

Overview of Inspection Requirements for New Marijuana Businesses

2018

Business License Inspections

Before a marijuana business receives its license from the City of Denver it must complete required inspections. This document gives an overview of what each agency looks for before approving a business license inspection for a marijuana establishment.

The requirements listed here are not all encompassing. Businesses are required to comply with all standards laid out in codes, ordinances and regulations (including but not limited to the Denver Revised Municipal Code, the Denver Zoning Code, Denver Building Code, Denver Fire Code, International Fire and Building codes). Businesses must also obtain all required permits before they will obtain a license to operate. Businesses are encouraged to consult with a private attorney and a licensed contractor to ensure full compliance with state and local regulations.

Excise & Licenses

For all marijuana businesses

- Verifies that “Limited Access Areas” are clearly marked on the licensed premises diagram
- Verifies that “Limited Access Areas” are marked with appropriate signage
- Verifies that the facility’s layout matches the City approved floor plan
- Checks for a valid Alarm System Permit from the City of Denver
- Verifies proper installation and use of the alarm system
- Verifies that the security surveillance system is properly installed and used
- Verifies all entry and exit points to the facility are video monitored from both the inside and outside
- Verifies the surveillance system for infused product manufacturers, cultivation facilities, and testing facilities have a minimum of 40 day recording
- Verifies all security guards on site are properly licensed
- Checks product packaging and labeling
- Checks for proper authorization, licensing, and manifest documents
- Verifies that there is no product visible from the exterior of the building
- Checks for the installation of a safe or safe room
- Verifies a proper waste disposal method is in use
- Verifies medical and retail inventory is clearly marked and separated
- Checks for proper storage of contaminants and chemicals
- Checks for proper operational permits
- Verifies that any extraction processes are properly licensed and permitted

For Stores and Centers

- Verifies that the surveillance system has a minimum of 40 day recording retention
- Checks that any co-located/co-terminus business is being conducted in properly segregated areas
- Checks for a valid State Sales Tax License
- Checks for a valid City Sales Tax License
- Checks for posting of Hours of Operation that do not violate City regulations
- Checks for posting of proper regulatory signage
- Verifies the business is in compliance with advertising regulations
- Verifies the business is not offering any “free” products
- Verifies the business is not selling any non-marijuana products
- Verifies the restricted area access area is properly marked, and that the log is properly maintained

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Community Planning & Development: Development Services

Construction

- Adherence to the 2015 International Building Code and other ICC codes adopted by Denver
- Adherence to the 2016 Denver Building and Fire Code
- Proper occupant loads
- Proper exit paths, signage and hardware, including handicapped ramps if required
- Proper Certificate of Occupancy
- All ADA requirements
- Address posted on building
- Proper installation of firewalls and fire joints
- City approved engineered drawings on site; construction follows plans

Electrical

- Adherence to the 2017 National Electrical Code
- Adherence to the 2016 NFPA 72 National Fire Alarm and Signaling Code
- City approved engineered electrical drawings on site; construction follows plans
- Area is safe prior to inspection
- Installation methods and practices meet minimum required National Electrical Code Listing and labeling of all equipment (e.g. UL Listings, etc.)

Mechanical

- City approved plans on site; construction follows plans
- Inspects the ventilation and make up air systems
- Inspects the condensate disposal of refrigeration systems
- Checks that dampers and ducts are properly installed and supported
- Inspects for proper exhaust on extraction systems

Plumbing

- City approved plans on site; construction follows plans
- Inspects gas lines
- Pressure tests the water supply system
- Inspects fire sprinkler system for correct coverage and installation
- Checks bathrooms for compliance with applicable ADA requirements

What to expect during a zoning business license inspection or a Certificate of Occupancy (CO) zoning inspection

Before requesting a zoning inspection, make sure you have completed each of the following:

- Know what type of inspection you need and how to request it
 - For a CO or Temporary Certificate of Occupancy (TCO), go to denvergov.org/buildinginspections to schedule your inspection online. You'll need either a residential or commercial construction permit number (a "RESCON" or "COMMCON") to schedule zoning inspections online.
 - For a zoning inspection on a business license (e.g., for marijuana facilities), dial 3-1-1 (720-913-1311 if you are outside of Denver) to request this inspection by phone. Please be specific about what you need inspected. You'll need an Excise & Licenses record number to schedule this inspection.
- Have your approved zoning site plan and floor plan ready to show the inspector
- Ensure all parking is paved and striped with wheel stops installed
- Ensure handicap spaces are painted and delineated with an upright handicap sign in front of the space
- Ensure you have zoning approval for all roof-top units (RTUs) (e.g., A/C units, roof-top mechanical equipment)
- Ensure you have zoning approval for any exterior façade changes, including new signs
- If landscaping was required, make sure it has been installed if the inspection is during the growing season of April 1–Oct. 1. From Oct. 2–March 31, if landscaping is not installed, make sure you have a letter on company letterhead to give to your inspector that states your intent to install the landscaping by May 15th.

The inspector will check each of these items, noting that this may not be an exhaustive list for all scenarios:

- Does the inside of the business match the approved floor plan(s)?
- Have all RTUs been approved and permitted by zoning?
- Do the use(s) being conducted at the site match what was approved? Has the use been expanded without permits?
- Has the required parking (vehicular and bike, if applicable) been provided and appropriately striped, including designating and signing handicap spaces? Are there bumper wheel stops in places where there are no curbs?
- Was landscaping required, and if so, does the installed landscaping match the approved site plan?
- Do all outdoor lighting fixtures have full cutoff fixtures attached to prevent glare or light expelling from one zone lot to another (unless lights were previously permitted under different standards)? In industrial zone districts, free-standing light fixtures cannot exceed 35' in height.
- Are all trash storage areas screened and placed flush or behind a street-facing façade (or placed as shown on approved zoning plans)? In industrial zone districts, screening is not required but dumpster locations must be shown on the site plan, since dumpsters are over 12" in height so they are considered to be a structure.
- If there is any outdoor storage, is it shown on the permit and does its location match the approved site plan?
- If there is a fence, is there a permit for the fence and is it shown on the site plan? Barbed wire or razor wire is only allowed if the Fire Department has approved it in industrial zone districts.
- If there have been any changes to the exterior façade, have these been reviewed and approved by zoning?
- If there are signs erected, have they been permitted, and do they match what is described on the permit?
- If the project involves phased construction, does the current portion have enough off-street parking for the use?
- Does the Xcel transformer placement match the approved site plan? Are there any zoning violations with its placement?

Please note - always check denvergov.org/buildinginspections for the most up to date inspection guidance.

Denver Fire Department

- Verify that valid Operational Permits are posted including: Medical and Retail Store/Center, Medical and Retail Grow, Medical and Retail Infused Products, and Medical and Retail Testing Labs (all DFD Permits must be renewed annually)
- Verify that valid operational permits for hazardous processes are posted including but not limited to: CO2 enrichment, fumigation, and extraction (all DFD Permits must be renewed annually)
- Verify that a valid Pesticide Inventory Statement is posted
- Verify that valid storage permits for hazardous materials or solvents are posted including: LPG, Compressed gas
- Verify certificate of occupancy has been obtained and is posted
- Verify that building permits have been pulled and finalled as applicable for construction or modifications
- Check for proper locking mechanisms (one motion panic hardware, no thumb turn latches, etc) are on premise
- Check for KNOX boxes and current keys
- Check that exhaust and makeup air of CO2 systems are within the allowable parts per million limits
- Inspect the CO2 system for correct set limits
- Verify that all lights have chains with two points of contact
- Verify that all life safety systems are being maintained and have appropriate documentation in log books as required by Denver Fire Code
- Verifies fire extinguishers have been inspected and are properly hung
- Ensures exit lights are green and functioning
- Ensure that paths of egress are clear and maintain 36" clearance
- Verify that hazardous processes are following standard protocols for safety including using meters to detect gases or hazards
- Ensure proper storage of flammable and combustible materials
- Verify that extension cords are not being used in lieu of permanent wiring
- Verify that gas and electrical utilities are maintained in a safe manner
- Verify compliance with the Denver Fire Code, Denver Building Code, International Fire and Building Codes

****For information only, please note this list is not inclusive and any code violations will be addressed regardless of inclusion or exclusion on this or any other informational lists.*

Department of Public Health & Environment

Public Health Inspections

Inspection Process Overview: STORES, CENTERS & INFUSED PRODUCT MANUFACTURERS

PLAN REVIEW

Prior to requesting a license sign-off inspection, all marijuana dispensary stores and MIP facilities are required to undergo a health plan review for all new construction and any remodeling requiring a permit. Contact the Public Health Inspections plan review team for more information at DEHplanreview@denvergov.org or **720-865-2832**. Failure to complete plan review process will delay health approval for license sign-off inspection.

LICENSE SIGN-OFF INSPECTION

After the Public Health Inspections plan review is completed, businesses contact the Department of Public Health & Environment to request a license sign-off inspection. Businesses may request a specific time and date to meet with an investigator. Scheduling a license sign-off inspection can be done by emailing DDPHE at phicomments@denvergov.org or by calling **311 City Services** (720-913-1311 if calling from outside of Denver). During the license sign-off inspection, the investigator verifies all equipment is in place per plan review documents. The license is digitally "signed-off" if facility is compliant with plan review requirements. Denver Excise & Licensing requires license sign-off inspections occur prior to issuing a Denver business license.

THE FOLLOWING MUST BE CONFIRMED FOR A LICENSE SIGN-OFF:

- ✓ All equipment is in place and functioning correctly
- ✓ Hot water is available at hand washing sinks (*measuring minimum of 100°F within 30 seconds of activation*)
- ✓ Hand washing sinks are available in all areas where open food handling occurs
- ✓ Hot water is available at 3-compartment sink (*measuring a minimum of 110°F*) (MIPs)
- ✓ Restrooms are properly constructed and have appropriate fixtures
- ✓ Floors, walls, ceilings are smooth, durable, and easily cleanable
- ✓ Food preparation sink is available (*if necessary*) (MIPs)
- ✓ Mop sink is installed and properly plumbed
- ✓ Ventilation system is in place and working properly (*if necessary*) (MIPs)
- ✓ Outer openings are protected from pest entry
- ✓ Future violation prevention
 - Be prepared to discuss production processes, ingredient sources, and products in detail
 - Recommend discussing any plans for future expansions

*****NOTE:** PHI encourages business operators to be present during the license sign-off inspection, as this is an opportunity for the business operator to ask questions and get information prior to the business opening. PHI also offers basic food safety classes and has many educational materials available. Ensuring product safety systems and active managerial controls are in place is a primary goal during the license sign-off inspection.

Public Health Inspections Division
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Web: www.denvergov.org/healthinspections | Facebook: [Denver Public Health Inspections](https://www.facebook.com/DenverPublicHealthInspections) | Twitter: twitter.com/DenEnviroHealth

Department of Public Health & Environment

Public Health Inspections

Inspection Process Overview: STORES, CENTERS & INFUSED PRODUCT MANUFACTURERS

REGULATORY INSPECTIONS

Regular inspections occur 1-2 months after the license sign-off inspection and approximately every 6 months thereafter. Re-inspections may be needed to demonstrate correction of violations following the inspection. Regular inspections and complaint-based inspections are unannounced visits.

PUBLIC HEALTH RISK FACTORS THAT ARE MONITORED DURING REGULATORY VISITS INCLUDE:

APPROVED SOURCE

- ✓ All ingredients are sourced from licensed and inspected manufacturers
- ✓ Ingredients not spoiled or unwholesome

PRODUCT CONTAMINATION

- ✓ Laboratory reports for tests such as microbials or pesticide residues may be requested and reviewed
- ✓ Robust controls should be in place for solvent, mold, chemical, and microbial control

EMPLOYEE ILLNESS & EMPLOYEE KNOWLEDGE

- ✓ Verification of Employee Illness Policy to ensure employees experiencing gastrointestinal symptoms are not handling consumable product
- ✓ Operator must ensure employees receive proper training as it relates to their duties

PERSONAL HYGIENIC PRACTICES

- ✓ Employees must be trained how to properly wash hands, where to wash, and when to wash
- ✓ Employees must not handle ready-to-eat products with bare hands

TEMPERATURE CONTROL

- ✓ If facility has potentially hazardous foods requiring temperature control:
 - Potentially hazardous infused foods (*hash oil, tinctures, oils, butter, etc.*) must be held cold (*at or below 41°F*)
 - PHI may approve infused foods to not be held cold and issue approval letter on case-by-case basis
 - A calibrated probe thermometer (*ranging from 0°F-220°F*) must be onsite and used if potentially hazardous foods are present in facility

SANITIZATION of EQUIPMENT

- ✓ Food contact surfaces must be properly washed, rinsed, and sanitized
- ✓ In-place sanitizer must be provided in all areas of active food handling
- ✓ Facility must have the appropriate test strips to monitor sanitizer concentration

HAND WASHING & TOILET FACILITIES

- ✓ Hot water must achieve 100°F within 30 seconds of activation at hand washing sinks
- ✓ Soap and paper towels must be provided at each handsink

PEST CONTROL MANAGEMENT & ANIMALS

- ✓ Pests must be minimized
- ✓ No evidence of animals on premise

TOXIC MATERIALS

- ✓ Toxic materials must be stored below and away from consumable products
- ✓ Toxic material must be clearly labeled and used per label instructions

Repeat critical violations in a 12-month period can result in the assessment of fines against food facilities. To learn more or to access training resources, food safety information, or inspection results, visit us online at www.denvergov.org/phi. The division of Public Health Inspections strongly encourages you to implement your own internal daily "inspection." Check out our Food Safety System Toolkit (on our website), which is designed to help you identify issues that you should monitor on a daily basis. Contact your area investigator or write us at phicomments@denvergov.org to set up a free consultative visit that can include a mock inspection, an assessment of your processes, education for your staff, or a combination. Find us on Facebook at www.facebook.com/DenverPHI.

Please visit <http://www.surveymonkey.com/s/foodinspectionsurvey> to complete a brief survey and provide feedback on this visit. The Denver Department of Environmental Health is now offering a 90-minute online food safety training course for the cost of \$10 in English, Spanish, Vietnamese, Mandarin, and Korean. A link to the course can be found on our website (www.denvergov.org/phi).

Please note that this checklist is not all inclusive. Please visit our webpage to access regulations.

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Department of Public Health & Environment: Environmental Quality (cultivation facilities only)

- Identifies the number of lights
- Identifies the number of flower lights
- Identifies the type of lights used
- Identifies the light disposal method
- Verifies appropriate storage containers are being used
- Identifies what type of pesticides (if any) are being used
- Checks odor control systems (type, location, # of units)
- Checks the waste water management system
- Checks the marijuana waste disposal method
- Checks that the facility has an approved Odor Control Plan

Annual Compliance Inspections

- Once licensed, each business will also be subject to annual compliance inspections from various City agencies. The inspectors will visit the businesses to ensure that the facilities remain in compliance with the above requirements as well as all standards laid out in codes, ordinances and regulations identified above.
- Businesses must also obtain all required permits before modifying the premises or adding an operation (e.g. marijuana extraction processes). The process to obtain those permits may also require an inspection
- The number of visits and the types of facilities inspected varies per Department and is specified in the chart below.

Number of Annual Compliance Inspections Performed By Each City Agency per License Type

	Environmental Quality	Excise and Licenses	Fire Department	Public Health Inspection
Retail Stores	-	1	2	2
Retail Cultivation Facilities	1	1	2	-
Retail Infused Products Manufacturers	1	1	2	2
Retail Testing Facilities	-	1	2	-
Medical Centers	-	1	2	2
Medical Cultivation Facilities	1	1	2	-
Medical Infused Products Manufacturers	1	1	2	2