



MARIJUANA ADVISORY PANEL

Summary of Process and Recommendations
City Council Study Session
August 23, 2016



Plan for the Presentation

- Process Overview – Sandra Llanes (City Attorney’s Office)
- Collaboration Overview and Recommendation for Ongoing Discussion: Andrea Meneghel (Boulder Chamber)
- Recommendations for Education and New Programming: Heath Harmon (Boulder County Public Health)
- Summary of Recommendations for Code Changes: Kate Thomson (Skinny Pineapple)
- Next Steps and Questions for Council: Sandra Llanes
- Discussion with Council

Process Overview

- The City Manager selected 12 people to represent the variety of interests in Boulder regarding marijuana regulations.
- Interests on the Panel included marijuana businesses, the broader business community, medical marijuana patients, public health, education (higher education and K-12), the State of Colorado, and the broader Boulder community.
- A meeting facilitator and several members of City staff from multiple departments supported the Panel.
- The Panel met for 11 3-hour meetings, with additional subcommittee meetings occurring offline to explore issues and bring back proposals to the full group.
- All meetings were publicly noticed and all agenda, materials, and minutes were posted on the city website.
- The Panel invited public comment at the end of each meeting to ensure additional perspectives could be heard in the process.

Recommendations Table

- The Panel has prepared a table that summarizes their recommendations.
- The table includes several columns to provide context regarding the recommendations. For each topic, the table includes:
 - *A description of the issue, including multiple perspectives where appropriate*
 - *The current language in the City Code*
 - *The Panel's recommendation*
 - *Staff considerations (where needed, to highlight specific challenges or issues)*
- Some of the Panel's recommendations would require changes to Title 9 of the City Code and/or review and approval by Planning Board prior to Council action. These are noted in the table.

Focal Points to Guide Discussion

Staff shared with the Panel the following focal points that have guided the development of the City Code to date and should be considered in all Panel recommendations:

- *Minimizing negative impacts on neighbors*
- *Eliminating presence in residential areas*
- *Preserving diversity of business types by preventing concentration of businesses*
- *Enforcing regulations for responsible businesses*
- *Protecting public and first responder safety*
- *Ensuring fees cover costs*

Collaborative Approach

- Each discussion on current regulations started with a presentation from staff regarding the current Code language and the reasoning behind it.
- Panel members then:
 - *Asked staff questions to ensure shared understanding about the issue from the City perspective, including any additional legal, implementation, or other concerns.*
 - *Asked one another questions to learn what the interests and perspectives of the various parties were.*
 - *Offered draft recommendations for change to the City code and then discussed them, as well as additional considerations along the way.*
 - *Asked subcommittees to explore options offline and bring back recommendations at a later meeting if needed.*
 - *Reached compromise on all recommendations by consensus.*

Sharing Perspectives

- Collaborative nature of sharing perspectives led to understanding how the local ordinance worked in relation to State law and impacted the community and local businesses.
- The focus was to better align the local ordinance with State regulations while considering the points outlined by the City as our purpose.
- All members of the Panel worked to understand one another's perspectives and find ways to address them until we had recommendations with general support.
- When the Panel got stuck, members would meet in subcommittees to further discuss ideas, concerns, and options in order to bring back a proposal for the larger group to consider.
- In the end, the Panel came together to support all of the recommendations.
- Staff was actively involved in discussions with MAP as recommendations were formed and identified issues, which are reflected in the MAP chart under the heading Staff Considerations.

Recommendation: Annual Discussion

- One meeting to be held if needed in September to address any issues that emerge and to review draft code language from the City Attorney's Office
- Annual meeting of this Panel to serve the following purposes:
 - *Address emerging issues and revisit other topics related to marijuana*
 - *Engage directly in response to State Legislative updates, prior to annual code update*
 - *Address any community issues and to take public input in order to reduce City Council time dealing with marijuana issues*
 - *Address draft policies that are under discussion at the State legislature*
- Maintain current mix of organizational representation, preferably with current members for the sake of efficiency and consistency. Also, potentially add two additional unaffiliated citizens and a Boulder County representative.

Recommendation: Expanded Education

■ Expand “Good to Know” Campaign

- *Audiences include parents, youth, educators, tourists.*
- *Collaborate with marijuana businesses to help distribute materials to consumers*
- *Use most effective channels based on audience (social media, radio, etc.)*
- *Focus messaging on the effects (health impacts) associated with teen use of marijuana; improve parents’ ability to discuss substance use with their children; outreach to hospitality industry*

Time Spent:

- Panel – < 1 meeting
- Subcommittee 1 – 30 min (5 people)
- Subcommittee 2 – 30 min (4 people)
- Plus staff time



Recommendation: New Programs

- 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*

Further Thoughts and Appreciations

- The improved understanding and collaboration among stakeholders was both helpful for the work of this panel and should help create a stronger foundation for future efforts.
- The Panel 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 of the City of Boulder for their public service.
- Many members of the Panel are in the audience tonight and are available to answer any questions from Council.

Outcomes of a Successful Process

- A key outcome is improved understanding and collaboration among stakeholders—including industry, health, community, and City licensing—which in turn enabled compromise among diverse perspectives.
- The Panel discussed and reached agreement on a number of refinements that have already improved the working relationship between industry, City staff, and other stakeholders moving forward. Examples include:
 - *Daylighting and revising the criteria that are used to evaluate prospective business managers to ensure equal access to advancement while maintaining high-quality management*
 - *Reorganizing and revising the schedule of penalty guidelines to increase clarity for industry and ensure that health and safety violations are penalized at an appropriate level*
 - *Creating tiers of modifications that can be made to businesses and clarifying and revising the fees associated with the tiers*

Recommendation: Revisions to Code (KT)

- **Advertising**: The Panel recommends specific updates and clarifications to the code in the areas of terminology, discounts and coupons, informational/educational materials, and sponsorships and events.
- **Merchandise**: The Panel recommends aligning with the State on regulations related to branded and unbranded merchandise.
- **Zoning**: The Panel recommends upholding density restrictions and making adjustments to square footage limits, permanent modifications, virtual separation and caps on licenses for marijuana businesses.
- **Business Operations**: The Panel recommends changes to the hours of operation, background checks and waiting periods, and terminology.
- **Licensing**: The Panel recommends updates and amendments to the City code on license transfers, transfer of products and plants between licensed facilities, and penalty schedules.
- **Sales**: The Panel recommends changes surrounding the sales of clones.
- **IDs**: The Panel recommends flexibility to the ID scanner requirements and the addition of confiscating ID language to match the liquor code.

Recommendation: Revisions to Code Advertising and Merchandise

- Discounts/coupons
- Education
- Events
- Job fair
- Signs (no change)
- Merchandise

Time Spent:

- Panel – over 4 meetings
- Subcommittee – 2 hours (5 people)
- Plus staff time



Recommendation: Revisions to Code Zoning

- Square footage limitations
- Setbacks
- Limit of MIP licenses
- Size of cultivation facilities
- Maximum # of dispensary licenses held by one owner
- Permanent modifications
- Virtual and physical separation

Time Spent:

- Panel – over 4 meetings
 - Needed staff experts' participation
- Plus staff time



Recommendation: Revisions to Code Business Operations

- Term “business manager”
- 30-day waiting period for manager background checks
- Manager background criteria
- Hours of operation
- Visitors
- Maintaining surveillance backup – align with State
- Odor regulations (no change)

Time Spent:

- Panel – over 4 meetings
- Subcommittee – 30 min (5 people)
- Plus staff time



Recommendation: Revisions to Code Licensing

- Transfer license to new owner
- Transport between facilities
- MIP applications
- Posting for suspensions
- Schedule of penalties
- Transfer of license location (no change)

Time Spent:

- Panel – over 3 meetings
- Subcommittee – 30 min (5 people)
- Plus staff time



Recommendation: Revisions to Code Sales and IDs

Sales

- Labeling of product
- Sale of clones
- Seeds (no change)

IDs

- ID scanner requirement
- ID scanners at grows/MIPs
- Confiscating fraudulent IDs

Time Spent:



- Panel – over 1 meetings
- Subcommittee – 30 min (5 people)
- Plus staff time

Time Spent:



- Panel – over 1 meetings
- Subcommittee – 15 min (5 people)
- Plus staff time

Questions for Council

1. Do you agree with the Panel's recommendations? If so, which Panel recommendations should staff draft an ordinance to implement?
2. Does Council support the Panel'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 Panel or staff regarding the materials presented today?