



# The Email Express



December 2009

Published by Denver City Councilman Charlie Brown

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*I didn't vote for Amendment 20 in 2000 but 66% of the voters in my council district did. I respect their wishes and will work to bring forward a reasonable and rational regulatory ordinance."*

*Councilman Brown*

## Denver Council Must Regulate Medical Marijuana Dispensaries

A key change in federal drug policy announced only last month has created legal chaos in Colorado as state and local officials scramble to cope with booming growth in medical marijuana dispensaries and a surge in applications for medical marijuana cards.

Like many cities, Denver was caught unprepared for the overnight boom and must act quickly to place proper controls on what's currently an unregulated, untaxed business.

Councilman Charlie Brown has proposed regulations that were discussed by a City Council committee on Nov. 18 and will be considered again in early December.

"This is one of the fastest growing businesses in our city. We need clarity, we need standards and we need reasonable regulations," Brown told the Safety Committee meeting.

Here are the key elements of Brown's proposed ordinance:

- Marijuana dispensaries would have to obtain business licenses, including those that opened before the law passes. The businesses also would be subject to separate requirements such as building permits, food-service licenses, etc. Dispensaries that provide marijuana-laced food products would have to follow applicable health rules on preparation.



Absent any regulatory requirements the number of dispensaries doing business in Denver is unknown. Council District 6 probably has a dozen, including "Nature's Choice" located near South Colorado Boulevard and Evans. This advertisement appeared in a recent edition of Westword.

- Owners and managers would have to undergo criminal background checks.
- Such businesses would have to provide operation plans describing services offered, floor and security plans, organizational structure and other details.
- Dispensaries would be banned in residential districts, within 500 feet of schools and daycare centers and within 1,000 feet of each other. (This wouldn't apply to already open establishments.)

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# Pot shops: Council working on ordinance

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Mobile sales, sometimes seen at Red Rocks concerts, would be banned.  
- Hours would be limited to 9 a.m. to 9 p.m., onsite consumption would be banned and a variety of security measures would be required, as would odor control measures.  
- Marijuana products would have to be packaged, labeled and obtained from lawful sources.

The proposed ordinance specifies that it would not provide a legal defense for marijuana businesses if the federal government changes its enforcement policy.

Brown didn't discuss the amount of future fees but noted, "We need to pay for enforcing this ordinance." The councilman described the ordinance as "a good starting point," and there's likely to be plenty of council debate.



Councilman Brown recently appeared on "Colorado State of Mind," Rocky Mountain PBS, to discuss medical marijuana. Others on the show included Attorney General John Suthers, Denver Post editorial writer Chuck Plunkett, Vera Ortegón, at-large member of the Pueblo City Council, and host Cynthia Hessin.

Some council members and business representatives including patients had questions about security measures, onsite consumption, deliveries, patient privacy and other parts of the proposed ordinance.

State lawmakers also are preparing to wrestle with medical marijuana

legislation. While there is a legitimate need for legislative action, the process under the Golden Dome is slow, and it's doubtful any legislation would become law until late spring at the earliest. Brown says "Who knows how many dispensaries could open between now and then? So, prompt local government action is imperative."

The next council committee meeting on the issue will be Wednesday, Dec. 2 at 9:15 a.m. in the City and County Building.

**"As a home rule city we can't wait for others to act. We need to lead and not be led on this important issue."**  
**Councilman Brown**

## PRO: Reasonable regulations welcome and needed

By Josh Stanley

Kevin served in the U.S military for 17 years. He lost both legs in Afghanistan and was discharged a year ago—suicidal and in pain. Today, he's the manager at Peace in Medicine Center. Medical marijuana helped Kevin turn his life around.

In 2000, Colorado voters passed Amendment 20, authorizing the use of medical marijuana for people like Kevin.

Today, we are faced with further clarifying the role of medical marijuana dispensaries.

We support regulations that protect

the patient's choice and incorporate best practices within existing regulatory structures. Key tenants include:



Stanley

- Establishing state-wide, uniform application and licensing procedures.
- Enforcing a uniform sales tax statewide and a regular retail sales tax at city/county levels.
- Establishing state-level recognition of growers with uniform policies.
- Allowing dispensaries to be recognized as caregivers, including protection for employees.
- Using existing health and safety enforcement, food quality and label-

ing requirements for foods made with medical marijuana.

- Allowing local municipalities to regulate zoning issues but not ban dispensaries.
- Locating medical marijuana facilities at least 300 feet from schools.
- Establishing distinct definitions for personal/small growers and commercial growers.

Medical marijuana is a part of Colorado's medical landscape. Our goal is to ensure safe, responsible access and use, and to help set an industry standard that other states and communities can emulate.

Josh Stanley operates the Peace in Medicine Center.

# Medical marijuana landscape shifts daily

Colorado voters approved the medical marijuana amendment in 2000, but for several years it seemed to have little impact. The state Department of Public Health and Environment reported in 2007 that there were just under 2,000 registered users on its books.

Marijuana for other uses remained illegal under state law, and pot use of any kind was illegal under federal law. These laws had a dampening effect on medical marijuana use.

Things have changed dramatically this year.

Last winter, U.S. Attorney General Eric Holder indicated that the Justice Department would back away from enforcing federal law in states that had medical marijuana laws.



At the end of July, the state health department reported it had just over 11,000 registered users, a five-fold increase from two years earlier.

In October, the Justice Department

made its hands-off policy official, and things really broke loose. Colorado has no infrastructure of regulations and licensing.

The health department says it's receiving 400 medical-marijuana applications a day. The number of dispensaries – shops where registered users can buy marijuana and products made with the drug – has skyrocketed. Nobody knows how many there are because the shops aren't required to register with the state.

Some commercial real estate agents report a steady stream of tempting inquiries from people seeking locations for new dispensaries. Building owners also are starting to worry about liability, legality and image, not to mention things like indoor air pollution, higher water use, and se-

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## CON: Dispensaries not intended by Amendment 20

By Jerry Peters

“What is the problem with marijuana dispensaries?” The short answer is there are many problems. Some are obvious, such as there is no provision in the constitutional amendment for dispensaries, dispensaries are against federal law, there are public policy dilemmas in regulating and legitimizing a federally illegal business and increased traffic and crime.

Some problems are not so obvious, such as the staggering increase in marijuana patients, the message we send our youth on the dangers of drug abuse, the safety hazards of grow facilities and the fact that dispensaries was not what voters intended for patient access.

Policy makers are being compassionate about patients but are confused about the capitalistic intent of dispensary owners. How can a city official who sets public policy legitimize a federally illegal business? How does one show compassion to a bona fide patient but not sacrifice the moral fabric of the community by selling out to the argument that dispensaries are the answer for patients?

Marijuana dispensaries have brought increased crime including murders, shootings, robberies, burglaries and assaults.

Dispensaries have created a new



Peters

class of patients - young adults who say they suffer from severe pain. Doctors at dispensaries no longer examine patients or appropriately diagnose medical conditions – they simply issue recommendations for marijuana like candy at Halloween!

Colorado citizens need to get involved and inform themselves about the true dangers and problems with marijuana dispensaries. They cannot let their opinions be swayed by the argument that dispensaries are a good thing and only patient access is available. Dispensaries are fraught with severe problems and should not be allowed in Colorado.

*Jerry Peters is vice president of the Colorado Drug Investigators Association.*

# Medical pot causes Los Angeles chaos

As in Colorado, the medical marijuana business is booming in California, and local governments there are struggling to keep pace.

And, being California, the whole issue is bigger, louder and more dramatic.

The Los Angeles City Council has repeatedly delayed action on a medical marijuana ordinance, disregarded the advice of the city attorney and now is feuding with the district attorney, who says he'll prosecute pot shops that sell the drug regardless of what the council does. (The California medical marijuana law says pro-

viders are supposed to be non-profits and can only receive "donations" from the drug.)

Pro-marijuana groups already are threatening to sue if council bans sales.

In the meantime, the estimated number of dispensaries in the city has mushroomed to about 1,000, according to some estimates. (The business is heavily concentrated in LA because officials in neighboring cities have moved more quickly to regulate the business.) There's even a fat, glossy lifestyle publication for the business - Kush L.A. Magazine. It's stuffed

with full-color ads for dispensaries offering discounts, free samples for new patients and many varieties of marijuana strains to choose from.

The marijuana culture is on gaudy public display in the Muscle Beach area of Venice, traditionally one of the most free-wheeling spots in Southern California.

"Your legs sore from walking on the beach? Tell the doctor and get approved for a card" was the message one barker shouted during a recent tour of the district by Councilman Brown.

"The doctor is in! \$50 is all you need to get a card," promised another hawker.

Carman Trutanich, the elected LA city attorney, told Councilman Brown, "If you don't take charge of this it will take charge of you." He added, "If Denver is going to pass any laws, you better make a financial commitment to enforce them."

*LA has more pot shops than Starbucks.*



## *Designed to catch the eye and ear*

*This medical marijuana dispensary in the Muscle Beach area of Venice, California, attracts passersby with its electric blue paint job, multi-colored sign and a hawker who makes sure beach goers know what's available inside. After his visit with the city attorney, public safety officers and Muscle Beach, Councilman Brown said:*

*"We can't have Denver become another LA."*



*It's lifestyle*

Dispensaries sell more than marijuana, as the selection of T-shirts shows (below). Southern California even has its own marijuana lifestyle magazine (right), with a few food, travel and relationships articles. Sign at a dispensary (above) promises quick service.



"An owner told me that 80 percent of the LA dispensaries are abusing state regulations."  
 Councilman Brown

## Remembering Councilman Ted Hackworth

*Councilman Brown recognizes former Councilman Ted Hackworth at City Council November 9.*

I was honored to serve for two years on this council with Ted Hackworth and also to serve with him on the Denver Metro Wastewater Reclamation Board of Directors.

It's ironic that Ted Hackworth passed today for a couple of reasons: The first is that it's Monday Night Football and Ted loved the Broncos. If Ted were still on council he would be wearing his classic, Dan Reeves era Bronco sweater.



The white one, with "Broncos" in blue with orange stripes across the front. My kids love that sweater and I tried to buy it from him and he replied in classic Ted lingo: "Nope." That was typical of Ted. His mantra was simply "talk less and say more," something we should all remember.

The second irony is that 20 years ago today – the Berlin Wall collapsed. That happened much to the credit of Ted's political hero – President Ronald Reagan. When Ronald Reagan delivered his historic speech in Berlin calling on Mr. Gorbachev to "tear down this wall," he did so after being warned by some of his senior advisors that the language was "un-presidential. It was hard to tell Ronald Reagan

what to do, and it was equally difficult to tell Ted what to do.

Ted loved the fall – because that's when the city's budget book came out. No one knew the city budget like Ted. And he loved studying the budget and trying to save every dime for taxpayers.

As we debate the on-going budget crisis I wish Ted was here to remind us that now is the time for realism and restraint. He would tell us – quite simply — to not only ask what do we need but what can we afford.

Words to live by as all of us these days learn how to budget not by additions, but by subtractions.

We will miss Ted Hackworth.

## Landscape: AG's ruling on taxes is latest development

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curity. If the product is grown on site, concerns include shoddy electrical and plumbing work, mold and odor.

Local governments across the state, faced with dispensaries popping up everywhere, are scrambling to come up with rules for licensing, taxing and locating the shops.

In August, the state board of health issued an interpretation of the medical marijuana law defining what "significant responsibility" meant in the relationship of caregivers to registered users. The board basically said that could involve the mere supplying of marijuana without any other role in a user's care.

The Colorado Court of Appeals stopped the board of health in its

tracks on Oct. 29, deciding that caregivers needed to be more than suppliers and have personal contact with registered users. The board reversed itself on Nov. 3, narrowing the definition of caregiver.

Denver lawyer Robert Corry, who's quickly emerged as a leader and spokesman for the medical marijuana industry, filed suit, claiming the board's action was invalid because there wasn't proper notice of the meeting. A Denver judge agreed, nullifying the board's decision on Nov. 10.

"I hope the legislature will act and create a regulatory framework that gives substance to the Court of Appeals findings," said Attorney General John Suthers.

Sen. Chris Romer, D-Denver, is working on legislation to regulate

the medical marijuana business. The likely focus of legislation will be regulation of dispensaries.

On Nov. 16, Suthers took a major step in ruling that medical marijuana can be taxed. Denver officials announced they would begin taxing marijuana sales effective Dec. 1.

The amendment approved by state voters in November 2000 legalized use of marijuana for easing pain caused by cancer, glaucoma, AIDS, wasting away disorder, severe pain, severe nausea, seizures and persistent muscle spasms.

Patients are required to obtain a doctor's permission and a state registration card and are allowed to grow and possess specified amounts of marijuana, or obtain them from a "caregiver."