

CITY COUNCIL COMMUNICATION



MEETING DATE: September 01, 2020

ITEM NUMBER: 6.A

SECOND READING:

{{customfields.ResoOrdNumber}}

TYPE OF ITEM: Study Session

PRESENTED BY:

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SUBJECT/AGENDA TITLE:

Possible Code Changes to Allow for Medical Marijuana Delivery and To Update the Secretary of the Liquor and Marijuana Authorities

EXECUTIVE SUMMARY:

Medical Marijuana Delivery:

At the June 26, 2020, City Council meeting, Mayor Bagley directed staff to bring back information and draft legislation to allow for medical marijuana delivery in the City of Longmont. Attached is draft legislation that would allow for delivery of medical marijuana by the four dispensaries licensed by the City of Longmont.

Delivery of medical marijuana became legal in the State of Colorado as of January 1, 2020. The [State Rules for medical marijuana delivery](#) (see Rule 3-615 on pages 127-133) are robust and staff recommends keeping local code fairly simple for this reason. The proposed legislation to allow for medical marijuana delivery (Att 1) only differs from the Colorado Marijuana Rules in terms of the hours of service to keep the hours for delivery consistent with the City's hours of service for marijuana storefronts, the prohibition of using an off-premises storage facility to fill delivery orders which was a suggestion from one of the stakeholders, and in regard to body cam requirements for delivery drivers which was also recommended by one of the stakeholders. Staff did reach out to the four dispensaries (see Attachments 1b and 1c) for their input regarding medical marijuana delivery and received from two of them which has been incorporated into the attached draft legislation and their comments are also attached for Council's review. The Longmont Police Department liaisons to the marijuana authority have reviewed this draft of proposed delivery legislation and while they express general concerns with increasing the ease with which someone might obtain marijuana, they do not object to this proposed change to our code. Finally, because those who provided comment (licensee stakeholders and LPD) were opposed to recreational delivery which becomes legal on January 1, 2021, staff did not consider bringing forward any changes to allow for recreational delivery at this time.

Update of the Secretary in Marijuana and Liquor Code:

Also included are proposed changes to amend both the marijuana and liquor code (Att 2 and Att 3) that change the structure of the secretary of the liquor and marijuana authority. Recent review of the structure of the secretary role has uncovered a conflict whereby the Licensing Coordinator in the City Clerk's Office cannot receive legal advice directly from the City Attorney's Office because the secretary serves the "Authority" which, as the decision-making body for liquor and marijuana licensing, is legally self-contained. This change would also help create a clearer distinction between the City, who appears before the authority to argue its interests, and the authority as a decision maker. Staff is seeking Council's approval to amend code to state the authority will designate a secretary, while still maintaining the city clerk or designee as the recipient of liquor and marijuana license applications and facilitator their review. Staff has worked extensively with Judge Robert Frick who serves as the Authority for both the Liquor and Marijuana Licensing Authorities to develop these proposed code changes.

Lastly, a few clarification updates are proposed in Chapter 6.70 regarding marijuana that the City Clerk's Office and the Marijuana Licensing Authority have found would be helpful after these first couple years handling marijuana licensing activities. Most notably is the proposed change to 6.70.180 regarding Modifications which provides the Authority an option to set a hearing regarding a modification or to administratively approve. This change will give the Authority more flexibility while still requiring all changes in operations to be reported.

For clarity and ease of review, staff has provided the proposed changes in separate drafts whereby the proposed changes to allow for medical marijuana delivery are in one draft and the proposed changes for the secretary are in separate drafts – one pertaining to the liquor authority and the other to the marijuana authority.

COUNCIL OPTIONS:

1. Provide direction to staff as to which changes Council would like to implement. Any changes would come back in ordinance form and follow the routine process of being introduced on first reading and a public hearing on second reading before Council could vote to adopt the changes.

RECOMMENDED OPTIONS:

N/A

FISCAL IMPACT & FUND SOURCE FOR RECOMMENDED ACTION:

Minimal fiscal impact is anticipated by allowing delivery because it is anticipated that these customers are already being served in Longmont by Longmont licensed dispensaries. This would simply add a new point of sale.

No fiscal impacts are anticipated because of the changes to correct the secretarial role as the

Licensing Coordinator in the City Clerk's Office will retain the bulk of the work facilitating liquor and marijuana licensing activities.

No fiscal impacts are anticipated as a result of the changes to allow for the authority to administratively approve a modification of a marijuana store.

BACKGROUND AND ISSUE ANALYSIS:

ATTACHMENTS:

Att 1a - Draft changes to code to allow for medical marijuana delivery

Att 1b – Comments on delivery from Medicine Man

Att 1c – Comments on delivery from The Green Solution

Att 2 – Draft changes to Chapter 6.70 to correct secretarial role for Marijuana Licensing Authority

Att 3 – Draft changes to Chapter 2.68 to correct secretarial role for Liquor Licensing Authority