

**CITY OF WHEAT RIDGE, COLORADO
INTRODUCED BY COUNCIL MEMBER
Council Bill No. 04
Ordinance No. _____
Series 2018**

**TITLE: AN ORDINANCE AMENDING SECTIONS 11-291 AND
11-401 OF THE WHEAT RIDGE CODE OF LAWS,
CONCERNING THE AUTHORIZED ACTIVITIES OF
MARIJUANA TESTING FACILITIES**

WHEREAS, the City of Wheat Ridge (“City”) is a home rule municipality operating under a charter adopted pursuant to Article XX of the Colorado Constitution and vested with the authority by that article and the Colorado Revised Statutes to adopt ordinances for the regulation of land use and the protection of the public health, safety and welfare; and

WHEREAS, pursuant to the authority granted by Section 14, Article XVIII and Section 16, Article XVIII of the Colorado Constitution, the Colorado Retail Marijuana Code, Article 43.4, Title 12, C.R.S., and the Colorado Medical Marijuana Code, Article 43.3, Title 12, C.R.S., the Wheat Ridge City Council (“Council”) previously adopted local regulations governing marijuana establishments; and

WHEREAS, such regulations, codified in part under Articles XII and XIII, respectively, of Chapter 11 of the Wheat Ridge Code of Laws (“Code”), authorize the location and conduct of marijuana “testing facilities” within the City; and

WHEREAS, during the 2017 legislative session, the Colorado legislature adopted House Bill 17-1367, creating and authorizing two new types of marijuana-related licenses, the “research and development” license and the “research and development cultivation” license; and

WHEREAS, the newly-created “research and development” license authorizes its holder to conduct a variety of activities, including the testing of marijuana, conducting clinical trials and investigations, and researching the efficacy and safety of marijuana as a medical treatment; and

WHEREAS, the Council finds that the testing activities authorized by “research and development” licenses, under state law, are consistent and compatible with the testing activities that the City currently permits to be conducted by “testing facilities” within the City; and

WHEREAS, the Council further finds that all other types of activities authorized by “research and development” licenses under state law, such as research, product development and clinical trials, are inconsistent and incompatible with the testing activities that City-licensed “testing facilities” may conduct; and

WHEREAS, the Council therefore wishes to authorize City-licensed “testing facilities” to also conduct only those testing activities authorized by state law to be undertaken by the new “research and development” licenses created by HB 17-1367.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WHEAT RIDGE, COLORADO:

Section 1. Section 11-291 of the Wheat Ridge Code of Laws (“Code”), concerning definitions applicable to medical marijuana establishment licensing, is hereby amended by the following amendment to the existing definition:

Medical marijuana testing facility shall mean a premises licensed TO TEST MARIJUANA AND MARIJUANA—INFUSED PRODUCTS pursuant to ~~the Colorado Medical Marijuana Code to operate a business as described by~~ C.R.S. § 12-43.3-405 (MEDICAL MARIJUANA TESTING LICENSE) AND/OR C.R.S. § 12-43.3-408(1)(A) (MARIJUANA RESEARCH AND DEVELOPMENT LICENSE). NOTWITHSTANDING ANY PROVISION OF THE COLORADO MEDICAL MARIJUANA CODE, OR THE RULES PROMULGATED THEREUNDER, TO THE CONTRARY, SUCH FACILITIES MAY CONDUCT TESTING ACTIVITIES ONLY; ANY OTHER ACTIVITY PERMITTED IN SUCH FACILITIES BY STATE LAW OR RULE, INCLUDING BUT NOT LIMITED TO CULTIVATION, RESEARCH, PRODUCT DEVELOPMENT AND CLINICAL TRAILS, ARE EXPRESSLY PROHIBITED.

Section 2. Section 11-401 of the Code, concerning definitions applicable to retail marijuana establishment licensing, is hereby amended by the following amendments to two (2) existing definitions set forth thereunder:

Medical marijuana testing facility shall mean a premises licensed TO TEST MARIJUANA AND MARIJUANA—INFUSED PRODUCTS pursuant to ~~the Colorado Medical Marijuana Code to operate a business as described by~~ C.R.S. § 12-43.3-405 (MEDICAL MARIJUANA TESTING LICENSE) AND/OR C.R.S. § 12-43.3-408(1)(A) (MARIJUANA RESEARCH AND DEVELOPMENT LICENSE). NOTWITHSTANDING ANY PROVISION OF THE COLORADO MEDICAL MARIJUANA CODE, OR THE RULES PROMULGATED THEREUNDER, TO THE CONTRARY, SUCH FACILITIES MAY CONDUCT TESTING ACTIVITIES ONLY; ANY OTHER ACTIVITY PERMITTED IN SUCH FACILITIES BY STATE LAW OR RULE, INCLUDING BUT NOT LIMITED TO CULTIVATION, RESEARCH, PRODUCT DEVELOPMENT AND CLINICAL TRIALS AND INVESTIGATIONS, ARE EXPRESSLY PROHIBITED.

Retail marijuana testing facility means a ~~person~~ PREMISES licensed TO TEST MARIJUANA AND MARIJUANA—INFUSED PRODUCTS pursuant to ~~the Colorado Retail Marijuana Code to operate a business as described in~~ C.R.S. § 12-43.4-405 (RETAIL MARIJUANA TESTING LICENSE) AND/OR C.R.S. § 12-43.3-408(1)(A) (MARIJUANA RESEARCH AND DEVELOPMENT LICENSE). NOTWITHSTANDING ANY PROVISION OF THE COLORADO MEDICAL MARIJUANA CODE, THE COLORADO RETAIL MARIJUANA CODE, OR THE RULES PROMULGATED THEREUNDER, TO THE CONTRARY, SUCH FACILITIES MAY CONDUCT TESTING ACTIVITIES ONLY; ANY OTHER ACTIVITY PERMITTED IN SUCH FACILITIES BY STATE LAW OR RULE, INCLUDING BUT NOT LIMITED TO CULTIVATION, RESEARCH, PRODUCT DEVELOPMENT AND CLINICAL TRIALS AND INVESTIGATIONS, ARE EXPRESSLY PROHIBITED.

Section 3. Severability, Conflicting Ordinances Repealed. If any section, subsection or clause of this Ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. All other ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 4. Effective Date. This Ordinance shall take effect fifteen (15) days after final publication, as provided by Section 5.11 of the Charter.

INTRODUCED, READ, AND ADOPTED on first reading by a vote of ___ to ___ on this ___ day of _____, 2018, ordered published in full in a newspaper of general circulation in the City of Wheat Ridge, and Public Hearing and consideration on final passage set for _____, 2018, at 7:00 p.m., in the Council Chambers, 7500 West 29th Avenue, Wheat Ridge, Colorado.

READ, ADOPTED AND ORDERED PUBLISHED on second and final reading by a vote of ___ to ___, this ___ day of _____, 2018.

SIGNED by the Mayor on this ___ day of _____, 2018.

Bud Starker, Mayor

ATTEST:

Janelle Shaver, City Clerk

Approved as to Form

Gerald E. Dahl, City Attorney

First Publication:
Second Publication:
Wheat Ridge Transcript
Effective Date: