

June 4, 2020

Denver City Council
Denver Marijuana Licensing Work Group
marijuanainfo@denvergov.org

Re: Protect local smokefree and vape-free laws from secondhand marijuana smoke

Dear Honorable Members of the Denver Marijuana Licensing Work Group,

On behalf of our members in Colorado, Americans for Nonsmokers' Rights (ANR) respectfully requests you do not roll back local public health protections by allowing for marijuana smoking and vaping indoors. ANR is not anti-marijuana; we are pro-smokefree air and suggest that people smoke or vape in ways that do not harm others/nonsmokers.

ANR has three major concerns about the new marijuana "hospitality" regulations: 1) the threat of weakening strong public health protections associated with 100% smokefree environments, 2) creating of a new class of workers that would have to sacrifice their health for a paycheck, and 3) spreading misinformation about ventilation as a protective factor. In addition, given the current public health concerns over the spread of COVID-19, which attacks both the cardiovascular and respiratory systems, we strongly suggest maintaining 100% smokefree and vape-free environments to protect workers and patrons/clients lung health and preventing increased susceptibility to viruses like COVID-19.

Background

ANR is a national, public health advocacy organization established in 1976 to protect nonsmokers' from exposure to the hazards of secondhand tobacco smoke. In recent years, as tobacco products have changed and the science has grown, ANR expanded its mission to prevent nonsmokers' exposure to secondhand tobacco and marijuana smoke and from secondhand aerosol (also referred to as vapor) from electronic smoking devices.

Secondhand smoke from combusted marijuana contains fine particulate matter and is a form of indoor air pollution, which can be breathed deeply into the lungs and can cause lung irritation, asthma attacks, and makes respiratory infections more likely.^{1,2} Exposure to fine particulate matter can exacerbate health problems especially for people with respiratory conditions like asthma, bronchitis, or Chronic Obstructive Pulmonary Disease (COPD).^{3,4}

The current body of science shows that both tobacco and marijuana smoke have similar chemical composition and suggests that they may have harmful cardiovascular health effects, such as atherosclerosis (partially blocked arteries), heart attack, and stroke.⁵ In several peer-reviewed research studies, tobacco and marijuana smoke have both been shown to impair blood vessel function⁶ and secondhand marijuana smoke contains many of the same carcinogens and toxic chemicals as secondhand tobacco smoke, including acetaldehyde, ammonia, arsenic, benzene, cadmium, chromium, formaldehyde, hydrogen cyanide, isoprene, lead, mercury, and nickel.⁷

In 2009, the California Office of Environmental Health Hazard Assessment added marijuana smoke to its Proposition 65 list of carcinogens and reproductive toxins, also known as the Safe Drinking Water and Toxic Enforcement Act of 1986. It reported that at least 33 individual constituents present in both marijuana smoke and tobacco smoke are Proposition 65 carcinogens.⁸

Concerns

1) Threat of weakening strong public health protections associated with 100% smokefree environments

Allowing marijuana smoking and vaping in venues that are currently required to be 100% smokefree would weaken the newly modernized Colorado Clean Air Act and roll back longstanding public health protections that are known to protect workers and the public from exposure to the toxins, carcinogens, volatile organic compounds, and fine particulate matter in secondhand smoke and vape.

The proposed marijuana “hosting” businesses must adequately address public health and the necessity to protect all people from exposure to secondhand marijuana smoke or secondhand aerosol from electronic smoking devices such as e-cigarettes, vape pens, e-marijuana products, and other devices that allow the vaping of THC oils.

Current marijuana “hosting or hospitality” rules for the state allow local jurisdictions to pass stronger laws. In fact, nationally, **607 localities and 25 states/territories/commonwealths restrict marijuana use in some or all smokefree spaces**. Of these, 333 localities and 16 states prohibit smoking and vaping of recreational and medical marijuana in one or more of the following venues: non-hospitality workplaces, restaurants, bars, and/or gambling facilities.⁹ Therefore, ANR strongly recommends that Denver also not permit indoor marijuana smoking and vaping in retailers and microbusinesses, nor at temporary special events, if they are located in mixed-use or attached buildings, even if separate ventilation systems are installed (see #3 below).

2) Creating a new class of unprotected workers sacrificing their health for a paycheck

If marijuana smoking is brought indoors, a new class of hospitality workers working in the marijuana industry will be exposed to secondhand smoke at a much higher rate than the general public and will suffer the negative health effects of that exposure. This is a public health issue and will affect everyone in the community if an entire new class of unprotected workers has to sacrifice their health for a paycheck.

An August 2018 study indicates that particle concentrations from dabbing and vaporizing marijuana can create levels of indoor air pollution that are hazardous to human health, in the absence of combustion. Particulate exposure at these concentrations can cause cardiovascular and respiratory disease.¹⁰

3) Ventilation is not a solution to secondhand tobacco or marijuana smoke pollution

The American Society for Heating, Refrigeration, and Air-Conditioning Engineers (ASHRAE), the standard setting body for the HVAC industry, affirms that mechanical solutions like **ventilation and other air cleaning technologies cannot control for the health hazards associated with secondhand smoke**. ASHRAE bases its ventilation standard (62.1) for acceptable indoor air quality on an environment that is

completely free from secondhand tobacco smoke, **secondhand marijuana smoke**, and emissions from electronic smoking devices.¹¹

No amount of ventilation or filtering can eliminate the health risks of secondhand smoke either from tobacco or marijuana. Even sophisticated ventilation systems in hospitality settings do not protect people from the health impact of secondhand smoke, marijuana secondhand smoke, and secondhand vapor emissions from e-cigarettes. False claims of being able to “clean” the air by filtration or using other chemicals are not a substitute for clean air. This is affirmed by all leading health agencies, including the Office of the Surgeon General.

Conclusion

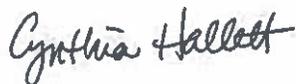
ANR does not question the rights of individuals to use marijuana. We’re advocating for the rights of nonsmoking workers and individuals to breathe smokefree air. Regardless of how one feels about marijuana use, no one should have to breathe secondhand marijuana smoke at work, in shared structures, or in public places.

One solution could be to allow use of edibles and “topicals” indoors and address smoking of marijuana/cannabis to how tobacco smoking/vaping is addressed in Denver. As an alternative to smoking indoors, businesses could encourage patrons to take it outside to areas that are obstructed from public view, preferably not where people gather nor where minors are present.

If communities choose to allow on-site consumption, we recommend that only businesses **located in freestanding buildings** be permitted to allow indoor smoking and vaping so that workers, residents, and patrons in attached businesses and residences are not exposed to secondhand smoke. Creating indoor spaces for marijuana smoking and vaping at the expense of public health is not the only option.

If the city is committed to protecting the public health and safety, then it must support maintaining smokefree indoor air rules that protect worker and patron health and safety and help minimize susceptibility to COVID-19, which attacks both the cardiovascular and respiratory system. Please feel free to contact me at 510-841-3045 if you have any questions, comments, or feedback.

Sincerely,



Cynthia Hallett, MPH
President and CEO

Americans for Nonsmokers’ Rights is a national, member-based, not-for-profit organization based in Berkeley, CA that is dedicated to helping nonsmokers breathe smokefree air since 1976.

Included: Smokefree is Smokefree fact sheet
State and Local Laws Prohibiting Smoking AND Vaping Marijuana

¹ Hillier, FC.; et al. "Concentration and particle size distribution in smoke from marijuana cigarettes with different $\Delta 9$ -tetrahydrocannabinol content." *Fundamental and Applied Toxicology*. Volume 4, Issue 3, Part 1, June 1984, Pages 451-454.
<http://www.sciencedirect.com/science/article/pii/0272059084902021>

² "Air and Health: Particulate Matter." National Environmental Public Health Tracking Network, U. S. Environmental Protection Agency. <http://ephracking.cdc.gov/showAirHealth.action#ParticulateMatter>

³ ibid

⁴ Brook, R.D.; et al. Particulate matter air pollution and cardiovascular disease: An update to the scientific statement from the American Heart Association. *Circulation*. 2010; 121: 2331-78. <https://www.ncbi.nlm.nih.gov/pubmed/20458016>

⁵ Springer, M.L.; Glantz, S.A. "Marijuana Use and Heart Disease: Potential Effects of Public Exposure to Smoke," University of California at San Francisco. April 13, 2015.

<https://tobacco.ucsf.edu/sites/tobacco.ucsf.edu/files/u9/MSHS%20fact%20sheet%20for%20CA%204-13-15.pdf>

⁶ Wang, X., et al., "Brief exposure to marijuana secondhand smoke impairs vascular endothelial function" (conference abstract). *Circulation* 2014; 130: A19538. http://circ.ahajournals.org/content/130/Suppl_2/A19538.abstract

⁷ Moir, D., et al., A comparison of mainstream and sidestream marijuana and tobacco cigarette smoke produced under two machine smoking conditions. *Chem Res Toxicol* 21: 494-502. (2008). <http://www.ncbi.nlm.nih.gov/pubmed/18062674>

⁸ "Evidence on the Carcinogenicity of Marijuana Smoke." Reproductive and Cancer Hazard Assessment Branch, Office of Environmental Health Hazard Assessment, California Environmental Protection Agency. August 2009.

http://oehha.ca.gov/prop65/hazard_ident/pdf_zip/FinalMJsSmokeHID.pdf

⁹ ANR Foundation U.S. Tobacco Control Laws Database© <https://no-smoke.org/wp-content/uploads/pdf/marijuana-smokefree-laws-map.pdf>

¹⁰ Jaques, P, Zalay, M, Huang, A, Jee, K, Schick, SF "Measuring Aerosol Particle Emissions from Cannabis Vaporization and Dabbing", Proceedings of the 15th Meeting of the International Society for Indoor Air Quality and Climate. July 22-27, 2018. Philadelphia, PA.

¹¹ ANSI/ASHRAE Standard 62.1-2013, Addenda 2015 - Ventilation for Acceptable Indoor Air Quality. American Society of Heating, Refrigerating, and Air-Conditioning Engineers, Inc. https://ashrae.iwrapper.com/ViewOnline/Standard_62.1-2016

Clarissa Kriech

Marijuana Licensing Work Group Meeting #2 – Hospitality Below are the discussion questions posed to the Marijuana Licensing Work Group on Thursday, May 28 regarding marijuana hospitality establishments. If you have thoughts on any of the discussion questions below, please provide input below and submit the document to marijuanainfo@denvergov.org. Comments will be circulated to the Marijuana Licensing Work Group.

Should Denver opt in to allow for three different types of Marijuana Hospitality Businesses; including Marijuana Hospitality, Mobile Hospitality and Hospitality & Sales?

I recommend that Denver adopts the Mobile Hospitality and the Hospitality & Sales model, and not the the Marijuana Hospitality option as this latter has proven not to be a viable business model.

What should the equity considerations be for the three different types of Marijuana Hospitality Establishments?

Repair Discriminatory Enforcement of Prohibition (Access/Entry Barriers)

Look into changing the law to create an automatic process, at no cost for the individual, for the expungement or sealing of criminal records for cannabis offenses that is inclusive of individuals under any probationary agreement for such offenses. Eliminate punishment or penalization for those under parole, probation, or State supervision, or on bail waiting trial, for conduct otherwise allowed under State cannabis laws. When looking at the 60-day criminal background check required in the language, **exclude non-violent marijuana offenders.**

Tax Incentives for Incubating & Funding social equity businesses (Access to Capital)

Access to Funding streams generated through designated tax revenue to finance the costs of the Sunset Program (incubator) and provide start-up funding for equity applicants and licensees (% Tax liabilities of current program (s) deferred to social equity business loans.)

Launch State (and Industry) supported technical assistance/training, mentoring, & business matchmaking program.

Do not implement License Caps Determine the type and number of businesses needed and avoid arbitrary caps on licenses.

Priority Licensing for social equity applications.

Address zoning issues as discussed at May 28, 2020 meeting. Consumption Space (and delivery)

What should be the hours of operation for the three different types of Marijuana Hospitality Establishments?

I second the recommendation to follow retail store hours for sales, and close at 2am (no sales from 10pm-2am)

What methods of consumption should be allowed at the three different types of Marijuana Hospitality Establishments?

All methods with required Odor Control Plan.

What location or proximity regulations should apply to Marijuana Hospitality Establishments and Hospitality & Sales Establishments?

They should be so that they protect vulnerable populations like youth, but also are not too strict to a point that they are too restrictive for businesses to thrive. Create a program to work with commercial landlords to educate.

For Mobile Hospitality Establishments, should there be restrictions on when and where vehicles can stop, park, pickup and drop off patrons?

I would rely on the community approvals for this aspect.

Should outdoor consumption areas be allowed for Marijuana Hospitality Establishments and Hospitality & Sales Establishments?

Yes.

Should there be any additional restrictions on sales limits in Hospitality & Sales Establishments?

Sales limits should reflect those of retail stores.

Should Denver permit Retail Food Establishments to operate Marijuana Hospitality Establishments, including restrictions for, but not limited to, hours of operation, methods of consumption, location restrictions and outdoor operations?

Yes.

Anything else relevant to Marijuana Hospitality Licensing in Denver that the Work Group should consider?

Maybe bilingual materials on the licensing discussions and roll out in Spanish if not already there (for these meeting notes/comments as well).



June 4, 2020

Re: Protect local smoke-free and vape-free laws from secondhand marijuana smoke

Dear Marijuana Licensing Work Group,

Denver Public Health's Chronic Disease Tobacco Education and Prevention program respectfully requests you do not lessen or revert local public health and smoke-free protections by allowing marijuana smoking, tobacco smoking and vaping indoors. The proposed marijuana hospitality establishments should adequately address public health and protect all people, including workers, from exposure to secondhand marijuana smoke, tobacco smoke or secondhand aerosol from electronic smoking devices such as e-cigarettes, e-marijuana products, vape pens and other devices that allow the vaping of THC oils.

We have three major concerns regarding marijuana hospitality establishments: 1) the weakening of strong public health protections associated with 100% smoke-free environments, 2) creating a newly unprotected class of workers by allowing marijuana smoking and vaping indoors, and 3) deceptive information about ventilation as a protective factor.

- 1) **Exemptions to the Colorado Clean Indoor Air Act (CCIAA).** Exemptions would revert a public health measure which was put in place to protect the health of both consumers and workers. Allowing marijuana and tobacco smoking and vaping in venues that are currently required to be 100% smoke free would weaken the CCIAA and lessen or revert longstanding public health protections that are known to protect workers and the public from exposure to the toxins, pollutants, volatile organic compounds, cancer-causing chemicals, and fine particulate matter in secondhand smoke and vape. Smoke-free policies are proven to reduce exposure to secondhand smoke, provide incentives for people who want to quit smoking, assist to denormalize smoking behavior, and are especially effective among youth and young adults who are vulnerable to visual cues and social norms of smoking.¹
- 2) **Creating a newly unprotected class of workers by allowing marijuana smoking and vaping indoors.** If marijuana smoking is brought indoors, a new class of hospitality workers working in the marijuana industry will be exposed to secondhand smoke at a much higher rate than the general public and will suffer the negative health effects of that exposure. Research also indicates that particle concentrations from dabbing and vaporizing marijuana can create levels of indoor air pollution that are hazardous to human health.²
- 3) **Deceptive information about ventilation as a protective factor.** Ventilation is not a viable solution to secondhand tobacco or marijuana smoke. Exposure to secondhand smoke is associated with negative health effects, and ventilation systems do not adequately alleviate this risk. The American Society for Heating, Refrigeration, and Air-Conditioning Engineers (ASHRAE), develops engineering standards for building ventilations systems.



ASHRAE now bases its ventilation standard (62.1) for acceptable indoor air quality on an environment that is completely free from secondhand tobacco smoke, secondhand marijuana smoke, and emissions from electronic smoking devices.³ No amount of ventilation or filtering can eliminate the health risks of secondhand smoke either from marijuana or tobacco. Even sophisticated ventilation systems in hospitality settings do not protect people from the health impact of secondhand smoke, marijuana secondhand smoke, and secondhand vapor emissions from e-cigarettes. Claims that ventilation systems are able to adequately “clean” the air are false. This is affirmed by all leading health agencies, including the Office of the Surgeon General.

If communities opt-in and choose to allow on-site consumption, we recommend only businesses located in freestanding or stand-alone buildings be allowed to have indoor smoking and vaping so that workers, residents, and patrons in attached businesses and residences are not exposed to secondhand smoke. Further, an indoor solution could be to allow use of just edibles and “topicals”.

As an alternative to smoking indoors, businesses could encourage patrons to take it outside to areas that are obstructed from public view and not where people gather nor where youth are present.

Thank you for allowing us to provide public comment. Please feel free to contact me at 303-602-3692 if you have any questions, or comments.

Sincerely,

Tracey Maruyama

Tracey Maruyama, MA
Chronic Disease Tobacco Education and Prevention Program Manager

1. <https://www.thecommunityguide.org/findings/tobacco-use-and-secondhand-smoke-exposure-smoke-free-policies>
2. Jaques, P, Zalay, M, Huang, A, Jee, K, Schick, SF “Measuring Aerosol Particle Emissions from Cannabis Vaporization and Dabbing”, Proceedings of the 15th Meeting of the International Society for Indoor Air Quality and Climate. July 22-27, 2018.
3. ANSI/ASHRAE Standard 62.1-2016 – Ventilation for Acceptable Indoor Air Quality. Atlanta, GA: American Society of Heating, Refrigerating, and Air-Conditioning Engineers, Inc. <https://www.ashrae.org/technical-resources/standards-and-guidelines/read-only-versions-of-ashrae-standards>

From: [GASP of Colorado](#)
To: [MarijuanaInfo](#)
Subject: [BULK] [EXTERNAL] comments on marijuana hospitality establishments
Date: Wednesday, May 27, 2020 11:59:18 AM

Should Denver opt in to allow for three different types of Marijuana Hospitality Businesses; including Marijuana Hospitality, Mobile Hospitality and Hospitality & Sales?

What methods of consumption should be allowed at the three different types of Marijuana Hospitality Establishments?

We should not go back to the days when smoking or vaping was allowed in indoor public places of workplaces because exposure to secondhand smoke is a public health threat to workers and the public. Such exposure causes illness and death and for some people can have an immediate health effect especially on the heart. While the science of secondhand marijuana and vape smoke is limited due to federal constraints on research, we know that marijuana smoke emits some of the same toxic and cancer-causing chemicals that tobacco smoke emits and vaping devices also emit many chemicals that can cause harm to those exposed. We also know that no ventilation system currently available can remove all the toxic chemicals in tobacco, marijuana, or vape "smoke". If such business are allowed, smoking or vaping of marijuana should not be allowed indoors.

What location or proximity regulations should apply to Marijuana Hospitality Establishments and Hospitality & Sales Establishments?

During the COVID-19 crisis the Group to Alleviate Smoking Pollution (GASP) has received an increase in complaints about tobacco and marijuana smoke drifting into people's apartments likely because more people are staying home and smoking more at home. In the past we have registered similar complaints about smoke drift into apartments and businesses. One recent study indicated that drifting vape-smoke chemicals can drift into a neighboring business and end up on certain businesses surfaces. If indoor smoking or vaping is not allowed this will not be a concern, but if it is, establishments should be stand alone and not adjoining any other building that is in use.

Anything else relevant to Marijuana Hospitality Licensing in Denver that the Work Group should consider?

What types of enforcement protocols will be established? Will establishments be suspended or lose their license due to complaints from neighboring workplaces or residences? Who will be responsible for fielding complaints? If smoking or vaping is allowed, will air quality studies be allowed to take place and be done just like any other type of health food inspection (without advance notice). Can funding be secured to gage the health impact of those who work in these establishments, people who have to enter to deliver goods or perform maintenance, and the public that enters them as well?

The Colorado Group to Alleviate Smoking Pollution (GASP) is a 501-c-3 statewide nonprofit organization founded in 1977. Through education and policy change, GASP works to save lives by striving to eliminate the exposure to secondhand smoke at work, in public places, and in multiunit housing. GASP's primary concerns with the public's exposure to marijuana smoking or vaping are in regards to the chemical and particulate emissions and their public health impact. No one should be forced to breathe secondhand smoke, whether it is from tobacco or marijuana smoking or vaping.

Pete Bialick, President
Group to Alleviate Smoking Pollution
GASP of Colorado
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Boulder CO 80305-4504
303-444-9799
info@gaspco.org (E-mail)

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Name: Kendra Black

Marijuana Licensing Work Group Meeting #2 – Hospitality

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Should Denver opt in to allow for three different types of Marijuana Hospitality Businesses; including Marijuana Hospitality, Mobile Hospitality and Hospitality & Sales?

Yes

What should the equity considerations be for the three different types of Marijuana Hospitality Establishments?

There are already some hospitality businesses operating in a precarious legal area (like buses and clubs.) I think these existing businesses should be allowed to apply for a license. Additionally, equity applicants should be prioritized to apply for new licenses. Perhaps some of the existing hospitality operators could provide advice and/or support to new equity applicants.

With Denver's saturation of MJ stores, new license types provide the best opportunity for new licensees. Hospitality licenses are opportunities!

What should be the hours of operation for the three different types of Marijuana Hospitality Establishments?

What methods of consumption should be allowed at the three different types of Marijuana Hospitality Establishments?

State law allows for indoor smoking and vaping at MJ hospitality. Because smoking is the most popular way to consume, it should be allowed along with vaping and edibles.

What location or proximity regulations should apply to Marijuana Hospitality Establishments and Hospitality & Sales Establishments?

I support 1000 feet from schools.

I chaired the 2018 Social Consumption Task Force which recommended that social consumption establishments be 1000 feet from schools which was written into the voter-approved 2016 Neighborhood Approved Cannabis Consumption Pilot Program Initiative. (168,995 voters approved this initiative.)

The additional distance requirements that ExL added (1000 feet from day care, treatment centers and pools/rec center) resulted in almost no realistic and viable locations in Denver for social consumption. I am happy to share the data, maps and report which support this.

The Task Force recommended removing the additional distance requirements.

For Mobile Hospitality Establishments, should there be restrictions on when and where vehicles can stop, park, pickup and drop off patrons?

Yes

Should outdoor consumption areas be allowed for Marijuana Hospitality Establishments and Hospitality & Sales Establishments?

Yes, provided it is private (not visible from the street) and that odor is contained.

Should there be any additional restrictions on sales limits in Hospitality & Sales Establishments?

Should Denver permit Retail Food Establishments to operate Marijuana Hospitality Establishments, including restrictions for, but not limited to, hours of operation, methods of consumption, location restrictions and outdoor operations?

Anything else relevant to Marijuana Hospitality Licensing in Denver that the Work Group should consider?

No, but I am happy to share the results of the Social Consumption Task Force. The group put a lot of time and thought into MJ hospitality.

Ken Allison
Name:

Marijuana Licensing Work Group Meeting #2 – Hospitality

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What should the equity considerations be for the three different types of Marijuana Hospitality Establishments?

Having people of color showing up in their own neighborhoods would show that attempts are being made to expose us to the community. People of color would also work and establish areas outside of minority communities that would possibly generate new revenue for business. As long as your product is good and priced fairly people will come if you

What should be the hours of operation for the three different types of Marijuana Hospitality Establishments?

What methods of consumption should be allowed at the three different types of Marijuana Hospitality Establishments?

What location or proximity regulations should apply to Marijuana Hospitality Establishments and Hospitality & Sales Establishments?

Reconsider state or maintain current rules that are hopefully fair to everyone.

For Mobile Hospitality Establishments, should there be restrictions on when and where vehicles can stop, park, pickup and drop off patrons?

There should be considerations for parking near schools, colleges, or drug rehab facilities. Other restricted areas may

Should outdoor consumption areas be allowed for Marijuana Hospitality Establishments and Hospitality & Sales Establishments?

Should there be any additional restrictions on sales limits in Hospitality & Sales Establishments?

Each person who comes into your place of business should know the limits and I would ask shop owners to be aware of table activity and change in unwanted behavior.

Should Denver permit Retail Food Establishments to operate Marijuana Hospitality Establishments, including restrictions for, but not limited to, hours of operation, methods of consumption, location restrictions and outdoor operations?

Anything else relevant to Marijuana Hospitality Licensing in Denver that the Work Group should consider?

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