



## Legislation Text

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**File #:** 18-0163, **Version:** 2

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Ordinance No. 18-53 amending Section 212 (Unlawful Transfer of Marijuana) of Part 2 (Other Dangerous Weapons and Substances) of Article 7 (Dangerous Weapons and Substances) of Chapter 9 (Public Offenses) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the unlawful transfer of marijuana and providing penalties for the violation thereof

**Presenter:**

Mattie Albert Gullixson, Senior Regulatory Compliance Analyst

**Summary:**

The proposed ordinance is a revision to the City's Criminal Code to complement the zoning and criminal code ordinances developed to address the illegal distribution of marijuana within the City.

This ordinance more broadly addresses the scope of criminal code language regarding the unlawful transfer of marijuana to fully encompass all prohibited activity. The language aligns the City's ordinances with State law in the area of unlawful transfer, specifically C.R.S. 18-18-406.

**Previous Council Action:**

N/A

**Background:**

In November 2000, Colorado voters passed Amendment 20 that authorized limited possession and use of medical marijuana. A decade after Amendment 20, the Colorado State Legislature approved legislation licensing the commercial production and distribution of medical marijuana. Retail marijuana was legalized in 2012 with Amendment 64.

One of the key challenges with the legalization of both medical and retail marijuana is the development of a regulatory framework that effectively ensures that marijuana product is not diverted to the black market, or made accessible to youth. The development of such a regulatory framework is an ongoing process, and a key factor in making the regulatory framework effective is the continual alignment between state and local regulations where applicable and necessary.

The city administration has identified a scope-related issue in the criminal code addressing the unlawful transfer of marijuana that - if addressed - will better align local language with state language. The result will be a stronger platform for capturing and prosecuting illegal activity. The City does not currently permit the retail sale of marijuana.

Explicit language defining the scope of 'transfer' with regards to marijuana will better support law enforcement efforts to reduce diversion of marijuana to the black market, and youth. The revision supports the City's strategic objective of encouraging the development of a defined and well-

promoted City image through addressing public safety issues.

**Financial Implications:**

N/A

**Board/Commission Recommendation:**

N/A

**Stakeholder Process:**

N/A

**Alternatives:**

N/A

**Proposed Motion:**

Move to adopt an ordinance amending Section 212 (Unlawful Transfer of Marijuana) of Part 2 (Other Dangerous Weapons and Substances) of Article 7 (Dangerous Weapons and Substances) of Chapter 9 (Public Offenses) of the Code of the City of Colorado Springs 2001, as Amended, Pertaining to the Unlawful Transfer of Marijuana and Providing Penalties for the Violation Thereof

An ordinance updating criminal provisions within the City criminal code related to unlawful marijuana transfers to provide alignment with state statute.