

ORDINANCE NO. 130, 2016
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CERTAIN LABELING AND TESTING PROVISIONS OF THE
CODE OF THE CITY OF FORT COLLINS RELATED TO RETAIL MARIJUANA
BUSINESSES TO ELIMINATE DUPLICATION OF AND CONFLICT WITH STATE LAW

WHEREAS, the State of Colorado's retail marijuana rules are ever-evolving, with the latest rules expected to become effective January 1, 2017; and

WHEREAS, the state rules set forth a comprehensive process regarding the testing and labeling of contaminants and potency in retail marijuana products for retail marijuana businesses; and

WHEREAS, even after a retail marijuana business has satisfied the state's requirements regarding contaminants and potency, there is an additional provision of the state rules that allows for the State Marijuana Enforcement Division to require such businesses to submit a sample of retail marijuana, without notice, to be tested for potency and contaminants; and

WHEREAS, the City Code provisions regarding retail marijuana testing and labeling were adopted prior to the state's adoption of rules regarding the same, and are therefore, duplicative and in some cases inconsistent; and

WHEREAS, the Council desires to eliminate the local provisions regarding labeling and testing to defer to the state law provisions in order to avoid inconsistency and duplication between the two sets of requirements:

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section. 2. That Section 15-608 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 15-608. - Retail marijuana stores.

(a) Only a licensed medical marijuana center in good standing with state and local licensing authorities may be licensed as, or may operate, a retail marijuana store in the City.

(b) A retail marijuana store and medical marijuana center held by the same licensee shall be contiguous, located within the same building and under the exclusive control of the licensee.

(c) All retail marijuana stores shall prohibit the entrance of persons under the age of twenty-one (21) to the licensed premises, including that portion of the premises that is licensed as a medical marijuana center.

Section 3. That Section 15-610 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 15-610. - Retail marijuana products manufacturing facilities.

Any person who meets the requirements of this Division may be licensed as, and may operate, a retail marijuana products manufacturing facility in the City.

Section 4. That Section 15-620 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 15-620 – Prohibited acts.

(a) It shall be unlawful for any licensee to permit the sale or consumption of alcohol beverages, as defined in the Colorado Liquor Code, on the licensed premises.

(b) It shall be unlawful for any licensee to permit the consumption of retail marijuana or retail marijuana products on the licensed premises.

(c) It shall be unlawful for any licensee, or for any agent, manager or employee thereof, to:

(1) sell, give, dispense or otherwise distribute retail marijuana or retail marijuana products from any location other than the licensed premises;

(2) sell, give, dispense or otherwise distribute any retail marijuana or retail marijuana products to persons under the age of twenty one (21);

(3) display signs that are inconsistent with Sections 15-617 and 15-618 of this Article.

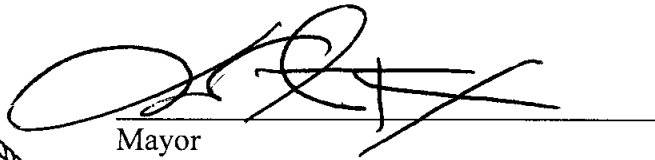
(d) It shall be unlawful for any licensee or for any agent, manager or employee to conduct the sale of retail marijuana by telephone, internet or other means of remote purchase.

(e) It shall be unlawful for retail marijuana establishments to distribute marijuana or marijuana-infused products to a consumer free of charge.

(f) It shall be unlawful for any licensee to fail to designate areas of ingress and egress for limited-access areas or to post signs in conspicuous locations as required by the Colorado Retail Marijuana Code.

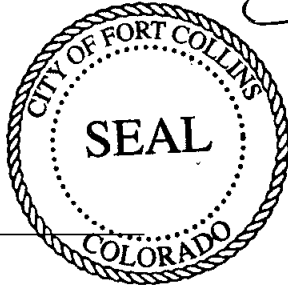
(g) It shall be unlawful for any licensee to sell marijuana or marijuana products at a licensed retail marijuana store at any time other than between the hours of 8:00 a.m. and 8:00 p.m. daily.

Introduced, considered favorably on first reading, and ordered published this 15th day of November, A.D. 2016, and to be presented for final passage on the 6th day of December, A.D. 2016.



Mayor

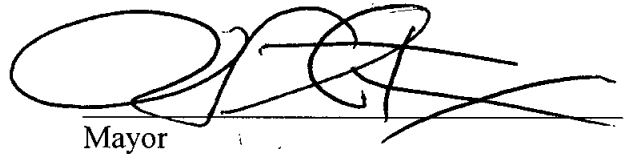
ATTEST:





Chief Deputy City Clerk

Passed and adopted on final reading on the 6th day of December, A.D. 2016.



Mayor

ATTEST:





City Clerk