



Marijuana Licensing Information

Due to the large volume of calls the County has received and continues to receive regarding marijuana licensing, the County has changed its policies and processes for receiving calls and providing information related to marijuana licensing and license applications. The County is no longer scheduling pre-application meetings related to marijuana licensing until the inquiring party is prepared to proceed with submitting an application for a license. Please carefully read the information provided below as it explains the licensing process and what constitutes being prepared to submit an application for a license.

This information sheet is designed to provide applicants and interested parties with information about the marijuana licensing process and give general information about marijuana licensing. The facts provided herein are for informational purposes only and should not be considered as a guide for preparing an application. Application preparation guidelines will be provided to you during a pre-application meeting when you are ready to prepare and submit an application for a marijuana license.

There are 4 types of Retail Marijuana Licenses:

1. Retail marijuana store
2. Retail marijuana cultivation facility
3. Retail marijuana products manufacturing facility
4. Retail marijuana testing facility

There are 3 types of Medical Marijuana Licenses:

1. Medical marijuana center
2. Medical marijuana optional premises cultivation operation
3. Medical marijuana-infused products manufacturer

For illustrative purposes, this information sheet will only provide details about the retail marijuana licensing process. However, the medical marijuana licensing process closely resembles the retail

marijuana licensing process with very few exceptions; so, this information will suffice as a general overview of the processes you can expect to be subject to for medical marijuana licensing and retail marijuana licensing.

Licensing with the Colorado State Department of Revenue, Marijuana Enforcement Division (MED), is required in order for a La Plata County (local) license to be effective. In fact, in order for La Plata County to process the local retail license application, the County must receive from the State a copy of the application you submitted to the MED Office and the accompanying fee. Please go to the State MED Office website at <https://www.colorado.gov/enforcement/marijuanaenforcement> for information about the State application processes and for their contact information. (NOTE: The medical marijuana licensing process with the State is slightly different than the State retail licensing process – however, you will need to submit an application with the State and supply the County with a copy of the State application when you apply for a County medical marijuana license.)

You may license and operate a medical marijuana business and a retail marijuana business so long as all applicable state and local licenses have been issued; remain valid and active for both operations; and, both operations are in compliance with all applicable state and local requirements.

A marijuana establishment that receives a license may also be permitted for one off-premises storage facility. Please refer to the County’s marijuana licensing regulations (medical or retail) for more information on off-premises storage facilities.

There are restrictions provided in the County marijuana licensing regulations for who can and cannot hold a license. Please refer to the applicable marijuana licensing regulations (medical or retail) for this information.

The licensing process is divided into 2 phases. The initial phase is the *preliminary determination* which is made at a public hearing by the Local Licensing Authority. The local license application you prepare and submit for the *preliminary determination* must meet the requirements in the County marijuana licensing regulations as provided in the *new license applications* section(s). Application requirements are as follows:

1. Proof of the right to possess the proposed premises (in the form of a deed or lease for the duration of the license period);
2. A building plan;
3. A location plan and plot plan;
4. The applicable fee;
5. Corporate formation documents for the proposed licensee;
6. Material safety datasheets (for all chemicals proposed to be used in the marijuana operation);
7. Information for any proposed off-site storage facility;

8. A background check (fingerprint card);
9. A completed County Application form;
10. Any additional information the Local Licensing Authority requires in order to enable the Local Licensing Authority to determine whether a license should be granted.

Details specific to the above-described items required for application submittal may be found in the County's marijuana regulations in the *new license applications*, *general restrictions*, *license restrictions*, and *background investigations and duty to report* sections. Please go to the website link provided above to access these regulations.

Once you have assembled all of the required documents for the application, prepared the application form and fingerprint card (to be provided to you by County Marijuana Licensing Enforcement staff during your pre-application meeting), and submitted the application to the County – County Marijuana Licensing Enforcement staff will review the application for completeness. Once the application is deemed complete and the results of the fingerprint report are back a staff report will be prepared for the Local Licensing Authority and a hearing date will be set for the *preliminary determination*. Please refer to the *new application review* and *new application determination* sections of the County's marijuana licensing regulations for more information

The second phase of the licensing process is the *final determination*. After receiving *preliminary determination* approval, the applicant proceeds to fulfill *final determination* requirements. *Final determination* requirements are as follows:

1. *Proof of land use approval*. In order to obtain *final determination* for a license, you must first receive approval for a *Class II land use permit* to operate the marijuana business for the proposed property location. **IMPORTANT NOTE:** The land use permit process is a different and separate process from the marijuana licensing process.
2. *Building code approval*. After receiving approval for the land use permit, you must then work with the Building Department to construct or remodel the proposed facility for marijuana business purposes. The proposed licensed premises must comply with all applicable building code provisions, have all necessary building permits, and been issued a *certificate of occupancy* before a *final determination* is made on the license.
3. *Electrical installation comments*. Written comments or a letter from an inspector from the Colorado State Electrical Board (CSEB) that demonstrates the safety of the installation for the proposed premises must be received before a *final determination* on the license is made. These comments would be specific to new electrical work done for the proposed premises.
4. *Fire authority/district comments*. Written comments or a letter from the appropriate fire authority/district demonstrating compliance with the fire code. The comments provided by the fire district may indicate that an inspection will not be conducted until after the business is operational.

5. *San Juan Basin Health Department approval.* For retail marijuana products manufacturing facility licenses, proof of compliance with San Juan Basin Health Department health standards. Documents that demonstrate compliance with San Juan Basin Health Department health standards may include a copy of an initial/remodel inspection and compliance report; an executed letter from San Juan Basin Health Department demonstrating compliance with relevant health standards; or, confirmation from the San Juan Basin Health Department that its health standards do not apply. As with the fire district comments, the Health Department's comments may indicate that an inspection will not be conducted until after the business is operational.
6. *County treasurer.* Written comments or a letter from the County treasurer's office that all property taxes have been paid and no tax liens exist on the property where the retail marijuana establishment will be located.

Once you have obtained a land use permit, met all building code requirements, provided favorable comment from the State Electrical Inspector, and written comment from the County Treasurer that all property taxes have been paid, a meeting with the Local Licensing Authority will be set for *final determination* of the license. License issuance will be conditioned as described above, and may be conditioned on the issuance of the State license (if one has not yet been issued).

Marijuana License Enforcement Office Policy Regarding Application Preparation & Submittal

Prior to contacting the County Marijuana Licensing Enforcement staff to schedule a pre-application meeting for a license, you must first meet with County Planning staff to discuss the feasibility of operating a marijuana business on the proposed site. Until you have met with Planning staff and determined that a land use application may be processed for your intended location, Marijuana Licensing Enforcement staff will NOT schedule a pre-application meeting with you. In order to schedule a pre-application meeting you must also:

1. have purchased or leased the site and can show proof of this (i.e. a lease or a deed) during the marijuana licensing pre-application meeting;
2. have already formed an LLC and/or a corporation with associated documentation (i.e. registered with Colorado Secretary of State, prepared corporate formation documents) and be able to show evidence of this during the pre-application meeting; and,
3. have Planning staff email Marijuana Licensing Enforcement staff to confirm you have met with them and that the proposed location for the marijuana business is a workable location for your proposal (although Planning staff cannot approve the location, they can speak to whether or not the site meets the criteria in the land use code for the proposed marijuana business and/or if the location has issues to be addressed that are not insurmountable).

Once you have met the criteria outlined above and you are ready to move forward with preparing and submitting an application for a license, please contact the Marijuana Licensing Enforcement Office by email at Marianna.Spishock@co.laplata.co.us . Licensing staff will set up a pre-application meeting with you and provide you with all of the necessary paperwork for preparing a marijuana license application.

The Marijuana Licensing Enforcement Office is only open for business on Tuesday's from 1 pm to 5 pm and on Thursday's from 1 pm to 5 pm. Marijuana license application business will only be addressed and processed during these hours and only during these hours. Inquiries, requests, and submittals will be taken and responded to in the order they are received.