

## Marijuana FAQ

**Has the City and County of Denver adopted the Governor's Orders regarding marijuana, the Colorado Marijuana Enforcement Division (MED) Guidance, and all other State of Colorado directives, bulletins, guidance and FAQ's regarding marijuana?**

Yes.

### **Marijuana Businesses**

**Are medical and recreational marijuana stores in Denver able to remain open under the Stay at Home orders?**

Yes. Both medical and recreational marijuana stores in Denver can allow for in-person sales within their licensed premises so long as social distancing protocols are followed. Recreational and medical marijuana stores can also allow for sales and customer pickup outside of the originally designated licensed premises of the store so long as all Colorado Marijuana Enforcement Division (MED) rules and requirements are followed, including that the sales must occur on a property immediately adjacent to the originally designated licensed premises that is under the control of the Licensee and under surveillance pursuant to the MED emergency rules. Per the MED, the Licensee cannot use public property for sales and customer pick up since public property is not under the control of the licensee. See additional information below.

**I operate a marijuana store in Denver and want to ensure my customers are safe when purchasing and retrieving product. What options can I offer?**

Phone and Internet orders. Medical and Recreational marijuana stores may accept orders and payment via telephone or internet to limit the number of patrons in store.

Sales and pickup outside of the originally designated Licensed Premises. Medical and Recreational marijuana stores **may** continue to conduct sales to patients inside their licensed premises; however, they **may also** conduct customer pickup and sales outside of the licensed premise so long as they follow all rules and requirements set forth by the Colorado Marijuana Enforcement Division (MED). Per the MED, customer sales and pickup are only allowed on property that is immediately adjacent to the business's licensed premises **AND** under the control of the Licensee. Pursuant to the MED, it is illegal to conduct marijuana sales or transfers on public property. Public property includes, but is not limited to, a publicly owned sidewalk, street, alleyway, or right-of-way. For example, a business could set up a pre-order pick up area in a private parking lot, in its immediate entryway or in another space under control of the licensee. See below for additional information regarding how to determine if an area you'd like to designate for customer pickup is public or private.

Mandatory Social Distancing. Businesses should ensure that they are implementing social distancing measures consistent with those identified in the Stay at Home Orders and in state, local, and federal guidance, including, but not limited to, ensuring that patrons are six (6) feet apart from one another while in the store and waiting to purchase/pick-up their regulated marijuana order.

**I operate a medical and/or recreational marijuana store in Denver and would like to offer customer pickup for patients/customers. Do I need to obtain approval for this?**

No. Per the MED rules and regulations, approval and notification is not required for any temporary modifications made to a licensed premises to allow for a customer pickup site that is for the purposes of implementing social distancing. However, modifications are still subject to all local rules and regulations including building and fire code and permitting requirements. Additionally, any modifications to allow for social distancing must be temporary in nature. For example, a store may extend the restricted access area to the lobby/waiting room or other area immediately inside the entry door. If after the expiration of the MED's Emergency Rules a Licensee demonstrates an intent to maintain any modification made pursuant to the emergency rules, the Licensee must submit any required applications and fees and obtain any required approvals.

**I operate a retail and/or medical marijuana store in Denver and would like to offer customer pickup for patients/customers. How do I find out if my Denver parking lot, alley or right-of-way is public or private?**

To find out if an area adjacent to the licensed premise is private and can be under the control of the license, please contact Jamison Picassari from the Department of Transportation and Infrastructure at [Jamison.Picassarri@denvergov.org](mailto:Jamison.Picassarri@denvergov.org)

**I operate a marijuana business. What is "extreme physical distancing"?**

Marijuana businesses are required to ensure physical distancing protocols are developed and strictly implemented to limit the number of people on the licensed premises at the same time. Physical distancing requirements must be in writing and include all of the following:

- (1) maintaining at least six-foot physical distancing from other individuals;
- (2) washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer when hand-sinks are not available;
- (3) covering coughs or sneezes (into the sleeve or elbow, not hands);
- (4) regularly cleaning high-touch surfaces; and
- (5) not shaking hands.

**I operate a marijuana business. What potential violations do I face if I am not in compliance with the state and city rules for marijuana businesses during this time?**

Businesses that do not comply with state and city laws, orders, and rules and regulations may face criminal, civil, and administrative penalties, including but not limited to: fines, fees, revocations of licenses, and jail.

**I operate a medical and/or recreational marijuana store and would like to deliver medical or recreational marijuana to patients/customers in their home. Is this allowed?**

No. State law requires that local jurisdictions “opt in” to delivery and Denver has not yet gone through the legislative process to opt-in to marijuana delivery or to remove the prohibition of marijuana delivery from the Denver Revised Municipal Code. Additionally, the Denver and state Stay at home Orders recognize cannabis as an essential business to maintain access for medical patients at retail and medical stores. The Colorado caregiver program remains available for medical cannabis patients, so they don’t have to leave their homes to get access to needed medicine.

**I am licensed to cultivate medical and/or retail marijuana in Denver. Am I allowed to continue operations under the Denver Stay at Home order?**

Yes. The Stay at Home Order issued by the Denver Department of Public Health and Environment (DDPHE) allows businesses that conduct food and plant cultivation to remain open. Additionally, businesses supporting and supplying other essential businesses such as marijuana stores may remain open.

**I am licensed to manufacture medical marijuana and/or retail marijuana products. Am I allowed to continue operations under the Denver Stay at Home order?**

Yes. Under the Stay at Home Order businesses supporting and supplying other essential businesses such as marijuana stores may remain open.

**I am licensed to transport medical and/or retail marijuana in Denver. Am I allowed to continue operations under the Denver Stay at Home order?**

Yes. Under the Stay at Home Order businesses supporting and supplying other essential businesses such as marijuana stores may remain open.

**I am licensed to test medical and/or retail marijuana in Denver. Am I allowed to continue operations under the Denver Stay at Home order?**

Yes. Under the Public Health Order issued by DDPHE businesses supporting and supplying other essential businesses such as marijuana stores may remain open.

**I operate a marijuana business in Denver. Can my landlord evict me right now?**

Any commercial tenant facing eviction proceedings pursued on behalf of a landlord should seek the advice of counsel regarding the effect of the Governor's executive order on evictions for commercial tenants.

**I’m an employee of a marijuana business in Denver. Do I need to have any documentation in case I get stopped on my way to work?**

No.

## **Marijuana Consumers**

### **What are my options for purchasing marijuana (retail and/or medical) under the Mayor's Stay at Home order?**

1. Walk in and purchase as usual, though physical distancing as required in the public health order is required.
2. Some locations offer accommodations where you can call ahead or order online, and your product can be picked up in an area the business has designated for pre-order sales. For example, a business could set up a pre-order pick up or sales area in a private parking lot, in its immediate entryway or in another space under control of the Licensee. Per the MED, the Licensee cannot use public property for sales and customer pickup since public property is not under the control of the Licensee.
3. If you are homebound, you can have a registered caregiver transport your product for you.

### **What safety precautions are medical and recreational marijuana stores taking to ensure I can purchase and retrieve my product safely?**

Marijuana businesses are required to ensure physical distancing protocols are developed and are in writing and strictly implemented to limit the number of people on the licensed premises at the same time. Physical Distancing Requirements includes all the following:

- (1) maintaining at least six-foot physical distancing from other individuals;
- (2) washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer when hand-sinks are not available;
- (3) covering coughs or sneezes (into the sleeve or elbow, not hands);
- (4) regularly cleaning high-touch surfaces; and
- (5) not shaking hands.

### **Can I have medical or recreational marijuana delivered to my home?**

No. State law requires that local jurisdictions "opt in" to delivery and Denver has not yet gone through the legislative process to opt-in to marijuana delivery or to remove the prohibition of marijuana delivery from the Denver Revised Municipal Code. Additionally, the Denver and state Stay at Home orders recognize cannabis as an essential business to maintain access for medical patients at retail and medical stores. The Colorado caregiver program remains available for medical cannabis patients, so they don't have to leave their homes to get access to needed medicine.

### **More resources:**

[Denver Department of Public Health and Environment Stay at Home Order](#)

[MED Emergency Rules in response to COVID-19](#)

[MED Compliance Tip: Medical & Retail Marijuana Store Operations - Permitted & Restricted Activity](#)

[MED Industry Bulletin Guidance Regarding Emergency Rules in Response to COVID-19](#)