NOTICE OF MEETINGS OF THE EXECUTIVE COMMITTEE
OF THE PUEBLO CITY COUNCIL

A MEETING OF THE EXECUTIVE COMMITTEE OF THE PUEBLO CITY COUNCIL WILL BE HELD ON FEBRUARY 18, 2020 COMMENCING AT 5:30 P.M. IN THE CITY COUNCIL CHAMBERS, THIRD FLOOR, CITY HALL, ONE CITY HALL PLACE, PUEBLO, COLORADO 81003.

Executive Committee meetings are special meetings of the City Council and are informal Council meetings for the purpose of receiving information and discussion among Council Members; no official action is taken at such meetings. The public is invited to attend, but public comment is generally not received unless otherwise noted.

Individuals requiring special accommodation are requested to please notify the ADA Coordinator of their needs at (719) 553-2295 by noon on the Friday preceding the meeting.

THE AGENDA FOR THE EXECUTIVE COMMITTEE MEETING IS AS FOLLOWS:

AGENDA

I. Call To Order And Welcome · Bob Schilling, Work Session Chair

II. Topics

1. MARIJUANA HOSPITALITY LOUNGES AND BUSES (5:30 P.M. · 6:00 P.M.)

   PURPOSE:
   Presentation to City Council on marijuana hospitality lounges and buses.

   CALL TO PODIUM:
   Mr. Trevor Gloss, Assistant City Attorney · City of Pueblo

   TIME ALLOTTED:
   15 Minutes--Presentation
   15 Minutes--Questions
SUPPORTING BACKGROUND:
Presentation to City Council on marijuana hospitality lounges and buses.

Documents:

2-18-20 MARIJUANA HOSPITALITY BUSINESSES - PRESENTATION - FINAL.PDF

2. EXECUTIVE SESSION (6:00 P.M. - 7:00 P.M.)

PURPOSE:
For the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under C.R.S. Section 24-6-402(4)(e); and the following additional details are provided for identification purposes: To instruct negotiators regarding proposed City contracts and agreements.

CALL TO PODIUM:
Mr. Dan Kogovsek, City Attorney - City of Pueblo

TIME ALLOCATED:
60 Minutes-- Discussion

SUPPORTING BACKGROUND:
Council will discuss matters of contract negotiations.

III. Adjournment
Marijuana Hospitality Businesses

Trevor Gloss, Assistant City Attorney
February 18, 2020
Licensed Hospitality Businesses

- There are two types of hospitality businesses, (i) Marijuana Hospitality Businesses and (ii) Retail Marijuana Hospitality and Sales Businesses. They have a number of common requirements:
  - No one under 21 can enter.
  - On-duty employees cannot consume.
  - Cannot consume liquor or tobacco on premises.
  - Cannot enter or consume if otherwise intoxicated.
  - Disorderly conduct and rowdiness prohibited.
  - Cannot give away marijuana or marijuana products.
  - Must have a minimum amount of food.
  - Marijuana must not be observable from outside the licensed premises.
  - Consumption must cease if law enforcement enters.
  - Must go through Responsible Vendor Training certified by the State.
  - Each employee must be licensed by the State and undergo a background check.
  - Can be operated in an isolated portion of a retail food business.
    - Cannot share space with a liquor licensed business.
  - Cannot be co-located with any other type of marijuana business.
Two Types of Licensed Hospitality Businesses

Marijuana Hospitality Business License
- Cannot sell or allow the transfer of marijuana or marijuana products.
- Bring your own.
- Can allow for operation of a mobile premises.
  - Can only consume on the premises.
  - Location would be limited. Buffers.
  - Needs a fixed business location.
  - Driver separated from consumption.

Retail Marijuana Hospitality and Sales Business License
- Sells marijuana and marijuana products for on premises consumption.
  - Cannot sell more than two grams of flower or one-half gram of concentrate to a customer per day.
    - Roughly equal to one large joint or two small joints. Depends on how much the business uses for each.
  - Must consume on premises but can take extra home. Cannot purchase just to leave with it.
  - Cannot make multiple sales to the same person to exceed limit. All sales are tracked.
  - Cannot allow consumption of outside products.
Must the City allow them?

- NO

- Licensed Hospitality Businesses and consumption is “opt in.” A local jurisdiction must specifically allow it by ordinance. Otherwise, it is prohibited.

- It is illegal to publicly consume marijuana.
  - C.R.S. Const. Art. 18, § 16
  - C.R.S. § 44-10-702 and C.R.S. § 18-18-406
Smoking on Premises

- Will smoking be allowed?
  - Yes, if a local ordinance states that smoking of marijuana is allowed in Licensed Hospitality Businesses, then it will be legal.
  - Prohibited otherwise.
  - Can limit smoking to inside, and/or allow it in enclosed patio areas.
- If smoking is not expressly permitted:
  - Licensees will be limited to consumption that does not involve smoking. i.e. Edibles, etc.
Statutes Prohibiting Indoor Smoking

Colorado Clean Indoor Air Act, C.R.S. § 25-14-201 et seq.

- Generally prohibits smoking in any indoor areas.
  - “Smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe or any other lighted or heated tobacco or plant product intended for inhalation, including marijuana, whether natural or synthetic, in any manner or in any form. “Smoking” also includes the use of an Electronic Smoking Device (i.e. Vaping).
- If authorized by local ordinance, the Clean Indoor Air Act does not apply to the licensed premises of a marijuana hospitality business. This exception only applies to the smoking of marijuana and does not allow the smoking of tobacco within the premises.

Does the Pueblo Smoke-Free Air Act of 2002, Pueblo Municipal Code § 7-6-1 et seq., Apply?

- Prohibits smoking in public places and places of employment.
  - Public place basically means any enclosed area to which the public is invited or in which the public is permitted.
  - “Smoke-free” means that air in an establishment is not contaminated by tobacco smoke.
  - “Smoking” means inhaling, exhaling, burning or carrying any lighted cigar, cigarette, pipe, weed, plant or other combustible substance in any manner or in any form.
Considerations

- Allow one or both types?
- Allow mobile premises?
- Allow smoking and/or vaping?
  - Make appropriate ventilation requirements.
- Zoning - Where to allow them? Allow patio areas for smoking?
  - Same locations for bars and other liquor licensed premises?
  - Buffers.
  - Mobile establishments.
- Require neighborhood surveys or input from surrounding businesses?
Proposed Fees

- Marijuana hospitality business:
  - Fixed premises: Five thousand dollars ($5,000.00).
  - Mobile premises: Five thousand dollars ($5,000.00).

- Retail marijuana hospitality and sales business: Fifteen thousand dollars ($15,000.00).
Questions?