

**Marijuana Advisory Panel
Meeting Agenda
June 1, 2016 – 9 am to 12 pm**

Council Chambers – Second Floor of the Municipal Building (1777 Broadway)

- 9:00 am** **Welcome**
- 9:05 am** **Review Work Plan and Schedule**
- 9:20 am** **Hours of Operation**
- Review staff map on proximity of marijuana businesses to residential areas (5 minutes)
 - Panel discussion (15 minutes)
 - Panel proposals and agreements (5 minutes)
- 9:45 am** **Advertising (including Coupons, Non-Marijuana Merchandise, and Sponsorship and Events)**
- Brief staff presentation (10 minutes)
 - Panel discussion (25 minutes)
 - Panel proposals and agreements (15 minutes)
- 10:40 am** **Break**
- 10:50 am** **Business Manager Criteria and Waiting Period**
- Brief summary on State background check criteria (5 minutes)
 - Panel discussion (20 minutes)
 - Panel proposals and agreements (5 minutes)
- 11:20 am** **Permanent Modifications *(if time allows)***
- Brief staff presentation (5 minutes)
 - Panel discussion (15 minutes)
 - Panel proposals and agreements (10 minutes)
- 11:50 am** **Public Comment**
- 12:00 pm** **Adjourn**

Marijuana Advisory Panel – Work Plan (May 20, 2016)

Meetings	Topics
June 1 9 am to 12 pm Council Chambers	<ul style="list-style-type: none"> • Hours of operation • Advertising <ul style="list-style-type: none"> ○ Coupons ○ Non-marijuana merchandise ○ Sponsorship and events • Boulder manager background check criteria
June 9 9 am to 12 pm Council Chambers	<ul style="list-style-type: none"> • Virtual / physical separation (grows) • Permanent modifications • Non-licensees in restricted areas (visitors/tours)
June 30 9 am to 12 pm Council Chambers	<ul style="list-style-type: none"> • Sale of clones • Odor regulations • Schedule of penalties • Packaging at centers
July Meeting#1 TBD	<ul style="list-style-type: none"> • Limits on inventory • City tax revenue allocation breakdown • Creative ideas recommendations • Revisit any unresolved topics to date
July Meeting #2 TBD	<ul style="list-style-type: none"> • Review complete set of recommendations • Finalize all agreements • Review/finalize code language • Agree on approach to Council presentation

Marijuana Advisory Panel Presentation 7

Hours of Operation (continued)
City Advertising Provisions
Manager Background Criteria and 30 day Waiting Period (continued)
Permanent Modification Changes

June 1, 2016

MAP Meeting Agenda

- A. Hours of Operation (continued)
- B. Advertising Provisions (Coupons/Non-MJ Merchandise/Sponsorship)
- C. Business Manager Background Criteria (continued)
- D. Permanent Modifications



Hours of Operation - Subcommittee Compromise

- ▶ Current City of Boulder hours 8AM to 7PM
- ▶ Subcommittee Compromise
 - 8am to 8pm
 - Can transport and complete transactions while not open to customers for one hour after close or until 9pm

Hours of Operation- panel discussion

- ▶ 8AM to 12 Midnight (match state code)
- ▶ 8AM to 10PM for all Boulder locations (match county)
- ▶ 8AM to 8PM for sales locations adjacent to neighborhoods, and 10PM for all others
 - Does choice address neighbor's concerns?

Hours of Operation

- ▶ Youth;
- ▶ Patients;
- ▶ Medical vs. Recreational;
- ▶ Other MJ Businesses;
- ▶ Non MJ Businesses;
- ▶ Economy



City Advertising Provisions

- ▶ A sign with the business name and business address only is allowed at the business location
- ▶ Advertising in publications of general circulation in the city or on the internet allowed
- ▶ May not require a coupon (paper or e-copy) or exchange of anything to obtain the discount
- ▶ Leafleting cars, handing out flyers, ads of vehicles, or handheld signs or sign spinners are not allowed



City Advertising Provisions

- ▶ Selling of wearable or non-consumable merchandise with the business name and logo on it, sale of MJ, and MJ accessories is allowed
- ▶ May not give merchandize for free or sell items in child sizes, designed for the use of minors, or appealing to minors.
- ▶ 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) but may not separately advertise at non-profit events.

Purposes

- ▶ Off-site signs not allowed in Boulder, except for spinners. Spinners prohibited for marijuana businesses in response to citizen complaints
- ▶ Because city cannot regulate content of signs, the only way to prohibit “Joe Camel” or other types of advertising is to prohibit off-site signs and limit merchandise that can be sold.
- ▶ State law prohibits advertising at events where 30 percent or more of the attendees are expected to be minors
 - Any day-time event on the Pearl Street mall, the Hill or Boulder Creek expect more than 30 percent minors in attendance
 - State MED re other state laws



Comparison of Sign Rules







Street level view of marijuana outlets along South Broadway in Denver





City Advertising Provisions

- ▶ Youth;
- ▶ Patients;
- ▶ Medical vs. Recreational;
- ▶ Other MJ businesses;
- ▶ Non-MJ Businesses;
- ▶ Economy

30 Day Waiting Period for Managers

- ▶ State allows employees on licensed premises before any background check
- ▶ City requires at least 30 days from the time the background check information is provided until the person is alone on the licensed premises
- ▶ **Subcommittee proposal** to allow managers to work
 - ▶ With submittal of evidence of state key holder badge
 - ▶ Completed application submitted to city

City Background Checklist

- ▶ City focuses on all background check results, not just felonies
- ▶ State negotiates for background checks to be compliant while city uses checklist
- ▶ If a person has a violation on their record, they may submit evidence of rehabilitation and explanations
- ▶ City requires some time between violation and approval as evidence that rehabilitation is working

City Background Checklist

Purposes

- ▶ To limit entry into market of known offenders of controlled substance laws
- ▶ Implement intention dual licensing program
- ▶ Mirror liquor license background checks that only done locally
- ▶ To allow for re-entry upon shown rehabilitation



Background Check Criteria

- ▶ MED re its procedure

Background Check Criteria

- ▶ Youth;
- ▶ Patients;
- ▶ Medical vs. Recreational;
- ▶ Other MJ businesses;
- ▶ Non-MJ Businesses;
- ▶ Economy



Permanent Modifications

- ▶ Current city code - almost any physical change to MJ licensed location is modification, including replacements of equipment or added electrical or HVAC
- ▶ Staff proposal - if planned change at grow or store does not involve changes to the operating plan or operating diagram, then a minor modification process should be allowed for a \$500 lower fee.
- ▶ No difference recommended for small modifications for MIPs.
- ▶ Small modifications will only involve one city department inspection and approval, not four.



Permanent Modifications

- ▶ If the planned modification involved amendment to operating plan or to operating diagram, then the full permanent modification would be required, with Licensing, Planning, PD, and Fire inspection approvals and standard \$3,000 fee.
- ▶ Staff believes that this change will encourage better compliance

Permanent Modifications

- ▶ Youth;
- ▶ Patients;
- ▶ Medical vs. Recreational;
- ▶ Other MJ businesses;
- ▶ Non-MJ Businesses;
- ▶ Economy