

Marijuana Regulations Update

JULY 13, 2020

Purpose

- Provide update on previous Board of County Commissioner direction regarding transition of current medicinal marijuana providers to dual use operations
- Discuss timing and next steps
- Seek policy direction on marijuana delivery

Background

Four medical marijuana centers in operation since 2009:

- Medical Cannabis Colorado, LLC, GoodMeds, Green Cross Caregivers, and Golden Meds (formerly Green Leaf)
- Located in Districts 1 & 4

County's 2011 and 2015 land use codes do not permit recreational sales or commercial grows. Ordinance 201301 prohibits retail marijuana establishments

Existing medical marijuana stores operate as non-conforming use in compliance with applicable building/fire codes and state regulations; remain in good standing with annual license approval by BOCC

August 2019 outreach by local medicinal businesses; directed staff research considerations and options

Held February 2020 study session to consider three policy options:

- Maintain status quo
- Only allow existing facilities to convert
- Remove restrictions on retail marijuana within unincorporated areas, based on land use controls

February Board Direction

- Only allow current medical marijuana stores to transition to dual license (retail)
- No additional tax increases associated with retail sales at this time
- Continue nonconforming use; annual approval based on compliance with state and local regulations
- Consider new licensing fees (similar to liquor) given the new use

Process Steps

Ordinance 2013-01 will need to be modified to allow for retail marijuana consistent with the Arapahoe County Land Development Code.

First Reading July 14

Second Reading July 28

Goes into effect 30 days following publication after the second reading

Chapter 3-3.5 of the Land Development Code will be modified to allow the four (4) current medical marijuana store licensees to apply for a retail marijuana store license.

Planning Commission Study Session July 7

Planning Commission LDC Recommendation July 21

Additional Questions/BOCC Direction

Application Review Process

- Businesses will apply to the state for dual use license. State will forward the application to the county.
- Does the county want to perform its own review of the application (including finger printing, background checks, etc.)?
- Does the county want to charge a licensing fee?

Annual Review Process

- Solely rely on the state for review and compliance?
- Does the BoCC still want staff and ACSO review non-conforming use and compliance?
- Does the county want to charge for the license renewal?

Compliance

- Does the BOCC want to arbitrate complaints/revoke license or designate another body?

Additional Questions/BOCC Direction

Marijuana Delivery Permit

- Does the BoCC want to allow delivery of marijuana and marijuana products from marijuana stores within unincorporated AC to people/locations within unincorporated AC?
 - If allowed, does the BoCC want to charge a fee for the marijuana delivery license?
- Does the BoCC want to allow delivery of marijuana and marijuana products from marijuana stores locations outside unincorporated AC to people/locations within unincorporated AC?
 - The county does not have licensing control over locations outside of unincorporated AC, but can prohibit the access.