

2021 Marijuana Rulemaking Work Group Meeting #2

June 24, 2021

Agenda

1. Introductions
2. Purpose of MRWG: Provide input and suggestions to aid Denver’s Department of Excise and Licenses in developing agency rules governing secure storage of marijuana and walk-up and drive-through windows.
3. Ground Rules:
 - a. The MRWG is an advisory group. The final rules and regulations will be adopted by the Department of Excise and Licenses.
 - b. Each member is an equal participant and has equal opportunity to voice opinions and contribute ideas.
 - c. Members accept the responsibility to come to meetings prepared for the discussion.
 - d. Members must recognize the legitimacy of the interests, concerns, and goals of others, whether or not they agree. Members must commit to treating each other and meeting attendees with respect, civility, and courtesy.
4. Drive-Up and Walk-Up Windows Discussion
 - a. Goal: Obtain input on requirements related to safety, security, compliance procedures, and signage for drive-up and walk-up windows at medical and retail marijuana stores. Requirements should help to prevent burglaries, prevent diversion of marijuana to youth, and promote safety.
 - b. Background on requirements for drive-up and walk-up windows in MED rules (see below)
 - c. Background on Denver zoning requirements for drive-up and walk-up windows (Anna Valdez)
 - d. Group Discussion
 - i. What additional safety precautions should be required at drive-up and walk-up windows to ensure safety and protection of the customer, store, product, etc.?
 - ii. What additional security measures should be required at drive-up and walk-up windows?
 - iii. What compliance procedures should be required for drive-up and walk-up windows?
 - iv. What signage should be required for drive-up and walk-up windows?
5. Public Input: This meeting is open to the public. Time will be reserved at the end of the meeting to allow members of the public to provide comments. Each speaker is limited to two minutes. Speakers should use the “raise hand” feature on Zoom to indicate they would like to make a public comment.

Please use the link below to join the webinar:

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Background Information for Discussion

Denver Revised Municipal Code Requirements	
DRMC 6-208(a)	The director shall not issue a local license or approve any material and substantial modification of a licensed premises until the applicant has completed all required inspections and received all necessary permits, including, but not limited to, right-of-way permits, zoning permits, and fire and building permits.
DRMC 6-209 (a)(4)	All walk-up, drive-up, or curbside pickup services must comply with any applicable zoning, public health, building and fire, transportation and infrastructure, or other local requirements; any additional safety, security, compliance procedures, or required signage established by department rule; and, any other requirements established by the state licensing authority.

Marijuana Enforcement Division Rules	
2-260 – Changing, Altering, or Modifying Licensed Premises	<p><u>What Constitutes a Material Change.</u> This Rule does not exempt Licensees from complying with any Local Licensing Authority or Local Jurisdiction requirements regarding changes, alterations, or modifications to the Licensed Premises. Material or substantial changes, alterations, or modifications requiring Division approval include, but are not limited to, the following:</p> <ul style="list-style-type: none">• Any increase or decrease in the total physical size or capacity of the Licensed Premises;• The sealing off, creation of or relocation of a common entryway, doorway, passage or other such means of public ingress and/or egress, walk-up window or drive-up window, when such common entryway, doorway, passage, walk-up or drive-up window alters or changes Limited Access Areas, such as the cultivation, harvesting, manufacturing, testing, or sale of Regulated Marijuana within the Licensed Premises; or• Any physical modification of the Licensed Premises which would require the installation of additional video surveillance cameras. See Rule 3-225 – Video Surveillance.

5-105 – Medical Marijuana Store: License Privileges

(Similar provision exists for retail marijuana stores in 6-105(J))

Walk-up or Drive-Up Window. A Medical Marijuana Store may serve patients through a walk-up window or drive-up window pursuant to the requirements of this rule.

- **Modification of Premises Required.** Before accepting orders for sales of Medical Marijuana to a patient through either a walk-up window or a drive-up window, a Medical Marijuana Store shall apply for, and obtain approval of, an application for a modification of its Licensed Premises for the addition of a walk-up window or a drive-up window.
- The area immediately outside the walk-up window or drive-up window must be under the Licensee's possession and control and cannot include any public property such as public streets, public sidewalks, or public parking lots.
- **Order and Identification Requirements.**
 - Prior to accepting an order or Transferring Medical Marijuana to a patient, the Employee Licensee or Owner Licensee must physically view and inspect the patient's identification and the patient's registry identification card.
 - The Medical Marijuana Store may accept internet or telephone orders or may accept orders from the patient at the walk-up or drive-up window.
 - All orders received through a walk-up window or drive-up window must be placed by the patient from a menu. The Medical Marijuana Store may not display Medical Marijuana at the walk-up window or drive-up window.
- **Payment Requirements.** Cash, credit, debit, cashless ATM, or other payment methods are permitted for payment for Medical Marijuana at the walk-up window or drive-up window.
- **Video Surveillance Requirements.** For every Transfer of Regulated Marijuana through either a walk-up window or drive-up window, the Medical Marijuana Store's video surveillance must enable the recording of the patient's identity (and patient's vehicle in the event of drive-up window), and must enable the recording of the Licensee verifying the patient's identification, registry identification card, and completion of the transaction through the Transfer of Regulated Marijuana.
- **Packaging and Labeling Requirements.** A Medical Marijuana Store utilizing a walk-up or drive-up window must ensure that all Medical Marijuana is packaged and labeled in accordance with Rules 3-1010 and Rule 3-1015 prior to Transfer to the patient.
- **Local Restrictions.** Transfers of Regulated Marijuana using a walk-up window or drive-up window are subject to requirements and restrictions imposed by the relevant Local Licensing Authority.

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| | <ul style="list-style-type: none">• Vehicle Prohibited in the Licensed Premises. A Medical Marijuana Store shall not permit any portion of a vehicle to enter any portion of the Licensed Premises. |
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