

NEW MARIJUANA LAWS

PRIMER & PUBLIC HEALTH IMPLICATIONS

The 2019 legislative session included a number of changes to Colorado retail and medical marijuana regulations, including the option for a local jurisdiction to allow new types of marijuana businesses. Key information and research-supported recommendations about one of those business types, Marijuana Hospitality Establishments, is provided here.



HOUSE BILL 19-1230

MARIJUANA HOSPITALITY ESTABLISHMENTS

“ Subject to approval by both the state and local licensing authorities, the act authorizes marijuana hospitality spaces (hospitality spaces) in which medical and retail marijuana may be consumed on site and retail marijuana hospitality and sales establishments in which retail marijuana, retail marijuana concentrate, and retail marijuana products may be sold and consumed on site. ”

THERE ARE TWO TYPES OF LICENSES

1

“TASTING ROOM”

Establishments can sell marijuana and marijuana products for on-site consumption.

2

“BRING YOUR OWN CANNABIS”

Establishments can't sell marijuana on-site, but customers can bring their own product to consume.



There are two types of Marijuana Hospitality Establishment licenses available that will allow adults 21+ to consume marijuana in a local business.

WHAT YOUR COMMUNITY CAN DO

Local municipalities and counties can opt-in through an enacted, initiated, or referred ordinance or resolution to allow Marijuana Hospitality Businesses in their jurisdiction. Options include:

1

“OPT-OUT”

Take no action or enact a moratorium on the operation of Marijuana Hospitality Businesses in your community.

2

“OPT-IN”

Enact, initiate, or refer an ordinance or resolution to allow operation of either/both business models (“Tasting Room” and “Bring Your Own ”in jurisdiction with no additions to state licensing requirements listed on next page.)

3

“OPT-IN” WITH LOCAL OVERSIGHT

Enact, initiate, or refer an ordinance or resolution to allow operation of either/both businesses in jurisdiction with specific local licensing requirements additions to state licensing rules, such as:

- Create county or municipality license structure.
- Earmark license and tax dollars to offset prevention programs & law enforcement costs.
- Strengthen regulations to protect public health & safety.



RECOMMENDATIONS



Recommendations and best practices listed are based on research to effectively restrict access and prevent use by youth to substances such as alcohol and tobacco.

1

LOCAL LICENSING

Local control of marijuana hospitality businesses gives you oversight and tax revenue from local sales and operations.

2

LIMIT DENSITY

High density is linked to increased youth use of substances. Consider how far you want businesses from schools, parks, treatment centers, other business locations, as well as bars, breweries, and wineries.

3

LIMIT THE HOURS & DAYS OF SALE

Expanded hours are linked to increased youth use of substances. Consider limiting hours and days of operation.

4

INCREASED ENFORCEMENT OF DUI/DWI LAWS

Enforcement of laws are essential to creating successful policy. Consider the impact on law enforcement to ensure businesses are prohibiting sales to minors, not overserving their customers, and customers are not driving impaired after leaving businesses.

5

REVOKE LICENSES FOR VIOLATIONS

To ensure businesses are abiding by regulations, consider the consequences for violations of the law.

6

STUDY EFFECTS OF NEW BUSINESSES

Tracking the impacts on your community is important when considering if policies are the “right mix” for your jurisdiction.

OTHER LAW CHANGES

1

ADVERTISING

Marijuana Businesses can now advertise on outdoor billboards.

2

BRANDING

Marijuana Businesses can advertise on all mediums using their company brand or logo.

3

DELIVERY “OPT-IN”

Jurisdictions may “opt-in” for medical delivery starting January 2020 and retail delivery to begin January 2021.

THE LICENSES

1 “TASTING ROOM”

State Requirements and Allowed Activities

- Required to be a standalone store or be separated from any place where food is prepared.
- Required to have liability insurance.
- Required to have employees complete a “Responsible Vendor Program.”
- Required to provide consumer education materials.
- Required to stop sales and consumption when emergency public safety personnel enter.
- Required to report adverse events
- Required to supervise product on display
- May be open between 8 am to 2 am every day.
- May serve one “serving size” of marijuana product.
- May sell food.
- Must destroy unused marijuana left by a customer.
- Must label marijuana product with potency and name.

Non-Allowed Activities

- No public display of use or marijuana product.
- No one under the age of 21 is allowed to enter.
- No one can consume alcohol or tobacco on site.
- No employee can consume marijuana while on duty.
- If a food establishment holds a liquor license, they cannot hold a marijuana business license at the same site.
- Cannot give away free marijuana products.
- Cannot serve intoxicated customers.

2 “BRING YOUR OWN CANNABIS”

State Requirements and Allowed Activities

- Customers cannot purchase on site.
- Businesses cannot sell on site.
- Required to be a standalone store or be separate from any place where food is prepared and served.
- Required to have liability insurance.
- Required to have employees complete a “Responsible Vendor Program.”
- Required to provide consumer education materials.
- Required to stop sales and consumption when emergency public safety personnel enter business.
- Required to report adverse events.
- May be open between 8 am to 2 am every day.

Non-Allowed Activities

- No public display of use or marijuana product.
- No one under the age of 21 is allowed to enter.
- No one can consume alcohol or tobacco on site.

ADDITIONAL RESOURCES?

Contact the Retail Marijuana Education Program at Jessica.Neuwirth@state.co.us

