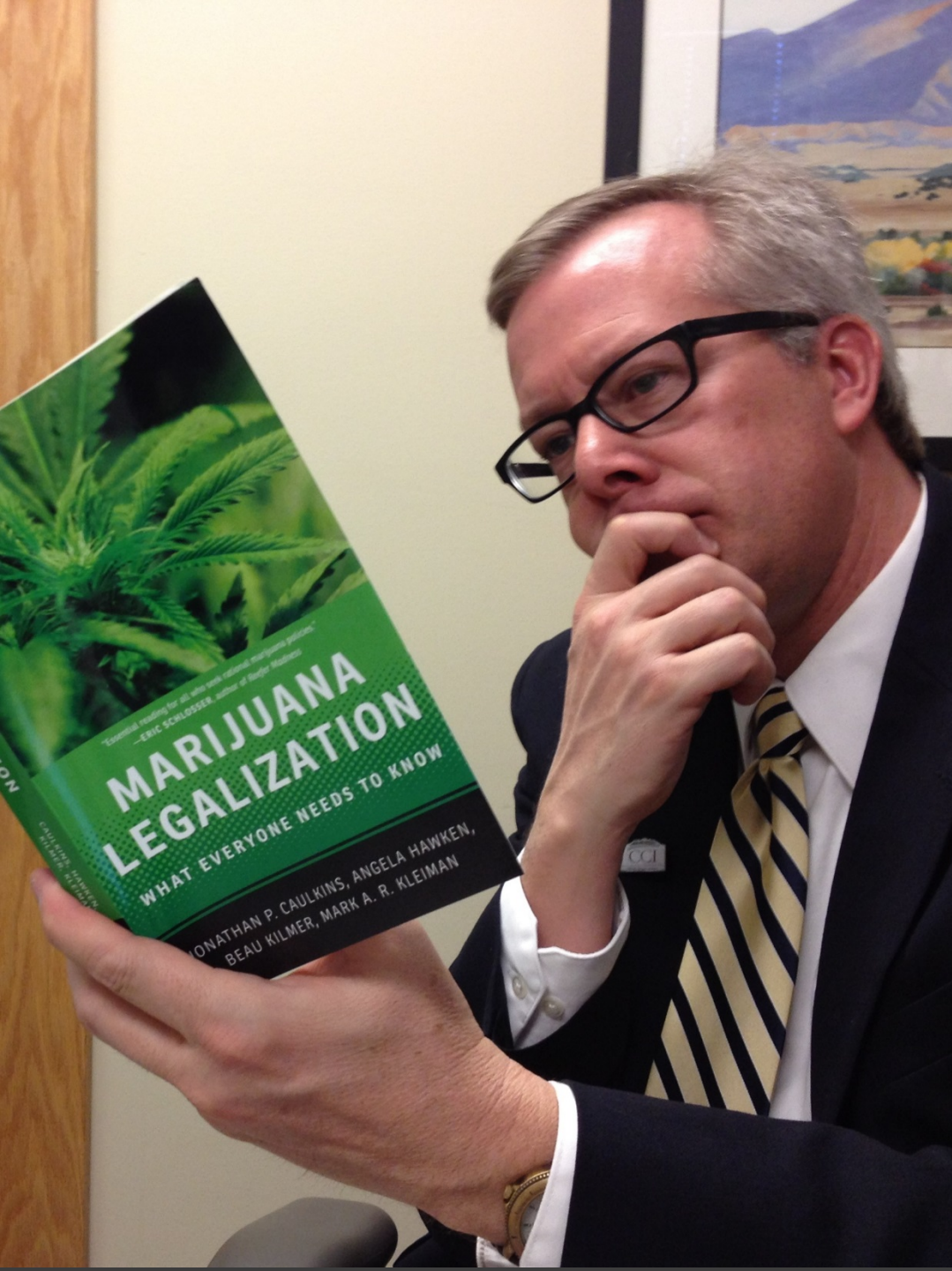


Medical Marijuana
Legalization and the
Impact on
Colorado's Counties

CCAP Workshop





Well, how did we get here?

SPECIAL DOUBLE ISSUE

NOVEMBER 22, 2010

Inside: The 50 Best
Inventions of the Year

*not
including
this one

Plus: Joe Klein on the Bush book
How to shrink a city / The Sheconomy
Mark Twain's memoir / Marriage apps

TIME

The United States of **Amerijuana**

Legalization went
up in smoke, but
"medicinal" pot has
gone mainstream

BY ANDREW FERGUSON



www.time.com

"The times, they
are a-changing"
- Bob Dylan

Colorado Pot Timeline

2000 – Colorado voters pass Amendment 20, a constitutional ballot measure legalizing medical marijuana

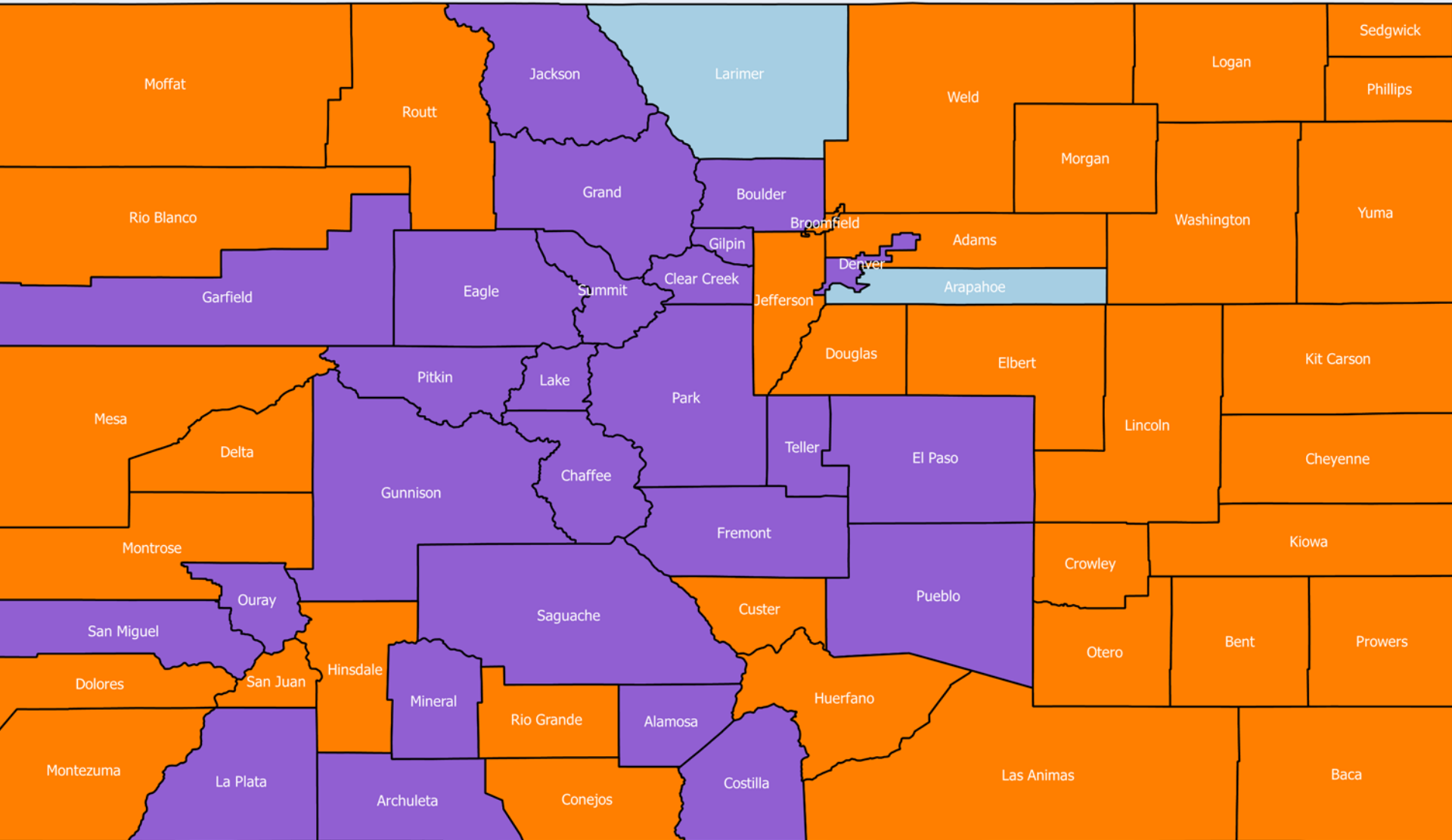
2010 – Colorado General Assembly passes legislation that establishes the regulatory framework for licensing of medical marijuana facilities

2012 – Colorado voters pass Amendment 64, a constitutional ballot measure legalizing the use, possession and personal cultivation of recreational marijuana

Local Government Authority

“The operation of this [medical marijuana] article shall be statewide unless a municipality, county, or city and county, by either a majority of registered electors voting at a regular election or a majority of the members of the governing board of a municipality, county or city and county, vote to prohibit the operation of medical marijuana centers, optional premises cultivation operations and MMJ-infused product manufacturer’s licenses.” *Colorado Revised Statutes 12-43.3-106*

County Regulatory Status - Medical Marijuana



Allowing at least one type of license
 Ban in effect
 Ban in effect, but county grandfathered in existing MMJ businesses

Types of Licenses

- Cultivation (aka Grow Operations)
- Dispensaries (aka Sales/Pot Shops)
- Manufacture of Infused Products (aka MIPs)
- Testing Labs
- Transporter Licenses (individuals, not businesses)
- Research and Development

Colorado Pot Snapshot

Current Statewide Figures

- Medical MJ Businesses as of 5/1/17: **1560**
- Retail MJ Businesses as of 5/1/17: **1416**
- Active Occupational Licensees as of 5/1/17: **33,121**
- Tax revenue to date: **\$423.6M** (does NOT include local tax revenues)
- Recreational sales in Colorado were over **\$1 billion** last year.

Caregiver and Patient Grow Operations

- **In Colorado, caregivers and patients are allowed to grow their own marijuana in their houses. While we can ban commercial businesses, counties are NOT allowed to ban caregivers and patients.**
- **While well-meaning, this provision has led to a lot of problems.**

#1 Problem: Increase in Illegal Grow Operations



Increased Illegal Grow Operations

- Continued problems with “black and grey market” illegal grow operations around the state – owing largely to weak home grow regulations. A bust in SE Colorado last year yielded over 22,000 pounds of marijuana.
- In response, the General Assembly passed legislation last session that will establish a plant cap of 12 plants in each house (regardless of # of residents and whether it’s medical or recreational) and heftier fines for violations. The law PERMITS a county to allow caregivers to go up to 24 plants if they are registered with the county and state.
- Also created new grant program in DOLA to reimburse investigation and prosecution costs for local governments.

Other Local Gov't Impacts/Concerns

- **Increased cases of driving while under the influence**
- **Building department/zoning issues (nuisance issues like odor, mold, compatibility, etc.)**
- **Lack of tax revenue (unlike recreational pot, medical marijuana is barely taxed at all)**
- **Need for better tracking of specific drug abuse (marijuana v. heroin or opioids) in human services/child welfare referrals**
- **Continued concerns over the safety of edibles**
 - **Levels of THC**
 - **Cleanliness of MIPs (county health department inspections?)**
 - **Attractiveness to children**

Ban on Edibles Shaped Like Animals, Fruits or People



Employers' Rights

Colorado Constitution, Article XVIII, Section 16, (6)(a) “Nothing in this section is intended to require an employer to permit or accommodate the use, consumption, possession, transfer, display, transportation, sale, or growing of marijuana in the workplace or to affect the ability of employers to have policies restricting the use of marijuana by employees.”

Coats v. Dish Network Case

- **Dish Network employee (Brandon Coats) was terminated after he tested positive for marijuana. Coats is a quadriplegic and a red card holder and used medical marijuana during NON-work hours.**
- **Coats filed a wrongful termination suit that went all the way to the Colorado Supreme Court. Court ruled that Dish Network was within their rights to terminate Coates.**
- **While the facts of this case are unfortunate, the holding is INCREDIBLY important for local governments in Colorado.**

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