

ORDINANCE NO. 20-_____

AN ORDINANCE AMENDING PART 1 (MEDICAL MARIJUANA LICENSE CODE) OF ARTICLE 2 (MARIJUANA) OF CHAPTER 2 (BUSINESS LICENSING, LIQUOR REGULATION AND TAXATION) OF THE CODE OF THE CITY OF COLORADO SPRINGS 2001, AS AMENDED, PERTAINING TO MARIJUANA CODE

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLORADO SPRINGS:

Section 1. Part 1 (Medical Marijuana License Code) of Article 2 (Marijuana) of Chapter 2 (Business Licensing, Liquor Regulation and Taxation) of the Code of the City of Colorado Springs 2001, as amended, is amended to read as follows:

2.2.101: LEGISLATIVE DECLARATION:

A. The City Council hereby declares it to be in the interest of the health, safety and welfare of the citizens of the City, and a proper exercise of the police power, to require the licensing of persons and businesses providing medical marijuana related services. The provisions of this part are to be consistent with and applied in accord with Colorado Revised Statutes section ~~12-43.344-10~~ 10-101 et seq., the Colorado ~~Medical~~ Marijuana Code ("State Code"). Nothing in this part is intended to conflict with or violate any other City or State law or regulation related to the medical use of marijuana.

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2.2.102: DEFINITIONS¹:

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GOOD CAUSE: For purposes of refusing or denying a license renewal, reinstatement, or initial license issuance, this term means:

A. The licensee or applicant has violated, does not meet, or has failed to comply with any of the terms, conditions, or provisions of the Colorado ~~Medical~~

Marijuana Code², any rules promulgated pursuant to the State Code, this part or any supplemental local laws, rules or regulations.

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INDUSTRIAL HEMP PRODUCT: Shall have the same meaning as “Industrial Hemp Product” defined under Colorado Revised Statutes § 44-10-103(22).

LICENSE: A **grant of license, permit**, or registration pursuant to the State Code or this part.

* * *

MEDICAL MARIJUANA CENTER: A person licensed pursuant to the State Code and this part to operate a business as described in Colorado Revised Statutes section ~~12-43.3-402~~**44-10-501** that sells medical marijuana to registered patients or primary caregivers as defined in Colorado Constitution article XVIII, section 14, but is not a primary caregiver. **A medical marijuana center is also known as a medical marijuana store, or dispensary.**

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MEDICAL MARIJUANA INFUSED PRODUCTS MANUFACTURER: A person licensed pursuant to the State Code and this part to operate a business as described in Colorado Revised Statutes section ~~12-43.3-404~~**44-10-503**.

* * *

MEDICAL MARIJUANA OPTIONAL PREMISES CULTIVATION OPERATION: A person licensed pursuant to the State Code and this part to operate a business as described in Colorado Revised Statutes section ~~12-43.3-403~~**44-10-502**.

MEDICAL MARIJUANA TESTING FACILITY: A public or private laboratory licensed and certified to conduct research and analyze medical marijuana, medical marijuana-infused products, and medical marijuana concentrate for contaminants and potency as described in Colorado Revised Statutes section ~~12-43.3-405~~**44-10-504**.

* * *

2.2.104: LICENSE REQUIRED:

A. It shall be unlawful for any person to engage in the business of selling, growing, distributing, processing, infusing, **storing, delivering**, or testing any medical marijuana within the City without valid City and State licenses **or applicable permits** as required by law.

* * *

G. If licenses for a medical marijuana location are surrendered, ~~or~~ revoked, **or denied renewal**, the cumulative cap on licensed medical marijuana locations shall be reduced accordingly. Any active, valid license may be transferred to another person meeting all of the requirements for licensure.

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2.2.105: FEES; **TERM; RENEWAL:**

A. * * *

B. **All medical marijuana licenses shall expire one year from the date of issue.**

C. **A medical marijuana licensee shall apply for the renewal of an existing license not less than forty-five (45) days prior to the expiration date. If a licensee submits a timely and sufficient renewal application, the licensee may continue to operate until the application is finally acted upon by the Local Licensing Authority.**

2.2.107: APPLICATION INVESTIGATION; DECISION:

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B. In addition to the grounds set forth in this chapter and applicable State or local law, rules or regulations, the Local Licensing Authority may deny any medical marijuana center, ~~optional premises cultivation operation, and medical marijuana infused products manufacturer~~ license if:

1. The applicant fails to meet those criteria set forth in the Colorado ~~Medical-Marijuana~~ Code;

2. * * *

4. Was a licensed medical marijuana center, ~~optional premises cultivation operation or medical marijuana infused products manufacturing business~~ **establishment** and the license was revoked, unless, in the case of a medical marijuana business license, the Local Licensing Authority determines that the licensee was not responsible for the misconduct underlying the revocation;

5. * * *

C. **Failure of the applicant to provide proof of State Marijuana Enforcement Division acceptance of the application within one (1) year from the date of City application may cause the application to be deemed withdrawn. If the applicant does not receive State jurisdictional approval within one year of the date of Local Licensing Authority approval, the City license application expires and may not be**

renewed. If an application is denied by the State Licensing Authority, the Local Licensing Authority shall revoke the City issued approval or license

~~E.~~ **D.** Any applicant aggrieved by the decision of the Local Licensing Authority may appeal the decision to deny or condition a license to the hearing officer in accord with the Local Licensing Authority's rules and regulations.

2.2.108: SUSPENSION OR REVOCATION; HEARINGS; DECISION:

A. Suspension or revocation of a license may be based on a violation of State statutes, City Code, or State or local rules and regulations, any of the terms, provisions or requirements imposed as a condition of issuance of the license, or upon the discovery of information that the licensee has made a willful misrepresentation in applying for and obtaining a license, or that the licensee is a person prohibited as a licensee pursuant to Colorado Revised Statutes section ~~12-43.3-307~~**44-10-307**. If the Licensee does not contest the violation of a State Statute, City Code, or State or Local Rules and regulations, the Licensee may enter into a stipulated agreement with the Local Licensing Authority without the need for a hearing. If the Licensee contests the alleged violation of a State Statute, City Code, or State or Local Rules and regulations, the Licensee shall be afforded an opportunity to be heard, present evidence, cross examine witnesses, and offer evidence in defense of any alleged violations.

B. * * *

C. * * *

1. * * *

2. The order to show cause and notice of hearing shall be served by ~~certified~~ mail to the licensee at the address contained on the application or license, or by personal service.

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2.2.109: UNLAWFUL ACTS:

A. In addition to the grounds set forth in C.R.S. §~~12-43.3-901~~ **44-10-701**, et seq, it shall be unlawful for any person licensed pursuant to this article to:

1. Fail to comply with provisions of 1 CCR 212-~~31~~, et. seq, and the Medical Marijuana Rules and Regulations for the City of Colorado Springs.

2. * * *

17. Sell, transfer, or possess any products other than medical marijuana, ~~or medical marijuana infused~~—products, **consumable industrial hemp**

products in compliance with C.R.S. §44-10-501(3)(e), or non-consumable cannabis related products and accessories.

18. Sell or distribute any nicotine products or alcohol products, or medical marijuana or medical marijuana ~~infused~~ products that contain any nicotine or alcohol.

19. Sell medical marijuana ~~products~~ or medical marijuana ~~infused~~ products over the internet or deliver medical marijuana ~~products~~ or medical marijuana ~~infused~~ products to a person not physically present inside the medical marijuana center's licensed premises. Nothing in this section is meant to inhibit or prohibit the lawful sales and transportation of medical marijuana or medical marijuana ~~infused~~ products to other medical marijuana ~~center~~ facilities licensed pursuant to State law.

20. Display, cultivate, sell, or transport any medical marijuana ~~products~~ or medical marijuana ~~infused~~ products in a manner that is visible to the public.

21. * * *

24. Fail to submit application for renewal of a City issued medical marijuana license not less than forty-five (45) days prior to the date of expiration. A licensee who files a late City medical marijuana license renewal application within forty-five (45) days prior to the date of expiration with the requisite fees and a non-refundable late application fee may continue to operate until the Local Licensing Authority has taken final action to approve or deny the licensee's late renewal application. No application for renewal of a medical marijuana license shall be accepted after the date of expiration.

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1. * * *
 2. CRS §~~44-10-101~~~~12-43.3-103~~-et seq.
 3. * * *

Section 2. This ordinance shall be in full force and effect from and after its final adoption and publication as provided by Charter.

Section 3. Council deems it appropriate that this ordinance be published by title and summary prepared by the City Clerk and that this ordinance be available for inspection and acquisition in the office of the City Clerk.

Introduced, read, passed on first reading and ordered published this ____ day of _____, 2020.

Finally passed: _____

Council President

Mayor's Action:

- Approved on _____.
- Disapproved on _____, based on the following objections:

Mayor

Council Action After Disapproval:

- Council did not act to override the Mayor's veto.
- Finally adopted on a vote of _____, on _____.
- Council action on _____ failed to override the Mayor's veto.

Council President

ATTEST:

Sarah B. Johnson, City Clerk