

Medical Marijuana Frequently Asked Questions

All medical marijuana laws of the City are in [Chapter 6-14](#) of the [Boulder Revised Code](#). This is the codification of Medical Marijuana ordinance 7716. The below FAQs are meant to give basic information about common inquiries per the new law.

Q: Does the City of Boulder have laws related to medical marijuana businesses?

A: Yes, the Boulder City Council adopted [Medical Marijuana ordinance 7716](#) on Tuesday, May 18, 2010. The ordinance was effective June 17, 2010, and is codified in the Boulder Revised Code as [Chapter 6-14](#).

Q: What kinds of things does the law mandate?

A: The law creates a comprehensive licensing system for all businesses producing, distributing or possessing medical marijuana. The law also sets hours of operation, requires security for the businesses, and limits the amount of medical marijuana that a businesses can have onsite. The ordinance also requires business owners to undergo a criminal background check, pay licensing fees and maintain detailed records of patients and marijuana sales. The ordinance also specifies the zone districts and use categories where medical marijuana businesses can be located and includes separation and saturation requirements from school, licensed day cares and other medical marijuana businesses. The law also has requirements for all persons possessing medical marijuana and identifies the acts that are prohibited.

Q: If I want to open a medical marijuana business, what do I need to be compliant in the City of Boulder?

A: Generally, you must comply with all requirements of the Boulder Revised Code. Specifically, the building where you want the business to be located must be in compliance with [6-14-7](#) as well as all building requirements, primarily located in Chapters 9 and 10 of the Code. All owners, financiers, business managers and primary caregivers that will be working at the business must meet the requirements of [6-14-5](#) and [6-14-6](#). The business must be operated in accordance with Chapter 6-14. Prior to opening you must obtain a sales and use tax license from the city, and apply for a medical marijuana license by Aug. 31, 2010. All sales and use taxes due must be remitted to the city in accordance with Chapter 3-2.

The forms for applying for a medical marijuana license will be available towards the end of July. **Until that time, if you would like to open a new medical marijuana businesses, you'll need to apply for a sales and use tax license.**

A medical marijuana business may not operate after June 17, 2010, unless it can meet all of the requirements of Chapter 6-14 regardless of when the business applies for or obtains a medical marijuana license.

Q: If I currently operate a medical marijuana business in the City of Boulder, do I need to apply for a license from the city?

A: Yes. All businesses in the city must have a sales and use tax license from the city prior to opening for business. All sales and use taxes must be remitted as provided in [Chapter 3-2](#). All existing and new businesses are required to obtain a medical marijuana business license from the city per Chapter 6-14, B.R.C.. The specific requirements for operation of a business prior to receiving a license and applying for a medical marijuana license are spelled out in section [6-14-3](#). Licensing by the city does not exempt any business from state law requirements which co-exist with the city's law.

Q: How do I apply for a license to operate a medical marijuana business and what are the requirements?

A: License submittal requirements can be found in section [6-14-5](#). City license forms are currently being developed and will be available towards the end of July. All materials, information and resources will be posted on the [Medical Marijuana Project website](#).

Q: How often do I have to renew my license?

A: Medical Marijuana licenses are valid for one year. Renewals must be applied for 60 days before the expiration of the license. See section [6-14-14](#).

Q: Are licenses transferable to other locations or other businesses?

A: No, neither sales and use tax licenses nor medical marijuana business licenses are transferable.

Q: Which persons must submit personal information for a medical marijuana license?

A: All individuals who have an ownership interest in any portion of the business, including the individuals involved in any corporation, LLC or partnership, all business managers, financiers, and primary caregivers that will be dispensing medical marijuana to patients, must all be identified on the license application, provide the information identified in [6-14-5](#), pass a background check, and meet all of the criteria of [6-14-6](#).

Q: What are the license fees?

A: Application and license fees for medical marijuana businesses ([4-20-64](#)) will not exceed the following amounts:

- (a) Application fee \$3,000.00
- (b) Criminal background check fee, per person checked Actual Costs
- (c) License fee, per year \$2,000.00
- (d) Renewal application fee, per year \$1,000.00
- (e) Renewal license fee, per year \$1,000.00

The application fee and costs paid are non-refundable. The license fee may be refunded if the license application is denied. Neither the application fee nor the license/renewal fee will be refunded in the instance of revocation.

Q: Are there limitations to where medical marijuana businesses are allowed?

A: Yes. In general, medical marijuana businesses (like any business) will only be issued a license if it qualifies as a use permitted in the specific zone district. Generally, medical marijuana dispensaries are considered “personal service” uses under the city’s land use code and are permitted in the city Business (“B”) zones and the city’s Downtown zoned (“D”). But there is also “greenhouse/nursery,” or “manufacturing” uses with specific permitted zone

districts. See the table found in Section [6-14-7\(b\)](#) for allowed uses within specific zone districts. For all use and zoning definitions see [Chapter 9-16, "Definitions," of the Boulder Revised Code](#). Specific location requirements are also available in section [6-14-7](#).

Q: How are distances measured for determining how far away from a school or other medical marijuana business is from my business?

A: The distances are measured on "official maps as the radius from the closest points on the perimeter of the applicant's property to the closest point of the property of the school or day care center." [6-14-7\(e\)\(1\)](#)

Q: Do I have to get a sales and use tax license if my business does not include retail?

A. Yes. All businesses must have a sales and use tax license. Use taxes are due on business property regardless of whether retail sales occur. The provisions for sales and use taxation are in Chapter 3-2 of the Code, and the Finance department offers classes for business on payment of sales and use taxes.

Q: What if my business is not open by July 1, 2010, as mentioned in the state law?

A: C.R.S. 12-43.3-103(1)(a) implies that no license can be issued after July 1, 2010, but subsection (b) of that same section refers to licenses issued by a city after Aug. 1, 2010 as in compliance with the state law. C.R.S.12-43.3-103(2)(a) provides that local governments can regulate the licensing and sale of medical marijuana prior to July 1, 2011. Therefore, the city considers any business that is operating in accordance with Chapter 6-14 and all other applicable Code requirements as lawfully established regardless of the timing of state license requirements.

Q: What if I have not paid sales or use taxes to the city?

A: Failure to comply with any of the city codes can be grounds for denial, suspension or revocation of a medical marijuana business license or any other license issued by the city. If you currently owe the city taxes, you should contact the [Finance Department](#) and ask how to remedy the situation, and get on track to submit sales and use taxes as they become due.

Q: How do I determine whether the state law or Chapter 6-14 is "more strict" as provided in Section 6-14-12(a)?

A: The state law licensing requirements are not effective until July 1, 2011 (see 12-43.3-103(2)(c)). Therefore, the city law is the "more strict" regulation where there is a conflict between Chapter 6-14 and the state law. Where both laws may be followed because there is not a direct conflict, both laws should be followed. Prior to July 1, 2011, staff will request that the City Council amend Section 6-14-12(a) so that there is not a continuing issue of evaluating which law is "more strict."