2017 Denver Marijuana Management Symposium
Social Consumption
DEPARTMENT OF COMMERCE, COMMUNITY AND ECONOMIC DEVELOPMENT

Alcohol and Marijuana Control Office

Erika McConnell, Director
October, 2017
AS 17.38.040. Public consumption banned, penalty.
It is unlawful to consume marijuana in public. A person who violates this section is guilty of a violation punishable by a fine of up to $100.

3 AAC 306.990. Definitions.
(a)(6) “in public”
(A) means in a place to which the public or a substantial group of people has access;
(B) except as provided in (C) of this paragraph, includes highways, transportation facilities, schools, places of amusement or business, parks, playgrounds, prisons, and hallways, lobbies and other portions of apartment houses and hotels not constituting rooms or apartments designed for actual residence;
(C) does not include an area on the premises of a licensed retail marijuana store designated for onsite consumption under 3 AAC 306.305;

AS 17.38.121. Power and duties of the board.
(c) When considering an application for licensure, the board may reduce the area to be designated as the licensed premises from the area applied for if the board determines that a reduction in area is necessary to ensure control over the sale and consumption of marijuana on the premises or is otherwise in the public interest.
Onsite Consumption Regulations Status

Envisions *Onsite Consumption Endorsement* available to Retail Store licensees.

- February 2016: Marijuana Control Board votes to open onsite consumption regulations project.
- April 2016: First drafts presented to board. Amendments made; released for public comment.
- July 2016: Draft and comments considered. Amendments made; released for public comment.
- October 2016: Draft and comments considered. Amendments made; released for public comment.
- February 2017: Draft and comments considered. Board votes 3-2 not to proceed with regulation.

- March 2017: Board votes to open onsite consumption regulations project.
- November 2017: Next board review...
No statewide indoor clean air regulations.

Not all local governments have health authority to adopt local restrictions.

Example: Municipality of Anchorage

Anchorage Municipal Code 16.65 Smoking prohibits smoking in all places of employment, with at least two relevant exceptions:

(a) Hotel smoking rooms (assumes 75% of rooms are non-smoking), and
(b) Clubs that are not places of employment.

Note: consumption of edibles is not prohibited in hotel rooms by law.
Onsite Consumption Issues

- Local control
- Ventilation
- No outside marijuana
- No concentrates allowed
- Purchase limits
- Overconsumption/ Impairment on premises/ Impaired driving
- No employee consumption

- Separate employee monitoring area
- No happy hours/specials pricing
- Unconsumed marijuana
- Consumption area in separate structure
- Outdoor consumption areas
- No tobacco or alcohol
2017 Denver Marijuana Management Symposium

Denver’s Social Consumption License
Social Consumption: Background

Amendment 64 (2012)
“Nothing in this section shall permit consumption that is conducted openly and publicly or in a manner that endangers others.”

2015-2016
Several state bills as well as local ordinances were proposed and introduced to develop a model for consumption.

November 2016
Denver voters approved citizen-initiated Initiative 300, granting individuals the ability to apply for a permit to operate a designated consumption area at any type of business or event.
Summary of Initiative 300

• What?
  • Purpose is to... to permit persons in the city to obtain a cannabis consumption permit to operate a **designated consumption area (DCA)** at any type of business or event...
  • “BYOC”

• Where?
  • May be permanent or temporary (including outdoors)
  • Does not require specific zoning permits, but shall be permitted where the underlying business or event is permitted
  • Unlike other MJ establishments, the only proximity restriction is 1000’ from schools

• When?
  • Allowed to operate between 7am and 2am.
  • A permit shall be valid for one year from the date of issuance or such shorter or non-consecutive times.

• How?
  • Application shall contain evidence of community support or “non-opposition”
  • Outdoor smoking occurring at ground level cannot be visible by the public or from a place where children congregate
  • Must provide proof of possession, a criminal background check, a responsible operations plan, among other things

• How much?
  • Permit and application fees shall be set by City Council. ($1000 annual licensing fee, $1000 application fee)
Social Consumption-Initiative 300

City Goals for Implementation:

- Enact new law responsibly and thoughtfully
- Ensure the health, safety and well-being of our city
- Meet the needs of residents, businesses, neighborhoods and visitors
Initiative 300: Finding the Balance

Intent and language in Initiative 300

State and local prohibition on open and public consumption
Initiative 300: Finding the Balance

Intent and language in Initiative 300

State prohibition of marijuana consumption on liquor-licensed premises
Initiative 300: Finding the Balance

Intent and language in Initiative 300

Colorado Clean Indoor Air Act

- Prohibits Smoking Indoors
- Allows for vaping/edibles
- Exemption for <3 employees

Accela
DENVER MARIJUANA MANAGEMENT SYMPOSIUM
MAXIMUS
BIOTRACKTHC
Intent and language in Initiative 300

Federal Guidance
Strict rules and robust enforcement

Initiative 300: Finding the Balance
Ideas...

- **Yoga Studio**: Fridays, vaping & edibles
- **Craft Studio**: classes and periodic smoking outside
- **Special Event Warehouse**: vaping & edibles (maybe smoking if < 3 employees)
- **Restaurant/Bar**: monthly MJ nights, after storing liquor and “de-licensing”
- **Coffee Shop**: daily smoking on patio
- **Event Centers**: vaping and edibles indoors
- **Special Event in Parking Lot**: next to Bar during games
- **Special Event adjacent to a liquor licensed event**
- **Amusement Facilities**: after business hours
- **10 Special Events Private Parking Lot**: smoking, tour buses
- **Bookstore**: children present, but vaping in separate room not viewable
- **Special Event in Parking Lot next to a Marijuana Store**:MJ nights)
- **Located next to a Marijuana Store**: smoking, tour buses
- **Bookstore**: children present, but vaping in separate room not viewable
- **Amusement Facilities**: after business hours
- **Special Event in Parking Lot**: next to Bar during games
- **Special Event adjacent to a liquor licensed event**
- **Amusement Facilities**: after business hours
- **Special Event in Parking Lot next to a Marijuana Store**:MJ nights)
- **Located next to a Marijuana Store**: smoking, tour buses
Denver voters approved citizen-initiated Initiative 300 with the adoption of rules and regulations as the responsibility of EXL per a public hearing process allowing for review and comment.

December 2016
Denver EXL assembled the Social Consumption Advisory Committee (SCAC).

January-April 2017
SCAC meets twice a month for 3 months (6 sessions) to provide suggestions and feedback on potential rules and regulations to implement ordinance.
Social Consumption Advisory Committee

- Co-Chair: Ashley Kilroy (Executive Director, Dept. of Excise & Licenses)
- Co-Chair: Molly Duplechian (Denver Office of Marijuana Policy/Excise and Licenses)
- Kendra Black (Denver City Council)
- Mary Beth Susman (Denver City Council)
- Deputy Chief David Quinones (Denver Police Department)
- Marley Bordovsky (Denver City Attorney’s Office)
- Jude Del Hierro (Community Representative)
- Sam Kamin (Professor, Denver University Sturm College of Law)
- Kristi Kelly (Marijuana Industry Group)
- Dan Landes (Business representative)

- Fran Lanzer (Mothers Against Drunk Driving)
- Aubrey Lavizzo (Community representative)
- Amber Leytem (Denver Public Schools)
- Amie Mayhew (Colorado Hotel and Lodging Association)
- Karin McGowin (Colorado Department of Public Health and Environment)
- Maureen McNamara (Cannabis Trainers)
- Rachel O’Bryan (Protect Denver’s Atmosphere)
- Jordon Person (Denver NORML)
- Emmett Reistroffer (Denver Relief Consulting/Yes on 300)
- Sonia Riggs (Colorado Restaurant Association)
- Margie Valdez (Inter-Neighborhood Cooperation)
- Kobi Waldfogel (Event planning representative)
### Past Meetings

<table>
<thead>
<tr>
<th>Meeting 6 - April 6</th>
<th>Meeting 5 - March 24</th>
<th>Meeting 4 - March 10</th>
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<tbody>
<tr>
<td>Agenda</td>
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<tr>
<td>Minutes</td>
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<tr>
<td>Meeting 3 - Feb. 22</td>
<td>Meeting 2 - Feb. 8</td>
<td>Meeting 1 - Jan. 18</td>
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<td>Agenda</td>
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Social Consumption Advisory Committee

**Ground Rules:**
The SCAC was an advisory group; the final rules and regulations were adopted by the Department of Excise and Licenses.

Each member was an equal participant in the process and had equal opportunity to voice opinions and contribute ideas.

SCAC members accepted the responsibility to come to the meetings prepared for the discussions.

SCAC members recognized the legitimacy of the interests, concerns, and goals of others, whether or not he/she agreed with them. SCAC members committed to treating each other, and those who attended the meetings, with respect, civility, and courtesy.
Social Consumption Advisory Committee

Process:

- At each meeting, the SCAC reviewed and discussed options for potential social consumption rules and regulations on specific regulatory topics, and provided comments and recommendations to the City.
- SCAC members were provided with a list of topics to be discussed in advance of each meeting, including how Initiative 300 or other areas of law address that topic as well as other suggestions.
- The suggestions provided were for the purposes of initiating and guiding the discussion.
- SCAC members also made suggestions in addition to what is being provided.
- SCAC members were also able to submit additional comments in writing.
Social Consumption Advisory Committee-Agendas

**Topics:** The City developed a comprehensive list of topics for the SCAC to discuss based on:

- Language in the voter-approved *Neighborhood Approved Cannabis Consumption Pilot Program Initiative*;
- The City and County of Denver’s existing rules, regulations and ordinances governing medical and retail marijuana;
- State laws governing medical and retail marijuana;
- State and local rules and regulations governing liquor; and
- The Cole Memo – which provided the federal government’s guidance regarding marijuana enforcement in those states which have legalized marijuana; and
- Marijuana rules and regulations in those states which have legalized marijuana.

The topics developed represented a very broad “menu” of options for rules and regulations and were meant to stimulate discussion. The list was not a set of suggestions for implementation.
Social Consumption Advisory Committee-Agendas

**Agenda Topics:**

- Proximity Restrictions
- Location Restrictions
- Unlawful Acts
- Application Requirements
- Operational Requirements
- Community Support
- Dual Consumption
- Restrictions on access
- Public Hearings
- Special Event Permits
Public Input:
• SCAC meetings were open to the public.
• Time was reserved at the end of each SCAC meeting to allow members of the public to provide comments (2 minutes each).
• A separate public hearing on the final rules and regulations was also held prior to adoption and included additional time for public comment.
## Proximity Restrictions

<table>
<thead>
<tr>
<th>Initiated Ordinance</th>
<th>Other Restrictions for MJ Businesses</th>
<th>Prohibited by Law</th>
<th>Other Suggestions?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sec. 6-311. Zoning, location, and setback requirements. (a) A designated consumption area may not be located or operated within one thousand (1,000) feet of any school, with the distance computed by direct measurement in a straight line from the nearest property line of the land used for school to the nearest portion of the building, structure, or enclosure in which the designated consumption area is located.</td>
<td>• May not be located within 1,000 feet of any alcohol or drug treatment facility (CCD MMJ and RMJ Ordinances) • May not be located within 1,000 feet of any child care establishment (CCD MMJ and RMJ Ordinances) • May not be located within 1,000 feet of any other licensed retail marijuana store or medical marijuana center (CCD MMJ and RMJ Ordinances)</td>
<td>• Existing licensed MJ businesses cannot allow consumption of MJ on site (CRS 43.3-901 (1) (a) and 12-43.4-901 (1)) • No Liquor Licensed Premise can allow consumption of MJ on site (CO Liquor Rule 47-900)</td>
<td>• Schools • Childcare establishments</td>
</tr>
</tbody>
</table>
January-April 2017
SCAC meets twice a month for 3 months (6 sessions) to provide suggestions and feedback on potential rules and regulations to implement ordinance.

April-June 2017
Draft rules and regulations and hold public hearing (June 13th)

June 30, 2017
Denver Excise and Licenses adopts final rules governing Marijuana Designated Consumption Areas.
### Social Consumption Rules: State Prohibition on Open and Public

<table>
<thead>
<tr>
<th>State Law</th>
<th>I-300</th>
<th>Rules</th>
</tr>
</thead>
</table>
| ➢ No public consumption | ❖ “Openly” does not include the consumption occurring within a permitted consumption area.  
❖ Outside smoking occurring at street level is not visible from a public right-of-way or a place where children congregate.  
❖ Access restricted to 21+ | ❖ “Public Place” = a place to which the public or a substantial number of the public have access without restriction.  
❖ Permits only issued for locations that:  
• are not visible to the public from a public place  
• have constant monitoring at the entrance for 21+  
• Meet signage, advertising and visibility restrictions |
<table>
<thead>
<tr>
<th>Social Consumption Rules: State Prohibition on Dual Consumption</th>
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<tbody>
<tr>
<td><strong>State Law</strong></td>
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<tr>
<td>❖ Marijuana consumption cannot occur on a liquor-licensed premise</td>
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</table>
## Social Consumption Rules: “Neighborhood Approved”

<table>
<thead>
<tr>
<th>I-300</th>
<th>Rules</th>
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</thead>
</table>
| ❖ Application shall contain evidence of community support  
  - Requirements included in evidence of community support may be incorporated as conditions of the permit | Public Hearing  
❖ Business Permits will have a public hearing scheduled upon receipt of the application.  
❖ Special Event Permits will have a public hearing scheduled upon receipt of 10 signatures from interested parties. |
| ❖ Application shall include a community engagement plan |  |
| ❖ Clearly marked with conspicuous signage including the statement “No entry under 21” | ❖ Standard sign/placard indicating that marijuana consumption may be occurring. |
### Social Consumption Rules: Locations

<table>
<thead>
<tr>
<th>State Law</th>
<th>Ordinance</th>
<th>Rules</th>
</tr>
</thead>
<tbody>
<tr>
<td>❖ Marijuana consumption cannot occur within a marijuana business licensed</td>
<td>❖ No specific zoning permits required. -Permitted in any zone lot where the</td>
<td>❖ Cannot be located within 1000 feet of childcare establishments and drug/alcohol facilities.</td>
</tr>
<tr>
<td>premise (must be “BYOC”)</td>
<td>underlying business or event is permitted.</td>
<td>❖ Cannot be located within 1000 feet of city-owned recreation center and outdoor pools.</td>
</tr>
<tr>
<td></td>
<td>❖ Cannot be located within 1,000 feet of a school.</td>
<td>❖ Cannot be located within a residential zone district.</td>
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<td></td>
<td>❖ Cannot be on public property.</td>
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</tbody>
</table>

- Must be "BYOC" = Bring Your Own Cannabis

- 1,000 feet restrictions include childcare establishments and drug/alcohol facilities, city-owned recreation centers, and outdoor pools.

- No specific zoning permits are required, but must be permitted in any zone lot where the underlying business or event is permitted.

- Cannot be located within a residential zone district.

- Cannot be located on public property.
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<tr>
<th>State Law</th>
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<th>Rules</th>
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</thead>
<tbody>
<tr>
<td>❖ Marijuana consumption cannot occur within a marijuana business licensed premise (must be “BYOC”)</td>
<td>❖ Unlawful to indirectly sell, provide, transfer, or distribute for remuneration cannabis. ❖ Unlawful to possess more than one ounce of cannabis at any time. ❖ Unlawful for any person under 21 to be hired or employed to work within a DCA.</td>
<td>❖ Unlawful to allow butane torches. ❖ Unlawful for any owner, manager, or employee to consume marijuana or marijuana products while working within the consumption area.</td>
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### Social Consumption Rules: Other rules and requirements

<table>
<thead>
<tr>
<th>Federal direction (Cole memo)</th>
<th>State Law</th>
<th>Ordinance</th>
<th>Rules</th>
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<tbody>
<tr>
<td>❖ <strong>Strict rules and robust enforcement</strong></td>
<td>❖ Compliance with the Colorado Clean Indoor Air Act (no smoking indoors)</td>
<td>❖ Responsible operations plan</td>
<td>❖ Advertising restrictions consistent with other marijuana business licenses</td>
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<td>❖ Health and sanitation plan (if renting consumption accessories)</td>
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<td>❖ Waste plan</td>
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<td></td>
<td>❖ Odor control plan</td>
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<td></td>
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<td>❖ All other permits, licenses and regulatory approvals from City required.</td>
</tr>
</tbody>
</table>
Social Consumption: Licensing

June 30, 2017

Denver Excise and Licenses adopts final rules governing Marijuana Designated Consumption Areas.

August, 2017

Make applications available and begin accepting applications.

2017-2020

???
QUESTIONS?

Erika McConnell, Director
Alcohol and Marijuana Control Office
erika.mcconnell@alaska.gov
www.commerce.alaska.gov/web/amco/

Denver Excise and Licenses/
Office of Marijuana Policy
marijuanainfo@denvergov.org