

Would Lifting the Ban on Retail Marijuana Sales in Colorado Springs Adversely Affect the City's Chances of Becoming the Permanent Headquarters of US Space Command?

Short Answer: No.

Those arguing against RMJ sales based on the impact on military spending and basing decisions are, in the classic phrase “fighting the last war.” Legal marijuana sales, initially Medical Marijuana (MMJ) and later Retail Marijuana (RMJ), are no longer novelties and are not limited to Colorado. MMJ is legal in 33 states and RMJ is legal in 11 states (as of 1 January 2020).

The legal status of MMJ and RMJ sales in a locality does not alter the fact that any use of MJ is illegal in the military. Many military bases and related support companies are near localities with legal MMJ and/or RMJ and there have no indications of decisions being made by the DoD based on this proximity. For example, California, which became the first state to legalize MMJ (1996) and legalized RMJ in 2016, remains the largest recipient of defense spending (source: DOD, Office of Economic Adjustment).

Reasons why there is little likelihood lifting the ban of Retail Marijuana (RMJ) sales would adversely affect the changes the Colorado Springs area would become chosen as the permanent home of US Space Command.

1. The Colorado Springs area, Peterson AFB, was named in mid-May as the six-year provisional home of US Space Command. There was no mention of RMJ in this announcement nor in the September 2019 initial decision to make Peterson the temporary HQ. This may give Peterson AFB a “first-mover advantage” over competing locations.
2. Peterson AFB is in Colorado Springs, but it is also in El Paso County and the State of Colorado where RMJ sales are permitted in many localities. Peterson AFB is approximately 15 miles from legal RMJ stores in Manitou Springs and 50 miles from legal RMJ stores in Pueblo. Thus, it is hard to argue legal RMJ sales are not occurring in reasonable proximity to the provisional HQ of US Space Command.
3. On May 14, 2020, the Department of the Air Force released the criteria for the permanent HQ of US Space Command. The criteria are explicit and do not include any mention of RMJ.

United States Space Command Criteria Overview

Screening Criteria – minimum eligibility requirements in order to nominate and to be considered for further evaluation:

- Metropolitan Statistical Areas (MSAs) - Be within one of the 150 largest Metropolitan Statistical Areas in the United States, based on census bureau 2019 population estimates.

This ensures that eligible locations can support the expected increase in staff and their families.

- Proximity to a Military Base - Be within 25 miles or less of a military base to ensure eligible locations can support service members and their families with key support services

like military housing, health care, child care, commissary, and personnel and logistics support.

- Livability Index - Have a Livability Index score of 50 points out of 100 or higher as determined by the American Association of Retired Persons Public Policy Institute. This criterion ensures that eligible locations can provide a quality of life that enables U.S. Space

Command to competitively attract and retain a skilled workforce. Quality of life factors measured by the index include: housing affordability, great neighborhoods, safe and convenient transportation, clean air and water, quality health services, civic/social involvement, and inclusive opportunities.

Evaluation Criteria – relative ability of eligible locations to support the United Space Command mission. Evaluations will be scored on a weighted 100 point scale.

- Mission Related (40 points) –Assessment of the available qualified workforce, proximity to mutually supporting space entities, and ability of the eligible locations to provide emergency and incident response requirements, and enable mobility.
- Infrastructure Capacity (30 points) –Infrastructure requirements to include facility and parking space, communications bandwidth and redundancy, special access communications, anti-terrorism, force protection (AT/FP) and security requirements, energy resilience, and the nearest active duty installation’s base operating support to service members to include medical care, childcare, military housing, and transportation.
- Community Support (15 points) –Support to military families as measured by the quality of schools, professional licensure portability, cost of living, housing affordability, and access to military/veteran support programs.
- Costs to the Department of the Air Force (15 points) – One-time infrastructure and transportations costs, area construction cost factor, basic housing allowance rate, and area locality pay.

4. RMJ use has been legal in Colorado for more than 5 years and remains illegal under the Uniform Code of Military Justice (UCMJ). Allowing RMJ sales in Colorado Springs does not change the status quo on the legality of use in the state nor the illegality of use under the UCMJ.

5. There have been predictions of “doom and gloom” on this topic for many years, concerning military basing and defense contracts. Yet, even as far back as June 2013, this was discredited by then (and current) Representative Lamborn (quoted in Gazette, June 9, 2013).
6. RMJ sales are legal in Metro Denver, yet defense installations and defense contractors remain.
7. Legal RMJ is no longer a novelty in states and localities containing military facilities. Some examples:
 - a. Nevada—Las Vegas Area: Nellis AFB, Creech AFB
 - b. Washington State—Seattle Metro Area—Joint Base Lewis-McChord
 - c. Alaska
 - i. Fairbanks Area: Eielson AFB, Ft Wainwright
 - ii. Anchorage Area: Joint Base Elmendorf-Richardson
 - d. California (32 military bases-- As an example, in the San Diego area:
 - i. San Diego Area: Camp Pendleton, Marine Corps Recruit Depot, Marine Corps Air Station Miramar, Naval Base San Diego, Naval Base Coronado

Of course, existing bases are harder to relocate than a “provisional” HQ; but, again, there is no evidence the DoD uses the legal status of MJ as a decision-criteria for basing or other activities.