

SOCIAL CONSUMPTION ADVISORY COMMITTEE (SCAC) PUBLIC COMMENTS

Excise & Licenses led the rulemaking process to establish a robust regulatory structure for businesses that wish to pursue this new license. The SCAC met six times in early 2017 to make recommendations to Excise & Licenses on possible rules and regulations related to the administration and regulation of Initiative 300. Members of the SCAC consisted of city, community, business and public health representatives, and other stakeholders.

MEETING #1: January 18, 2017

- Henny Lasley (Co-Founder of SMART Colorado) wanted to ensure that this process is protective of the youth, and would support the same proximity and location restrictions that are applicable to medical marijuana centers. She also stated that permits should not be issued within 1,000 feet of public parks, and controlling visibly intoxicated people who leave establishments is a concern for her as well. Finally, she is concerned about the potency of marijuana products in Colorado.
- Chris Jenner (Citizen) felt that marijuana consumption should be allowed in liquor licensed establishments because it would decrease the amount that people have to travel around to consume both substances. He also mentioned a concern about patient's right to consume under Amendment 20.
- Lisa Tran (Events coordinator for NORML) was concerned about an employee's ability to consume on the licenses premises. She wondered if the budtenders at consumption locations needed to be "badged." Additionally, she had questions about the employees of the underlying business and whether they would have to be over the age of 21. Lastly, she mentioned that in Europe, the police presence in coffee shops is very high, and she felt that helped ensure that the consumption areas there are safely managed.
- Nick Philips (Citizen) wondered if there was going to be a distance restriction between liquor-licensed facilities and consumption venues. He also wondered how these permits would affect mobile consumption venues. He did not endorse the distance restriction between consumption venues and marijuana centers and stores because that may encourage more drugged driving. He also encouraged the "safe serving" idea, which may have been referring to the prohibition on employee consumption.
- Nick Lovolo (Citizen, 5 Points Residents) wanted to remind the group that data regarding marijuana can be sparse. He also wanted to ensure that any data that was collected should be given to everyone at the group. He was concerned that the regulations being proposed did not live up to the "regulate marijuana like alcohol" model. He suggested that this would not be a "pilot program" because we will not have gathered any data in a year. He also suggested that everyone in the group pick certain restrictions that are "non-negotiable" and stick to those as a way to gain consensus as a group.
- Priscilla Solis (Deputy Director, NORML Denver) thanked the group and also wanted clarification about whether employees had to be over 21 for the entire business. She also would like clarification regarding the unlawful acts and paraphernalia. She requested that the group look at whether paraphernalia can be stored on the premises of a consumption venue.
- Manny Coleman (Citizen) was concerned about allowing employees to consume on the premises of a consumption venue. Ms. Coleman explained that she uses marijuana as a medication for her PTSD, and her dream is to own a consumption venue. She explained that she is required to "micro-dose" as a way to manage her condition, and she suggested that administering marijuana as a medicine in this form should be treated differently than consumption.
- Cliff Gordon (Dispensary Manager) suggested that many of the complaints that he receives at his facility are focused on someone smoking outside of his shop. He suggested that the consumption venues will help alleviate this problem, and he would like the group to think about allowing patrons the ability to share. He suggested that people may bring larger quantities of marijuana into the venue if they are not allowed to share.
- Teresa Wright (Communications, NORML Denver) was impressed with the diversity of the group and happy with the representation of the population. Ms. Wright was concerned about controlling people who are going to leave the establishment, she suggested that no one can physically ensure that an intoxicated person does not leave a consumption venue.

MEETING #2: February 8, 2017

- Priscilla Solis (Deputy Director of Denver NORML) – Ms. Solis had comments relating to vaporization and the one-ounce limitation. She stated that one ounce is generally sufficient for most consumers, especially if the consumer is vaporizing marijuana. She also suggested that the application of the one-ounce limitation to concentrates and edibles should be clarified.
- Matt Bell (Cannabis Consulting) – Mr. Bell expressed concerns about sponsorship. He felt that the group should discuss sponsorship regulations because permittees may seek to monetize their business models using sponsors.
- Cliff Gordon (Dispensary Manager) – Mr. Gordon expressed concerns about the proximity restrictions. He suggested that adding churches may unduly restrict the number of available locations. He suggested that the proximity restrictions applicable to bars would be more appropriate because these DCA permits are for consumption only. Mr. Gordon also suggested that indoor consumption would be easier to control than outdoor smoking, if the Colorado Clean Indoor Air Act would allow indoor smoking.
- Pete Bialick (GASP) – Mr. Bialick suggested that the only feasible way to control outdoor smoking is to move the smoking or prohibit it. Mr. Bialick also stated that the American HVAC society has said that there may be chemicals in vaporized marijuana and tobacco smoke that cannot be filtered through the HVAC system. Mr. Bialick suggested that there may be chemicals in vaporized marijuana smoke that could cause cancers and the group should look at ventilation requirements.
- Justin Henry (Liquor Licensee) – Mr. Henry wanted to emphasize that the group should focus on regulatory certainty. For example, he suggested that the group should be clear if the proximity measurement is conducted via pedestrian access or in a straight line. He also suggested that potential permittees should pay attention to occupancy loads, fire codes, and building codes, prior to beginning any application process.
- Chris Jetter (Cultivator) – Mr. Jetter wanted to emphasize the importance of Amendment 20, and he wanted to explain that the rights listed in Amendment 20 are constitutional rights in Colorado.
- Nick Philips (Denver Resident) – Mr. Philips explained that an airport in Aspen has “amnesty” boxes where travelers can dispose of marijuana waste. He suggested that these boxes could be an option for marijuana waste plans. He also wanted to point out that the hours of operation for DCA permit locations are different than the hours allowed for centers and stores, which may increase drugged driving.
- Stephanie Davis (Non-Profit for Veterans) – Ms. Davis wanted to express her appreciation for DCA permits because a social use club may provide an outlet for veterans to meet other veterans struggling with PTSD.
- Kaitlin Hoddell (Citizen) – Ms. Hoddell wanted to express that medical marijuana patients may be traveling from other jurisdictions, and they may not want to leave their medication unsecured. She suggested that the group consider increasing the possession limit for medical patients so that they can have their medication with them at all times.
- Zachary Dane (Property Owner) – Mr. Dane expressed his appreciation of the pilot program. Mr. Dane stated that his properties do not allow consumption on site, and he hopes that these permits provide an outlet for people to consume. He also wanted to know if DCAs would be allowed to be located adjacent to a liquor license. Additionally, he suggested that the group should think about whether hospitals and emergency rooms would be considered alcohol and drug treatment facilities. Lastly, he wondered if medical marijuana would be considered medical waste, and if there were any special requirements for medical marijuana waste.
- Kenny Breeding (Citizen) – Mr. Bree expressed his appreciation of the DCA program. He stated that the program would allow medical marijuana patients to consume in a lawful manner, outside of the public view. He stated that this was particularly helpful for patients that have traveled from other states, because they may not have anywhere to consume their medication.

MEETING #3: April 6, 2017

- Nick Philips (Denver Resident) – Mr. Philips explained that he had spoken with city representatives last week, and in his understanding, an odor control plan would have to be certified by an industrial hygienist, or an industrial engineer. He questioned if that would be the case with DCAs if they were also required to have an Odor Control Plan. Mr. Philips also stated that he would support a venue where people could consume both alcohol and marijuana on the same licensed premises, but perhaps a patron could not consume both at the same time. For example, he suggested that a wristband could separate alcohol-consuming patrons from marijuana-consuming patrons.
- Justin Henry (Liquor Licensee) – Mr. Henry wanted to emphasize that the group should not worry about dual consumption because patrons who consume marijuana would not want to consume alcohol. In his experience, a liquor licensed establishment would probably sell less alcohol during an event which allows marijuana consumption. He also suggested that liquor licensees have invested a large amount in their liquor licenses, and therefore the threat of disciplinary action would be enough for compliance.
- Kady Cravens (Compliance Director, Licensed MJ Facility) – Ms. Cravens wanted the group to address how licensed marijuana facilities could participate in consumption permits. She wanted to know if a licensed marijuana facility could bring marijuana product to a DCA location, or if a licensed marijuana facility could participate in an event or provide sponsorship.
- Kaitlyn Hottle (Citizen) – Ms. Hottle wanted to express that she feels that true marijuana advocates would not jeopardize compliance by acting irresponsibly. She also suggested that permittees who have underlying businesses would not want to jeopardize their business reputations by irresponsibly running a DCA. Lastly, Ms. Hottle wondered how businesses would comply with the operational requirements from a monetary standpoint. She suggested that businesses may begin administering cover charges, or increasing the price of their underlying goods.
- Pete Bialick (GASP) – Mr. Bialick suggested that the group look at the public health impact to people who do not smoke marijuana. For example, Mr. Bialick noted that the California EPA had identified thirtythree (33) cancer causing chemicals in marijuana. Mr. Bialick also stated that marijuana vaporizing devices may have chemicals that are harmful to human health. Mr. Bialick suggested that the group look at how these products impact the people who are inadvertently exposed to marijuana smoke or vaporized smoke.

MEETING #4: March 10, 2017

- Priscilla Solis (Deputy Director of Denver NORML) – Ms. Solis thanked the group, and had a suggestion regarding the signage for DCAs. Ms. Solis suggested that the signs could use the universal THC symbol required on marijuana edibles, which is a diamond shape with the letters “THC” and an exclamation mark located within the diamond.
- Matt Bell (Cannabis Consulting) – Mr. Bell wanted to remind the group that children are already exposed to “adult activity” including alcohol consumption on a daily basis. Mr. Bell explained that he could take his nephews to liquor stores and restaurants without issue. He also wanted to remind the group that places meant for children, like the zoo and the aquarium, also sell alcohol for consumption on-site. Mr. Bell discouraged the group from “operating from a place of fear.”
- Nick Philips (Denver Resident) – Mr. Philips explained that he runs a handyman business, and he could foresee a general liability policy covering marijuana-related activity. Mr. Philips also suggested that the capital investment in a DCA would not be wasted solely because the permits are not transferable. Mr. Philips suggested that the permittee could market the underlying facility or the economic value of the capital improvements to recoup the investment in a DCA. Lastly, Mr. Philips agreed that requiring a separate entrance for the DCA would be an onerous requirement for small businesses.
- Ridge Peterson (Denver glass academy instructor) – Mr. Peterson explained that the glass academy is a small business that may be seeking a consumption permit when they are available. He explained that the academy may be interested in hosting an art gallery event which allows marijuana consumption on site. He explained that the non-transferability and the requirement of a separate entrance may be a large hurdle for a business such as his.
- Courtney Barnes (Law Clerk, Vicente Sederberg) – Ms. Barnes explained that Vicente Sederberg spoke in limited support of Senate Bill 184, and it is that firm’s understanding that the definition of “open and public” in the initiated ordinance is harmonious with the definition of “open and public” in Senate Bill 184. Ms. Barnes explained that SB 184 allows a local jurisdiction to provide for exceptions to the “open and public” consumption of marijuana, and the initiated ordinance exempts DCAs from the definition of “open and public” in local law. Ms. Barnes also noted that there was a competing ballot initiative when Denver voters passed initiative 300, which suggested a private club model, and that initiative did not pass. Ms. Barnes stated that the law firm does feel that a membership requirement is necessary for DCAs to be private. Lastly, Ms. Barnes noted that the law firm would be happy to speak at the next meeting.
- Kevin Gallagher (Director for Craft, and the Cannabis Business Alliance) – Mr. Gallagher wanted the group to know that it is important for Denver to lead the way on social consumption so that it can maintain its status in the cannabis marketplace. Mr. Gallagher wanted the group to know that it is important to continue to attract patrons to Colorado, and to keep marijuana consumption off of the streets.

MEETING #5: March 24, 2017

- Taylor Rosean (Small business owner) – Mr. Rosean felt that there may be too many barriers to entry for small business owners who are seeking a cannabis consumption permit. He expressed that there were many innovative cannabis consumption business ideas that may be stifled due to the barriers to entry. He also felt that the group should focus more on brick and mortar locations because special event permits would not be the primary business model for businesses seeking these permits. He also felt the group should think about solutions for “adjacent consumption” and not worry so much about “dual consumption”
- Ridge Peterson (Citizen) – Mr. Peterson wanted the group to know that regulating cannabis consumption is always going to be safer than prohibiting consumption. Mr. Peterson also echoed the concerns brought up by Mr. Rosean. He felt that barriers to entry would only promote big cannabis companies. Finally, Mr. Peterson noted that other alcohol-related special events are currently occurring in locations close to children.
- Kim Kreimeyer (Citizen) – Ms. Kreimeyer first expressed her concern about irresponsible consumers of marijuana. Mr. Kreimeyer felt that regulations regarding consumption should focus on those who consume irresponsibly. Ms. Kreimeyer noted that DCAs only provide a place for consumption, but they do not deal with the amount that people are consuming. Additionally, Ms. Kreimeyer noted that odor is a large concern her. She stated that she lived in an area with a number of marijuana businesses, and she could smell the odor throughout the day. Lastly, Ms. Kreimeyer stated that she would not support dual consumption in any way. She warned that dual consumption could bring about unanticipated issues just like edibles did when retail marijuana first became available.
- Jennessa Lea (Denver NORML) – Ms. Lea also reiterated the concerns regarding small businesses which were brought up by other speakers.
- Priscilla Solis (Denver NORML) – Ms. Solis agreed with the group that DCAs should be required to undergo a public hearing. She stated that the topic was brought up at a meeting held by a registered neighborhood organization, and she thanked the group for addressing that concern. She also reminded the group that many neighborhoods organizations also support small businesses.
- Cliff Gordon (Dispensary manager) – Mr. Gordon’s primary concern was about outdoor smoking. Mr. Gordon told the group that requiring outdoor smoking creates more odors, is more visible, and is less desirable for applicants. Mr. Gordon explained that many marijuana cultivators control odors by filtering the air that is contained indoors. He explained that this process would not work with outdoor smoking. Lastly, Mr. Gordon suggested that other licensed marijuana facilities may use DCAs as a cover for their own violations of the odor ordinance.
- Lisa Tran (Denver NORML) – Ms. Tran wanted the group to know that many people had originally expressed concerns to her about where DCAs would be located. She encouraged the group to require public hearings for CCPs. She stated that other marijuana businesses were required to undergo a public hearing, so a CCP applicant should also have to undergo a hearing. Finally, she echoed the same concerns that Mr. Gordon previously stated about odors.
- Nick Philips – Mr. Philips felt that a cap on special event permits was “a little premature.” He felt that the city would lose out on revenue from permit applications and he felt that special event permits would allow entrepreneurs to experiment with a variety of business models. Mr. Philips also expressed some ideas to control odors, including large fans and masking odors. Lastly, Mr. Philips suggested that dual consumption should be addressed in the responsible operational plan required from applicants.

MEETING #6: April 6, 2017

- Jeff Wilson (Attorney, McAllister and Garfield) – Mr. Wilson felt that it was important for the committee to stay true to the will of the voters. Mr. Wilson stated that the voters wanted to allow cannabis consumption, and dual consumption is already happening in many public places. Mr. Wilson noted that the committee should be realistic when thinking about setbacks, because if the committee is overly restrictive about where DCAs can be located, the regulations may increase instances of impaired driving. Lastly, Mr. Wilson stated that the potential applicants for DCAs would comply with reasonable business practices because the applicants have the most to lose.
- Pete Bialick (GASP) – Mr. Bialick stated that he has concerns about the small business exception in CCIAA which allows for a private business with three (3) or fewer employees to allow indoor smoking. Mr. Bialick explained that the exemption was intended to be made for very small businesses that have a single employee (for example, a realtor's office that is not visited by the public). Mr. Bialick felt as if the rules should prohibit all indoor smoking and any open flame.
- Jonathan Cherkis – Mr. Cherkis wanted to express his disappointment in the committee because he felt the rules were overly restrictive. Mr. Cherkis stated that he voted for I-300 and that he supported the landmark achievement of allowing consumption clubs. Mr. Cherkis felt that the committee had been "hijacked by prohibitionists" and that he hoped in the future the peoples' will would be respected.
- Kevin Gallagher (Concentrate Company) – Mr. Gallagher wanted to caution the committee against passing rules that would include extreme distance restrictions, and prohibit vaping indoors. Mr. Gallagher noted that regulations should not be overly restrictive because that would impede the hard work that the committee had accomplished. He stated that the committee should focus on accomplishing the goal of decreasing public consumption.
- Stacie Linn (Cannability Foundation) – Ms. Linn wanted the committee to keep in mind that DCAs are not only for recreational consumers of marijuana. Ms. Linn stated that DCAs may be a place where medical marijuana patients (including veterans, residents of subsidized housing, parents, and transients) can consume safely. Ms. Linn was primarily concerned with two rules. First, Ms. Linn stated that liquor licensees should be able to apply for and receive DCA permits so that fundraising events have more flexibility. Second, she felt that the committee should not prohibit "dabbing" indoors because butane is not required in order to consume marijuana concentrate.
- Tim Morgan (Community Relations Manager for Dispensary and RNO Member) – Mr. Morgan felt that it may be premature to discuss rules regarding dual consumption. Mr. Morgan wanted to emphasize that the main problem in many neighborhoods is private marijuana social clubs that are currently operating without regulations. Mr. Morgan explained that the lack of regulation in these clubs causes a lot of problems for neighborhoods.
- Nick Philips – Mr. Philips felt that the committee should continue to encourage potential DCA applicants to meet with neighborhood organizations. Mr. Philips disfavored a proximity restriction from residential zone districts because he felt that such a restriction would unfairly prohibit certain areas of the City from being able to have a DCA. Mr. Philips also stated that he was concerned that the proposed rules might deter businesses from applying for a permit.
- Jennessa Lea (Denver NORML) – Ms. Lea wanted to voice her support for requiring separate entrances for DCAs that are located at an underlying business which allows patrons who are under the age of 21. Ms. Lea also wanted to voice her support for prohibiting dual consumption.
- Courtney Barnes (Citizen, law clerk) – Ms. Barnes wanted the committee to know that the intent of I300 was not to limit consumption to private marijuana clubs. Ms. Barnes felt that prohibiting DCAs from being open to the public without restriction was unnecessary and confusing. Ms. Barnes felt that the rules prohibiting dual consumption were overly restrictive and caused the initiated ordinance to be less inclusive than it was intended to be.
- Robert Chase (Citizen) – Mr. Chase felt that the committee should regulate the consumption of marijuana like the consumption of tobacco and that the committee was overly restricting DCAs. Mr. Chase also felt that state legislation needed to be changed.

- Natalie Caplan (Citizen) – Ms. Caplan also felt that the proposed regulations were overly restrictive. Ms. Caplan worried that the committee was not solving the problem of public consumption.
- Kayvan Khalatbari (I-300 Proponent) – Mr. Khalatbari wanted the committee to know that the intent of I-300 was to regulate marijuana consumption like alcohol consumption. Mr. Khalatbari noted that many of the opponents to I-300 have “a stake” in the alcohol industry. Mr. Khalatbari stated that the goal of the advisory committee was to have the initiated ordinance implemented as quickly as possible. Lastly, Mr. Khalatbari felt that the committee was trying to solve problems that hadn’t occurred yet, and noted that if the proposed regulations are enacted, underground private marijuana clubs will continue to operate.
- Ridge Petersen (Denver Glass Academy) – Mr. Petersen wanted the committee to know that small businesses may have difficulty under the proposed regulations. Mr. Petersen noted that an control plan may not be plausible for small businesses, and he stated that he was not sure where smoking may occur in a DCA. Mr. Petersen also stated that while DCAs should be respectful to neighbors, the City currently needs a “structured place” for people to consume cannabis outside of their homes.
- Kristin Karas (Dancesafe) – Ms. Karas stated that her organization does not condone or condemn drug use. Ms. Karas primarily had comments related to the committee’s discussion about dual consumption. Ms. Karas recognizes that polydrug use is riskier than single drug use, however she also recognizes that people continue to engage in polydrug use. Ms. Karas stated that a “ban” on dual consumption may be more problematic from a health perspective because people would engage in pre-loading. Ms. Karas felt that such a ban would go against the intent of the initiative.
- Cindy Sovine-Miller – Ms. Sovine-Miller felt that the proposed regulations would make it more difficult for DCA owners to help patients. Ms. Sovine-Miller suggested that the committee follow the state rules on dual consumption. Ms. Sovine-Miller reiterated that prohibiting alcohol in any business that also holds a liquor license may remove certain events from being able to have a revenue stream. Ms. Sovine-Miller also stressed that the committee should recognize the spirit and intent of the initiated ordinance.
- Joshua Kappel (Vicente Sederberg) – Mr. Kappel wanted the committee to know that the goal of the initiative was to prevent public marijuana consumption. Mr. Kappel stated that the ordinance authorized the Department to make rules and regulations, but that the rules may not frustrate the intent of the initiative. Mr. Kappel felt that restrictions on alcohol consumption were not an appropriate topic for rules, and he reiterated that the ordinance intended to set up a pilot program which would allow people to actually receive the sought after permits.
- Becca Chavez (Citizen) – Ms. Chavez stated that she was concerned that public consumption would continue to occur under the proposed regulations. Ms. Chavez stated that “bars and restaurants” should be able to make decisions about where marijuana consumption occurs, and she was worried that consumption would continue to occur in neighborhoods under the restrictions.
- Liz O’Sullivan (Citizen) – Ms. O’Sullivan stated that she supports the public hearing requirement for DCAs, and she supports restricting outdoor smoking to 1,000 feet from residential zone districts. Ms. O’Sullivan noted that many people do not enjoy the smell of marijuana. She stated that private residential smoking (which may dissipate) is not the same as an outdoor DCA operating in a neighborhood.
- James Gould (SSDP) – Mr. Gould felt that the ban on dual consumption goes against the will of the voters. Mr. Gould noted that many citizens were under the impression that the initiative would allow smoking inside of bars, and that the committee should recognize that intent.
- Elizabeth O’Donnell (Citizen, Park Hill) – Ms. O’Donnell specifically wanted to address special event permits. Ms. O’Donnell noted that there are many businesses that sell marijuana on Colfax, and if nine (9) of those businesses were given ten (10) special event permits per year, she may have to attend 90 hearings. Ms. O’Donnell suggested that the Department schedule all of the hearing for special event permits in one week, and have the hearings twice a year. Ms. O’Donnell suggested that would lessen the burden on the applicants as well as the neighborhood.
- Stephanie Davis (Hoban law group) – Ms. Davis echoed many of the things that were said by Joshua Kappel, Courtney Barnes, and Jeff Wilson. Ms. Davis wanted the group to know that many of her clients in the marijuana industry are

eager to go above and beyond regulatory requirements, and she expects the same from the businesses who apply for DCAs. • Jordan Deitrich (Citizen) – Mr. Dietrich noted that Colorado has many residents who consume alcohol. He noted that having a place to congregate and consume alcohol is an important part of Colorado, and he thinks it would be valuable to have similar places for marijuana. Mr. Deitrich felt that citizens should take pride in passing the initiative and that the committee should stay true to the regulations that were passed by the voters.

- Ean Seeb (Citizen) – Mr. Seeb asked the committee to clarify whether the proximity restriction from liquor licenses would be judged using the first application received (i.e. if the consumption permit applies prior to the liquor license, it is exempt). Mr. Seeb noted that regulatory certainty is important for DCAs because no other city or state allows marijuana consumption. Mr. Seeb also noted that a 500- foot distance restriction from residential zones is equivalent to over 1.5 football fields, which should be more than sufficient to allow dissipation for outdoor smoke. S

- Kady Cravens (Willie’s Reserve) – Ms. Cravens felt that the committee should leave regulations regarding dual consumption up to the state liquor enforcement division.

- Lisa Tran (NORML) – Ms. Tran wanted to voice her support for the public hearing requirement. She also supported requiring separate entrances for DCAs that are located at an underlying business which allows patrons who are under the age of 21. Ms. Lee does not support the prohibition on dual consumption, and she felt that an “event space” should be able to allow marijuana consumption.