

# SB 18-211



**BUILDING A STRONG PARTNERSHIP WITH COLORADO'S CITIES AND TOWNS**

## MARIJUANA

### MARIJUANA CONSUMPTION CLUBS

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#### SB 18-211 - UNLESS AMENDED, YOUR "NO" VOTE RESPECTFULLY REQUESTED

SB 18-211 is legislation similar to last year's SB 17-063. The bill would allow municipalities and counties to opt-in to allow individually licensed marijuana consumption clubs with the ability for local authority to be more stringent on how clubs would operate. On the basis of the local opt-in for consumption establishments, CML believes this is the proper approach and notes that with the failure of the General Assembly to adopt a statewide definition of "open and public consumption" (SB 17-184), municipalities that opt-in will do so if they have not already.

Unfortunately, there are provisions of SB 18-211 that prevent CML from being neutral on the legislation. Unless amended to satisfactorily address the following issues, CML opposes SB 211:

1. Like HB 18-1258 that is making its way through the House, the bill should be amended to apply only in local jurisdictions that have not opted-out of the provisions of Amendment 64. This right is guaranteed in section 16 (5)(f) of article XVIII of the state constitution C.R.S.12-43.4-104 (3). All licensed retail marijuana activities should only occur in municipalities that have not opted out of retail activities.
2. Local approval requirements are already addressed in statute. SB 211 creates a different mechanism only for consumption clubs. (Page 3, lines 9-12)
3. Operators should not be exempt from liability for overserving, properly identifying a patron is over 21, or from service to minors. (Pages 6-7 and page 8, lines 1-7)
4. Language in the bill conflicts with marijuana's exemption from state sales tax, as well as inappropriately addresses local taxation. (Page 9, lines 5-7)
5. CML supported the Amendment 64 Task Force recommendation and subsequent 2013 legislation to include marijuana smoke in the Colorado Clean Indoor Air Act. The League opposes an exemption for consumption clubs (Page 10, lines 22-27 and. Page 11, lines 1-3)

CML understands there may be a substantial amendment to the bill offered in the Senate Business, Labor & Technology Committee. However, we believe that some or all of the above issues will still apply and request they be taken into consideration.