



DENVER

EXCISE & LICENSES

RULES GOVERNING CANNABIS STORAGE AND SERVICE WINDOWS

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Approved and Adopted

Approved as to Form and Legality

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Date: 10/4/2021

A rectangular box containing a handwritten signature in blue ink that reads "Ashley Kilroy".

Ashley R. Kilroy
Executive Director
Excise and Licenses

Date: 10/4/21

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Section 1 – Definitions

Except as provided below, the definitions set forth in subsection 16(2) of article XVIII of the Colorado Constitution, the Colorado Marijuana Code, and the Denver Marijuana Code shall apply equally to these Rules.

“Bullet-resistant glass” means acrylic, polycarbonate, or other durable material capable of absorbing the impact of a bullet in order to minimize the likelihood of breakage

“Functionally equivalent” means security features and practices that mitigate burglary and theft of regulated marijuana as effectively or more effectively than a safe.

“Guard posts” means posts constructed of steel not less than four inches in diameter and concrete filled; spaced not more than 4 feet between posts on center; set not less than three feet deep in a concrete footing of not less than a 15-inch diameter; set with the top of the posts not less than three feet above ground; and located not less than three feet from the protected object.

“Loudspeaker” means a device capable of amplifying sound and allowing the person monitoring video surveillance to speak to persons outside the licensed premises. A loudspeaker may, but does not have to, enable two-way communication with persons outside the licensed premises.

“Multi-point, single motion locking system” means door hardware that locks at multiple points in the door and requiring only a single action to unlock.

“Processed cannabis” means all cannabis except for immature plants and skin and body products.

“Pry shield” means a strip of metal used to cover the space between the edge of the door and the door frame, thus preventing someone from being able to use an object to pry the door open.

“Rules” means these *Rules Governing Cannabis Storage and Service Windows*.

“Reinforced concrete” means concrete embedded with steel rods, bars (commonly referred to as rebar), or mesh, such that the materials act together in resisting force.

“Safe” means a metal box capable of being locked securely, constructed in a manner to prevent opening by human or mechanical force, or through the use of common tools, including, but not limited to, hammers, bolt cutters, crow bars or pry bars.

“*Security shutters*” means interior or exterior accordion, rolling, or bifold shutters made of steel or aluminum.

“*Service window*” means a window where customers of a medical and/or retail marijuana store can walk up, drive up, or both for the purpose of purchasing cannabis.

“*Vault*” means a room or space where the walls, ceiling, floor, and door(s) have been specially constructed and reinforced against intrusion.

Section 2 – Authority

Pursuant to section 6-226 of the Denver Revised Municipal Code, the Director may enact rules and regulations necessary for administering and enforcing the provisions of Article V, Chapter 6 relating to and affecting the licensing and operation of marijuana businesses. Pursuant to section 6-209(a)(4), service windows must comply with additional rules regarding safety, security, compliance procedures, and required signage if established by Department rule. All marijuana business licensees shall comply with these rules and regulations, in addition to any conditions placed on a license, stipulations, and any other city or state laws relating to and affecting the licensing and operation of marijuana businesses.

Section 3 – Cannabis Storage Requirement

3.1 Except as provided in section 3.2 of these Rules, medical and retail marijuana stores and retail marijuana hospitality and sales businesses shall utilize one of the following methods for storage of processed cannabis and cash during non-business hours:

- (a) One or more safes, which shall be incorporated into the building structure or securely attached thereto, located in a limited access area on the licensed premises to store all processed cannabis and cash.

Marijuana-infused products that must be kept refrigerated or frozen may be locked in a refrigerated container or freezer in a restricted access area or limited access area on the licensed premises, so long as the appliance is affixed to the building structure.

- (b) A vault with a steel security door, a steel frame, and a multi-point, single motion locking system located in a limited access area on the licensed premises to store all processed cannabis and cash, with the walls and ceiling of the vault reinforced with one of the following:
 - i. At least one layer of ¾" plywood;
 - ii. At least two layers of ½" plywood;
 - iii. Steel mesh; or
 - iv. Reinforced concrete.

Marijuana-infused products that must be kept refrigerated or frozen may be locked in a refrigerated container or freezer in a restricted access area or limited access area on the licensed premises, so long as the appliance is affixed to the building structure.

3.2 Medical and retail marijuana stores and retail marijuana hospitality and sales businesses that comply with all of the following requirements may be found to have functionally equivalent security features and may be exempted from the requirements identified in section 3.1:

- (a) All marijuana concentrates and cash shall be stored during non-business hours in a safe or vault satisfying the requirements set forth in section 3.1;
- (b) Marijuana-infused products that must be kept refrigerated or frozen may be locked in a refrigerated container or freezer in a restricted access area or limited access area on the licensed premises, so long as the appliance is affixed to the building structure.
- (c) All other processed cannabis shall be stored during non-business hours in either:
 - a. An opaque, locked, non-glass cabinet(s) that are securely affixed to the building and located within a restricted access area or limited access area on the licensed premises, or
 - b. A locked inventory storage room(s) located within a restricted access area or limited access area on the licensed premises;
- (d) All areas that are vulnerable to vehicle impact, including but not limited to all doors and floor-level windows, shall be protected with guard posts or other physical barriers designed to resist, deflect, or deter vehicular impact;
- (e) Pry shields shall be affixed to all exterior doors of the licensed premises; and
- (f) The premises shall be monitored in either of the following manners:
 - a. Live remote monitoring of video surveillance at all points of ingress and egress shall be conducted 24 hours a day, seven days a week, with loudspeakers allowing the monitoring entity to speak to persons at the licensed premises; or
 - b. On-site security guard(s) who patrol the premises at all times during non-business hours.

3.3 Should the requirements identified in section 3.2 of these Rules fail to mitigate burglary and theft at a medical or retail marijuana store or a retail marijuana hospitality and sales business, the Director may require that the medical or retail marijuana store or retail marijuana hospitality and sales businesses comply with the requirements of section 3.1 of these Rules.

3.4 Prior to making physical changes to a licensed premises, medical and retail marijuana stores and retail marijuana hospitality and sales businesses shall obtain any required approvals from the appropriate City agencies verifying compliance with these Rules and any other applicable laws, rules, regulations, or codes.

Section 4 – Service Window Requirements

In addition to the requirements in the Colorado Marijuana Code and any rules or regulations adopted pursuant thereto, medical and retail marijuana stores offering a service window(s) must comply with the following regulations:

4.1 Medical or retail marijuana stores offering a service window shall comply with the following signage and lighting requirements:

- (a) The licensee shall post one informational sign at each service window, in a place visible to customers and patients utilizing the service window. The informational sign must be clear and readable, not less than 22 inches wide and 26 inches in height. The informational sign must contain the following statements:
 - (1) You must be 21 or older to purchase retail marijuana.
 - (2) You must be 18 or older and possess a valid medical marijuana registry card to purchase medical marijuana.
 - (3) It is against the law to provide marijuana to a person under 21 years of age.
 - (4) It is against the law to use or be under the influence of marijuana while driving.
 - (5) It is against the law to consume marijuana in public.
 - (6) Marijuana will not be sold to a visibly intoxicated person.
- (b) The licensee shall not display a menu of products available for purchase at or near the service window. The licensee may provide customers and patients with a handheld menu or an online menu that customers and patients can access through a handheld electronic device.
- (c) No additional signage is permitted, unless the signage is purely directional, indicating to customers and patients where to enter, turn, or exit to access service window lanes, but in any case, may not contain any advertising.
- (d) The licensee shall have lighting that promotes the safety of customers and patients accessing a service window.

4.2 Marijuana businesses offering a service window shall comply with the following transfer requirements:

- (a) Prior to accepting an order at a service window, the licensee must physically inspect the identification for each customer or patient making a purchase. The licensee must verify that each identification is valid using an electronic ID scanner and that each customer or patient is of age to purchase cannabis.
- (b) The licensee shall not sell regulated marijuana to a person who is visibly intoxicated.

4.3 Any medical or retail marijuana store offering a service window shall comply with the following safety requirements:

(a) For transfers of cannabis through a service window to customers or patients in a motor vehicle, the video surveillance must record the front and back of the vehicle, including the license plate(s) on the vehicle such that the license plate number can be clearly identified.

(b) A service window must be composed of bullet-resistant glass. The service window must be securely closed at all times except when opened to take an order or complete a transaction. The window must not be left open when unattended. When the service window is closed to the public, the window must be secured using security shutters.

4.4 Prior to operating a service window, medical and retail marijuana businesses shall obtain any required approvals from the appropriate City agencies and submit a modification of premises application to the Department. The modification of premises application shall contain an updated floor plan identifying the service window and any other features required by the Department.