



Legislation Text

File #: 17-1237, **Version:** 2

Ordinance No. 17-88 amending Section 109 (Unlawful Acts) of 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 medical marijuana center hours of operation

Presenter:

Sarah B Johnson, City Clerk

Summary:

Change Medical Marijuana Center hours of operation from 8:00 A.M. to 7:00 P.M. to a proposed 8:00 A.M. to 9:00 P.M., increasing the allowed hours of operation to 9:00 P.M.

Previous Council Action:

City Council last amended the City's Medical Marijuana License Code in March of 2017 for the existing MMJ location cap, and last amended the Medical Marijuana Rules and Regulations for the City of Colorado Springs in June of 2017 for changes to the MMJ Fees.

Background:

At inception in 2010, the State Medical Marijuana Code made it unlawful to sell, serve, or distribute Medical Marijuana at any time other than between the hours of 8:00 A.M. and 7:00 P.M. Monday through Sunday (C.R.S. § 12-43.3-901(4)(I)).

Colorado Senate Bill 15-115 eliminated that provision restricting Medical Marijuana Center (MMC) allowed hours of operation without any replacement language. The Marijuana Enforcement Division (MED) then adopted the following new rule, effective November 30, 2015.

M 308 - Selling, Serving, Distributing, and Transporting Medical Marijuana and Medical Marijuana-Infused Product: Hours of Operation

A. Hours of Operation. Medical Marijuana Businesses shall not sell, serve, distribute, or initiate the transport of Medical Marijuana or Medical Marijuana-Infused Product at any time other than between the hours of 8:00 am and 12:00 am, Mountain Time, Monday through Sunday.

B. Local Jurisdictions May Further Restrict Hours. Nothing in this rule shall prohibit a local jurisdiction from further restricting hours of operation within its jurisdiction.

In practice, if the local authority did not further restrict the allowed hours of operation, a Medical Marijuana Center would be allowed to operate until midnight every day.

As a part of amendments to the City's Medical Marijuana License Code in May of 2016, the City specified more restrictive hours of operation than listed in MED Rule M308 in order to maintain the previous 8:00 A.M. to 7:00 P.M. hours.

At the request of MMJ industry members, the City Council's Special Marijuana Working Group discussed increasing the allowed hours of operation to match that of other surrounding jurisdictions, and settled on a recommendation to expand the allowed MMC hours of operation to 9:00 P.M. (see attached comparison with other jurisdictions).

Financial Implications:

N/A

Board/Commission Recommendation:

City Council's Special Marijuana Working Group discussed increasing the allowed hours of operation to match that of other surrounding jurisdictions, and settled on a recommendation to expand the allowed MMC hours of operation to 9:00 P.M.

Stakeholder Process:

Several discussions were held with representatives of interested Medical Marijuana licensees and organizations, with presentation and discussion at the publically noticed City Council's Special Marijuana Working Group meeting of August 15, 2017.

Alternatives:

Set item for first reading at September 26, 2017 City Council Meeting

Remand item for further changes or discussion

Proposed Motion:

Approve an Ordinance amending Section 109 (Unlawful Acts) of 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 medical marijuana center hours of operation

An Ordinance amending Section 109 (Unlawful Acts) of 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 medical marijuana center hours of operation