

City of Golden

Amendment 64 Implementation Task Force

Report of findings to City Council: April 24, 2014



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Report to Golden City Council**

April 24, 2014

Contents

Introduction and Purpose.....	3
Executive Summary	4
Background and History	5
Scope and Approach.....	7
Public Input and Outreach.....	9
Research & Impacts	11
Findings and Recommendations	21
Report of Limitations	34
Additional Questions	35
Appendices & Bibliography	36

Introduction & Purpose

The Amendment 64 Implementation Task Force was authorized by Golden City Council Resolution 2318 on February 13, 2014.

Task Force Mission

“The Amendment 64 Implementation Task Force is charged with the identification and evaluation of all reasonably available options for the City to efficiently and effectively fulfill its obligations under the Colorado Constitution, laws and rules and regulations related to retail marijuana cultivating, testing and product manufacturing facilities, and retail marijuana stores, which options shall include the outright prohibition of any or all such uses.”

Medical marijuana was legally authorized for use in Colorado through Amendment 20 in November 2000, followed by de facto Federal sanctioning in 2009. Recreational use of marijuana was subsequently authorized in November 2012 through Amendment 64, with implicit Federal consent in 2013.

Amendment 64 (A64) is a state constitutional amendment incorporating two fundamental changes to marijuana law and policy in Colorado. The amendment decriminalizes personal marijuana possession, growing, manufacturing and use. A64 further legalizes the opportunity for commercial development of recreational retail marijuana and its cultivation, manufacture, use and sale in many forms. In 2013, Proposition AA provided Colorado the authority to tax recreational marijuana cultivation, production, and retail sales. Marijuana remains illegal under Federal law.

In 2013, Golden City Council placed a moratorium on applications for retail recreational marijuana through July 1st, 2014. Based on additional input from city staff and City Councilors, the Task Force report is designed to generate background consideration of this complex issue for City Council and the community regarding the range of legislative options available to municipalities.

A64 Task Force members were selected by the Mayor and City Council. Membership is comprised of nine volunteers who live in Golden or have business interests in Golden, with support from Bill Hayashi of the City Attorney’s office and additional City Staff.

Executive Summary

The Amendment 64 Implementation Task Force was authorized by City Council to bring together a wide range of community perspectives to review Golden's reasonably available options and regulatory rights stemming from incorporation of A64 into the Colorado Constitution and State rules regarding regulation of marijuana products and use.

The A64 Task Force incorporated Golden Vision 2030 as an organizational framework with an emphasis on community outreach and public input, practical research, reflection and engagement across a series of meetings. City staff provided valuable assistance and research for this report. Our recommendations and scenarios are meant to assist and inform City Council in their overall investigation, outreach, and decision-making process regarding implementation.

Additionally, the Task Force's two-month appointment from February to April 2014 has proven to be instrumental in initiating a community-wide discussion regarding marijuana in Golden. We believe fostering a continued conversation with additional public outreach and a broad incorporation of expert views and testimony are important to informing City Council and the community's evolving views regarding marijuana.

The Task Force was tasked with untangling the fundamental question of what voters intended via passage of Amendment 64. There was significant discussion regarding the merits of the amendment, legalization, commercialization and legitimization, economic impacts, personal rights and freedoms, emerging scientific research, health and community impacts, and a special focus on youth access and health impacts. Results of these investigations are presented through this report.

The Task Force cautions that marijuana implementation is a complex and rapidly shifting issue. The State of Colorado continues active rule making regarding marijuana commercialization and use, Federal legal views are evolving, and the Task Force has recognized that significant personal and society-impacting research on economics, mental health and crime is just now emerging. Thus, as City Council considers legislation in the coming months, we recommend a path that includes significant continued evaluation and ongoing conversation regarding Golden's implementation of marijuana laws.

Background & History

Golden is a community of caring and concerned citizens who are engaged and active in guiding our present and future. Golden Vision 2030 evaluated and set forth the “Heart and Soul” community values for Golden, and fundamentally states that as a healthy community we will direct change, instead of allowing change to happen to us.

City Council embraced this philosophy with recent legislation guiding and improving community health. From changing smoking regulations such as increasing setbacks from building entrances to adding licensing of non-cigarette tobacco retailing, and from considering embracing the Healthy Eating Active Living community partnership and improving City parks and trails to adopting radon mitigation housing codes, City Council has consistently focused on advancing the health, safety and welfare of Golden.

Focused on protecting youth from hazards of nicotine use, City Council banned smoking from City parks and restricted tobacco businesses near schools. City Council further authorized the City Manager to create additional smoke-free designations, and has proposed banning smoking from all City trails.

City Council similarly believes in directing and managing change as it relates to both medical and recreational retail marijuana. In 2011, City Council licensed marijuana dispensaries specifically for distribution of medical marijuana specific to the eight initial health conditions outlined in Amendment 20 and as updated by the State of Colorado. Council has now directed the Amendment 64 Implementation Task Force to consider options regarding implementation of recreational marijuana as it pertains to Golden.

The Task Force thanks City Council for their determination to appropriately investigate, research, and understand marijuana before weighing in with potential legislation. It may be simpler to “put this to a vote” as some have suggested or simply pass new laws. The Task Force believes City Council has shown foresight in understanding that marijuana legislation is complicated by many factors and assumptions that our community is just beginning to understand. It requires appropriate study, reflection, conversation, evaluation and community input.

Marijuana Legalization History in Colorado & Golden

- 2000: CO Amendment 20 establishes legality of medical marijuana
 - Medical registry established 2001
- 2009: U.S. Federal Ogden Memorandum – outlines 8 points of enforcement
 - The Ogden memo was believed to provide greater certainty that Feds would not interfere with state implementation of marijuana laws if they avoided the focus of scrutiny listed in the memo (for example, preventing youth access to marijuana & organized crime)
- 2009-2010: Two marijuana dispensaries open in Golden, CO
- 2010: Commercial production and distribution of medical marijuana and dispensaries / centers truly launched after Ogden memo released
 - HB 10-1284 and SB 10-109 regulating medical marijuana
- 2011: City of Golden Ordinance 1898 licenses medical marijuana dispensaries
- 2012: Colorado constitutional Amendment 64 passes, allowing recreational marijuana & decriminalizing marijuana use/possession. County precincts approximating City of Golden boundaries voted 61.6% to 38.4% in favor of A64.
- 2013: Colorado Proposition AA passes, providing for state taxing of marijuana
- January 2014: First recreational marijuana shops open: only MMJ dispensaries initially allowed as dual medical/recreational use
- 2014 (various dates): Recreational-only stores to open in July, additional testing facilities established, new testing requirements go into effect for contaminants and potency

Medical Marijuana was initiated by Amendment 20 in November 2000. However, uncertainty regarding Federal intervention created a haphazard network and implementation in Colorado for much of the next decade, focused primarily on “caregivers” authorized to grow marijuana for themselves and up to approximately five clients with evolving restrictions.

In October 2009, United States Department of Justice Deputy Attorney General David Ogden released a memorandum regarding state medical marijuana implementation. The implicit understanding was that Federal authorities would focus their interest and investigation on priority areas involving organized crime, access to minors and other conditions – thus allowing medical marijuana to go forward in Colorado. The Ogden memo was updated, reinforced and expanded upon in August 2013 Federal guidelines by Deputy Attorney General James Cole.

Based on these understandings, Golden initiated licensing for medical marijuana dispensaries in 2011, placing certain restrictions such as separating dispensaries from each other and restricting locations near schools. Existing locations in Golden were grandfathered in and, of two original locations, one is currently operating and the other was shuttered by Colorado’s Attorney General based on proximity to a public school.

Scope and Approach

The Task Force is comprised of nine volunteer community members who live in or have business interests in Golden, plus City Staff support. Six members were appointed by the Mayor with City Council's support, and three additional at-large members were appointed by City Council via application process.

Amendment 64 Implementation Task Force Members

Bill Fisher, Chair

RN, BSN, public health advocate,
former Golden City Councilor

Dawn Smith

President, Golden Chamber of
Commerce

Shawn Steigner

Golden Citizen, Manager of
Cannabis Cultivation Facility

Christopher S. Gallup, Ph.D.

Psychologist

Stephen Katz

Librarian, Colorado School of Mines

Josephine Colacci

Attorney, non-profit organization

David R. Jones

Attorney

Judith M. Goeke

Magistrate

Gretchen Carter

Assistant Principal,
Golden High School

Bill Hayashi

Golden City Attorney

Approach

The Task Force has been asked to investigate and understand the state of marijuana laws and universe of potential legislation and other considerations for City Council. Mayor Sloan and City Councilors asked us to consider zoning, commercialization, and retail use within the city limits. Additionally, City Council explicitly requested a strong focus to ensure maximum protections for youth and vulnerable populations relating to retail marijuana.

Based on research, constructive discussion amongst our diverse members, invited testimony, and outreach to community members, we developed principles and scenarios to help inform City Council's decision making. Our recommendations are just that: a spectrum of non-binding options and scenarios meant to assist City Council in their evaluation and decision-making

process. We were free to arrive at more than one alternative and were not specifically limited to the final decisions that Council may make.

We agreed the focus should be a constructive conversation only about Golden, based on the values expressed in Golden Vision 2030. This would not be a national debate on drugs, and it should not be about other cities in Colorado. Many localities have already weighed in and approximately 90 localities have opted out of allowing retail marijuana and about 30 have allowed retail use.

The Task Force agreed to generally refer to the drug in question as “marijuana.” It should be noted that “cannabis” is another term frequently found in the literature for this same drug.

When issues came up that the Task Force decided were outside the scope of work, we agreed to capture and develop them to inform City Council and Staff of future needs for additional investigation.

We understood that, per Amendment 64, Golden has recognized state law allowing small amounts of marijuana for personal use – decriminalizing use and possession of marijuana. The Task Force recognized that Amendment 64 additionally provides localities such as Golden a variety of opportunities to make informed decisions regarding local management of recreational marijuana beyond those already made for medical marijuana.

Regarding implementation, we agreed to work towards an understanding of the relative merits and consequences of our recommendations and their effect on the community. We believe that inadequate or inappropriate regulation regarding implementation may be at the expense of vulnerable populations within the Golden community.

To generate scenarios, we addressed a number of common assumptions and discussed a variety of questions as they relate to Golden, including:

- Should we pursue marijuana tourism?
- Where should retailers be allowed, if at all (e.g. Historic Downtown)?
- Is the financial gain likely to be worth the cost?
- Should the city consider prevention of youth access and education for all Goldenites?
- Should products be allowed that are geared toward youth?
- What safety legislation should be considered regarding personal residential grow operations?

The City Attorney’s office was kept apprised through membership on the Task Force, and City Councilors have received progress updates.

Public Input and Outreach

In addition to the experience provided by the varied membership of the task force as well as expert testimony, we considered public input to help inform our deliberations. What follows is a short description of the outreach efforts authorized and engaged by the Amendment 64 Implementation Task Force.

In addition, we came to understand that while Amendment 64 was passed by voters 18 months ago, we believe the Task Force's efforts should be seen as launching a necessary discussion among community members and groups in Golden. Our own evolution of thought and understanding regarding the complexity of implementing marijuana legislation and lack of consistent and applicable research guides the following recommendation.

The Task Force strongly believes our deliberations,
including this report, should be viewed as the
beginning of a continuing and vital conversation
within the Golden community regarding
marijuana.

Methodology: Public Input & Outreach

Public Task Force meetings: From February to April 2014, eight public Task Force meetings were held, including a Public Input Listening Session and presentation of this report to City Council on April 24th.

Task Force: Detailed additional Public Input and Outreach

- Member outreach: Each task force member was encouraged to use their personal and professional networks to provide outreach and better understand the issues, and then act to represent those interests on the task force. For example, Ms. Smith reached out to local businesses and provided feedback from 51 business-owners in Golden.
- Golden Informer: City publication that reaches all households in Golden had Task Force articles in March and April editions.
- Golden Transcript: community newspaper had multiple articles and listings regarding task force meetings and the Public Input session.
- Judy Denison's Golden Newsletter: reaching approximately 1,000 households interested in Golden, had multiple weekly article postings
- Denver Post Yourhub: Online article posted regarding task force proceedings and public input opportunities

- Ward 4 Newsletter: Chairman Fisher's email newsletter reaches 500 households in Golden. In addition, Fisher uses Twitter feeds and Facebook postings to reinforce public input opportunities
- Golden school principals & PTA chairs: notified via email regarding scope of task force. PTA newsletter to school parents provided information on task force efforts
- Golden.com "What's Happening in Golden?": multiple articles and email links regarding the Task Force and public input opportunities
- School of Mines administration made aware of task force
- Golden Chamber of Commerce business members, South Golden Business Association, and Downtown Merchants Association were made aware of task force
- A64@CityofGolden.net: official email address set up to capture public comment – results collated and provided to all task force members and City Council and staff
- City Council Meetings: Task Force publicly authorized during regular business meeting and multiple mentions of task force proceedings during Council sessions
- I-neighborhood email newsgroups: City staff and councilors provided notice multiple times to several Golden neighborhood email groups
- Neighborhood association: Multiple associations, such as the Golden Historic Neighborhood Association, were notified and provided email notice to their members regarding task force input sessions and proceedings
- City Councilors: each provided individual outreach efforts as well as publishing electronic newsletter and website postings
- Task force public Agendas were posted in the lobby of City Hall prior to meetings and all meetings were publicly available

Research and Impacts

The Task Force realizes that a newly legalized and commercialized drug such as marijuana brings many common assumptions, both among task force members and the general public. This section provides an introductory examination of various assumptions and associated research. In many cases, the task force has concluded that research regarding marijuana –as a previously illegal drug– has limited and inconsistent depth.

Thus, some areas have little research at all (e.g. impact of edibles), some areas have a useful spectrum of research (e.g. youth health impacts and addiction), and many areas pertinent to Colorado show emerging research now being initiated (such as high potency cannabinoid impact, youth and adult usage uptake, DUI-Marijuana, and legalization economics). To give a sense of how new this is, medical researchers only discovered and described the human endogenous cannabinoid system (where the psychoactive cannabinoid THC binds) about 20 years ago.

Many health assumptions have been stated from both pro-marijuana and anti-marijuana perspectives. While not centrally focused on individual health impacts, the task force did basic research regarding many stated assumptions of potential health impacts of marijuana as they relate to our mission.

Assumptions stated during the Amendment 64 Implementation

Task Force public input and outreach process:

- Marijuana will make Golden a lot of money
- Marijuana reduces violence
- Marijuana reduces alcohol use and use of other drugs
- Marijuana is safe, marijuana is healthy
- Marijuana is 10x stronger than it used to be which makes it safer because people will use less
- Marijuana is not addictive
- Marijuana cures cancer
- Marijuana makes people better drivers

Certain assumptions exhibit little evidence to support the position of positive health impact. For example, the task force did not find research to support the assumption that increasing potency of cannabinoids leads to a commensurate decrease in use. Other assumptions regarding addiction, driving, economics and health are discussed below.

Health Impact

A primary concern for any drug, illegal or legal, is the individual and societal health impacts. We focused primarily on youth impacts, finding a dearth of research regarding societal impacts and costs. This stems in part from studies using smoked marijuana from decades ago that may have little validity in the current high-potency cannabinoid environment. Testimony from Dr. Reyburn of Centennial Peaks Hospital in Louisville, CO reinforces the notion that as little as five years ago there was limited concern over marijuana impacts, but Dr. Reyburn now reports marijuana-associated psychosis with permanent health impacts as the number one reason for mental health and addiction treatment at Centennial Peaks Hospital.

This is literally not your father's marijuana. The University of Mississippi has tracked potency in the U.S. for decades. They report that marijuana potency has increased from less than 1% in the 1970s (now commonly classified as "ditchweed") to 8.5% in 2008 – an 1100% increase. The Drug Policy Alliance pro-marijuana advocacy group reports average retail product potency of 9%-12%.

Below is a brief synopsis of what marijuana is and what it likely does do, what it may do, and what current evidence says it does not do.

Marijuana, also known as cannabis and various slang terms, is a preparation of the dried and shredded leaves, stems, seeds, and flowers of the cannabis sativa and cannabis indica plants. The intended stated uses are as a psychoactive drug and medicine. Traditionally smoked to activate the psychoactive cannabinoids, marijuana is now ingested via several methods including vaporizing, topical ointments, edible food and drink products, sublingual drops, and high-potency concentrates such as dabs, tinctures, and wax.

According to the Institute of Medicine, Delta-9-tetrahydrocannabinol, commonly known as THC, is the primary psychoactive chemical (cannabinoid) responsible for both physiological and psychological effects on the body. Cannabidiol (CBD) is another of the many cannabinoids found in marijuana and has recently gained attention for its varied psychoactive and potential medicinal properties.

Cannabinoid receptors are found throughout the body. In the brain they are concentrated in areas associated with memory, pleasure, executive function, coordination and time perception. Studies show that THC and other cannabinoids bind to neurons in the brain and trigger changes in neural cell activity, regulation and signaling.

Hash or hash oil is a concentrated marijuana product with the same cannabinoids sold as compressed bricks, pastes, or waxes. THC potency may

reach 70%-90% depending on extraction method. Two primary types of extraction are used in Colorado, ice water extraction (bubble hash) and liquid butane chemical extraction.

What Marijuana Probably Does. . .

- Marijuana smoke increases cancer risk (like tobacco smoking), and chronic regular marijuana smoking increases a user's risk of lung cancer
- Marijuana smoking increases lung inflammation and chronic cough, but research does not currently indicate that it leads to COPD or lung function decline
- Marijuana does create physical dependency (up to 50% of people report withdrawal dependency symptoms leading to continued use)
- Marijuana is addictive. For adults, addiction rates are approximately 1 in 10 or 11, and for adolescents the rate increases significantly to 1 in 6 children. Marijuana addiction rates are lower than nicotine and higher than alcohol, and increasing potency may increase addictiveness
- In adults: decrease executive brain functioning (decision-making) and short-term memory, lasting up to one month after cessation
- In adolescents and children:
 - Significant brain structural alterations with permanent neurological effects
 - Effects leading to increased incidence and/or accelerated onset of mental illness: schizophrenia, cannabis-associated psychosis, major depression, anxiety-disorders
- Recent legalization has resulted in:
 - Increased emergency room visits for accidental ingestion or overdose, especially by young children
 - Increased calls to poison centers for acute marijuana toxicity, more than doubling since 2009 for kids under 12 years of age
- Increases in traffic accidents: Colorado reports a 200% increase where drivers were DUI-marijuana (and without other drugs)
- The National Institute on Drug Abuse finds that cannabinoids can trigger a relapse in schizophrenic symptoms

What Marijuana May Do. . .

- May increase stroke in limited situations due to cerebral vasoconstriction immediately after ingestion
- Affect Cardiovascular system: common acute tachycardia (increased heart rate), hypertension (high blood pressure), and correlation with increased myocardial infarction (heart attack) for the 1st hour after use for those with coronary artery disease. Emerging research suggests additional cardiovascular complications
- Research shows cognitive deficits such as decreased IQ later in life, specifically when use is initiated as adolescents

- Mom-baby use: marijuana is a lipophilic drug that easily crosses the placenta and is excreted in breast milk. Studies show increased hyperactivity disorders starting at age 10 for children of mothers who use marijuana during birth and breastfeeding.

What Marijuana Probably Does NOT do . . .

- Marijuana does not appear to increase overall oral cancers
- Smoking marijuana can provide short-term bronchodilation which is seen as a positive effect (see above about long-term effect)
- Adult (over-25 years of age) occasional marijuana use does not appear to have evidence of significant long-term effects
- Marijuana does not seem to effect birth weight or significant cognitive outcomes over time for children of mothers using marijuana (see above for mood disorders)
- Cannabinoids such as THC do not appear to be carcinogenic (however, smoking marijuana is carcinogenic)
- Marijuana probably does not cause death (due to direct toxicity). This may be changing based on recent anecdotal deaths in Colorado, possibly related to a combination of factors including increased use, increasing potency, and increasing use of alternative methods for ingestion such as edibles
- There is not evidence that marijuana cures cancer

Referentially, the Task Force feels it important to note the existing status of medical marijuana in Colorado.

What Medical Marijuana Does...

Colorado has approximately 113,000 people enrolled through the medical marijuana registry. Approximately two-thirds are male, and the average age is 41 years old.

Currently the State of Colorado approves eight indications for medical prescriptions to be written for marijuana, and could potentially decrease or increase the number of indications based on emerging evidence.

Indication	Prescribed	% of total
Severe Pain	103,825	94%
Muscle Spasms	14,714	13%
Severe Nausea	11,023	10%
Cancer	3,079	3%
Seizures	2,098	2%
Cachexia	1,165	1%
Glaucoma	1,113	1%
HIV/AIDS	657	1%

(Note: % may not equal 100% as some people are given multiple medical indications. 18+ year olds may independently register with medical approval, and under 18 with parental and medical approval.)

The following is a description of clinical effects from cannabinoid toxicity by Dr. Laura Borgelt and others of University of Colorado's Department of Clinical Pharmacology, and pediatric emergency room physician Dr. George Sam Wang from Children's Hospital.

Cannabinoid toxicity (from Borgelt, et al)

Acute cannabinoid toxicity usually presents with various neurologic symptoms: decreased coordination, decreased muscle strength, lethargy, sedation, difficulties concentrating, altered psychomotor activity, slurred speech, and slow reaction time. Other common symptoms include tachycardia and dry mouth. These effects can be more pronounced in children, especially at lower doses. Common symptoms include ataxia, somnolence, lethargy, altered mental status, and obtundation. Rarely, pediatric patients present with more severe symptoms such as apnea, cyanosis, bradycardia, hypotonia, and opisthotonus (severe hyperextension and spasticity).

Youth Access & Use

We have learned that youth and teen use is both blisteringly complex and hotly debated. Because of medical marijuana's legal status in many states, there is some emerging evidence to suggest teen use is increasing because of the legalization of medical marijuana. However, research on impacts is limited as many places are just starting implementation. Colorado, for example, did not truly start commercialization until 2010, following the 2009 Ogden Memo.

Several recent studies do suggest youth and teen use of marijuana is increasing, while another metastudy pooling self-report research suggests no causal relationship. Again, most of these studies pre-date implementation in Colorado.

The task force looked at other perspectives to understand this issue. Tracked since the 1970s, perceived risk of harm from marijuana is currently falling among teens. This has been demonstrated to be inversely related to use, thus predicting that drug use will increase following the current decrease in perceived risk (see <http://www.drugabuse.gov/monitoring-future-survey-overview-findings-2013>).

It is unclear as to how much the legalization and legitimization of marijuana drives this perception. Is it possible that legalization impacts and possibly

reduces marijuana availability? We don't know. When kids see a store on main street, do they assume "it can't be that harmful?" Public input suggests the answer is yes, but more research would be welcomed. Complementary studies out of Boulder do show that kids who report seeing marijuana as non-risky are 500% more likely to report having used it than kids who see marijuana as risky.

We have found evidence in the media and government reports to suggest high school marijuana use decreased from the late 1990s to mid-2000s, but use is now increasing. For example, reported Colorado Department of Education drug expulsions and suspensions from 2001 to 2009 dropped from 4,100/yr to about 3,700/yr. Drug-related incidents have since spiked nearly 45% by 2012 to nearly 5,300. At the same time, there is good news from Golden High School, which reports a decrease in drug-related incidents over the past three years from 11 to 5 for the current school year.

However, it is hard to see what impact on expulsions is specifically from marijuana. Thus, we are left to tease data out of anecdotal accounts, such as:

- http://www.denverpost.com/breakingnews/ci_24501596/pot-problems-colorado-schools-increase-legalization
- <http://www.usatodayhss.com/news/article/coaches-see-a-rise-in-marijuana-use-among-high-school-student-athletes>

The National Survey on Drug Use and Health provides a glimpse that compares high school use and demonstrates how much care must be used in referencing specific statistics. Websites by marijuana advocates tout a leveling off of teen drug use (supported by the NSDUH survey), which states Marijuana use in the U.S. as a whole has only risen from 6.1% to 6.6% for those 12 and older.

But this is not the whole story. The same survey showed City of Denver use increasing dramatically from 7.8% to 12.2% during the same period (2004-2010), nearly double the national use rate.

Dr. Christian Thurstone (see Bibliography for citations) states this trend is continuing and accelerating in Colorado, (additional information at <http://drthurstone.com/teens-no-marijuana-use/>) stating that Denver use is higher than the rest of Colorado, coincident with a majority of marijuana stores being located in Denver.

We looked at other means of determining increased or decreased usage. There is debate about whether legalization impacts reporting and survey validity, but regardless of this the trend is certainly troubling. The National Poison Control center reports marijuana calls up sharply for kids 12 and under, doubling in just two years from nearly 180 calls in 2009 to 358 calls in 2011. Similarly, overall

marijuana calls to poison control centers are also up more than 25% over two years, from fewer than 4000 in 2009 to greater than 5000 in 2011.

In another local view of marijuana impacts on youth access, the increase in use of edible forms of marijuana has created a new phenomenon. A study by Dr. Wang of the Colorado Children's Hospital noted in the five years prior to 2009's general legalization of medical marijuana, there were no cases of pediatric incidental ingestion requiring treatment in the emergency department. Since that time, there have been several cases of pediatric admissions for ingesting edibles such as brownies, cookies, and suckers, some requiring intubation for breathing assistance. Dr. Wang reports the number continues to increase, now reported reaching multiple cases per month in the past year and growing.

Driving Impacts

Like many other areas, this is an area of emerging research, which suggests the true driving impacts will require time to fully understand. For example, the state has only recently started formally training police officers to detect DUI-marijuana (and other drugs) and considering new testing equipment, and thus research based on current enforcement will not be representative.

One stated assumption (NORML pro-legalization organization) is that drivers under the influence of marijuana are actually better than unimpaired drivers. However, evidence suggests the potential for increased driving problems such as impaired driving, accidents, and fatalities.

Colorado Driving Fatalities and Marijuana

- From 2006 – 2011, overall traffic fatalities decreased in Colorado 16 percent.
- From 2006 – 2011, fatalities involving drivers testing positive for marijuana **increased 114 percent**.
- In 2006, traffic fatalities involving drivers testing positive for marijuana represented 5 percent of the total traffic fatalities. By 2011, that percent **more than doubled to 13 percent**.
- In 2006, drivers testing positive for marijuana were involved in 28 percent of fatal vehicle crashes involving drugs. By 2011, that number had **increased to 56 percent**.
- From 2006 – 2011, drivers testing positive for marijuana and involved in fatal vehicle crashes **more than doubled**.
- From 2000 – 2011, alcohol-related fatalities decreased significantly, from 268 in 2000 to 173 in 2011 (35% decrease).
- In 2009, the State of Colorado reported 791 positive blood tests for DUI-marijuana. In 2011 that number went up by two and half times to 2,030.

Recent research points to a tripling of marijuana involvement in car accidents. “If the current trends continue,” researcher Mu-chen Li stated, “non-alcohol drugs, such as marijuana, will overtake alcohol in traffic fatalities around 2020.” (See Bibliography for citations). A large study by Drummer et al. out of Australia shows accident rates 6.6x that of unimpaired drivers when THC levels are measured above Colorado’s adopted 5ng/ml limit. A meta-study on the National Institute of Health repository shows an average marijuana driving risk increase of two and a half times that of unimpaired drivers.

Li et al. (2012) reviewed nearly 3000 citations, 122 studies, and 9 studies meeting criteria for inclusion and state:

“The results of this meta-analysis suggest that marijuana use by drivers is associated with a significantly increased risk of being involved in motor vehicle crashes.”

Golden’s Police Chief Bill Kilpatrick has stated that marijuana citations are often under-reported. This is primarily due to the reality that if alcohol is detected, further investigation by the police is generally halted and the DUI-alcohol offense is pursued. Additionally, it has been noted that increased training and testing tools will be required to effectively gauge the impact of potential impaired driving from marijuana.

Financial Impact

True financial impacts of Amendment 64 with Proposition AA are unlikely to be completely understood until full retail marijuana retail build out occurs and the market has stabilized over the next several years. Initial assumptions of a financial boon have yet to be realized. The State Legislature recently cut in half initial revenue projections made by Governor Hickenlooper’s office. The first two months of reported tax revenues show a steady return, which has already triggered a budget discussion at the state level decreasing proposed funding for education, prevention, and other efforts.

This following financial retail comparison using marijuana revenue ranges provided by the City of Golden Finance department to suggest why marijuana sales may have more or less impact based on the individual community.

Edgewater	Golden
5,500 residents	19,100 residents
\$3,000,000 sales/use tax	\$17,000,000 sales/use tax
\$38,000 (median household income)	\$54,000 (median HH income)
\$188,000 (median home value)	\$320,000 (median home value)
5 recreational marijuana shops	1-3 recreational marijuana shops
Revenues \$100,000 - \$450,000/yr	Revenues: \$21,000 - \$270,000/yr
3% - 15% gain in City revenue	0.1% - 1.5% gain in City revenue

Similarly, Breckenridge has five dispensaries/recreational retail stores and the Mayor of Breckenridge expects revenues of \$400,000-\$500,000 for the year.

John McDonough, owner of Golden's medical marijuana dispensary, recently provided public input stating his store's impact at \$150,000 over several years. This equates to about \$2,000 per month for the City of Golden, in a budget of \$17 Million dollars (0.1%).

Further investigation by the Task Force suggests minimal likely financial impact on City finances (e.g. less than 1% increase in sales tax revenue). Thus, while some revenue is expected, counteracting costs for enforcement of regulation and health concerns suggest that economic impacts to Golden are not, in and of themselves, a reason to consider retail recreational marijuana stores.

One way in which the City could improve the economic impact relates to additional taxation. Many cities pursuing retail marijuana revenues, such as Denver and Breckenridge, have held ballot initiatives this past year to provide additional city tax revenues. If City Council chooses to pursue recreational retail marijuana revenues, the Task Force recommends referring a local ballot measure allowing for an additional City tax of 5% on retail sales, in line with other jurisdictions. The City may also consider additional taxes on other facility types and uses in line with neighboring jurisdictions.

Ultimately, the task force found significant limitations on our ability to investigate the full range of potential economic impacts, instead focusing on directly calculable figures related to the above-stated assumption regarding whether marijuana is an economic benefit to the City. It is challenging to calculate the cost of educating hundreds of thousands of children who are then unable to use their skills in many of the better-paying job professions, such as health care or aerospace industries, because employers commonly drug test and refuse to hire marijuana users. And there is the potential for companies to refuse to locate in Colorado over concerns of available drug-free workforces. A recent report from Colorado Springs shows year-over-year workplace drug testing positive results increasing 30%-50% per year.

An additional limitation of economic impact relates to the challenge in estimating the likely costs the City may incur in developing prevention and rehabilitation education programming and resources. For example, one estimate put the likely cost of an ongoing in-school rehabilitation trial at \$5,000 per person. Outpatient therapies typically run \$5,000-\$10,000 and inpatient programs run the gamut from \$15,000-\$30,000 or more per patient. These programs appear expensive, but the National Institute on Drug Abuse finds addiction treatment more than pays for itself with each dollar returning \$4-7 in societal benefits.

Other programs the City may embrace may have little or no cost, such as the LifeSkills Training (LST) encouraged by Chief Kilpatrick and health education staff at Jefferson Public Schools. The Task Force believes further study and research outside the scope of our mission will be required to understand true economic impacts. For example, it would be reasonable to focus on counteracting benefits and costs of in/outpatient addiction treatment as opposed to decreased incarceration costs from drug abuse.

Jeff Hansen, Finance Director, City of Golden, sees that tax revenues in...

“...The lower end of the range really isn’t that significant from a financial standpoint... Bottom line is I don’t think the task force’s recommendations should put too much emphasis on potential revenue generation.”

Max Tyler, Colorado State Representative (formerly representing Golden), recently stated:

“This year is the first year we will collect tax revenues from the sale of recreational marijuana. The Legislative Council predicts we will collect around \$55 million in marijuana tax revenue this year alone, \$40 million of which will be used for school construction. However, since our state budget is over \$25 billion, this revenue is negligible, and it is important to remember the impact of this tax is smaller than you might think. It isn’t even included in the budget for this year because future revenue from recreational marijuana sales is so uncertain.”

Bill Hayashi best summed up the data from recent articles the task force reviewed:

“It demonstrates that for a small city to make a significant amount of money it must be a destination, have lots of stores and pass a local excise and sales tax. I don’t think most small cities would want to be a destination and have lots of stores.”

Findings and Recommendations

The Task Force found general consensus agreement on many of the detailed regulatory issues the City of Golden currently faces based on passage of Amendment 64 and state regulations regarding production, sale, and use of marijuana products. Much of our discussion coalesced around a principle of allowing appropriate and legal adult use as mandated in the State constitution, while discouraging youth marijuana use and access. Noting one member's exception, there was consensus among task force members of this approach. All recommendations are based on the health, safety, and welfare of the citizens of Golden.

Regardless of whether City Council chooses to allow or opt-out of the four types of licensed facilities allowed by state regulations, we believe Council should strongly consider adopting municipal codes regarding many of the below regulatory options on matters such as public use, personal use and growing, and safety and health.

Below are recommendations and scenarios by the Amendment 64 Implementation Task Force. Where there were differences of opinion, such differences are noted and multiple scenarios discussed are presented. Certain scenarios, specific to smoking, mirror existing city regulations.

Amendment 64 Implementation Task Force Recommendations & Options

Licensing of Marijuana Facility by Type

There are four types of facilities permitted by state regulations, including marijuana cultivation, testing, production, and retail sales. The City should adopt legislation to explicitly permit or opt-out of each of the four uses, as well as explicitly stating that no other marijuana facility types shall be permitted. It should be noted that the Task Force did not discuss current city regulation regarding medical marijuana cultivation and manufacturing facilities.

Retail Marijuana Testing Facilities

State of Colorado regulations: "Retail Marijuana Testing Facility" means an entity licensed and certified to analyze and certify the safety and potency of Retail Marijuana.

The Amendment 64 Task Force recommends allowing retail marijuana testing facilities to be operated in Golden within industrial zoned business areas, consistent with Task Force recommendations for facility locations.

Potential Benefits

Golden's Economic Development Commission has recently focused on primary employment attraction. Retail marijuana testing facilities are likely to employ chemists, microbiologists, and molecular biologists that will use high tech equipment to test potency and contaminants (pathogens, residue, pesticides, and debris) in retail marijuana products. Staff agree this use likely will require lots of equipment and provide excellent primary job opportunities, going so far as to call this use "the most exciting." Further, existing facilities do not have the capacity to meet state testing requirements, which are to be phased in from May through October 2014. Such use may be welcome because it is primarily intended to assure the safety of the marijuana industry and its consumer customers. There are limited traffic impacts since the facility will not sell directly to consumers. Golden has experience with high tech testing labs already located in the city, including the Colorado School of Mines and the EPA Region 8 labs.

Limitations/Concerns

If not constructed and regulated appropriately, such a business could emit odors or other pollution that would be visible or smelled by passing pedestrians, motorists and homeowners. It is possible that such a facility could invite additional security concerns. Other businesses may not wish to be located near a marijuana-based facility, potentially detracting from Golden's ability to attract other business types. Like cultivating and manufacturing, there is a significant concern for waste product disposal and wastewater impacts, including potential access for youth and others if not appropriately secured. Licensing fees may not be enough to cover true administrative and enforcement costs.

Key Decisions

There are key decisions to make regarding allowing retail marijuana testing facilities. The Permanent Retail Marijuana Rules, Adopted January 10, 2014 and revised in March 2014, are the requirements for the state.

- *Limits on the Number of Licenses:* Golden may consider limiting the number of licenses to retail marijuana testing facilities. We recommend limiting the licenses based on zoning and distance requirements.
- *Local Licensing:* Under Golden Municipal Code 4.94, local licensing procedures were established for medical marijuana. We recommend establishing similar procedures for retail marijuana testing facilities.
- *Local Permits:* The Task Force would recommend requiring specific wastewater plans and pre-treatment permits related to chemicals or

fertilizers used and potentially flushed. See also Golden Municipal Code section 13.

- *State Requirements:* We recommend relying on the state for operational standards such as product and water standards. See also Colorado Permanent Rules for Retail Marijuana section R307.
- *Hearing Procedures:* We recommend using the local hearing officer established under the Golden marijuana code for retail marijuana testing facilities.
- *Zoning Restrictions:* The retail marijuana testing facilities should be located in the industrial zoned business areas as elsewhere described for marijuana businesses.
- *Signage and Advertising:* This should be in line with what the task force decides to recommend for other aspects of retail marijuana and similar in providing discreet business identification.

Recreational Retail Marijuana Stores

“Retail Marijuana Store” means an entity licensed to purchase Retail Marijuana from a Retail Marijuana Cultivation Facility and to purchase Retail Marijuana Product from a Retail Marijuana Products Manufacturing Facility and to sell Retail Marijuana and Retail Marijuana Product to consumers.

Regarding allowing or opting out of recreational retail marijuana stores, Task Force members exhibited little consensus, and thoughts ranged from opting out completely to going with a wide-open approach in allowing stores. After discussion the Task Force has tentatively agreed to coalesce around a two-part scenario for consideration.

If City Council seeks to continue the existing moratorium regarding recreational retail marijuana stores, the Task Force has identified areas of research, outreach and questions that should form the backbone and purpose for a moratorium, as well as likely avenues to pursue in seeking additional information. Alternatively, if City Council chooses to allow limited recreational retail marijuana stores, the Task Force encourages the City to adopt policies based on the Task Force’s detailed recommendations regarding retail regulation.

Additionally, if the City chooses to move in the direction of allowing recreational retail marijuana stores, the Task Force generally felt that City Council may consider first starting with one license, which may be applied to the existing dispensary to “test the waters” and allow for a modified wait-and-see approach regarding retail marijuana as it develops in Colorado and our community.

The Task Force recommends that if City Council pursues a moratorium, the moratorium should be based on the finding that the Task Force has started the discussion on marijuana in Golden, but we believe more and continuous discussion

should be encouraged as marijuana regulation is a complex topic and further education and thought is recommended. The science regarding many issues related to marijuana and safety is emerging, and the industry is in its infancy. The State Legislature continues to actively pass new regulations and legislation regarding marijuana commercialization that could impact local regulation. Some Task Force members believe it may be valuable to allow certain issues to be litigated and settled. For example, if we recommend relying on state regulations to restrict advertising or access to minors, and these regulations are thrown out, how does that impact City efforts to protect youth? Federal changes could also impact Golden's implementation.

If the City chooses to continue the moratorium, the Task Force recommends it do so based on a certain length of time which shall be appropriate for City Council and Staff to conduct further research and await developing knowledge. The Task Force recommends a focus on issues relating to safety, economics, societal impact, youth access / impact, and commercialization of the industry facility types. City Council shall seek additional dialog and outreach to community groups including faith-based organizations, social services personnel such as Jefferson County Mental Health, additional school personnel, additional medical personnel, the Public Defender's office, the DA's office and the Golden City Judge. In drafting a moratorium, City Attorney Bill Hayashi has noted that City Council may also consider opting out at this time while setting a "sunset date" which would allow the City to reconsider this issue at a later time. In either case, the City still reserves the right to add various elements of commercialized retail or other facilities at another date.

Marijuana Cultivation Facility & Marijuana Product Manufacturing Facility

State of Colorado regulations: "Marijuana Cultivation Facility" means an entity licensed to cultivate, prepare, and package marijuana and sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers. "Marijuana Product Manufacturing Facility" means an entity licensed to purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers.

The Task Force recommends City Council prohibit retail marijuana cultivation, with some expressing reservations. The Task Force recommends City Council either prohibit or continue the moratorium on marijuana product manufacturing. The Task Force did not discuss medical marijuana infused product (MIPS) facilities.

Potential Benefits

Cultivation and product manufacturing facilities may provide job opportunities in Golden for skilled and semi-skilled labor with on-the-job training and clean and relatively safe working conditions. Licensing retail cultivation and product

manufacturing facilities in Golden could provide tenancy for unused warehouse space, or spur the sale of vacant land should an operator choose to construct a purpose-built building. Golden can collect application and licensing fees as well as limited use taxes. With no retail sales, both facility types may not be more impactful or high profile than other manufacturing facilities. The task force has limited information regarding product manufacturing, but these operations are generally described as “bakeries” with commensurate small sizing and operational needs.

Limitations & Concerns

The Task Force generally believes that while there are limited potential benefits, the City should not move forward with licensing either cultivation or product manufacturing facilities. The Task Force has limited data to report on product manufacturing operations, and it is reasonable to believe that time should be spent understanding how these operations may mature over the next several years before determining whether they may be a fit for Golden. Cultivation facilities are large operations and unlikely to relocate to Golden given building size and lease rate requirements. Smaller ‘boutique’ cultivation and product manufacturing facilities would significantly reduce potential benefits from jobs and taxes. It is further noted that review of one facility may not be an exemplar of facilities that might locate in Golden.

Cultivation and production work is repetitive and therefore turnover may be high. A transient work force would be less likely to live long-term in Golden and purchase goods and services locally. Cultivation requires significant resource use of water and electricity compared with other facilities, and could have significant ground water impacts because of volume of use and possible contaminants. Facilities may be disruptive related with odors associated with cultivation and product manufacturing – probably not dissimilar to odor concerns related to the Coors facility. While the facility will be responsible for meeting water and odor regulations, Golden may not wish to encourage such extremely intensive water and energy uses. Once up and running, there is little opportunity for ongoing use taxes from these facilities, and application and license fees are unlikely to cover the costs of licensing, regulating, and enforcement.

Per recent anecdotal reports, cultivation is the activity most likely to be impacted by organized crime because they will produce a product legal in Colorado but highly illegal in many states. It is likely that these facility types are best located in localities served by dedicated law enforcement teams with significant experience and familiarity in dealing with these particular facility types and the associated concerns. The City will be heavily dependent on state regulation and enforcement to ensure the adequacy and safety of these facility types. The health, welfare and safety of Golden may be best served by focusing on limiting facility. Licensing cultivation and product manufacturing facilities in Golden may discourage other

potential businesses who prefer not to be located or associated with marijuana manufacturing. For both cultivation and product manufacturing, unless Golden considers licensing many facilities, it is unlikely application and license fees will be a revenue generator for the city. These facilities generate significant waste products, which must be secured and disposed of properly, a potential concern.

Key Decisions

If City Council chooses to license cultivation and manufacturing facilities, the task force recommends the same local licensing procedures and hearing procedures established for medical marijuana licensing under the Golden Municipal Code. Zoning Restrictions would fall into the industrial zoned business areas. Signage and advertising restrictions could follow the state restrictions and Golden should impose stricter standards based on recommendations in this report. The Task Force would recommend requiring specific wastewater plans and pre-treatment permits related to chemicals or fertilizers used and potentially flushed.

Additional Task Force Recommendations: Marijuana Regulations for City of Golden Consideration

Regulating & Defining Marijuana Public Use and View

- *Public place* should be defined as (mirroring Boulder municipal code): any property owned, leased, or used by a public entity, and any place on private property open to the public, common areas of buildings, private club, vehicles, those portions of any private property upon which the public has an express or implied license to enter or remain, and any place visible from such places
- The City should legislate that it will be unlawful for any person to possess any marijuana in any open marijuana container, or to consume marijuana, in the interior of a motor vehicle while the motor vehicle is either parked on a public street, right of way or alley within the town, or is being operated on a public street, right of way or alley within the town
- The City should legislate that it will be unlawful for any person to burn, smoke, inhale the vapors of, eat or otherwise consume or ingest marijuana in any form within a marijuana facility or establishment or in any public place
- Similar to City regulations regarding nicotine use and hookah clubs, private marijuana clubs should be explicitly prohibited
- *Public place* shall not include, and use of marijuana should be explicitly allowed, in any fenced area of a private home or residence regardless of whether it can be seen from a place open to the public (except if any such home or residence is being used for child care or day care), or a place of employment that is not open to the public and that is under the control of an employer that employs three or fewer employees. The Task Force notes that the City should consider reasonable enforcement mechanisms based on the existing nuisance code framework for appropriate controls which do

not unduly limit personal rights while respecting community and neighborhood rights

- *Smoking* – The City should consider adopting general legislation mirroring existing tobacco and smoking regulations found in Golden Municipal code 05.11.010 to 05.11.070

Regulating Private (non-commercial) Cultivation of Marijuana

- Marijuana may not be grown openly or publicly, or in any area that is located outside of the exterior walls of a residential structure
- The growing, cultivation, and processing of marijuana shall not be perceptible from the exterior of the residential structure where the plants are grown, including, but not limited to, common visual observation, light pollution, glare, or brightness that disturbs the repose of another
- Growing shall take place only in a primary residential dwelling and shall not be permitted in accessory dwellings and structures
- Growing should meet state regulations regarding security of growing areas including that areas must be appropriately locked and secured
- The City should consider appropriate limits regarding use of flammable or dangerous chemicals pertaining to cultivation and production (e.g. banning flammable solvents). Similarly, the City should place maximum energy use regulation for fire safety and environmental purposes
- The state Constitution allows individuals to grow up to six plants per person. The City should follow and enforce existing state and constitutional regulations on this matter. The City should also consider additional limits on total plants allowed to be grown per residential unit, similar to surrounding jurisdictions, of no more than 12 plants per residence

Public & Youth: Safety, Health & Access

- The City should make best efforts to prevent underage access, understand risk factors for use, and provide education about the effects of use.
- This shall include recommendations from the National Institute on Drug Abuse regarding decreasing youth access and providing rehabilitation from addiction and misuse
- The City shall promote increased education and awareness for adults regarding the appropriate and legal use of marijuana products
- The City should promote engagement of youth in extracurricular activities and provide parental and community educational opportunities through schools, religious and civic groups, and other community organizations
- The City should explicitly provide continued and increased support for schools and teachers, extending the existing school resource officer program with additional training and resources
- The City should pursue LifeSkills Training to see if this would be an appropriate program to work with Jefferson County Schools for implementation
- The City should create a mechanism to monitor new addiction, education, and therapy programs in localities around Colorado that may be applied in Golden. For example, there is a current University of Colorado pilot program called Encompass running at Adams City High School. Dr. Paula

Riggs of C.U. notes this is important because only 10% of children who need drug treatment are receiving it (often after incarceration) and significant need is found among high-school age kids

- The City should consider community partnerships with surrounding jurisdictions as well as public-private organizations such as Arapahoe House and Crossroads
- The City should generally chart a course of rehabilitation versus criminalization of activities and continue to promote a culture of wellness and health that generally seeks to decrease use and access by minors and best practices for use by adults
- The City should consider an advertising and marketing budget for public service announcements (PSA's), and direct to parent and youth educational information
- Additional training and education should be provided to City Staff, specifically Parks & Recreation staff as well as members of the police force, regarding awareness, education, and diversion opportunities
- The City should consider additional equipment, staff, and resources for the Golden Police Department to regulate and enforce these provisions
- The City should set a "normalization" strategy that strongly discourages public use of marijuana products, including education and enforcement. Normalization should mean that marijuana is tolerated as a legal product, but is not encouraged, and the City should develop policies prohibiting public support and financing of marijuana initiatives, programs, and businesses, which shall include incentives by the City or quasi-governmental organizations such as GURA and the DDA. This would ensure the City does not direct taxpayer dollars and citizen resources to endorse commercialization of marijuana facilities or products and reduce potential controversy by the public. The City policies should promote stringent enforcement of all marijuana laws and regulations, especially regarding public use and giving or selling to minors. The City should consider additional penalties and education to prevent selling or giving to minors
- The City should consider keeping separate and using all revenues raised from the sale of marijuana, if allowed, towards the implementation of significant and effective public education and prevention campaigns
- The Task Force was mixed on the following concept, but generally felt it appropriate to recommend that the City at least consider options to limit product availability that can be considered geared towards youth. In particular, this relates to edibles (such as marijuana-infused Froot Loops) and other marijuana candies that mimic actual candy and pastry products such as lollipops, pixie sticks and swedish fish. The Task Force believes it may be difficult to individually ban certain products and thus the City may have to choose whether to simply ban edibles completely or allow them all
- Similarly, the City should explore the viability of regulating product size and minimum purchase price to discourage purchase by minors. Parallel evidence shows that low-cost nicotine options (e.g. 2 for 99 cent candy-flavored cigars) increase availability and use by minors
- The City has the legal authority and option to limit the potency of products being sold. There is both much concern and limited evidence regarding the

potential health impacts of high-potency marijuana. The Task Force generally agreed that this could be an area where the City could opt-out of allowing high-potency (greater than 15% cannabinoid concentration) until additional time, research and experience provides the City to better provide evidence-based parameters around high-potency products. The Netherlands, for example, generally classifies marijuana products over 15% as hard drugs with significant penalties

- The City can and should consider legislation that mandates or encourages appropriate product safety mechanisms in homes where minors under 21 are likely to live or visit regularly. This means mandating or encouraging that marijuana users and growers with minors in their household must keep all marijuana plants, raw marijuana, production facilities, and all products such as edibles in a locked room or device (such as a lock bag). The Task Force generally agreed with this recommendation, but was mixed as to whether mandated legislation or policy of encouraging use of locked devices would be more effective and practicable (i.e. a policy might ask all marijuana retailers and dispensaries to have a handout providing education on use by minors, have a customer sign a waiver that they do not have minors in the home, and have all retailers sell lockable containers)
- The City should use and stringently enforce state regulations pertaining to safety, facility security, youth access, and packaging

Additional Marketing, Advertising & Visibility Regulation

State regulations provide specifics related to marketing and targeting towards youth. The following activities will be restricted if the likely audience will be comprised of 30% or more youth less than 21 years old: Outdoor signs and billboards, TV, Radio, Print, and Internet. Signs must be on premise, and no signage should target those under 21 years old. The state does allow event sponsorships (such as sports, charitable events, etc.), and advertising is allowed at such events with the same 30% youth restriction. Free giveaways are prohibited. Flyers are generally prohibited without approval of the private owner, and no images or products may be publicly visible from retail store locations.

- The Task Force recommends following State of Colorado guidelines, which have recently reconciled medical and retail recreational marijuana laws regarding packaging so that all edibles must be in opaque and child-resistant packaging. State regulations prohibit advertising in channels where more than 30% of the audience is likely to be under 21.
- The Task Force recommends that the City consider prohibiting marketing at local events such as the Farmer's Market, holiday parades and Candlelight Walk, sporting events, etc. The City may wish to follow Denver's lead in further restricting other forms of outdoor advertisements such as bus stop posters.
- Similarly, the City should follow and strictly enforce these state guidelines regarding marketing and advertising, especially related to marketing channels frequented by kids.
- The City shall be relying on state regulations, and thus should monitor regulations as they are frequently changing. Additionally many regulations

pertinent to marketing and advertising towards youth are actively being engaged in legal proceedings, which may affect the validity upon which the city is relying.

- Flyers, handbills and discount coupons should be prohibited both via mail as well as being placed on car windshields, handed out on street corners, etc. and temporary billboards should be prohibited or discouraged. While free giveaways are prohibited, the City should consider price floors to prevent promotions similar to the 'one-cent beer' not-quite-giveaways. Magazines and other physical publications should be restricted from distribution in areas and venues publicly accessible by minors.

Recreational Retail Use & Regulation

The Colorado Constitution explicitly provides localities such as Golden the authority to regulate the time, place, manner, and number of recreational retail marijuana stores and other facility types. At this time, the Task Force recommends City Council continue the moratorium regarding recreational retail marijuana sales or consider initiating retail sales via the existing dispensary. If City Council does choose to allow recreational retail store(s), the Task Force is providing the following recommendations.

The Task Force, with significant assistance from City staff and reflecting on input from the public, discussed at length where recreational retail stores may be most suitable in Golden. We expanded upon the existing Golden municipal code regarding medical marijuana and reviewed several maps generated to show potential retail locations. The focus was initially one of exclusion – where should we not place retail stores. Criteria included distances from schools, daycares, residences, parks and public spaces, as well as churches, health and treatment facilities, correctional facilities, pools, and distance between stores (see proposed maps). There was discussion to ensure that if retail stores were to be allowed, that minimum distance criteria did not create a de facto moratorium.

The Task Force recommends City Council continue and enhance distance restrictions including 1000 feet from schools, daycares, parks, correctional facilities, pools, churches with daycare centers, and health and treatment facilities; the task force recommends a general restriction of 500 feet from residential areas. The Task Force did not come to consensus on a proposed rule regulating distances between stores, with some members noting that other restrictions will be sufficient to ensure we do not experience over-crowding. If enacted, this restriction is seen to be both consistent with most municipalities and prevents over saturation of stores. If this limit, currently in place for medical marijuana, is not adopted, the Task Force recommends additional regulations regarding the number of stores. The Task Force also agrees with public input recommending no retail stores in the Historic Downtown or Clear Creek Corridors.

Based on above recommendations regarding zoning and after review of the

proposed maps and discussion with City staff, the Task Force now recommends City Council adopt an inclusion zoning and distance policy. This would be based on the general policies noted above regarding suitable distances from various uses, but would provide a greater certainty for applicants as well as citizens of Golden as to where marijuana facilities could be located. Additionally, it would prevent errors in processing applications and prevent placement of facilities in areas not previously considered by the City and residents. For example, if a marijuana retailer bought out and shut down a local day care, suddenly there could be a new and unforeseen marijuana store location. The Task Force recommends that City Council, with staff direction, include up to three commercial / industrial zones with inclusive acceptable boundaries based on the proposed maps and guidelines. These zones may be drawn from the following areas: Interplaza, Coors Tech center, Dinosaur Ridge commercial area south of Heritage Square, and possibly the Hogback Ridge industrial park in the northwest corner of Golden. The Task Force recommends the City consider changing medical marijuana regulations to mirror this policy, exempting the single existing facility as necessary.

Recreational Retail Marijuana Store – Additional Regulations

Maximum Number of Recreational Retail Marijuana Stores

The Task Force did not reach consensus regarding the number of stores that should be allowed if City Council allows recreational retail stores. The range among members included zero stores, one to three stores, and two to five stores. There were no members to suggest greater than five stores. Reasoning for restricting store numbers included public impact as well as preventing over-saturation and failure of retail stores. There has been little consistency regarding regulation of number of stores among municipalities allowing them. By way of comparison, Aurora is currently considering a cap of 20-24 stores equating to one store per 14,000 to 17,000 residents. Golden has just over 19,000 residents.

Public input was less ambiguous regarding the maximum number of stores. This input is not meant to reflect statistically accurate surveys, and should be considered only to provide a range of thought and trends seen in public input. More than 50 businesses participated in providing feedback through the Golden Chamber of Commerce. Nearly two-thirds of all business owners recommended no marijuana recreational retail stores at all, and an additional 24% recommended a maximum of one or two stores. 14% recommended 3-6 stores and no business owners recommended a higher number. Public input via A64@CityofGolden.net was similarly overwhelming in recommending zero stores, and similarly followed the business owner responses of otherwise limiting stores to 3 or less. There were no explicit mentions of store numbers during the Public Input Listening Session.

Licensing and Retail Store Regulation

If City Council chooses to allow recreational retail marijuana stores, the Task Force recommends a strict licensing process and believes that a “first-come, first-serve” or lottery approach is likely to result in widespread failure of stores in Golden. The Task Force recommends that City Staff develop applications to grant licenses based a combination of factors including: financial strength of proposal, industry experience, appropriateness of business plan and integration with Golden Vision 2030, proposed location, existing store status, status of good standing with the Colorado Marijuana Enforcement Division (MED), and status of good standing with surrounding communities applicant may be involved with. The Task Force recommends allowing dual recreational retail and medical marijuana licenses or separate licenses.

Recreational Retail Marijuana Store Residency & Space Requirements

The Task Force additionally recommends City Council consider a residency requirement for ownerships of marijuana facilities as a way to promote greater community accountability and accessibility. Some jurisdictions have considered maximum retail space limits on a square footage basis (e.g. Louisville has set a 2,000 sqft limit, other have set 2,800 sqft, and Denver has not limited space in this fashion). The Task Force recommends City Council consider a limit on square footage in conjunction with other limits City Council may place, including maximum number of stores and geographic location.

The Task Force agrees that if recreational retail marijuana stores are allowed, City Council should allow for either a dual medical and recreational license for the existing dispensary, or for the conversion of the existing dispensary into a recreational facility, based on State guidelines. By way of reinforcement, task force members suggest that if the City allows recreational retail marijuana stores, City Council may consider first starting with one license, which may be applied to the existing dispensary to “test the waters” and allow for a modified wait-and-see approach regarding retail marijuana developments in Colorado and Golden.

Store Hours, Signage, Access, Consumption, and Visibility

State regulations provide fairly strict oversight regarding access to facilities in regards to security measures, product visibility, as well as age access restrictions. The Task Force recommends City Council strictly enforce State regulations on these matters, especially related to youth access for those under 21 years of age, prohibition of onsite consumption of marijuana products, and zero product visibility external to the store.

Access regulation should be improved through the use of identification scanners. Marijuana products should not be visible from the street or sidewalk, and external

windows should be appropriately frosted. If the existing dispensary or any facility becomes dual use, very strict enforcement of separation will be critical to ensuring that medical marijuana patients under the age of 21 do not have access to recreational retail stores. Similarly, the Task Force recommends the minimum age for employees be set at 21 years of age. The Task Force has separately provided discussion of waste disposal concerns and recommends strict oversight and enforcement of waste security and disposal as well as water and wastewater treatment and disposition.

The Task Force provides two recommendations regarding legal hours of operation for recreational retail marijuana stores. First, such hours should mimic the existing hours for Golden's medical marijuana dispensaries, which are 8am-7pm. An intriguing idea was supported by several task force members that could potentially decrease youth access to marijuana. Notably, some members of the Task Force recommend City Council consider an option for split hours of operation, which would cause all marijuana facilities who sell to the public to close during the hours of 3pm to 6pm daily. If implemented, the Task Force would then recommend City Council consider potentially extending evening hours to 9pm or 10pm. The intent of this regulation would be to decrease availability of marijuana products time when reduced parental supervision of adolescents occurs.

The Task Force recommends signage consistent with Golden's existing sign and medical marijuana sign codes. There should be no more than one sign of an appropriate size, which should not have graphics of marijuana or marijuana products.

General Legislative Recommendations

- If any of the four types of facilities are permitted, the City should use the existing hearing officer structure in place for alcohol and medical marijuana to be also used for regulating recreational marijuana facilities. In addition to building new regulation for recreational retail marijuana, the City should update administrative codes for licensing and hearings for medical marijuana to mirror recreational retail marijuana codes
- The City should include codes and policies specifically focused on frequent monitoring, inspections, and compliance of marijuana facilities
- The City shall provide for a public hearing for all applicants for marijuana facilities
- The City shall reconcile existing medical marijuana dispensary codes, specifically regarding location restrictions, based on this report and mirroring those for retail facilities if permitted

Report of Limitations

During Task Force deliberations, potential limitations to our report were identified, which should be taken into consideration when reviewing the Task Force's report and recommendations.

The Task Force has noted several issues regarding the current state of research. Marijuana use and commercialization is an evolving issue and the latest findings must continue to be incorporated in any municipal decision-making process. Additional time may also provide a more well-rounded review and interpretation of new and existing research. Additional invited testimony would also be beneficial.

Similarly, the Colorado State Legislature is actively addressing additional points of regulation and policy regarding the impacts of Amendments 20 and 64 as well as Proposition AA. As the City of Golden has noted in existing moratoria, this evolution of the legal framework requires caution when pursuing commercialization and regulation of marijuana in Golden. Federal rules and oversight are also evolving, with potential significant impact on Golden. The Task Force represents these as potential limitations to our recommendations.

Additional questions as noted below regard issues the Task Force felt were outside the mission and charter of the Amendment 64 Implementation Task Force. Similarly, the Task Force notes a limitation regarding available bandwidth for us to provide and review relevant research. Specifically, we note a present need by the City of Golden to pursue additional research regarding effects of marijuana use and commercialization on crime. Research should extend beyond, for example, robbery or violent crime to holistically understand criminal issues including illegal use by minors and impacts on community institutions such as schools.

The Task Force has noted a potential limitation of time and duration. Our proceedings were compressed and accelerated within a two-month period, a potential limitation to the scope, reliability, and consistency of our work product.

Finally, the Task Force notes an additional and potentially serious limitation. The composition of the Task Force included pro-marijuana industry advocates, health advocates, and business advocates. This was noted to be a strength of the Task Force. However, pre-determined advocacy for a particular position must also be seen as a potential limitation of our deliberations. The Task Force reports that eight of nine members voted in favor of Amendment 64, significantly higher than the general population.

Additional Questions

The Task Force identified several questions which may be pertinent for City Council to consider, but were found to be outside the scope of our mission. In addition to areas of research identified within the report above (e.g. economic impacts, addiction and treatment programs, etc.) we list additional potential areas of Investigation.

Identified Questions Not Addressed or Outside Scope of Task Force

- Medical Marijuana: Cultivation and marijuana-infused products (MIPS) facilities were not addressed by the Task Force, but should be harmonized with recreational retail recommendations
- Medical Marijuana: Noted but not fully addressed by this report, the Task Force believes City Council should research and consider making existing medical marijuana dispensary regulations consistent with recommendations herein. Specifically, issues of allowable store locations, zoning, store regulations, product mix, advertising, and number of stores are possible considerations.
- One of the recurrent themes in the Task Force’s deliberations regarded existing city laws regarding tobacco and nicotine. The Task Force believes it may be useful for the City to consider additional non-cigarette tobacco, smoking, and nicotine regulations. Potential areas include:
 - Ban outdoor patio public smoking
 - Change “tobacco” to “nicotine” in current ordinances
 - Improve smoking laws (e.g. see Arvada & Edgewater)
 - Increase compliance checks and public education
 - Regulate or ban flavored nicotine products
 - Regulate coupons or discounts
 - Set minimum prices, especially single piece prices (i.e. flavored mini-cigars in grape-ape flavor, 2 for 99 cents)
 - Regulate or ban vaporizer and e-cigarette devices
 - Provide stronger enforcement of legal public use
 - Advocate for over-21 law regarding tobacco/nicotine for consistency, ease of enforcement, and reduction of youth access
- Several task force members have noted a lack of similar laws for alcohol, including limits on locations near schools and total number of licenses (currently at 61 liquor licenses). City Council may wish to evaluate whether restrictions may be in the interest of health, welfare, and safety in Golden.

Appendices and Bibliography

Document Repository: Annotated Table of Contents

Marijuana Issues & Background	Document Filename
2013 Federal overview outlining 8 points states must address to avoid shutdowns (e.g. restrict youth access)	8-points-fed-enforcement
Federal memo from October 2009 that gave go-ahead for states to implement marijuana laws, known as the Ogden Memo	Ogden_memo
Colorado Municipal League (CML) marijuana legislative review	2 CML Handout
CML's extensive list of current actions by city to regulate or opt-out of recreational marijuana	Election_mmj_recreational-2.pdf
World map indicating legality of marijuana by country (Wikipedia)	World_cannabis-laws_image
Monitoring report showing average THC levels in the U.S. by year from 1975 to 2009. Delta-9 THC, or Tetrahydrocannabinol, is the primary psychoactive ingredient). 1975= <1% and 2008 = 8.49%	UMPMC-potency-monitoring

Golden Docs & Legislation	Document Filename
A64@cityofgolden.net email feedback from Golden citizens regarding A64 implementation	A64@cityofgolden.net Public Input
A64 Task Force authorizing legislation and guidance	Resolution 2318 with memo
Map of existing and potential medical marijuana dispensary locations based on 1000' restriction from schools/daycares	Golden marijuana dispensary locations
Additional Golden maps highlighting potential retail location availability based on distances from city parks and residential areas	Marijuana dispensary locations.2014.parks ...and... marijuana dispensary locations.2014.resid
Finalized Golden community report adopted by Council as guiding document for City Council and City Staff	Golden_vision_2030
Golden's authorizing of medical marijuana dispensaries with 1000' distance restriction from schools / daycares	1898ord Medical MJ
Ordinance regulating / licensing Golden non-cigarette tobacco retailers	1917ord Ch 4 96 NonCigTobacco

Golden staff memo discusses A64 local regulations related to moratorium	July 8, 2013 memo to Council
Licensing fees for Medical marijuana in Golden	2126res MMJlicFees
City of Golden Medical MJ application	MMJAppForms
City of Golden tobacco retailer form	Non-CigApp
City of Golden tobacco retailer fees	Reso 2188
City of Golden MMJ code	Golden Code Medical Marijuana Licensing
Primer discusses how task force will conduct meetings and discussion legally and openly	Open Meeting Primer
Outreach questions approved by Task Force open open discussion regarding marijuana in Golden	Public Input Questions
David Jones (A64 Task Force Member) survey of patrons in and surrounding the Buffalo Rose; David Jones research documents	David_Jones_Buffalo_Rose_survey; David Jones (folder)
A64 Task Force Recommendations working background document	A64 Section Recommendations
Golden Chamber of Commerce business outreach results – 51 local businesses	Marijuanataskforcesurvey1.xlsx Updated: Chamber_biz_member_responses

Municipal & Colorado Legal Docs & Legislation	Document Filename
Amendment 64 constitutional amendment language	Amendment 64 use & regulation of marijuana
Colorado State medical marijuana rules	Medical Marijuana Code
Colorado State recreational marijuana rules	RetailMJCode
CO Marijuana Enforcement Division rules	Co_state_retail_rules Sep13
Revised State Rules For medical and retail marijuana	Permanent retail marijuana rules adopted jan 10, 2014 & Permanent medical marijuana rules, adopted 2014
Additional CO marijuana rules	Emergency Interim Production Rules
Louisville Retail marijuana Code	Louisville code MJ
Boulder Retail marijuana Code	Boulder Retail MJ
Denver Retail marijuana Code	Denver Code MJ
Wheat Ridge marijuana Code	Wheat Ridge Code MJ

Health & Youth	Google Docs Filename
JAMA editorial. Policy effects on kids in states legalizing marijuana, with additional reading resources cited	Policy_effects_mj_on_children
New primary research from CO Children's Hospital shows increased pediatric Emergency Room admissions for inadvertent marijuana ingestion after MMJ (many from edibles)	Pediatric_mj_ER_admissions
Colorado pharmacology primer and review on medical effects (positive & negative) of marijuana, and note increased incidental poisonings based on availability (increased poison center calls, increases in pediatric ER visits)	Marijuana_pharmacology_and_clinical_effects
Another CO article discussing 30% increases in pediatric marijuana exposures in states with legalization (CO is 3 rd highest state for exposures)	Pediatric_marijuana_exposure_increases_legalization
Looks at studies to reduce use of cannabis, especially focused on youth prevention, demonstrating limited success	Prevention_cannabis-use_review-of-trials
Recent headline study discussing adolescent brain development after marijuana use	Heavy marijuana users abnormal brain structure and poor memory
Report: Impact of legalization in Colorado (discusses traffic accident increases)	Legalization of MJ in Colorado The Impact
Smart Colorado report on Marijuana impacts on youth in Colorado and Denver	Smart-Colorado-youth-mj-impact
Epidemiology report shows nearly 300% increase in marijuana involvement in car crash fatalities	2014-incidence-drugged-driving-deaths
Effects of marijuana on adolescent brain maturation	MJ-affects-adolescent-brain-maturation

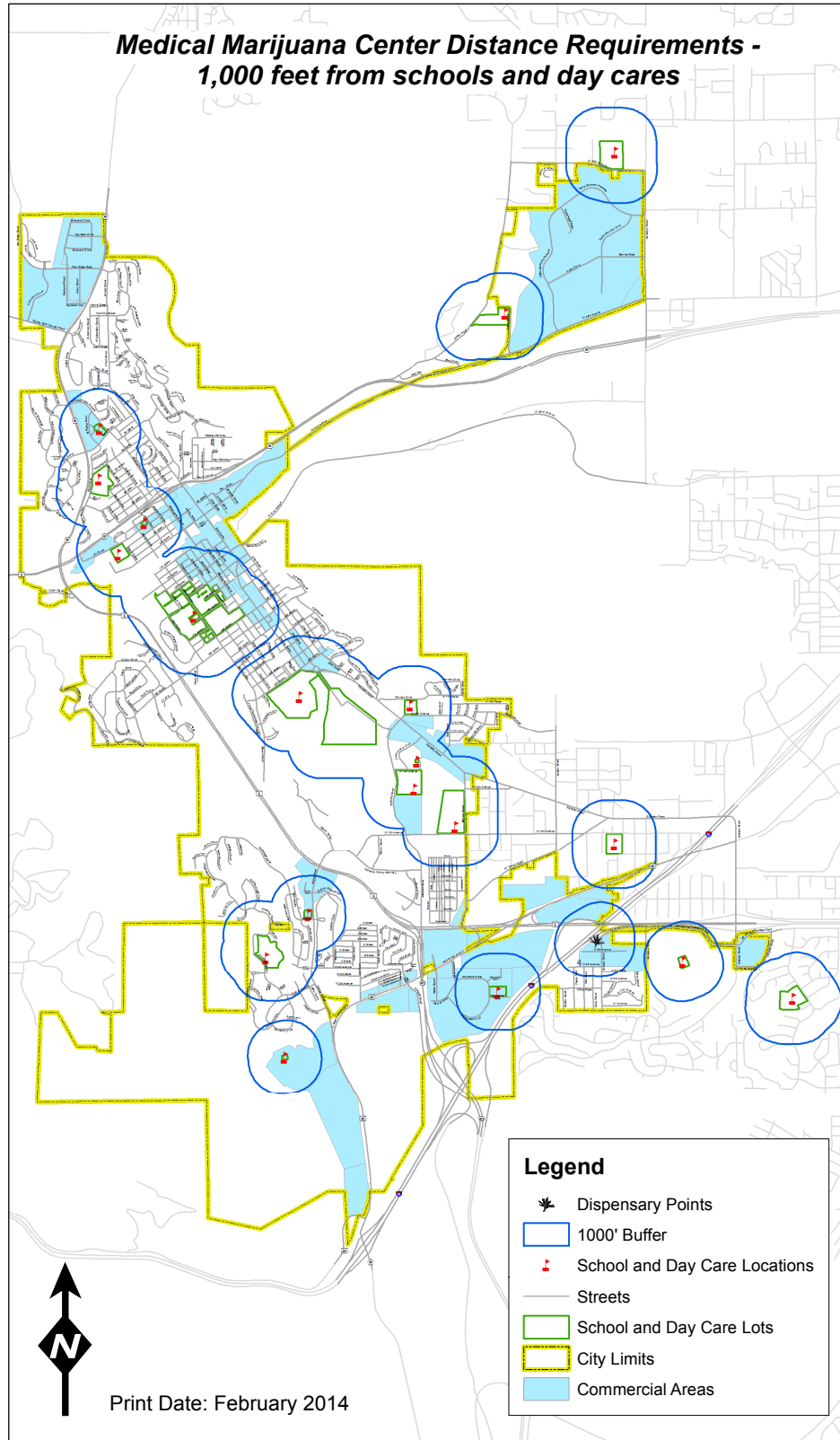
Amendment 64, Proposition AA, Marijuana News, & Additional Research Citations

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- Impact of E-cigarettes: <http://www.nytimes.com/2014/03/05/business/e-cigarettes-under-aliases-elude-the-authorities.html?src=se&r=0>
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- CO police chiefs request more marijuana enforcement funding
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- Colorado teen marijuana use – mental and neurological health affects:
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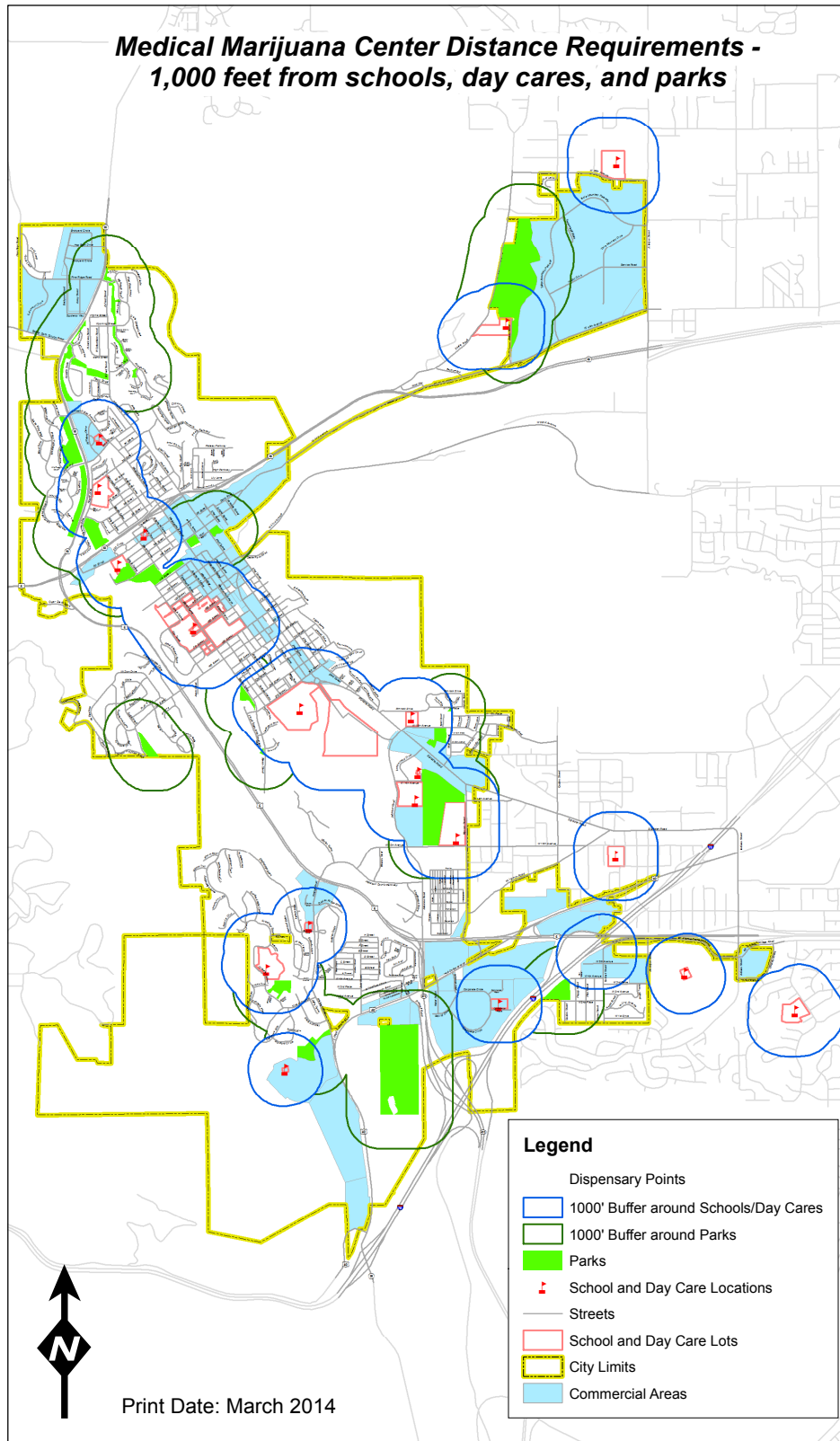
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- Denver Post: 64 Answers to 64 marijuana questions
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Current Medical Marijuana and Potential Distance Maps



**Medical Marijuana Center Distance Requirements -
1,000 feet from schools, day cares, and parks**



**Potential Marijuana Center Distance Requirements -
1,000 feet from schools, day cares, and parks; and
500 feet from residential land use**

