

Marijuana Special Issues Committee  
March 18, 2019

# EXL's Authority and Reasons for Rule-Making

Pursuant to Neighborhood Supported Cannabis Consumption Pilot Program (NSCCPP), Excise and Licenses was given the authority to make “reasonable rules and regulations as may be necessary for the purpose of administering and enforcing provisions.”

## Enforceability

- “Serious conflict with state law”
- “Federal concerns”
- “Any rules would need to . . . create safeguards to prevent minors from having legal access to the increased accessibility that is inherent in this ordinance”
  - Kristin Bronson, Denver City Council Marijuana Special Issues Committee, December 5, 2016

## Operationally Feasible

- How to implement certain requirements within the initiative, including:
  - ✓ evidence of community support
  - ✓ health and sanitation plan
  - ✓ responsible operations plan

## Consistency with Other Regulations

- MJ rules evolving quickly at all levels of government
- Striving for consistency between municipal code and state law; medical and recreational; and license types
- Transparent and consistent for citizens, customer service, ease of administration

# Open and Transparent Process - Committee

## Committee Members

**Co-Chair:** Ashley Kilroy (Executive Director, Denver 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 (University of Denver 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 / Yes on 300)
- Sonia Riggs (Colorado Restaurant Association)
- Margie Valdez (Inter-Neighborhood Cooperation)
- Kobi Waldfogel (Event planning representative)



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Neighborhood

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A to Z

## Business Licensing Center

Business Licenses

Liquor Licenses

Marijuana Licenses

Public Hearings

Resource Center

News & Events

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Business Licensing Center / Marijuana Licenses / Social Consumption

### 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

# Area Restrictions Discussions - Committee

The committee considered a number of area restrictions, some far-ranging and very broad, and ultimately recommended the area restrictions that are now in place.

- They include 1000' restrictions from:
  - ✓ Childcare Establishments
  - ✓ Drug and alcohol treatment facilities
  - ✓ City-owned pools and recreational centers

The committee discussed adopting the same area restrictions that City Council had put in place years ago for marijuana dispensaries.

- “City Council put a lot of thought into the current distance restriction, and we should respect that effort.” (Meeting Minutes, January 18, 2017)
- Based on federal guidelines that emphasized keeping marijuana away from youth as a top priority
- Strived for consistency between state rules and the municipal code, between retail and medical marijuana regulations and between license types.

# Area Restrictions Discussions - Committee

Other area restrictions that were proposed, but not ultimately adopted in the rules included:

Places where  
children  
congregate

Definition was overbroad

Churches

Would significantly limit options

Residential  
zone districts

Needs and Desires hearing would address  
concerns of surrounding residents

Other DCAs

Committee supported idea of “clustering”

Marijuana  
stores and  
dispensaries

Allowing near stores would provide a place to  
purchase marijuana

Special events  
with a liquor  
license\*

Inconsistent with proximity restrictions for  
DCAs in an establishment

\*This particular area restriction was included in the proposed draft rules and regulations but not included in the final, adopted version of the rules and regulations.

# Formal Rule-Making

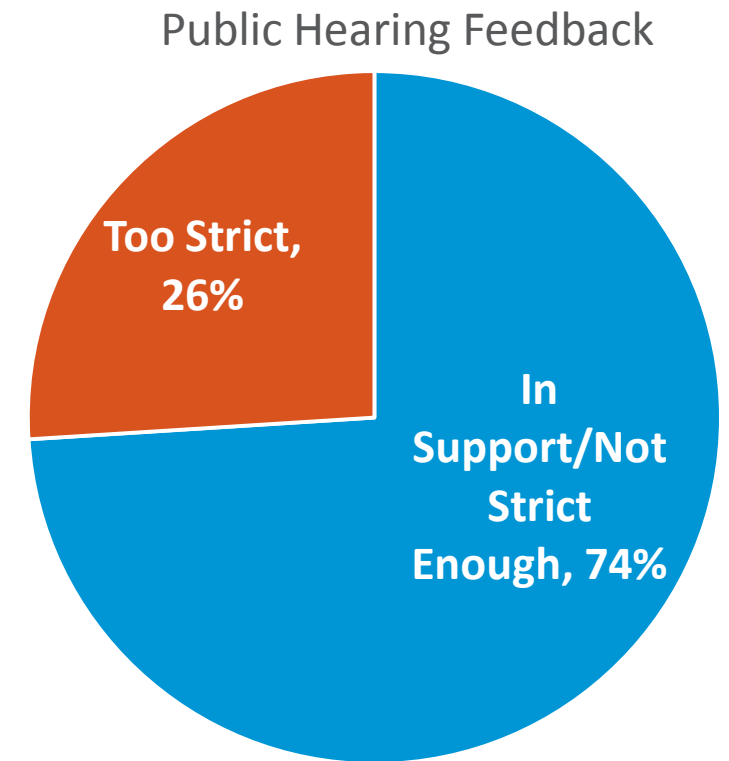
Draft rules proposed the 3 additional area restrictions that were ultimately adopted

Rules and regulations adopted by EXL are governed by Chapter 2, Article VI of the DRMC:

- Published in an official publication
- Posted notice of public hearing 20 days prior to hearing

Summary of feedback

- Written comments - 75
- Public Hearing 3 hours, 55 speakers



# Adopted Rules - June 30, 2017

Adopted multiple rules to ensure program is enforceable, operationally feasible and consistent with other regulations.

During consideration of the rules regarding area restrictions, the department determined to adopt the ones that received consensus and agreement among the committee and the public:

- ✓ Childcare Establishments
- ✓ Drug and alcohol treatment facilities
- ✓ City-owned pools and recreational center

Determined that the area restrictions met the intent of the ordinance while still adhering to our values:

- Priority to keep marijuana away for youth
- Still providing for enough locations
  - Minimal expressed demand
  - 9000 businesses in Denver meet the area restrictions

Department of Excise and Licenses  
Special Events Permitting Comparison  
DCA Special Events vs. Liquor Special Events

Marijuana Special Issues Committee  
March 18, 2019

# Legal Sources for Requirements

Source	Liquor Special Event	DCA Special Event
State Statute and Rules	✓	
Local Ordinance		✓
EXL Rules		✓
EXL Hearing Policies and Procedures	✓	✓

# Application Requirements

	Liquor Special Event	DCA Special Event
Who can apply?	Only nonprofit, religious, philanthropic, or certain political or governmental applicants	No restrictions
When should they apply?	At least 30 days prior to the event	At least 120 days prior to the event
Application fees	\$100 application fee, plus licensing fee of \$25 per day	\$1000 application fee, \$1000 licensing fee

# Hearing Requirements

	Liquor Special Event	DCA Special Event
Hearing Required?	No. However, the Director may set a discretionary public hearing if the Department receives objections from the community.	No. However, the Director may set a discretionary public hearing if the Department receives objections from the community.

# Notice + Posting Requirements

	Liquor Special Event	DCA Special Event
Notice required?	✓	✓
Posting requirement?	✓	✓
Length of posting?	At least 10 days	At least 30 days
Period for posting?	At least 10 days before the event	At least 90 days before the event

# Post-Hearing Process

	Liquor Special Event	DCA Special Event
Recommended Decision	✓	✓
Objections to Recommended Decision	✓	✓
Response to Objections	✓	✓
Final Decision	✓	✓

# Other Requirements

	Liquor Special Event	DCA Special Event
Hours of Operation	7:00 a.m. – 2:00 a.m.	7:00 a.m. – 2:00 a.m.
Conditions on licenses?	✓	✓
Limit on number of days?	15 day limit per applicant	10 day limit per applicant
Food service required?	✓	

# Questions?