

Name:

Marijuana Licensing Work Group #5 – Public Comment Worksheet

Below are the discussion questions posed to the Marijuana Licensing Work Group on Tuesday, September 29, regarding changes to Denver’s marijuana licensing program. If you have thoughts on any of the discussion questions below, please provide input in the space provided and submit the document to marijuanainfo@denvergov.org. Comments will be circulated to the Marijuana Licensing Work Group and posted on the [Marijuana Laws, Rules, and Regulations website](#).

Equity

1. The State of Colorado and the Marijuana Enforcement Division have proposed a Social Equity Licensee as the following:

A Colorado resident that, individually or together with other Social Equity Licensees, owns at least 51% of the marijuana business licenses, has not been subjected to a legal or disciplinary action by the State Licensing Authority against their license resulting in revocation, and demonstrates **one** of the following:

- Resided 15+ years, from 1980 to 2010 in an opportunity zone or Disproportionate Impacted Area, which is defined as a census tract in the top 15th percentile for that state in at least two of the following categories as measured by the United States Census Bureau:
 - The number of residents in the census tract receiving public assistance;
 - The number of residents in the census tract falling below the federal poverty level;
 - The number of residents in the census tract failing to graduate high school; and
 - The number of residents in the census tract who are unemployed.
- Applicant or immediate family was arrested, convicted or suffered civil asset forfeiture due to a marijuana offense.
- Applicant’s household income did not exceed 50% of the state median income as measured by the number of people who reside in the Applicant’s household.

Should Denver adopt this same language for a Social Equity Applicant? Please explain.

2. In order to support Social Equity Licensees, one proposal is to reserve certain licenses exclusively for Social Equity Licensees for a time period. Under this proposal, which licenses should be reserved? Please explain your selection(s) in the space provided below.

- Stores (including delivery*)
- Transporters (including delivery*)
- Cultivations
- Manufacturers of Infused Products
- Hospitality (including mobile)*
- Hospitality & Sales*
- Testing Facilities
- Medical Research & Development

*Assuming Denver opts in to these new license types.

3. In order to support Social Equity Licensees, one proposal is to distribute certain licenses exclusively to Social Equity Licensees for a time period, with a sunset review at the end of the time period. What is the right timeline to ensure the success of Social Equity Licensees? Please explain your selection in the space provided below.

- 2 – 3 years
- 4 – 5 years
- 6+ years

4. Success of Social Equity Licensees is heavily contingent upon funding, support from industry, and access to capital. The City and County of Denver is projecting a \$226 million budget gap in 2020 and a \$190 million budget gap in 2021 as a result of the COVID-19 pandemic. Creative solutions are needed to fund a Cannabis Social Equity Program. What are ideas to fund a cannabis social equity program in Denver or support the social equity licensees?

Cap & Lottery

5. A lottery process may have the unintended consequence of increasing barriers to entry and they often result in litigation that slows the process for applicants. If licenses are available only to Social Equity Licensees for a period of time, how should the cap and lottery be addressed?

Option A	Option B	Option C
<ul style="list-style-type: none"> • Maintain the cap on store and cultivation licenses • Hold a lottery for distribution of available licenses if applications exceed number of locations available • Minimize requirements for lottery entry 	<ul style="list-style-type: none"> • Remove cap on store and cultivation licenses • No lottery • Maintain transfer of location provision that prohibits co-located businesses from creating new locations • Maintain provision prohibiting new locations in top five saturated neighborhoods 	Other ideas?

Delivery

6. In-person sales have security camera requirements and other regulations in place to prevent diversion of marijuana, particularly to youth. What additional safeguards would be effective to prevent diversion through delivery sales?

- Prohibit cash tipping for delivery drivers
- Require all delivery drivers to use ID scanners to verify IDs
- Other ideas?

Hospitality

7. According to available research, [density of alcohol outlets](#) is an environmental risk factor for youth alcohol use and excessive adult alcohol use, and [physical availability of marijuana](#) is related to increased frequency of adult marijuana use. Given this information, what tools should be utilized to reduce density and concentration of businesses that allow for sales?

- Proximity restrictions between stores/sales locations
- Proximity restrictions from sales locations to protected uses
- Provisions that limit the number of locations in certain neighborhoods
- Others?

8. Should there be a 1,000 foot buffer between Hospitality & Sales Businesses? Please explain.

9. Should there be a 1,000 foot buffer between Hospitality & Sales Businesses and Retail Marijuana Stores/Medical Marijuana Centers? Please explain.

10. Two types of mobile hospitality businesses are anticipated. Should either of the business models described below, or any parts of these business models, be prohibited or limited to address similar time, place and manner regulations in place for stationary businesses?

Shuttles	Tours
Vehicle designed to be used for consumption while it is moving between point A and point B and/or when the vehicle is parked at either of the points.	Vehicle designed to be used for consumption while it is moving between multiple stops on set routes and/or when the vehicle is parked at any of the stops.
Ex. A shuttle that runs from DEN to a hotel in Denver.	Ex. A bus that transports patrons on a tour to a cultivation, a MIP, and a restaurant.

11. State statute prohibits a licensed marijuana hospitality business from allowing the use of any device using any liquid petroleum gas, a butane lighter, or matches in the licensed premises if prohibited by local ordinance or resolution. Currently, the [Rules Governing Marijuana Designated Consumption Areas](#) prohibit the use of LPG torches. Which devices should be prohibited in hospitality establishments to appropriately balance safety concerns with providing options for methods of consumption? Please explain in the space provided below.

- LPG torches
- Butane lighters
- Matches