Boulder City Council
STUDY SESSION

Tuesday
August 23, 2016
6-9 p.m.

Marijuana Advisory Panel
Analysis of Potential Changes to City of Boulder's Marijuana Code Provisions

Amended 08-17-2016 – See Errata Sheet

Council Chambers
Municipal Building
1777 Broadway

Submit Written Comments to City Council, ATTN: Lynnette Beck, City Clerk, 1777 Broadway, P.O. Box 791, Boulder, CO 80306 or Fax to 303-441-4478 or E-mail: council@bouldercolorado.gov

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If you need Spanish interpretation or other language-related assistance for this meeting, please call (303) 441-1905 at least three business days prior to the meeting. Si usted necesita interpretación o cualquier otra ayuda con relación al idioma para esta junta, por favor comuníquese al (303) 441-1905 por lo menos 3 negocios días antes de la junta.

STUDY SESSION ITEM ERRATA SHEET

TO: Mayor and Members of Council
DATE: August 17, 2016
ITEM: Study Session on Marijuana Advisory Panel

The original packet for the August 23 Study Session on the Marijuana Advisory Panel contains exhibits that were not the final drafts, which have been corrected and are documented on this sheet.

Exhibit 1 (Permanent Modifications Chart) to Attachment C – Marijuana Advisory Panel Recommendations – The correct version has been attached.

Exhibit 3 (Penalty Schedule Guidelines) to Attachment C – Marijuana Advisory Panel Recommendations – The correct version has been attached.

CITY OF BOULDER
CITY COUNCIL STUDY SESSION MEMO

MEETING DATE: August 23, 2016

This study session will provide a report on the Marijuana Advisory Panel's analysis of potential changes to City of Boulder's Marijuana Code Provisions.

PRESENTERS
City Staff:
Jane S. Brautigam, City Manager
Thomas Carr, City Attorney
Sandra M. Llanes, Senior Assistant City Attorney
Kathleen E. Haddock, Senior Assistant City Attorney
Mishawn Cook, Licensing and Collections Manager
Beverley Bookout, Boulder Police Officer, Marijuana Enforcement Division

Facilitator
Heather Bergman, Peak Facilitation Group

Panel Members
Andrea Meneghel, Boulder Chamber of Commerce
Heath Harmon, Boulder County Public Health
Kate Thomson, Skinny Pineapple, Inc.

I. PURPOSE

This study session will provide council with an opportunity to consider recommendations made by the Marijuana Advisory Panel (MAP).

II. BACKGROUND

The State of Colorado legalized medical marijuana with the adoption of Amendment 20 in November 2000. Prior to 2008, growing and providing medical marijuana was not a business, instead it involved caretakers providing medical marijuana for their patients that were approved by the state. In 2008, the U.S. Attorney issued a memo (commonly referred to as the "Cole memo") which led to explosive expansion of medical marijuana by the opening of marijuana businesses providing marijuana on a much larger scale.

Even before the state acted, the City of Boulder adopted interim regulations regarding medical marijuana in November 2009 and its first medical marijuana code on May 18, 2010. The city's medical marijuana regulations have been amended six times: February 1, 2011; September 20, 2011; November 1, 2012; November 12, 2013; June 3, 2014; and December 16, 2014. After the state adopted Amendment 64 in 2012 legalizing recreational marijuana, the city adopted regulations related to recreational marijuana on November 12, 2013. It has been amended twice on June 3, 2014 and December 16, 2014.

When the city council began its initial regulation of marijuana businesses in 2009, it faced a virtually unregulated marketplace. In the past, updates to the city's marijuana codes have been presented regularly to council by city staff as state laws and regulations changed and gained experience in trying to enforce the codes. Later amendments have been on a more piecemeal basis from requests by the marijuana businesses. The formation of the Marijuana Advisory Panel was intended to avoid this piecemeal approach and take a more efficient comprehensive look at potential changes.

III. QUESTIONS FOR COUNCIL

1. Do you agree with the MAP's recommendations? If so, which MAP recommendations should staff draft an ordinance to implement?

2. Does council support the MAP's recommendation regarding future Panel work? If not, how does council wish to handle any future issues that may arise?

3. Are there any questions you would like answered by the MAP or staff regarding the materials presented today in connection with any future draft ordinance?

IV. EXECUTIVE SUMMARY (prepared by MAP)

Colorado voters approved recreational marijuana in 2012, and the first licensed businesses opened in early 2014. Since then, recreational and medical marijuana businesses in Boulder have generated nearly $8.1 million in tax revenue—these monies have gone to the City's general fund, as well as help pay for parks and recreation, open space, education, youth prevention, and transportation. However, this work has carried an opportunity cost as well: Boulder's City Council and City staff have worked on a number of labor-intensive revisions to Boulder's medical and recreational marijuana business codes in collaboration with industry.

At the direction of Boulder's City Council, a 12-member Marijuana Advisory Panel (MAP) was formed in January 2016 to take a comprehensive review of the existing city code related to marijuana regulation, and to make recommendations related to any potential changes to topics related to advertising, public health impacts, licensing, zoning, and more. Council approved a Charter (*see* **Attachment A**) that provided the MAP with direction to analyze both State regulations and Boulder's code in order to understand regulatory intent and impact, to solicit public input, and to discuss possible changes to the

code—all while preserving and promoting Boulder's unique community values (*see* **Attachment B** for the composition of MAP.)

The MAP undertook the task to better assess the impact of Boulder's code on public health, safety, and the competitiveness of the Boulder-based marijuana industry. In the course of its work, the Panel also reviewed differences between City and State regulations, and the interconnectedness between business operations, enforcement, and youth education.

The MAP actively included the perspectives of a cross-section of community representatives and leaders, such as the Boulder Chamber, Boulder County Public Health, Boulder Valley School District, the State of Colorado's Marijuana Enforcement Division, the University of Colorado, as well as patient advocates, legal experts, independent small business owners, and community members.

MAP Meeting Process

At each of MAP's 11 public meetings, public participation helped inform and improve the panelists' understanding of the complexities surrounding the City of Boulder's local ordinance and congruence with state regulations, impacts upon the community and local businesses within the marijuana industry. All meetings were publicly noticed and all meeting agendas, materials, and minutes were posted to the city's website. Additionally, MAP developed several subcommittees representing the diverse interests on the Panel; these subcommittees worked between meetings to increase their shared understanding of issues and bring proposals to the rest of the Panel for consideration.

Consensus Through Rigorous Discussion

MAP held substantive discussions on dozens of topics, which were addressed through a balance of perspectives that considered the community's goals to protect community health and the safety of Boulder's youth, to support economic vitality, and to seek clarity and regulatory consistency between local ordinances and State regulations. Each discussion on current regulations began with a presentation from Staff—and generally included participation from the Police and Fire Departments, the State Marijuana Enforcement Division, and others—on the intent and scope of existing language in the ordinance. These discussions led to consensus-based decisions and recommendations, and incorporated the professional expertise and personal views from stakeholders and public commenters.

Key Recommendations

By consensus, MAP has prepared more than three dozen recommendations for Council's consideration according to the following areas: Advertising, Business Operations, ID Scanner Requirements, Licenses, Merchandise, Sales, and Zoning. A full list of the Panel's recommendations is included. *See* **Attachment C.**

1. Advertising: MAP recommends specific updates and clarifications to the code in the areas of discounts and coupons, informational/educational materials, sponsorships and events, and terminology.

2. Business Operations: MAP recommends expansion to the hours of operation and changes to background checks and waiting periods, as well as terminology.
3. Licensing: MAP recommends updates and amendments to the City Code on license transfers, penalty schedules, and transfer of products and plants between licensed facilities.
4. Merchandise: MAP recommends aligning with the State on regulations related to branded and unbranded merchandise.
5. Zoning: MAP recommends upholding density restrictions for dispensaries. The Panel also recommends making adjustments to caps on licenses for marijuana businesses, permanent modifications, square footage limits, and virtual separation.

Potential Future Items for Action

Marijuana Social Use Clubs - The idea of social use clubs has been widely discussed but rarely implemented. The concept of a marijuana social use club is to provide a location where people can consume marijuana in a social environment. The MAP formed a subcommittee to address the idea of social clubs in Boulder. The subcommittee members all agreed that more information was needed before they could develop a proposal. The attached document outlines the pros and cons. It does not provide a position but rather indicates interest in exploring the issue further possibly in a future annual meeting. The MAP approved the document and agreed to provide it to council in this study session. *See* **Attachment D**.

Creative Ideas to Support Public Safety and Community Health – The Panel assembled a subcommittee to explore creative ideas to support public safety and community health. The MAP has acknowledged that although regulations can have an impact on public safety and community health, it is only one component of a larger approach. The Creative Ideas Subcommittee convened twice, to develop recommendations that could both support the recommended code revisions and the values of protecting public safety and community health. Ensuring that public safety and community health are maintained are part of an ongoing conversation. A full list of the recommendations are attached. *See* **Attachment E**.

Gratitude and Additional Considerations

MAP gratefully acknowledges the leadership of City Council and the City Manager for their thoughtful design of the Panel's purpose and composition. We are indebted to the professional staff and law enforcement from the City of Boulder for their public service.

It is MAP's view that one of its most important outcomes of these proceedings, has been an improved understanding and collaboration among stakeholders—including city licensing, the health community, industry, and law enforcement—which in turn enabled compromise among diverse perspectives. During the course of its work, the Panel also discussed and reached agreement on a number of process improvements in real-time that

together suggest an improved working relationship moving forward. Finally, MAP expresses the need for future check-ins to promote continual dialogue to review regulatory updates and address any community issues. (*See* **Attachment F** for MAP's recommendations for future work).

V. COMMUNITY SUSTAINABILITY ASSESSMENTS AND IMPACTS

- Economic – The council's original intent in imposing zone district and density restrictions, was to assure that a diversity of businesses were maintained in the city. It is unknown if removal of those limitations will lead to lack of diversity that could negatively impact sustainability as market changes occur.
- Environmental – There is a potential for an increase in electricity use if density changes are imposed.
- Social – Some of the recommendations of the committee allow for the existing culture of marijuana in Boulder to change by: (a) expanding hours of operation of businesses from closure at 7 p.m. to closure at 10 p.m.; (b) allowing sale of branded merchandise and allowing the sale of non-consumable merchandise, rather than limiting sales to marijuana and marijuana accessories and; (c) reducing the limitations on size, ownership, and density of marijuana businesses. It is unknown what if any, effects each of these changes will have to the existing culture in Boulder.

VI. OTHER IMPACTS

- Fiscal – An increase in the number of marijuana businesses will result in a need for increased staff to maintain current levels of inspection and enforcement. License fees are set to cover the cost of each license, so the increased funds should be collected to cover the costs of the increased staff. Staff annually evaluates fees to make sure that fees do cover the costs to prevent the need for additional funding. Having more marijuana businesses in the city, should result in collection of more of the additional excise and sales and use tax imposed on marijuana businesses and not other types of businesses.
- Staff time – Additional staff resources will be required if some of the recommendations are implemented that increase the difficulty of auditing marijuana businesses or increase the number or size of marijuana businesses that may open in the city. Suggested amendments changing business operations and timelines are covered in the normal work plan. It is unknown if implementing the recommendations allowing marijuana to sell any other non-consumable merchandise or increased advertising will change requirements for staff time.

VII. PUBLIC FEEDBACK

Many of the public comments were from employees from marijuana businesses and those paid by the marijuana industry in support of removing restrictions on marijuana businesses. The exception was a group of neighbors that expressed concern if the hours of operation went beyond 7 p.m. because of the noise impact on their neighborhood located adjacent to a marijuana business.

VIII. ANALYSIS

The purpose of this study session, is for council to obtain information from the Marijuana Advisory Panel so council can determine what recommendations to pursue. Staff does not have any analysis at this time. However, staff was actively involved in the discussions with MAP as recommendations were formed and issues identified, which are reflected in the Chart of Panel Recommendations under the heading Staff Considerations. Staff will be at the study session to answer questions and will provide an analysis of any code changes requested by council when presenting those code changes in the form on an ordinance.

While a lot of the recommendations would not change the status quo, some could substantially result in substantial change. Direction from council regarding what changes are desired will facilitate staff being able to provide an analysis. If council directs that the land use changes should be brought to the Planning Board, staff can also provide an analysis of changes to Title 9 for Planning Board and Council.

IX. MATRIX OF OPTIONS

Upon direction by council of which recommendations to pursue to the Planning Board or as code changes, staff can provide a matrix of options for each recommendation.

ATTACHMENTS:

ATTACHMENT A: Charter
ATTACHMENT B: MAP Member List
ATTACHMENT C: MAP Recommendations and Exhibits
ATTACHMENT D: Social Use Club Grid
ATTACHMENT E. Creative Ideas Subcommittee Recommendations
ATTACHMENT F Future Engagement Recommendations

CREATION OF A CHARTER FOR A MARIJUANA ADVISORY PANEL FOR ANALYSIS OF, SOLICITATION OF PUBLIC INPUT ON AND DISCUSSION OF POSSIBLE CHANGES TO CITY OF BOULDER MARIJUANA CODE PROVISIONS

This is a Charter for a committee for analysis of, solicitation of public input on and discussion of possible changes to the City of Boulder code provisions.

1. The committee shall be appointed by the City manager with the advice and consent of the city council to provide a balanced representation of the variety of interests related to medical and recreational marijuana.

2. The committee shall include, but not be limited to, the following members:

a. Representatives of marijuana consumers, including both recreational and medical users.

b. A representative of the Boulder Valley School District.

c. A representative of the University of Colorado.

d. Representatives to provide physical and mental health perspectives, including youth development theory and best practices in harm reduction/health promotion.

e. A representative of the Chamber of Commerce.

f. Representatives of marijuana businesses, sufficient to represent the interests of businesses engaged in businesses associated with medical marijuana, recreational marijuana, cultivation, retail sales and infused products manufacturing.

g. An attorney experienced in representing marijuana businesses.

h. A person familiar with state regulations, preferably a person from the state marijuana enforcement division, who, if unable to attend all meetings, may be an ex-officio member and not counted toward the limit on the number of members.

3. One person may represent multiple interests described above. The committee shall have no more than 11 members.

4. All meetings of the committee shall be held only after public notice of the date, time and place.

5. All meetings shall be open to the public. The committee shall allow time for public comment at each meeting.

6. The city manager and the city attorney are directed to provide staff support to facilitate the committee's work.

7. The city shall provide a professional facilitator to assist with the committee's work at the outset. The committee shall decide whether a facilitator is necessary at future meetings.

8. The committee shall provide regular updates to the city council about the committee's work. The committee is encouraged to prioritize time-sensitive issues and provide council with any appropriate recommendations on such matters during the first quarter of 2016.

9. The committee shall review both state regulations and city code to determine what specific city code provisions would be appropriate.

10. Council intends that the committee will complete its work by the end of June 2016.

APPROVED this 5 day of January, 2016.

Suzanne Jones
Mayor

ATTEST:

City Clerk

MARIJUANA ADVISORY PANEL MEMBERS LIST

Facilitator: Heather Bergman

Name
Jan Cole, President Kate Thomson Skinny Pineapple Inc.
Leisha Conners-Bauer, Director Community Health Wardenburg Health Services University of Colorado at Boulder
Heath Harmon, Director of Health Divisions Boulder County Public Health Administration
Robert T. Hoban, Managing Partner Hoban & Feola, LLC
Travis Howard Health Services, LLC d/b/a Green Dream Cannabis
Lewis Koski, Deputy Senior Director, Enforcement Colorado Department of Revenue
Alana Malone, Founder and President Green Dot Labs
Andrea Meneghel, Public Affairs Director Boulder Chamber of Commerce
William Rigler, Director of University Relations Naropa University
Teri Robnett, Founder/Executive Director Cannabis Patients Alliance
Jane Theodore, Private Citizen
Andrew Tucker, Director of Student Support Boulder Valley School District

	A	B	C	D	E	F	G
1		**Topic**	**Issue/Description**	**Current City Code**	**Panel Recommendations**	**Staff Considerations**	**Outstanding issues**
2		*General Advertising*	Limited ability for marijuana businesses to market their brand/logo for advertising purposes. Businesses want to be able to "brand" their name and logo through merchandise, signs, printed materials and other means. Research demonstrates the significant impact advertising (including some forms of coupons) and branded merchandise of substances plays on youth intent to use, initiation, and ongoing use. Therefore a balanced approached is necessary to avoid unintended consequences of increased use among youth.	May not advertise in a manner appealing to minors. 6-14-8(p) and 6-16-8(p): Prohibits advertising that is "misleading, deceptive, false, or designed to appeal to minors." Allows advertisement in newspaper, magazine, or other periodical of general circulation within the city or on the internet. No other advertising.	Changes to specific categories of advertising as noted below, but prohibited from advertising outside of the exceptions.		Need to define what is meant by "appealing to youth."
3		Discounts/coupons	Prohibits use of coupons and/or discounts (1) Includes coupons, free merchandise, swag (2) Businesses want to be able to have customer show affiliation (Bolder Boulder, veteran, birthday, etc.) in exchange for discount. Coupons that are distributed in a leaflet form or posted in public view serve as an advertisement that cannot meet the exisiting rules limiting advertisment where audiences are no more than 30% of viewers are minors.	Prohibits requiring a coupon (paper or e-copy) or exchange of anything to obtain the discount. Leafleting cars, handing out flyers, ads on vehicles, or handheld signs or sign spinners are not allowed. Stated in general, not just for coupons. Code cite same as above.	1) Exceptions: Allow coupons, but no leaflets/handbills; 2) Clarify definition of "exchange." Note: coupon ads in newspaper okay, but no exchange of paper. Note: businesses should keep a copy of coupon for business records; 3) Define handbill and leaflet.		
4		Education	Businesses want to be able to distribute instructions for use of products and educational materials with the business logo and other information particular to the business. Distribution of educaitonal materials by businesses is encouraged. However, the materials should be developed by a public or non-profit organization and should not be branded with business logos, which would further serve as a form of advertising.	Does not limit the distribution or display of educational materials provided by marijuana business or other parties or instructions for use of product so long as it does not have a brand logo. Does prohibit anything that would be considered advertising, handbill or leaflet. Code cite same as above.	Allow businesses to distribute within the store or at approved events that occur outside store. ("approved event" = approved under city code) educational materials created and provided by public agencies or non-profit organizations without marijuana business branding.		
5		Sponsorships/ Events	Businesses want to participate as a sponsor by being able to have booths, signs and distribute written or tangible materials (swag) with their logo brand. Sponsorhsip is encouraged, but advertisement within sponsorship should be limited, especially in locations or at events where more than 30% of participants are minors or controlled access is not achieveable.	Not currently allowed to participate in or host an event as a marijuana business. 6-14-8(p)(1)(D) and 6-16-8(p)(1)(D) - Advertising which is purely incidental to sponsorship of a charitable event is allowed (can be listed as event sponsor in print, posters and t-shirts as is any other sponsor when all sponsors listed; may not have individual recognition as sponsor by separate banner, booth, print materials) but may not separately advertise at non-profit events. No booth or flyers or separate banner.	1) Clarify definition of "incidential." 2) Allow participation in booths (not events) to distribute informational material. 3) Adopt state rule that no more than 30% of participants can be minors.		

*MIPS (Marijuana Infused Products)

	A	B	C	D	E	F	G
1		**Topic**	**Issue/Description**	**Current City Code**	**Panel Recommendations**	**Staff Considerations**	**Outstanding issues**
6		Job Fairs	Unintended consequence Prohibition on advertising prevents distributing materials for employee recruitment at job fairs.	Restrictions in advertising/sponsorship do not permit booths or handouts. Code cite same as above.	Amend city code to allow for job fair exceptions: a) allow company-related materials and handouts at job fairs aimed at employees over 21 years of age; b) note that at least 70% of the audience at the job fair must be reasonably expected to be over 21 years of age. This applies to all job fairs; c) define "job fair and reasonably expected."		
7		Signs	Not allowed off-site	None off-site. A sign with the business name and business address only is allowed at the business location. 6-14-8(p)(1)(A) & 6-16-8(p)(1)(A) & 9-9-21 (sign code)	Panel did not seek change		
8		*General Merchandise*	Panel agreed to support sustainability of the marijuana industry by allowing sales of additional products while remaining protective of our advertising goals.	6-14-8(p)(1)(C) and 6-16-8(p)(1)(C): Allows any products with brand/logo of MJ center, including wearable and non-consumable merchandise, packaging in which marijuana is sold, or on recreational marijuana accessories sold. Doesn't allow products of other brands/logos other than marijuana business. No marijuana business shall sell, distribute, or provide, or allow the sale, distribution, or provision of, products marked with its name or logo, in child sizes, designed for the use of minors, or which is misleading, deceptive, false, or appealing to minors.	Allow sale of any non-consumable merchandise, including merchandise that is not marijuana or marijuana accessories, at medical or recreational marijuana retail facilities, whether or not the merchandise is branded.	Differs from laws limiting what liquor stores can sell.	
9		Merchandise	Businesses want to be able to sell merchandise other than marijuana and marijuana accessories. They also want to be able to sell non-branded and branded merchandise of other marijuana brands and not just their own brands.	6-16-8(p)(1)(C) - Permits sale of branded merchandise by license/store (i.e. but limited to only your store brand) Selling of wearable or non-consumable merchandise with the business name and logo on it, sale of MJ, and MJ accessories is allowed. No sale of products marked with its name or logo.	Align with state = can sell any merchandise except comsumables. No free swag.	Same as above.	
10		Branded marijuana merchandise	same as above	Allows businesses to sell its own branded merchandise of the business, but not other marijuana businesses.	same as above.		
11		Unbranded marijuana merchandise	same as above	Sales of unbranded marijuana merchandise not allowed.	same as above.		
12		Merchandise unrelated to MJ	same as above	Does not allow sale of products others than marijuana and marijuana accessories (constitutional language).	same as above.	same as above.	
13		*Zoning*					
14		Sq. ft. limits	Square foot limitations on all types of MJ businesses (sales, grows, & MIPs).	6-16-7(g) - 3,000 sf retail 6-16-7(h) - 15,000 sf grow/MIP	There should be no limits on the square footage of cultivation facilities and MIPs.	Requires amendment to Title 9 and Planning Board approval.	Panel recommendation would require amendment to Title 9 and approval by Planning Board. Panel has not determined whether to pursue such action.

*MIPS (Marijuana Infused Products)

	A	B	C	D	E	F	G
1		**Topic**	**Issue/Description**	**Current City Code**	**Panel Recommendations**	**Staff Considerations**	**Outstanding issues**
15		Density	Businesses do not want a limit on the number of MJ businesses that can be in proximity to other MJ businesses, schools, day care and rehab facilities.	No more than 3 MJ businesses w/in 500 ft.of each other. 6-14-7(f)(3); 6-16-7(e)(3)	There should be no density restrictions on cultivation facilities and MIPS. This does not apply to stores.	Diversity of business type had been an important principle to city council. Sustainability negatively affected by lack of diversity of businesses.	This decision may be revisited if there are changes in density regulations.
16		Setbacks	Businesses were concerned that the setbacks from schools, day cares and rehab facilities for all marijuana businesses unnecessarily restricted the places marijuana businesses could locate.	Dispensaries not permitted within 1000 ft of a school, day care, or rehab facility. 6-14-7(f)(1); 6-16-7(e)(1) MIPS and grows may not be within 500 ft of such facilities 6-14-7(f)(2); 6-16-7(e)(2)	The setbacks from schools, day cares and rehab facilities should not apply to cultivation facilities or MIPs because those businesses do not have public access or outdoor signage or presence that provides exposure to minors.		
17		Limit on size of cultivation facilities.	Businesses want to be able to combine up to 5 grows of 15,000 sf each into any combination of ownerships so could have 1 grow with 75,000 sf or 2 grows of 37,500 sf each, etc.	6-16-7(b)(3)	The 5 grow licenses that 1 licensee is allowed to hold should be able to be combined into any combination of locatons to a total of 75,000 sf.	Contrary to council principle to prevent monopoly in Boulder. Requires amendment to title 9 to change zoning to allow over 15,000 sf .	
18		Max # of dispensary/center licenses held by one MJ owner	Businesses want to be able to own more marijuana businesses in the city.	6-16-6(a)(9) - The same business owner cannot own more than one each of dispensary and center.	Allow for up to 3 addresses of dispensaries/centers per owner. This could be up to 6 separate licenses if each location was co-located medical and recreational.		
19		Permanent modifications	Businesses request a clarification in regards to what qualifies as a permanent modification, as well as a tier system approach to minor and major modifications and fees.	Requires an application and approval for permanent modification for any change to the business documented floor plan or any other plan submitted with the license and made part of the application, or operation of the businesses. 4-20-64(h) and 67(9).	*See* **Exhibit 1 -** Permanent Modification Chart		
20		Virtual and physical separation	Businesses do not want a physical separation between medical and recreational in retail locations and cultivation facilities; want virtual separation.	Co-located medical and recreational retail centers must be physically not just virtually separated. 6-16-3(d).	Allow co-located retail and cultivation facilities to be virtually separated and eliminate physical separation requirement. Business will have to verify that they are maintaining separate books as provided in 6-16-9 for each license issued by the city.	City's objection is effect on ability to audit. Just discovered that businesses are co-mingling books which eliminates ability to audit and virtual separation will compound this.	Pat Brown, Revenue and Licensing Officer, will meet with Marijuana business financial people to clarify expectations of bookkeeping and auditing. City will provide a seminar on this in 30 days.
21		*Sales*					
22		Labeling of product	The state has now adopted labeling requirements which are staged to go into effect in July and Oct. 2016, so Boulder's provisions requested by patients will be no longer be necessary.	6-14-11(b)(3) - statement label conflicts with Rule 1004.5(b)(1)(j)(ii); live Oct. 2016 (3) 6-14-11(b)(2) - city is more specific on label where state is vague Rule 1004.5(b)(1)(k); live Oct. 2016	Align with State = remove city labeling requirements to coordinate timing when state requirements become effective.		
23		Sale of Clones	Marijuana businesses would like to be able to sell marijuana seeds and plants to customers.	Any germinated seed is a plant, and plants may not be stored or sold at medical/rec sales locations. 6-14-2 definition of "Medical Marijuana Plant" and 6-14-13(26) "Prohibited Acts"; 6-16-2 definition of "Recreational Marijuana Plant" and 6-16-13(24) Prohibited Acts.	Sale of clones is allowed. Pre-orders and same day pickup is required. Prepayments or deposits are allowed. Customers are allowed to purchase a max of 6 clone plants.		
24		Seeds	Confusion on interpretation issue resolved. Seeds are treated like flower for excise tax purposes at both city and state levels. Sales are based on weight allotments.		no change		

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1		**Topic**	**Issue/Description**	**Current City Code**	**Panel Recommendations**	**Staff Considerations**	**Outstanding issues**
25		*Business Operations*					
26		Term "business manager"	The use of the term "business manager" is creating an unintended consequence: the term is leading employees to demand higher pay because of the title of "business manager."	6-16-2 - individual designated by owner as the person responsible for all operations of the business in the absence of the owner.	Change all references in Boulder Code and applications from "business manager" to "keyholder."		
27		Background checks - (1) eliminating 30 day waiting period (2) background criteria.	(a) Employees must wait 30 days before he/she can serve as a keyholder (manager) while a background check is performed (b) Unintended consequence: for businesses, this either requires owners to be on-site when a keyholder leaves that business, or qualify more employees as keyholders in case any one of them leaves the business. Boulder's interest has been to make sure that unqualified employees were not in charge of the operation of a city licensee.	Requires 30 day waiting period, higher background check criteria requirements than the state, and an objective rather than subjective review.	For business managers: (1) Eliminate 30-day waiting period for business mgr background checks by submitting a copy of the State MED Key Badge with city's "keyholder" application; (2) Panel agreed to adopt staff's suggested changes to background criteria. Attached as **Exhibit 2**.		
28		Hours of operation	Current hours of operation cause two issues: (1) competitive disadvantage w/other Colorado dispensaries because they can stay open later; and (2) operationally, it only provides the ability for employees to do transport and METRC corrections during hours of operation, inhibits employees from doing all the supplemental work necessary to comply with METRC reporting and labor.	6-16-8(f) - medical marijuana sales allowed from 8am - 7pm. 6-16-8(f) - recreational marijuana sales allowed from 8am - 7pm. 6-16-8(m)(8) - transport only allowed during hours of operation. County: allows sales from 8am - 10pm. State: allows sales until midnight.	Extend hours of operation to 10:00 p.m. Include additional requirement related to effective mitigation planning on the existing required neighborhood responsibility plan. Staff amended the form and the panel approved the changes. It reads in part, "(c) Effective Mitigation Planning: Describe how the MJ business will effectively mitigate neighborhood impacts to surrounding residences and businesses, including but not limited to, noise, traffic, crowding, lights, public consumption related to their business." Also requires a change to code 6-14-5(6)(C)and 6-16-5(6)(C) to add "effective mitigation of community impacts."	Concern about the ability to enforce neighborhood responsibility plan and mitigate impacts to residential areas. Area of high number of complaints to city.	
29		Visitors	Ability to allow non-licensees to be in restricted area: the city code makes exceptions for contractors, but not for consultants or judges/juries to be in restricted area.	6-14-8 No person, other than a patient, licensee, employee, or a contractor, shall be in the restricted area.	Align with state code = no for-profit tours. No for-profit tours. Not allowed for tourism and include state code procedure (i.e., use of log books is required).		
30		Combined HVAC system and other systems where building code allows	Required to have separate ventilation in a co-located business; 2 HVACs where 1 stronger unit would be more efficient.	6-16-8(h) - ventilation required 6-16-8(r)(1) - separate ventilation required	Create a city code exception to allow for combined HVAC systems for co-located business.		
31		Maintaining back-up of surveillance tapes	Confusion by licensees clarified by staff. No need to change city code. State requires back-up for at least 40 days and city requires only 30 days.	6-16-10(a) - recordings maintained for a minimum 30 days.	Increase City requirement from 30 to 40 days.		
32		*Licenses*					
33		Transfer license to new owner	Prohibition of transfer/sale of license.	6-16-3(e) - Can sell stock/memberships but not entity.	Allow sales and transfers of inventory (with authorization by state), assets, and infrastructure that are portable to other locations; allow licenses to retain grandfathered provision, the license remains in the same physical location. Can sell business entity and transfer license for that location to new entity.	Needs to be able to conduct background checks before transfer. No other licensees transferable, except liquor that is goverened by state law.	

*MIPS (Marijuana Infused Products)

	A	B	C	D	E	F	G
1		**Topic**	**Issue/Description**	**Current City Code**	**Panel Recommendations**	**Staff Considerations**	**Outstanding issues**
34		Transporting MJ product among MJ licensed businesses	(1) City code defines which MJ businesses MJ may be transferred to; (2) Not at issue for city since the state eliminated vertical integration, the limits on which licensed MJ business MJ is being transferred to and from is not an issue; (3) Issue: Boulder's enforcement issue is that city police be able to determine quickly whether the MJ in a vehicle is legal or not; the e-mail bounce back of the manifest is sufficient monitoring when MJ is being transported among licensed businesses.	6-16-8(m)(5) - MJ "must be accompanied by the manifest and confirmation email from the State of Colorado" 6-16-8(m)(6) - MJ "must be accompanied by the email receipt confirmation from the Boulder Police Dept."	Remove restrictions related to transfer of product or plants by: (1) Eliminating subsections of 6-14-8(m)(4) A-D; (2) Eliminating subsections of 6-16-8(m)(4) A-D. No change to requirement for city e-mail bounceback.		Note new Law: Transporter License: Jan. 1 allowed, must be licensed by July 1. This panel won't be able to address this b/c still need to go through rulemaking, etc. and the state may not even give the city the ability to regulate transporters.
35		Applications for MIP licenses to include locations of the grow supplying at least 70% of the marijuana.	MIPs no longer have to prove that 70% of product comes from their cultivation facilities.	6-16-5(a)(16)	Remove 6-16-5(a)(16) - not necessary since 70/30 rule was removed Nov. 2015.		
36		Posting for suspension periods	City Licensing has not imposed suspensions, but the municipal court has done so. For liquor licenses suspended, posting on the property is required during the suspension period. Likewise, MJ licenses should be required.	Not currently addressed in city code.	Add to city code requirement of posting during periods of suspension (similar to liquor licensing).		
37		Schedule of Penalty Guidelines	It is important for staff to have penalty guidelines in order to be consistent in penalty assessment. It is also beneficial to marijuana businesses so that they are aware of the potential penalty depending on the type of violations. There is perception that there is a list of subjectivity in enforcement.	Penalty Guidelines are not part of the Code. (They have always existed; they just are not part of the code for marijuana or any other penalty schedule).	Guidelines for Penalties. Attached as **Exhibit 3**.		
38		Transfer of license location	Transfer of location requires new license application.	6-16-3(d) - New license required for new location.	No change.		
39		*IDs*					
40		Not all IDs can be read by scanners	Not all IDs can be scanned: Military IDs, passports and passport cards, tribal/Native American cards with all appropriate info, some US territory driver's licenses, and worn barcodes are not scannable and therefore impossible to comply with law.	6-16-8(b) requires all identification to be verified by using an electronic scanner.	(1) Add provisions to Boulder Code to recognize that some legitimate IDs cannot be scanned, but may be reasonably relied upon by the licensee. Language would read something to this extent - "If it can scan, you must scan. If not, visual confirmation is mandatory." (2) Make it mandatory for employee to take city ID check training or state responsible vendor training w/in 90 days of first day of work; applies to retail only, not MIPs or grows. Liquor licensees have 90 days to train new employees, and MJ license holders should have same amount of training time. (3) Create rule as to what classes are approved.		
41		ID scanners at grow/MIP	No need for scanners at MIPS or grows, but Code makes it mandatory to validate IDS with scanner.	6-16-8(v) - "marijuana business shall verify the proof of age" with a scanner.	Change 6-16-8(v) "marijuana business" to "recreational marijuana center" to clarify that scanners are not required at grows, MIPs, medical centers or testing facilities. If a recreational and medical center co-locate, a scanner is required.		

*MIPS (Marijuana Infused Products)

	A	B	C	D	E	F	G
1		**Topic**	**Issue/Description**	**Current City Code**	**Panel Recommendations**	**Staff Considerations**	**Outstanding issues**
42		Confiscating fraudulent IDs	When a liquor licensee is shown a fraudulent ID, normal practice is to confiscate the ID and send to BPD. This avoids the minor from being able to use the same ID at another location and helps prevent minors from obtaining liquor or businesses from being charged for serving a minor. This same requirement should apply to MJ regs.	not currently addressed in city code	Add to the city codes the same requirements of liquor licensees to confiscate fraudulent IDs and turn them into BPD.		
43		**Other misc topics**					
44		Odor regulations	All marijuana businesses are subject to odor regulations and must have proper ventilation so that odor cannot be detected outside the premise. The most frequent community complaint about mj businesses is odor.	6-14-5(a)(12) and 6-14-8(h); 6-16-5(a)(12) and 6-16-8(h).	No change recommended.	Building department inspectors work with licensees to best handle their odor. Penalties are not often imposed because most businesses can be mentored into compliance. The odor regs have been successful because they have mitigated odor that impacts non-mj businesses and nearby residents.	

*MIPS (Marijuana Infused Products)

Permanent Modifications Chart for Marijuana Businesses- Stores and Grows

August 3, 2016

Non-Modification (inspection at renewal) No Fee	Minor Modification (once application filed, and required building permits are approved, may proceed on modification with inspection later scheduled) Application, Fee, and 1 Dept. Inspection Fee $250	Major Modification (must be fully approved before modification can be fully utilized) Application, Fee and 4 Dept. Inspections Fee $1,100
Installation of a Light fixture with existing source of power Upgrading existing equipment that does not require adding outlets, service upgrades or a new electric panel or subpanel camera cleaning and adjustments to maintain view of areas as required in security plan painting and cleaning Regular maintenance of systems (HVAC, irrigation), such as cleaning and replacing filters repair or replacement of equipment with same model not requiring building permit and not part of operational plan moving furniture not associated with MJ sale/service/storage carpet and tile replacement	Camera Addition, Removal or change of areas monitored and any change to the security system that does not require a change to the security plan Adding or removing a safe Adding, modifying or removing POS within room shown on floor plan Adding an outlet or other change to the electric system that does not require a service upgrade or a new panel or subpanel Grow Trays- adding additional square footage or moving location New or change to equipment (HVAC, irrigation) with no effect on operation plan, floor plan or security plan and not within a MIP, Change of Room Designation with no structural changes Window replacement	Change to square footage, operating plan, floor plan or security plan Structural changes- walls, windows etc Changes to the electrical system that require service upgrades or new panel or subpanel Changes to the plumbing system that require changes to mold mitigation plan or wastewater plan Change to Room Designation with structural change Material change to sale, storage, or preparation of MJ

Permanent Modifications Chart for Marijuana Businesses- Marijuana Infused Product Locations

August 3, 2016

The fee for Grows and Retail apply to MIPs except for the following:

Minor Modification (once application filed, and required building permits are approved, may proceed on modification with inspection later scheduled) Application, Fee, Building IH confirm, and 1 Dept. Inspection Fee $500	Major Modification (must be fully approved before modification can be utilized) Application, Fee, Building IH full review, and 4 Dept. Inspections Fee $1,500
Equipment change as the only change to IH plan SOP change that does not require review by industrial hygienist New or change to equipment (HVAC, irrigation) with no effect on operation plan, floor plan or security plan or industrial hygienist plan	New, replacement or change of equipment or any change to process certified by industrial hygienist Any change to process certified by industrial hygienist Changes to the electrical system that require service upgrades or new panel or subpanel New or change to equipment (HVAC, irrigation) with effect on operation plan, floor plan or security plan or industrial hygienist plan A change to any equipment or system with flammable refinement

Chart of Current Background Check Considerations and Changes Proposed by Subcommittee

Criteria Issue	No approval	Considered for moral turpitude	Approved
Current: Moral Turpitude violations of law	X		
Proposed: Moral Turpitude violations of law are notable but are incorporated into the below convictions criteria		X	
Non-drug Felony offenses			
Current: Felony violations of laws in the last 5 years (non-drug offenses)	X		
Proposed: Felony violations of laws in the last 10 years (non-drug offenses)	X		
Drug Related Felony Offenses			
Current: Felony violations of law for any drugs at any time	X		
Proposed: Drug Felony violation of law in past 10 years (non-marijuana)	X		
Proposed: Drug Felony violation of law in past 10 years that are no longer illegal (marijuana)			X (unless part of compilation of matters considered for good moral character)
Pattern of Arrests			
Current: Pattern of 5 or more arrests in past 10 years	X		
Proposed: Pattern of 5 or more arrests in the past 5 years	X		
Pattern of Violations of Law			
Current: In review with evidence of rehabilitation, any 1 of the following conviction in last 5 years: i) MJ misdemeanor, ii) obstruction/interference/eluding, iii) 3 or more misdemeanor convictions	X		
Proposed: 5 or more misdemeanor violations of law in past 10 years	X		

Sub-committee proposal to replace 30 Day Wait – So long as a city application and fees has been submitted, and a copy of the state green badge is submitted with the city application, the applicant can work/manage during the first 30 day period and continue in Boulder until final city determination is made.

Travis Question to City Staff: What does Boulder City need to feel safe in its "subjective" review of documents? Answer: We recognize we cannot identify every individual violation that may affect good moral character. However, we want to have a checklist so we are as consistent as possible among persons who apply.

City of Boulder Draft Marijuana License Penalty Schedule Guidelines - August 3, 2016

The following is the Penalty Schedule that is used for guidance by the Boulder Marijuana Licensing Authority when proposing penalties. This schedule includes the most frequently occurring violations, but it is not an all-inclusive list of all possible violations of the Boulder Marijuana Codes.

The city Marijuana Enforcement team members are always available to answer questions beforehand about compliance from Boulder Marijuana businesses to ensure that their business operations remain compliant with our local law. Additionally, the City of Boulder offers MJ sales and service training for stores, key-holder training about city inspection requirements and enforcement trends, and MJ city tax requirement trainings so that Boulder Marijuana businesses can acquaint themselves with local laws and operating requirements and notices for these city trainings will be posted on the City of Boulder licensing office website.

Actual penalties may vary depending on a variety of factors such as mitigating or aggravating circumstances, efforts of business to correct the violation, or time between violations. Boulder marijuana businesses have a right of appeal for fine, suspension, and revocation recommended penalties, and if an appeal is timely filed a quasi-judicial hearing before a city municipal court judge will be held.

Operational Infractions	**First Offense**	**Second Offense**	**Third Offense**	**Fourth Offense**	**Fifth Offense**
Unsealed MJ possession by employees at licensed premise or acceptance of samples by employees	$1,000 fine	$2,500 fine	$3,000 fine	$5,000 fine	Revocation
MJ product or plants not properly packaged for removal/transport or MIP products not properly labeled	$1,000 fine	$2,500 fine	$3,000 fine	$5,000 fine	Revocation
Unapproved goods sold at licensed premise	$1,000 fine	$2,500 fine	$3,000 fine	$5,000 fine	Revocation
ID scanner not utilized and/or failure to properly verify ID for determination of age	$1,000 fine	$2,500 fine	$3,000 fine	$5,000 fine	Revocation
Refusing to remove key-holder from management when background is unapproved by city	$1,000 fine	$2,500 fine	$3,000 fine	$5,000 fine	Revocation
Failure to obstruct view MJ of sales or storage of MJ from public view	$1,000 fine	$2,500 fine	$3,000 fine	$5,000 fine	Revocation

Impact on Community or Safety Violations	**First Offense**	**Second Offense**	**Third Offense**	**Fourth Offense**
Illegal Advertising	$2,000 fine	$3,500 fine	$5,000 fine	Revocation
For Medical Marijuana wellness centers only, not having a private consultation room or not offering other holistic offerings at licensed location	$2,000 fine	$3,500 fine	$5,000 fine	Revocation
No city approved key-holder or owner on-site	$2,000 fine	$3,500 fine	$5,000 fine	Revocation
Uncooperative with PD with inspections or investigations or misrepresentation to regulators	$2,000 fine	$3,500 fine	$5,000 fine	Revocation
Refusal to allow city inspections or premise access	$2,000 fine	$3,500 fine	$5,000 fine	Revocation
Sale of LLC shares or corporate stock in Boulder business or adding officers/managing members without proper and complete 30- day pre-file with the city	$2,000 fine	$3,500 fine	$5,000 fine	Revocation
Secure dispensing area not locked or restricted licensed location unlocked	$2,000 fine	$3,500 fine	$5,000 fine	Revocation
MJ product transport details not emailed to BPD and email bounce back not printed for transportation by licensee	$2,000 fine	$3,500 fine	$5,000 fine	Revocation
Processing of MJ in violation of the Code (e.g. at store, at a grow or illegal processing at a MIP)	$2,000 fine	$3,500 fine	$5,000 fine	Revocation
Failure to abide by neighborhood responsibility plan	$2,000 fine	$3,500 fine	$5,000 fine	Revocation
Failure to remedy odor complaints	$2,000 fine	$3,500 fine	$5,000 fine	Revocation
On-premise consumption by customers	$2,000 fine	$3,500 fine	$5,000 fine	Revocation
Failure to operate business in compliance with the license or its operating plan or security plan	$2,000 fine	$3,500 fine	$5,000 fine	Revocation

Health, Safety, and Security Violations	**First Offense**	**Second Offense**	**Third Offense**	**Fourth Offense**
Use of unapproved locking storage that does not qualify as a safe	$2,500 fine	$3,500 fine	$5,000 fine	Revocation

Not making disposed of MJ unusable and unrecognizable and not locking disposal dumpsters	$3,000 fine	$4,000 fine	$5,000 fine	Revocation
Not locking product or receipts in a safe for overnight storage	$3,500 fine	$5,000 fine	Revocation	
MJ or MJ product outside of a licensed premise	$3,500 fine	$5,000 fine	Revocation	
Making a permanent modification of the licensed premises without prior city approval	$3,500 fine	$5,000 fine	Revocation	
On-premise consumption by employees, managers or owners	$3,500 fine	$5,000 fine	Revocation	
Video unavailable, cameras not working, or 40 days video off-site storage copy unavailable	$3,500 fine	$5,000 fine	Revocation	
A person under the age of 21 in the licensed premises of a recreational marijuana business	$3,500 fine	$5,000 fine	Revocation	
Sale of MJ or a MJ product to a person under 21 years of age	$4,000 fine	$5,000 fine	Revocation	

Except for blatant violations including but not limited to selling to minors, it is the practice of the city Marijuana Enforcement Team inspectors to work with a business to assist with compliance before referring a violation to the Marijuana Licensing Authority.

When the city proposes revocation, on a case by case basis and balanced with the seriousness of the violations, repeated violations or lack thereof, the city may offer the licensee a one-time opportunity to sell the business to an already approved Boulder licensee with a good enforcement history and prior approved background checks. This will not be offered to a licensed business more than one time.

Mitigating factors include:

- The violation is a first offense with a single count
- the MJ business contacts the city with a plan for future compliance so that the business will not have future violations.

Aggravating factors include:

- multiple counts or a repeat offense
- the violation occurs after the legal requirement has been explained to the licensee
- the licensee does not contact the city to present a plan for future compliance to avoid repeat violations.

Social Use Club Strawman

What this document does:

- This document is intended to portray wide-ranging views on the pros and cons of establishing a "Social Use Club" for the consumption of marijuana inside Boulder city limits.

What this document does not do:

- This document intentionally does *not* take a position on whether a "Social Use Club" should be established.
- This document does not seek to define "Social Use Club," or to otherwise set parameters on how such a club would be established or operated.

Issue Area	***Pros***	***Cons and/or Concerns***
General Thoughts	- Would provide a widely enjoyed and safe alternative to drinking alcohol - Reduces legal uncertainty surrounding consumption - Encourages responsible use, especially when combined with education efforts - This would enable treating marijuana like alcohol, which is consistent with desires of voters - By creating safe space, would reduce or minimize people consuming in public or in their vehicles - May lead to reduced consumption of edibles by consumers not familiar with theirs effects	- Very little data on the efficacy of social use clubs - Needs more evaluation at the State level before Boulder should consider - There is a shared view that clubs should not be co-located with establishments that sell or distribute alcohol - Not clear how this would be rolled out - Want to better understand "consumption" for social use club: would this be for smoking, eating, vaping, etc. - Potential for unintended consequences if the clubs aren't well thought out when created
Legal Transparency	- Club would answer the question for tourists and visitors about where to safely and responsibly	- It might be more appropriate to wait for explicit guidance from the State (it's expected

	consume	that legislation will be reintroduced at State level next year) - Should be explicit and transparent regulations akin to alcohol regulations
Effects on Tourism	- Creates safe space for tourists and residents to go - Enables clear and consistent policies for visitors who want to consume	- Could draw visitors who only want to consume, and are less interested in contributing meaningfully to Boulder
Boulder's Reputation	- If developed and implemented in meaningful and intention way, it would reinforce Boulder's image as a progressive city that is making data-driven decisions	- Could reinforce view that Boulder is out of touch
Impacts on Law Enforcement	- Social club could result in less public consumption	- Will create increased need for enforcement - May increase more instances of driving while impaired if not carefully thought out and implemented
Effects on Local Businesses	- Would have positive ripple effects on neighboring businesses, especially surrounding restaurants and shops - Could promote Boulder's role as model for others to follow - Might contribute to more people spending time and money downtown	- Would need to look closely at nuisance laws and impacts on surrounding businesses - Zoning might be an issue, especially if local businesses object
Health Concerns	- Provide	- This might not be allowed under Colorado Indoor Clean Air Act

Access by Youth	- If regulated like alcohol, club would restrict underage access	- Need to ensure steps taken on diversion and youth access
Education Efforts	- Could be a venue to help educate tourists - Hospitality groups could refer visitors to the Social Club for educational info	- Need to make sure that the effects of smoking and edibles is made more robust - There would be benefits of creating a social use club, but it would need to be combined with a lot of education about health impacts
Air Quality		- Need to better understand the implications of Clean Indoor Air Act, and respiratory issues for employees
Membership		- Would this be a public club or private club? (this will have potential tax implications)

Recommendations to support public safety and community health

Marijuana Advisory Panel; Creative Ideas Subcommittee - Andy Tucker, Jane Theodore, Andrea Poniers, Kate Thompson, and Alana Malone

The Boulder Marijuana Advisory Panel has acknowledged that although regulations can have an impact on public safety and community health, it is only one component of a larger approach. The Creative Ideas subcommittee was convened two times to develop recommendations that could both support the recommended code revisions and the values of protecting public safety and community health.

The following are recommendations proposed by the Creative Ideas subcommittee and supported by the Marijuana Advisory Panel.

Education and Messaging
Amplify and support the state educational campaign, "Good to Know" utilizing the most effective channels to reach targeted audiences, such as parents, youth, tourists.

- Garner the support of marijuana businesses to help distribute materials to consumers, including tourists, on responsible use, protecting youth, and what Colorado law allows.
- Use bus ads, social media, and/or other most effective channels for further disseminating Good to Know messaging.
- Focus messaging on the effects (health impacts) associated with teen use of marijuana. Ensure most effective channels to reach youth are being utilized.
- Focus messaging and resources to improve parents' ability to discuss marijuana and substance use with their children, especially for parents that are marijuana consumers. This could include working with existing parent groups and/or utilizing social media and blogs to best access parents.
- Consider education and outreach to hospitality industry (e.g. hotels and vistors buereau) to help expand educational channels to reach tourists on responsible use and what Colorado law allows.
- Consider accessing local media outlets to assist with messaging (e.g. KGNU).

Programming
Develop a safe storage program to help prevent diversion or accidental ingestion of marijuana

- Ensure safe storage messaging is reaching consumers, especially parents.
- Provide information and/or discounts on low cost options for safe storage

Consider programs that could mitigate public safety concerns around impaired driving

- Provide information on impaired driving, including factual information on what constitutes impaired driving.
- Consider developing and/or promoting convenient options for safe rides home.

FUTURE ENGAGEMENT RECOMMENDATION

- Recommend we schedule one meeting to be held after the City Council Study Session in order to hold the date if meeting is needed.
    - Purpose:
        - Address Council questions or outstanding issues;
        - Provide closure on MAP process;
        - Confirm frequency and criteria for re-engaging as a Panel;
        - Confirm input has been addressed on revised code/ordinance language before it goes to 1st Reading/Public Hearing.
    - Schedule it for the regular 3 hour session (may take less time)
    - Can be determined as unnecessary and cancelled by majority vote of the Panel immediately following the City Council Study Session.

- Future engagement of this Panel should include those representing the entities identified as part of the current Panel – this is not to become another Board or Commission.

- Future engagement of this Panel should occur annually for the purpose of addressing issues with City Staff prior to the annual ordinance update based on the State legislative outcomes and prior to implementation of new laws.

- Future engagement sessions can also serve as the forum to address any community issues and to take public input in order to reduce City Council time dealing with the issues addressed by the Panel.