



City Council Marijuana Task Force
Friday, January 22, 2016, 10:00AM
Pikes Peak Conference Room, 2nd Floor, City Hall

In Attendance – Councilmember Larry Bagley, Lynette Crow-Iverson, Jan Doran, John Harding, Dale Hecht, Charles Houghton, Sarah Johnson, Fire Marshal Brett Lacey, Commander Sean Mandel, Bret Waters

Absent – Brian Anderson, Wynetta Massey

1.	<p>Welcome from the Chair Councilmember Larry Bagley</p>	10:00AM
2.	<p>Approval of Meeting Minutes Eileen Lynch Gonzalez, City Council Administrator</p> <p>There were no meeting minutes to discuss; this item will be continued to the next meeting.</p>	10:10AM
3.	<p>Medical Marijuana Caregiver/Patient Input and Task Force Q&A Jason Warf & Bill Fodge, Southern Colorado Cannabis Council</p> <p>Mr. Warf introduced himself and his organization, the first marijuana industry group in Southern Colorado, they represent dispensary owners & caregivers. He described the need for caregivers, who care for the sickest of the sick, for elevated plant counts and noted that every dispensary owner is a caregiver. He described his organization’s opposition to caregiver legislation at the state level last year, especially the plant count provisions, and noted that caregivers were reluctant to testify in public out of fear of retribution.</p> <p>Jan Doran asked if there is there legislation pending at the state level, and Mr. Warf stated that there is not currently.</p> <p>John Harding asked whether there is tracking about where the medicine goes. Mr. Warf noted that, no, it’s essentially unenforceable unless we want to allow law enforcement carte blanche to enter people’s homes. Law enforcement would need some sort of warrant.</p>	10:15AM

	<p>Ms. Johnson asked Mr. Warf to expand on the caregiver registration he mentioned. He described that caregivers must register through the state Health Department, including plant count and location of your grow, and noted that the city could do that, as well. Ms. Johnson asked whether caregivers would be open to that. Mr. Warf noted that there's a "vibe" right now that caregivers are being over-regulated, so there would be some pushback, but he felt that he could persuade them.</p> <p>Mr. Harding asked why they are overregulated? Mr. Warf noted that they feel Amendment 20 is "self-regulating," and that, overall, they have not heard of any problems. Mr. Harding stated that he doesn't understand how you can say that. Mr. Warf stated that the media does a good job of "blowing up" stories of someone taking an edible across state lines. Believes that the problem of fake caregivers is a myth, blown out of proportion. Ms. Gonzalez asked why there was such a disconnect? Mr. Warf stated that he feels like there's enough in statute for law enforcement to take action against people who aren't on the level.</p> <p>Mr. Houghton stated that we have heard from citizens and law enforcement that there are some people who are using the caregiver model as a front for illegal activities, and asked Mr. Warf what help can the Council give us to address their concerns? The response: Local registration would be a simple solution.</p> <p>Mr. Warf noted that it's virtually impossible to represent all caregivers, no one organization represents a large percentage of them.</p> <p>Mr. Waters noted that the task force had received a presentation at the last meeting including concerns about the impact of industrial grows in residential areas, and asked for Mr. Warf's thoughts. He noted that landlords and HOAs have a right to restrict activity in residential areas. Restricting plant counts is risky, since caselaw says the only person who can set a limit is your physician, and that the perceived fear of fire, etc. is not evidence that there's a real public safety risk. Restricting large grows from residential areas is not defensible unless there's clear evidence of danger to public safety, and growing is safe at a couple hundred of plants. He believes that the claims of danger/damage are exaggerated.</p>	
4.	Dispensary Staff Recommendations & Task Force Discussion	10:45AM

	<p>Commander Sean Mandel, Fire Marshal Brett Lacey, City Clerk Sarah Johnson</p> <ul style="list-style-type: none"> • Distance/Separation – 1000’ separation from schools, residential childcares; method of measurement same as the state. Drug free school zone act federal requires 1000’, which is where that number comes from. • The ground discussed legal nonconforming uses, amortization, and how land uses might convey with property. • Advertising – Marc Smith of the City Attorney’s Office noted that as of now the only regulations the City has is that it be compliant with state law and the municipal sign code. In 2016 we’ll be looking at the city’s sign code, want to make sure we’re compliant with recent court cases. Ms. Johnson noted that they have received some feedback from industry that they could use some clarity. • Hours of Operation – Ms. Johnson noted that they would propose some clarifying language that drive-up windows are not allowed, as well as some language that reflects the previous 8AM-7PM operating hours rather than current 8AM – midnight that the state allows. • Product Offerings – Staff noted that they would propose prohibiting other non-medical products from dispensaries, incorporating state provisions into city code, allowing mmj accessory products in dispensaries. Mr. Houghton expressed some concerns about these limitations. • Gas and Grass model – Staff noted that there were not aware how one would prohibit this model, Mr. Waters said staff would look into it and bring a recommendation, but don’t really know what we can do with that. <p>Mr. Scudder asked for some time to be able to discuss with dispensaries and bring their feedback to the task force.</p>	
5.	<p>Review of Meeting Schedule & Deadlines Eileen Lynch Gonzalez, City Council Administrator</p> <p>The group discussed the possibility of adding meeting on February 19th from 3-5PM if it’s needed.</p>	11:30AM
6.	<p>Questions & Comments</p>	11:45PM
7.	<p>Adjourn</p>	12:00PM

