

MJ Licensing Regulations

Code Section	Description of Provision	Stakeholder Comments	Staff Comments	Revisions
Sec 7-1(II)(B); Sec. 7-50(II)(B)	Definition of Chemical	Inclusion of "organic" substances is not necessary	Licensing staff notes that organic substances can be explosive (such as "food grade" ethanol)	No changes made to regulations
Sec. 7-2; Sec. 7-51	Authority of Staff		Ability to seek LLA review of staff determinations clarified (limited to determinations of fact)	See provision
Sec. 7-3(I)(K); Sec. 7-52(I)(J)	Prohibited Licensees: Prohibited from employing person whose criminal history check makes ineligible or who have not submitted fingerprints	Request clarification about who can employ	Provision mirrors state law in substance - CRS 12-43.3-307; CRS 12-43.4-306; no local checks for employees	No changes to regulations; local fingerprint checks for employees not required
Sec. 7-5(I)(B); Sec. 7-54(I)(B)	General Restrictions on Location of Licensed Premises	Request provision regarding distance from "drug or alcohol rehabilitation center" be changed; only applicable to licensed overnight facilities	Medical MJ statute prohibits locating within 1,000 ft. of "alcohol or drug treatment facility"; not limited to overnight facilities; no similar provision found in retail MJ statutes	No changes made to regulations (based on statute); dual location of retail and medical facilities permitted under regs, and to keep regulations consistent, no change made to retail regs.
Sec 7-5(IV)(A); Sec. 7-55(IV)(A)	Products Manufacturing Facility Restrictions	Request change to allow raw ingredients to be shared by dually located medical and retail businesses	No objection	Modified regulations to permit sharing of raw ingredients (in same manner as state regulations)
Sec. 7-6(I)(B); Sec. 7-55(I)(B)	New Licenses: Building Plan		Based on changes to modification provisions, added language about equipment that must be on building plan	See provisions (also made changes to renewal provisions)
Sec. 7-6(I)(C); Sec. 7-55(I)(C)	New Licenses: Location and Plot Plan	Request use of GIS services (rather than professional preparation); physical features should not be required	Licensing staff notes that the same plot plan prepared for planning can be submitted for licensing purposes (explaining the physical features); GIS does not have access to information about types of businesses within 1,000 sq. ft. of premises to create required maps	No changes made to regulations (request for GIS preparation considered by Board last year)
" "	New Licenses: Factors considered by LLA in reviewing application for new licenses	Ability to review "number, type, and availability" of marijuana business located near premises is vague; objective guidance necessary	Provision similar in substance to liquor licensing considerations of needs of community and neighborhood; purely objective criteria not available in making these determinations about licenses	No changes made to regulations

MJ Licensing Regulations

Code Section	Description of Provision	Stakeholder Comments	Staff Comments	Revisions
Sec. 7-6((III)(F)(1); Sec. 7-55(II)(F)(1)	New Licenses: Moral character/continuing qualification review after conditional approval but before license issued	Concerns that timeframe should be 18 months (scrivener's error); need for objective criteria to determine good moral character	The timeframe set forth for review of continuing qualifications/good moral character is accurate = 1 yr.; while an additional 6 months (18 months total) is permitted to obtain land use and building dept. approval after a license is conditionally approved; review of continuing good moral character after 1 yr. tracks requirement for annual review at renewal; objective criteria is listed - reference to Sec. 7-6(III) (medical) or 7-55(II) (retail)	No changes made to regulations
Sec. 7-7(II)(F); Sec. 7-56(II)(F)	Transfer of Ownership: MSDS Sheets Required	Redundancy; only require if new chemicals used (same concern expressed with regard to renewal applications)	Per licensing staff, an updated chemical list or a new complete set of sheets is necessary to track chemicals	Changes have been made to allow for submittal of an updated chemical list with MSDS sheets for new chemicals or submission of a complete new packet
Sec. 7-7(V)(A); Sec. 7-56(V)(A)	Transfer of Ownership: Delay or deny transfer until investigation/disciplinary action complete	Request that time limitation be added to prevent unnecessary delay	Number of factors could prevent completing process within any set timeframe; LLA will determine timeframe and can address any concerns about delay as issues arise on case-by-case basis	No change made to regulations
Sec. 7-8; Sec. 7-57	Renewals: Requirement for submittal of state application	Redundant paperwork required (see also similar comments regarding new applications)	Licensing staff is working to update the applications; County applications supplement information from state; if information contained in state application, duplicate submittal under County regs. not required	No changes made to regulations; state MED has changed processing requirements, so state application may not be available until later - if data not provided as part of state application, need to ensure provided for local compliance
Sec 7-9; Sec. 7-58	Modifications: Requirements for notice or approval of proposed modifications to licensed premises	Greater flexibility needed to make changes to licensed premises without need for prior notice or approval; live plant concerns	Licensing staff need for information of matters related to land use, electrical, wastewater, chemicals; advance notice of expansions more critical to licensing staff; other items can be reported after-the-fact	Revised sections in substance; limited number of modifications requiring advance approval; subsequent notice required for many actions - specific concerns addressed below

MJ Licensing Regulations

Code Section	Description of Provision	Stakeholder Comments	Staff Comments	Revisions
Sec 7-9; Sec. 7-58	Modifications: Requirements for agency comments on modifications on County forms	Use of County forms for agency comment could prove problematic	Per licensing staff, planning department seeks agency comments on County forms; similar requests being made here; rationale is to ensure accurate information transmitted and received	No changes made to regulations
" "	Modifications: Requirements for notice or approval of changes in plant counts; employees	Timeframe for approval needed; state regulates plant count	PLANTS: Regulations require approval if plant count increases "beyond that permitted and approved" by MED or planning dept. (plants within any part of growing cycle should be within permitted number) / EMPLOYEES: Land use permit limit number of employees (based on parking, access, etc.); increase could affect wastewater discharge under OWTS permit	No changes made to regulations; prior approval still required
" "	Modifications: Review and approval by EPA required for OWTS (on-site wastewater treatment system)	MJ is illegal under federal law; difficult to obtain review and approval of EPA	County Attorney's office has spoken with EPA about review of MJ facilities under wastewater/injection regulations; currently conducts review; nature of business not considered; other counties require review	No changes made to regulations; provisions regarding EPA review are not MJ regulation (or pesticides), but OWTS/injection well review
" "	Modifications: Changes to chemical mixt	Need ability to address pests, mildew and other issues with live plants; already regulated by Dept. of Ag.	Licensing staff concerns not related to pesticides used on plants; information used to inform fire departments of potential fire danger/explosive potential; use may require approval/permits if discharged as wastewater	Modified timing of notice (notice within 15 days after changed made); information communicated to fire departments and applicable agency in charge of review of wastewater
" "	Modifications: Ability to seek LLA review of staff recommendation of denial of application for modification	Request additional provision for review if licensee disagrees with conditions of approval	No objection to this change; conditions of approval based on requirements of other codes or agency approvals	Regulations updated to add requested provision
Sec. 7-12; Sec. 7-61	Occupational Licenses	Request changes with regard to type of badges required and issued	County Attorney's Office has spoken with MED about badges; based on information associated key badges only issued to owners and key badges issued to managers	Modified language to clarify which individuals information must be provided for (associated key badge and key badge)

MJ Licensing Regulations

Code Section	Description of Provision	Stakeholder Comments	Staff Comments	Revisions
Sec. 7-14(III); Sec. 7-63(III)	Enforcement Actions: Timeframe to contact staff regarding notice of violation	Request longer timeframe	No objection to this change	Revised to provide that notice deemed received when hand delivered, delivered by email, or 5 days after mailing (to being 10 day response period)
Sec. 7-17(II); Sec. 7-66(II)	Indemnification of County	Request removal of requirement or limitation of applicability	Provision is limited to license at issue	Added language to clarify provision

MJ Licensing Regulations

Code Section	Description of Provision/ Issue	LLA or Public Comments	Staff Comments	Revisions
	Failure to provide information to LLA or staff	Former LLA Member Comment: Consider adding language delaying/postponing processing of application until requested information provided	No objection	Language added to provisions for all types of applications submitted to staff
Sec. 7-6(III)(A); Sec 7-55(II)(A)	New Licenses: Factors considered by LLA in reviewing application for new licenses	Public Comment: No provisions regarding lifestyle of citizens (comment did not specifically mention provisions)	LLA can consider number, type and availability of MJ businesses near proposed facility when making determinations	No changes made to regulations at this time
Sec. 7-8; Sec.7-57	Renewals	LLA Member Comment: Consider requiring finger-print based checks periodically (every 3-5 years)	Prior direction was to treat licensees in manner similar to liquor licensing (no fingerprint checks); staff has learned that the MED is now requiring fingerprint checks for owners every 2 years (versus prior information that checks were eliminated)	No changes made to regulations at this time
Sec. 7-8; Sec.7-57	Renewals	Public Comment: Hearings should be required and noticed in public newspapers to allow citizen input; also use radio, web sites, etc.; hearings should be held during the evening	State law for medical MJ licenses only allows hearing if complaints exist, history of noncompliance, or good cause exists - C.R.S. 12-43.3-311; for continuity, retail MJ regs. have been drafting in same manner	No changes made to regulations at this time; (public notice of meetings on renewals posted in manner as other County business/planning meetings)
Sec 7-9; Sec. 7-58	Modifications	Former LLA Member Comment: Consider whether LLA needs information about certain types of modifications (such as painting and redecorating)	Changes to provisions on modifications being made to address concerns of stakeholders (include this topic)	See revised provisions
	Notice of neighbors	Public Comment: Letters to those within 100 feet of premises should be noticed for any application for MJ business	Notice to neighbors sent during land use process for initial applications; no other notice currently sent	No changes made to regulations at this time
		Public Comment: Cap on number of dispensaries and grow operations should be considered		No changes made to regulations at this time
		Public Comment: Tax MJ businesses for education for youth		