History

• 1937: Marijuana Tax Act
• 1970: Controlled Substances Act
• 1996: California allows MMJ
• 2000: Colorado allows MMJ
• 2009: Obama Justice Dept, Ogden Memo, low law enforcement priority
• 2010: CO passes MMJ Licensing Law
CO MMJ Licensing Program - 2010

• Created Medical Marijuana Enforcement Division
• Created regulatory framework
• Ownership Requirements
• Background checks
• Labeling, packaging, security rules
2012: Amendment 64

• Passes 55 to 45
• Legalizes possession, use
• Allows home cultivation, 6 plants
• Allows industrial hemp
• Allows licensed businesses
• Allows localities to ban businesses
Marijuana Enforcement Division

- Licenses and regulates businesses
- Does not address black/grey market
- Implements state legislation
- Vast rulemaking authority
- Inspections, compliance checks
2017 Rulemaking

- New license: Research Laboratory
- Labeling
- Transportation
State licensing requirements

• Residency requirements
• Inspections; compliance checks
• Underage stings
• Recordkeeping
• Fees
• Responsible Vendor Training
Local Licensing

- Allow medical marijuana sales?
- Allow retail marijuana sales?
- Zoning
- License Caps
- Hours
- Inspections
Taxes

• Standard State Sales Tax
• Special State Marijuana Sales Tax: 15%
• Excise Tax: 15%
• Special Local MJ Sales or Excise Tax
• Federal Taxes: 280e, denies deductions
Seed to Sale Tracking

- METRC
- RFID Tags
- Medical v Retail
- Point of Sale Systems
Edibles

• Dosing
• Bans on edibles shaped like animals, humans, fruits
• Child resistant packaging
• Marked, scored
• Education
Pesticides

• EPA regulates, but federally illegal
• State list of allowed pesticides
• Local enforcement
• Edibles
Security

- Alarms
- Video Surveillance
- Limited Access Areas
- Inspections
- Burglaries
Packaging

- Child Resistant, meets federal standard
- If multi dosed, than must maintain child resistance for multiple openings
Advertising

- Ads targeted at adults okay
- Outdoor ads banned
- Audience: No more than 30% minors for TV, Radio, Newspapers
Concentrates

- Vaporizers
- Edibles
- Pesticide issues
Benefits to Legalization

- Undermines and defunds black market
- Increases civil liberties
- Local choice
- Record Economic Growth
- Record Job Creation
- Record Tourism