

Licensing

If a person or company sells products or supplies to a medical marijuana dispensary in Boulder, does that company or person need to apply and be approved through the licensing process the same way a dispensary is?

Medical Marijuana Business License is required of any business which:

- Distributes products containing marijuana,
- Produces products containing marijuana,
- Possesses products containing marijuana, or
- Sells products containing marijuana ([Section 6-14-3\(a\)](#), B.R.C. 1981).

In order to conduct any sales in Boulder, the business must:

- Have a sales and use tax license and
- Pay taxes to the City of Boulder ([Section 3-2-11](#), "Sales and Use Tax License", B.R.C. 1981).

Do I have to obtain a medical marijuana business license from the City if I perform the bookkeeping and other clerical work for the business at my home or other location?

[Section 6-14-3\(d\)](#), B.R.C. 1981 provides that a separate license is not required if the business meets the requirements of that subsection. One must obtain a sales and use tax business license with the City of Boulder for a home office prior to starting the business. You will need to comply with the requirements for a medical marijuana business for the city in which the wholesale operations occur (as the city's laws cannot change the requirements of the other city for businesses within that city).

Since I already have my letter of completion from April 21st, do I need another inspection?

Yes, see [Section 6-14-5\(d\)](#), B.R.C. 1981.

- A physical inspection of all medical marijuana businesses is required prior to stocking a business and prior to issuance of a MMB License. For businesses that started prior to August 2, stock does not need to be removed from the business prior to inspection.
- This inspection will happen at the end of the licensing process, and will include city inspectors from Licensing, Police, Fire, and Wastewater and Pretreatment staff, at a minimum.

If we want to move our Vail grow to Boulder, can we still apply now?

Yes. Any new MMB must obtain a MMB license from the city prior to opening.

- The city is accepting applications for businesses anytime.
- See filing requirements on the city's medical marijuana website and posted FAQs.

Can we combine an existing grow operation in another city with our Boulder grow operation?

Yes, so long as you do so in compliance with [Chapter 6-14](#), "Medical Marijuana" of the Boulder Revised Code.

- If you have the land use approvals for the existing operation and are in compliance with all Boulder codes, the city does not check the source of the plants placed in a grow operation in the city.
- If combining businesses changes the form, name, expanded space, or location of the existing business, the combined business may not open under the new name or form, or at the new location or expanded space until it has received a MMB license from the city.

If a financing entity is owned, or partially owned, by another business entity, how far down the chain must we go?

In order to do background checks, each individual must be named and submit a completed Attachment B to the application. Therefore, you have to "go down the chain" of a business entity until you get to an individual.

If the city code defines Primary Caregivers to be the same as the definition in Article 18, Section 14, of the Colorado Constitution and HB 1284 defines employees of medical marijuana businesses as not "Primary Caregivers" under Colorado Constitution, then it would seem that employees of a medical marijuana business in Boulder do not need to submit this information.

The state law does not invalidate Boulder's law for medical marijuana businesses in Boulder.

- Only patients and caregivers can lawfully operate a medical marijuana business in Boulder.
- All caregivers that will consult with patients or distribute medical marijuana in a medical marijuana business must submit a Background Check and Financial Interest Record. [Section 6-14-5\(a\)\(2\)\(C\) and \(10\)](#), B.R.C, 1981.

Applicant has borrowed money from individuals and entities, in exchange for promissory notes. None of the promissory notes for these lenders grant the holder any ownership percentage. Under these circumstances, must these lenders:

1. **Be listed in Sec 1.A. of the license application;**
1. **Complete a Financial Interests Record Form; or**
1. **Be finger-printed/background checked?**

All lenders, donors and financiers (except banks), whether one has ownership interest or not, must be listed in 1.A. of the application. [Section 6-14-5\(a\)\(2\)\(B\)](#), B.R.C 1981. Additionally, each must:

- Complete a Background Check and Financial Interest Record;
 - Submit original fingerprint card;
 - Submit a copy of a driver's license; and
 - Submit a check to CBI for \$39.50 to cover the background check. Please include a copy of the promissory note.
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TRANSFER OF LICENSE

Are licenses transferable to other locations or other businesses?

No, sales and use tax licenses and medical marijuana business licenses are NOT TRANSFERABLE to another location for the same business or to another owner of the same business. [Section 6-14-3\(e\)](#), B.R.C 1981

New licenses are required if the business moves or if there is a sale of the business to a different owner

SALES AND USE TAX LICENSE

What if I have not paid sales or use taxes to the city?

Failure to comply with any of the city codes can be grounds for denial, suspension or revocation of a medical marijuana business license or any other license issued by the city.

If you currently owe the city taxes, you should contact the Finance Department and ask how to remedy the situation, and get on track to submit sales and use taxes as they become due.

I purchased an existing medical marijuana business in June and have not yet applied for a sales and use tax license or a medical marijuana business license. Can I continue to operate the business while my applications are being reviewed?

No. It is illegal for you to operate any business without a new sales and use tax license from the date you purchased the business.

Sales and use tax licenses are not transferable to a different owner or a different location ([Section 3-2-11\(b\)](#), B.R.C. 1981). Therefore, the business was not legally open and operating by August 2, 2010, and may not be open or operated until a medical marijuana business license is issued for

the current owner in accordance with Chapter 6-14 and the instructions for submittal of the license application that are on the website.