Marijuana Business Inspections

Multi-Agency Experts’ Roundtable
Marijuana Management Symposium
Nov. 6, 2015
Cross-Collaborative Model

• How to implement a process for Inspections that includes 5+ agencies, has compliance checks for 7 (soon to be 8) types of marijuana licenses (stores, grows, kitchens and testing facilities)?

• How to set standards for an industry that has traditionally operated underground?
Coordination of Agencies

The city established an internal framework for coordinated regulation and enforcement efforts through:

- Monthly Marijuana Team meetings
- Operations dashboard
- Inspector cross-trainings
- Education to industry regarding city processes and regulations
- Work groups for particular topics
- Tracking enforcement actions through a central location
Licensing Process

1. **ZONING PERMIT PROCESS** (Community Planning and Development)
2. **LICENSE APPLICATION** (Excise and Licenses)
3. **PUBLIC HEARING PROCESS** (Excise and Licenses)
4. **INSPECTION PROCESS** (Multiple agencies: Excise and Licenses, Environmental Health, Fire Prevention, Community Planning and Development)
5. **LICENSE ISSUANCE PROCESS** (Excise and Licenses)

*Building permits are required in order to modify the premises. Building permits must be finalized before a business license can be issued. However, you may apply for building permits and a business license at the same time.*

**Public hearings are only required for Medical Marijuana Dispensaries and Retail Marijuana Stores.**
Inspections

• CPD has two inspection groups – building and neighborhood
  – Building consists of the various construction inspectors for mechanical, plumbing, electrical and construction
  – Neighborhood handles zoning and property maintenance inspections
• These inspection groups inspect all new construction including tenant finishes

• CPD does not perform compliance inspections on the building side
• Neighborhood conducts inspections in response to complaints around things such as trash and too much signage, but only when complaints are received
Red Flags

- **Building** – Work being done without permits, overloaded electrical panels and open wiring, blocking of egress corridors and exit doors

- **Neighborhood** – Not having the appropriate type of zoning permit for use for the activity happening at the site, more than the allowed 12 marijuana plants in a residential unit

- Issues with marijuana extraction
Inspections

- All final inspections for all types of new marijuana facilities
- Compliance inspections on all licensed marijuana businesses once a year
  - Retail Stores / Medical Centers
  - Retail / Medical OPCs (grows)
  - MIPs
  - Testing Facilities
Red Flags

- DVR not operational, monitor not working properly, and access log not kept up to date
- MJ employees not wearing MED badges
  – This is improving
- Unable to provide Denver alarm permit.
- Hours of operation not posted
- Floor plans don’t match
- Unlicensed guards
Inspections

• License and Certificate of Occupancy Sign Offs.
• Compliance inspections twice annually.
• Operational permits needed for all occupancies.
  – Renew annually.
Inspection Hazards

• Construction without permits.
• Improper electrical work.
  – Ignition source & electrocution hazard.
  – Misuse of power strips and extension cords.
• Impaired means of egress
  – Life safety concerns: occupants and emergency responders.
  – Non compliant locks.
• Fumigation
• Extraction Processes
Food safety

- Regulations (Ch 23, D.R.M.C.) are applied to marijuana food business (since 2010)
- Includes extraction operations if consumed via “non-smoking oral consumption”
- All manufacturers and retailers receive a minimum of two inspections annually
Inspection Challenges

- Understanding extraction processes
- Unapproved equipment
- Industry lacks food safety expertise
- Establishing clear policies that prioritize inspector safety
- Complex supply & distribution
- Staffing
- Communications
Pesticide Residue Investigations

- Authority under Chapter 24, D.R.M.C.
- Complex jurisdictional issues
- Concern with potentially harmful residue
- Six recalls since start of September affecting tens of thousands of units
- Lack of widespread controls in industry
- Unknown health impact
Enforcement Tools

• Importance of consistent use of enforcement tools to achieve compliance
• Administrative citations assessed for repeat violations
• Food disposals, facility closures where imminent health hazards exist
• First ever recalls of marijuana food product conducted in 2014
Worker Safety

- Worker safety is a top priority
- Departments/Agencies have varying levels of engagement in marijuana operations – from inspection to seizure
- Understanding the hazards that may be present at every level of engagement is important
- Consult with the Safety and Health Professional in your organization to develop an effective worker safety program
• Conduct a Job Safety Analysis (JSA)
  • Identify common hazards – slips, trips, falls
  • Identify uncommon hazards – chemicals, booby traps, clandestine grows
• Personal Protective Equipment - Respiratory protection, eye protection, exposure barriers
• Use the JSA to develop a Safety Plan with specific procedures for each level of engagement
• Consult with Human Resources and Workers Compensation teams
• Continuous Improvement – this is a dynamic process
Employees are responsible for their safety! It is important to determine what actions are appropriate before entering any MJ facility.

– Preplanning; Review Safety Plan
– Proper PPE selection and use
– Identify possible hazards – review permits or inspection reports
– Conduct a Site Survey prior to entry
Universal Workplace Safety

• Bring all PPE as a safety measure; don proper PPE before entering the property or operations rooms
• Heed any posted safety and warning signs
• Leave the facility in cases of imminent dangerous
Worker Safety Errors

• Not consulting with Safety and Health Professional in your organization
• No pre-planning; under-estimating or discounting hazards
• Approaching an emergency event as a “routine” operation or task
• Entering a facility without the proper PPE
• Ignoring posted warnings
• Remaining in the facility against your better judgment
Thank You!

Questions?
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