

MARIJUANA RESEARCH

CREEDE'S CURRENT REGULATIONS

Prior to the legalization of retail marijuana, the City of Creede adopted several temporary moratoriums and finally one permanent (unless changed by ordinance and/or legislation) moratorium during October of 2010 on allowing medical marijuana related facilities with Ordinance 361. Please note that regulation of medical marijuana is currently completely separate from retail marijuana regulation.

Once Amendment 64 was approved, Colorado municipalities had to either prohibit or regulate retail marijuana. We opted to prohibit operation of marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana testing facilities and retail marijuana stores within city limits on May 7, 2013 with Ordinance 375.

DISTANCE REGULATIONS

As our attorney pointed out several months ago, federal regulations prohibit any MJ facilities within 1000 feet of a school, youth center, swimming pool, playground or other medical or retail marijuana stores. I've attached a satellite map and a zoning map imposed with approximate 1000 foot distances in red from the current school playground and the current school preschool, both of which may remain in town. This distance is measured as the crow flies rather than the shortest possible pedestrian route as applicable to liquor license distances.

Here is a possible complication: the 1000 foot restriction could arguably apply to the skate park and/or the baseball field. The federal regulations define "playgrounds" as:

-Any out-door facility (including any parking lot appurtenant thereto) intended for recreation, open to the public, and with any portion thereof containing three or more separate apparatus intended for the recreation of children including, but not limited to, sliding boards, swing-sets, and teeterboards

and

-The term "youth center" means any recreational facility and/or gymnasium (including any parking lot appurtenant thereto), in-tended primarily for use by persons under 18 years of age, which regularly provides athletic, civic, or cultural activities.

This would further limit available space for marijuana operations; I've outlined this possible area of restriction in blue on the maps. Several municipalities allowing retail marijuana have put additional distance restrictions in place, for example, stores must be at least 200 feet from a residence. Municipalities do not have the ability to reduce this restriction as with liquor license distances.

RETAIL MJ TAX STRUCTURE

Unlike medical marijuana sales, which are subject to standard state sales tax of 2.9%, retail marijuana is subject to total taxes of 27.9%, including a 10% state sales tax, the standard 2.9% state sales tax, and a 15% excise tax. Unlike all our other business activities, local taxes are not added to that number, but included in the 10%. One local entity receives 15% of the 10% state sales tax, typically the municipality in which the retail marijuana store is located. Counties only receive tax revenue if the store is in an unincorporated area of their county. Extensive information on this tax structure is available at the [Department of Revenue's Taxation Division](#).

Additional local sales or excise taxes may be imposed, but are not collected, administered, or enforced by the Department of Revenue as with our other taxes. Such additional taxes would require voter approval and the creation of a tax collection process.

LOCAL LICENSING, AUTHORITY, AND FEES

Should some form of retail marijuana facility be allowed in city limits, a marijuana local licensing authority would need to be established. As the town board serves as the liquor LLA without any problems, they would be the most likely candidate for marijuana LLA.

State licensing fees set forth in the July 7, 2014 Fee Schedule are as follows:

LICENSE TYPE	RETAIL STORE	CULTIVATION FAC.	PRODUCTS MANUF.	TESTING FACILITY
APPLICATION FEE	\$5,000 (1/2 to local juris.)	\$5,000 (1/2 to local juris.)	\$5,000 (1/2 to local juris.)	\$1,000 (1/2 to local juris.)
INITIAL LIC. FEE	\$3,000	\$2,200	\$2,200	\$2,200
RENEWAL FEE	\$3,300	\$2,500	\$2,500	\$2,500

Municipalities may set their own fees for retail marijuana. A wide range of fees exist. For a retail store, here are some sample fees from other communities:

MUNICIPALITY	LICENSE FEE	RENEWAL
Eagle	\$3,000.00	\$500.00
Steamboat Springs	\$9,650.00	\$9,650.00
Lafayette	\$8,000.00	\$3,000.00
Fort Collins	\$3,000.00	\$500.00
Fraser	\$2,500.00	\$500.00
Durango	\$5,000.00	\$3,000.00
Nederland	\$575.00	\$575.00

WHICH TOWNS HAVE APPROVED RETAIL MARIJUANA?

- Alma
- Aspen
- Aurora
- Black Hawk
- Boulder
- Breckenridge
- Carbondale
- Central City
- Crested Butte
- Denver
- Dumont
- Durango
- Eagle
- Edgewater
- Empire
- Fort Collins
- Frisco
- Garden City
- Georgetown
- Glendale
- Glenwood Springs

This document is for informational purposes only and is not intended for use or substitution as legal advice. Contributions are welcome and can be submitted to the Creede Town Clerk at clerk@creedetownhall.com.

- Greeley
- Idaho Springs
- Pueblo
- Lafayette
- Larimer County
- Leadville
- Louisville
- Moffat
- Nederland
- Northglenn
- Oak Creek
- Red Cliff
- Ridgway
- Salida
- Silt
- Silverthorne
- Silverton
- Steamboat Springs
- Telluride
- Wheat Ridge

Please see [CML's Retail Marijuana Page](#) for more detailed information on municipal actions.

WHICH COUNTIES HAVE APPROVED RETAIL MARIJUANA?

- Archuleta
- Boulder
- Clear Creek
- Costilla
- Denver
- Eagle
- Grand
- Huerfano
- La Plata
- Park
- Pitkin
- Pueblo
- Saguache
- San Juan
- San Miguel
- Summit

ZONING

One thing that I didn't expect was a repeated warning from clerks who have permitted RMJ/MMJ to pay careful attention to zoning concerns as resident complaints centered on the change of the nature of a neighborhood. There have been issues with storefronts & traffic with retail, but more than that, issues with cultivation concentrations in towns. Allowing retail marijuana stores may require some work with the land use code and/or heavy restrictions on signage, zoning, etc., and is, again, strongly recommended by those that jumped in right away. Allowing cultivation and/or packaging/testing facilities may require additional zoning and/or building code regulations.

MINERAL COUNTY VOTING RECORDS

Mineral County voted narrowly in favor of Colorado Amendment 64 legalizing the sale of marijuana for recreational use with 338 voters or 52.5% voting yes and 305 voters or 47.4% voting no. Mineral County voters supported Proposition AA imposing a 15% excise tax on recreational marijuana sales with 414 voters or 70.5% voting yes and 173 voters or 29.4% voting no.

To date no ballot issues related to local marijuana regulation have been submitted to the Mineral County or the City of Creede electorate.

HELPFUL LINKS:

An enormous amount of information exists in regards to health concerns and marijuana. Please do your own research to determine your stance on whether allowing retail marijuana establishments represents a public health risk or benefit.

Similarly, arguments for and against broad legalization are innumerable, and again, please do your own research to determine your stance on it. Here are some links to various news stories and opinions that are specific to LOCAL legalization.

An [extremely comprehensive packet](#) prepared for the consideration of retail recreational marijuana in Avon...in the 4.22.14 Packet, pages 88-200. Be patient, the document takes several minutes to load.

Great FAQ and other info from Nederland (small town, one of the first to approve recreational)
<http://nederlandco.org/government/town-hall/other-permits-licenses/>

[CML's Retail Marijuana Information Page](#)

[Quinnipiac University Polls](#) - A wide array of polling questions related to marijuana legalization in Colorado.

[How Colorado Towns Have Diverged on Marijuana Legalization](#)

ATTACHED:

Zoning Map & Satellite Map showing 1000-foot distance areas.

Federal Distance Regulations

Heil email re: retail marijuana

Public submissions



Pub. L. 99-570, §1004(a), substituted "term of supervised release" for "special parole term".

1984—Subsecs. (a), (b). Pub. L. 98-473, §503(b)(3), substituted "Except as provided in section 845a of this title, any" for "Any".

Pub. L. 98-473, §224(b), which directed amendment of this section effective Nov. 1, 1987 (see section 235(a)(1) of Pub. L. 98-473 set out as an Effective Date note under section 3551 of Title 18, Crimes and Criminal Procedure) was repealed by Pub. L. 99-570, §1005(b)(1).

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by section 1004(a) of Pub. L. 99-570 effective on date of taking effect of section 3583 of Title 18, Crimes and Criminal Procedure (Nov. 1, 1987), see section 1004(b) of Pub. L. 99-570 set out as a note under section 841 of this title.

§ 860. Distribution or manufacturing in or near schools and colleges

(a) Penalty

Any person who violates section 841(a)(1) of this title or section 856 of this title by distributing, possessing with intent to distribute, or manufacturing a controlled substance in or on, or within one thousand feet of, the real property comprising a public or private elementary, vocational, or secondary school or a public or private college, junior college, or university, or a playground, or housing facility owned by a public housing authority, or within 100 feet of a public or private youth center, public swimming pool, or video arcade facility, is (except as provided in subsection (b) of this section) subject to (1) twice the maximum punishment authorized by section 841(b) of this title; and (2) at least twice any term of supervised release authorized by section 841(b) of this title for a first offense. A fine up to twice that authorized by section 841(b) of this title may be imposed in addition to any term of imprisonment authorized by this subsection. Except to the extent a greater minimum sentence is otherwise provided by section 841(b) of this title, a person shall be sentenced under this subsection to a term of imprisonment of not less than one year. The mandatory minimum sentencing provisions of this paragraph shall not apply to offenses involving 5 grams or less of marijuana.

(b) Second offenders

Any person who violates section 841(a)(1) of this title or section 856 of this title by distributing, possessing with intent to distribute, or manufacturing a controlled substance in or on, or within one thousand feet of, the real property comprising a public or private elementary, vocational, or secondary school or a public or private college, junior college, or university, or a playground, or housing facility owned by a public housing authority, or within 100 feet of a public or private youth center, public swimming pool, or video arcade facility, after a prior conviction under subsection (a) of this section has become final is punishable (1) by the greater of (A) a term of imprisonment of not less than three years and not more than life imprisonment or (B) three times the maximum punishment authorized by section 841(b) of this title for a first offense, and (2) at least three times any term of supervised release authorized by section 841(b) of this title for a first offense. A fine up to three

times that authorized by section 841(b) of this title may be imposed in addition to any term of imprisonment authorized by this subsection. Except to the extent a greater minimum sentence is otherwise provided by section 841(b) of this title, a person shall be sentenced under this subsection to a term of imprisonment of not less than three years. Penalties for third and subsequent convictions shall be governed by section 841(b)(1)(A) of this title.

(c) Employing children to distribute drugs near schools or playgrounds

Notwithstanding any other law, any person at least 21 years of age who knowingly and intentionally—

(1) employs, hires, uses, persuades, induces, entices, or coerces a person under 18 years of age to violate this section; or

(2) employs, hires, uses, persuades, induces, entices, or coerces a person under 18 years of age to assist in avoiding detection or apprehension for any offense under this section by any Federal, State, or local law enforcement official,

is punishable by a term of imprisonment, a fine, or both, up to triple those authorized by section 841 of this title.

(d) Suspension of sentence; probation; parole

In the case of any mandatory minimum sentence imposed under this section, imposition or execution of such sentence shall not be suspended and probation shall not be granted. An individual convicted under this section shall not be eligible for parole until the individual has served the mandatory minimum term of imprisonment as provided by this section.

(e) Definitions

For the purposes of this section—

(1) The term "playground" means any outdoor facility (including any parking lot appurtenant thereto) intended for recreation, open to the public, and with any portion thereof containing three or more separate apparatus intended for the recreation of children including, but not limited to, sliding boards, swings, and teeterboards.

(2) The term "youth center" means any recreational facility and/or gymnasium (including any parking lot appurtenant thereto), intended primarily for use by persons under 18 years of age, which regularly provides athletic, civic, or cultural activities.

(3) The term "video arcade facility" means any facility, legally accessible to persons under 18 years of age, intended primarily for the use of pinball and video machines for amusement containing a minimum of ten pinball and/or video machines.

(4) The term "swimming pool" includes any parking lot appurtenant thereto.

(Pub. L. 91-513, title II, §419, formerly §405A, as added Pub. L. 98-473, title II, §503(a), Oct. 12, 1984, 98 Stat. 2069; amended Pub. L. 99-570, title I, §§1004(a), 1104, 1105(c), 1841(b), 1866(b), (c), Oct. 27, 1986, 100 Stat. 3207-6, 3207-11, 3207-52, 3207-55; Pub. L. 99-646, §28, Nov. 10, 1986, 100 Stat. 3598; Pub. L. 100-690, title VI, §§6452(b)(1), 6457, 6458, Nov. 18, 1988, 102 Stat. 4371, 4373; renumbered

§ 419 and amended Pub. L. 101-647, title X, §§ 1002(b), 1003(b), title XII, § 1214, title XV, § 1502, title XXXV, § 3599L, Nov. 29, 1990, 104 Stat. 4827, 4829, 4833, 4836, 4932; Pub. L. 103-322, title XIV, § 140006, title XXXII, § 320107, title XXXIII, § 330009(a), Sept. 13, 1994, 108 Stat. 2032, 2111, 2143.)

CODIFICATION

Section was classified to section 845a of this title prior to renumbering by Pub. L. 101-647.

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-322, § 320107, substituted “playground, or housing facility owned by a public housing authority, or within” for “playground, or within”.

Subsec. (b). Pub. L. 103-322, §§ 320107, 330009(a), substituted “playground, or housing facility owned by a public housing authority, or within” for “playground, or within” and inserted a period at end of penultimate sentence.

Subsecs. (c) to (e). Pub. L. 103-322, § 140006, added subsec. (c) and redesignated former subsecs. (c) and (d) as (d) and (e), respectively.

1990—Subsec. (a). Pub. L. 101-647, § 1502(1), inserted “or a playground,” after “university,” and struck out “playground,” after “within 100 feet of a”.

Pub. L. 101-647, § 1214(1)(C), substituted “a person shall be sentenced under this subsection to a term of imprisonment of not less than one year” for “a term of imprisonment under this subsection shall be not less than one year”.

Pub. L. 101-647, § 1214(1)(B), inserted “A fine up to twice that authorized by section 841(b) of this title may be imposed in addition to any term of imprisonment authorized by this subsection.”

Pub. L. 101-647, § 1214(1)(A), which directed the amendment of par. (1) by striking out “, or a fine, or both,” could not be executed because those words did not appear. See note below.

Pub. L. 101-647, § 1003(b)(1), which directed the substitution of “subject to (1) twice the maximum punishment authorized by section 841(b) of this title” for “punishable (1) by a term of imprisonment, or a fine, or both, up to twice that authorized by section 841(b) of this title”, was executed by making the substitution for “punishable (1) by a term of imprisonment, or fine, or both, up to twice that authorized by section 841(b) of this title” to reflect the probable intent of Congress.

Subsec. (b). Pub. L. 101-647, § 3599L, substituted “has become final” for “have become final”.

Pub. L. 101-647, § 1502(2), inserted “or a playground,” after “university,” and struck out “playground,” after “within 100 feet of a”.

Pub. L. 101-647, § 1214(2)(B), inserted after first sentence “A fine up to three times that authorized by section 841(b) of this title may be imposed in addition to any term of imprisonment authorized by this subsection. Except to the extent a greater minimum sentence is otherwise provided by section 841(b) of this title, a person shall be sentenced under this subsection to a term of imprisonment of not less than three years”.

Subsec. (b)(1)(B). Pub. L. 101-647, § 1214(2)(A), which directed the amendment of subpar. (B) by striking “, or a fine up to three times that” through “or both”, could not be executed because the language did not appear after execution of the intervening amendment by Pub. L. 101-647, § 1003(b)(2). See below.

Pub. L. 101-647, § 1003(b)(2), substituted “three times the maximum punishment authorized by section 841(b) of this title for a first offense” for “a term of imprisonment of up to three times that authorized by section 841(b) of this title for a first offense, or a fine up to three times that authorized by section 841(b) of this title for a first offense, or both”.

Subsec. (c). Pub. L. 101-647, § 1214(3), inserted “mandatory minimum” after “In the case of any”, struck out

“subsection (b) of” after “imposed under”, and substituted “An individual convicted under this section shall not be eligible for parole until the individual has served the mandatory minimum term of imprisonment as provided by this section” for “An individual convicted under subsection (b) of this section shall not be eligible for parole under chapter 311 of title 18 until the individual has served the minimum sentence required by such subsection”.

1988—Subsec. (a). Pub. L. 100-690, §§ 6457, 6458(a), inserted “, possessing with intent to distribute,” after “distributing” and “, or within 100 feet of a playground, public or private youth center, public swimming pool, or video arcade facility,” after “university”.

Subsec. (b). Pub. L. 100-690, §§ 6452(b)(1), 6457, 6458(a), inserted “, possessing with intent to distribute,” after “distributing”, and “, or within 100 feet of a playground, public or private youth center, public swimming pool, or video arcade facility,” after “university”, substituted “a prior conviction” for “a prior conviction or convictions”, and inserted at end “Penalties for third and subsequent convictions shall be governed by section 841(b)(1)(A) of this title.”

Subsec. (d). Pub. L. 100-690, § 6458(b), added subsec. (d).

1986—Subsec. (a). Pub. L. 99-570, §§ 1104(a), (b), 1105(c), 1841(b)(1), inserted “or section 856 of this title” and “or manufacturing”, substituted “a public or private elementary, vocational, or secondary school or a public or private college, junior college, or university” for “a public or private elementary or secondary school”, struck out “involving the same controlled substance and schedule” after “for a first offense”, and inserted “Except to the extent a greater minimum sentence is otherwise provided by section 841(b) of this title, a term of imprisonment under this subsection shall be not less than one year. The mandatory minimum sentencing provisions of this paragraph shall not apply to offenses involving 5 grams or less of marihuana.”

Pub. L. 99-570, § 1004(a), substituted “term of supervised release” for “special parole term”.

Subsec. (b). Pub. L. 99-646 which directed that “parole” be inserted after “(2) at least three times any special” could not be executed in view of prior amendment by Pub. L. 99-570, § 1104(c) below.

Pub. L. 99-570, § 1166(b), which directed that “term of supervised release” be substituted for “special term” could not be executed in view of prior amendment by Pub. L. 99-570, § 1104(c) below.

Pub. L. 99-570, §§ 1104(a), 1841(b)(2), inserted reference to section 856 of this title, inserted “or manufacturing” after “distributing” and substituted “a public or private elementary, vocational, or secondary school or a public or private college, junior college, or university” for “a public or private elementary or secondary school”.

Pub. L. 99-570, § 1104(c), amended cls. (1) and (2) generally. Prior to amendment, cls. (1) and (2) read as follows: “(1) by a term of imprisonment of not less than three years and not more than life imprisonment and (2) at least three times any special term authorized by section 841(b) of this title for a second or subsequent offense involving the same controlled substance and schedule.”

Subsec. (c). Pub. L. 99-570, § 1866(c), substituted reference to chapter 311 of title 18 for reference to section 4202 of that title.

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by section 1004(a) of Pub. L. 99-570 effective on date of taking effect of section 3583 of Title 18, Crimes and Criminal Procedure (Nov. 1, 1987), see section 1004(b) of Pub. L. 99-570 set out as a note under section 841 of this title.

§ 860a. Consecutive sentence for manufacturing or distributing, or possessing with intent to manufacture or distribute, methamphetamine on premises where children are present or reside

Whoever violates section 841(a)(1) of this title by manufacturing or distributing, or possessing with intent to manufacture or distribute, methamphetamine or its salts, isomers or salts of isomers on premises in which an individual who is under the age of 18 years is present or resides, shall, in addition to any other sentence imposed, be imprisoned for a period of any term of years but not more than 20 years, subject to a fine, or both.

(Pub. L. 91-513, title II, §419a, as added Pub. L. 109-177, title VII, §734(a), Mar. 9, 2006, 120 Stat. 270.)

§ 861. Employment or use of persons under 18 years of age in drug operations

(a) Unlawful acts

It shall be unlawful for any person at least eighteen years of age to knowingly and intentionally—

(1) employ, hire, use, persuade, induce, entice, or coerce, a person under eighteen years of age to violate any provision of this subchapter or subchapter II of this chapter;

(2) employ, hire, use, persuade, induce, entice, or coerce, a person under eighteen years of age to assist in avoiding detection or apprehension for any offense of this subchapter or subchapter II of this chapter by any Federal, State, or local law enforcement official; or

(3) receive a controlled substance from a person under 18 years of age, other than an immediate family member, in violation of this subchapter or subchapter II of this chapter.

(b) Penalty for first offense

Any person who violates subsection (a) of this section is subject to twice the maximum punishment otherwise authorized and at least twice any term of supervised release otherwise authorized for a first offense. Except to the extent a greater minimum sentence is otherwise provided, a term of imprisonment under this subsection shall not be less than one year.

(c) Penalty for subsequent offenses

Any person who violates subsection (a) of this section after a prior conviction under subsection (a) of this section has become final, is subject to three times the maximum punishment otherwise authorized and at least three times any term of supervised release otherwise authorized for a first offense. Except to the extent a greater minimum sentence is otherwise provided, a term of imprisonment under this subsection shall not be less than one year. Penalties for third and subsequent convictions shall be governed by section 841(b)(1)(A) of this title.

(d) Penalty for providing or distributing controlled substance to underage person

Any person who violates subsection (a)(1) or (2) of this section¹

(1) by knowingly providing or distributing a controlled substance or a controlled substance analogue to any person under eighteen years of age; or

(2) if the person employed, hired, or used is fourteen years of age or younger,

shall be subject to a term of imprisonment for not more than five years or a fine of not more than \$50,000, or both, in addition to any other punishment authorized by this section.

(e) Suspension of sentence; probation; parole

In any case of any sentence imposed under this section, imposition or execution of such sentence shall not be suspended and probation shall not be granted. An individual convicted under this section of an offense for which a mandatory minimum term of imprisonment is applicable shall not be eligible for parole under section 4202 of title 18² until the individual has served the mandatory term of imprisonment as enhanced by this section.

(f) Distribution of controlled substance to pregnant individual

Except as authorized by this subchapter, it shall be unlawful for any person to knowingly or intentionally provide or distribute any controlled substance to a pregnant individual in violation of any provision of this subchapter. Any person who violates this subsection shall be subject to the provisions of subsections (b), (c), and (e) of this section.

(Pub. L. 91-513, title II, §420, formerly §405B, as added Pub. L. 99-570, title I, §1102, Oct. 27, 1986, 100 Stat. 3207-10; amended Pub. L. 100-690, title VI, §§6452(b)(1), 6459, 6470(d), Nov. 18, 1988, 102 Stat. 4371, 4373, 4378; renumbered §420 and amended Pub. L. 101-647, title X, §§1002(c), 1003(c), title XXXV, §3599L, Nov. 29, 1990, 104 Stat. 4827, 4829, 4932.)

REFERENCES IN TEXT

Section 4202 of title 18, referred to in subsec. (e), which, as originally enacted in Title 18, Crimes and Criminal Procedure, related to eligibility of prisoners for parole, was repealed and a new section 4202 enacted as part of the repeal and enactment of a new chapter 311 (§4201 et seq.) of Title 18, by Pub. L. 94-233, §2, Mar. 15, 1976, 90 Stat. 219. For provisions relating to the eligibility of prisoners for parole, see section 4205 of Title 18. Pub. L. 98-473, title II, §§218(a)(5), 235(a)(1), (b)(1), Oct. 12, 1984, 98 Stat. 2027, 2031, 2032, as amended, provided that, effective on the first day of the first calendar month beginning 36 months after Oct. 12, 1984 (Nov. 1, 1987), chapter 311 of Title 18 is repealed, subject to remaining effective for five years after Nov. 1, 1987, in certain circumstances. See Effective Date note set out under section 3551 of Title 18.

CODIFICATION

Section was classified to section 845b of this title prior to renumbering by Pub. L. 101-647.

AMENDMENTS

1990—Subsec. (b). Pub. L. 101-647, §1003(c)(1), which directed the substitution of “is subject to twice the maximum punishment otherwise authorized” for “is punishable by a term of imprisonment up to twice that authorized, or up to twice the fine authorized, or both,” was executed by making the substitution for “is pun-

¹ So in original. Probably should be followed by a dash.

² See References in Text note below.

From: [Clyde Dooley](#)
To: [REDACTED]
Subject: FW: Recreational Marijuana
Date: Monday, June 23, 2014 9:47:10 AM
Attachments: [21 USC 860 HL.pdf](#)
[Certification .htm](#)

From: Eric Heil [REDACTED]
Sent: Friday, April 25, 2014 8:28 AM
To: Eric Grossman
Cc: Elizabeth Zurn; Creede Manager
Subject: Re: Recreational Marijuana

Eric, if the current school closes and the playground is also closed then the Federal distance requirement does not apply to this property. I've attached the Federal regulations with the relevant sections highlighted. Note that "Playground" is defined as containing 3 pieces of playground equipment. I think a preparing a rough map is your best first step to get an idea of where retail marijuana establishments may be possible. Recreational marijuana is a complicated and extensive subject as well as divisive. There are some good examples of regulations in Colorado. In Avon's review we felt at the staff level that it was much better to have a high license application fee (like \$10k to \$15k) and a high annual license renewal fee to restrict proposed shops to the more capable and sophisticated businesses rather than give licenses to anyone who wanted to give a go. Eagle County has taken the open approach and they have a planner position who is spending half his time dealing with all aspects of business licensing for marijuana establishments.

Several communities in Colorado have referred the question of allowing marijuana establishments to the voters. The deadline to refer a ballot question is Friday, September 5. The deadline to send a notification to Mineral County about intent to participate in a general election is Friday, July 25.

If desired, I can provide a comprehensive presentation and facilitate a community meeting which would include an overview of Amendment 64, examples of regulations in Colorado communities that are permitting marijuana establishments, administrative practicalities, and a list of important policy considerations and choices.

I offer the following thoughts and direct advice:

- Permitting Marijuana Establishments will affect the character of Creede. Whether good or bad is a matter of opinion.
- Permitting Marijuana Establishments for revenue is bad idea, it should be done because it reflects the will of the public.
- Marijuana Establishments will generate new, complicated and continuous administrative and legal issues - this is simple a fact because Colorado is way out in the forefront nationally in legalizing and regulating marijuana, the rules are constantly evolving in Colorado and the Federal reaction to states legalizing marijuana is constantly evolving. Think liquor licensing times 50.
- If there is desire to pursue permitting marijuana establishments I would strongly recommend a solid community presentation and discussion process in June, July and August and referral to the Creede voters in November.

Eric

Eric J. Heil, Esq., A.I.C.P.
Heil Law & Planning LLC
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

This message contains confidential and privileged information. If you have received this message in error, please contact Heil Law & Planning LLC immediately and promptly delete this message.

From: Eric Grossman [REDACTED]
Reply-To: Eric Grossman [REDACTED]
Date: Thursday, April 24, 2014 at 5:59 PM
To: Eric Heil <[REDACTED]>
Cc: Elizabeth Zurn [REDACTED], Clyde Dooley <[REDACTED]>
Subject: Re: Recreational Marijuana

question:

how would the school leaving town affect the conversation? they are due to move into the new school in the fall of 2015.

From: Eric Heil [REDACTED]
To: mountain lion [REDACTED]
Cc: Elizabeth Zurn [REDACTED]; Creede Manager [REDACTED]
Sent: Thursday, April 24, 2014 5:49 PM
Subject: Re: Recreational Marijuana

Here is some valuable and pointed advice - Avon just went through a full blown process to consider Recreational Marijuana - you can go to Avon.org and look at the April 22 Council meeting packet to get an extremely comprehensive report on all aspects of the subject. MOST IMPORTANT is the zoning map that depicts a minimum 1,000' separation, property line to property line, from any school, public or private, and any playground from any potential area for recreational marijuana. If someone can pull out a box of crayons and draw in buffer areas from the school and playgrounds I think you'll find that there is very little, if any, commercial areas in Creede where Recreation Marijuana could be sold at retail. The 1,000' separation is a Federal requirement under the Controlled Substances Act which they have recently enforced in Boulder, so I strongly advise adhering to that setback. It is a good place to start with the analysis and it may answer the question just on that issue in a small town.

Eric

On Thu, Apr 24, 2014 at 4:50 PM, mountain lion <[REDACTED]>

wrote:

since we've sufficiently put off the demographic but not allowing atv's the way they wanted, why not rec pot?

it will be a fascinating conversation.

- da mayor creede

From: Elizabeth Zurn [REDACTED]
To: Creede City Clerk [REDACTED]; Creede City Manager <[REDACTED]>; Eric Grossman [REDACTED]>

Sent: Wednesday, April 23, 2014 1:17 PM
Subject: Recreational Marijuana

Hello,

I'm wondering if it would be alright to put a discussion of recreational marijuana on the May work session. I've had three people recently talk to me about the possibility of opening up a recreation marijuana facility in town, and I'd love to know staff's thoughts on the possibility of opting back in. I know there could potentially be a lot of administrative time and risk in licensing for these types of facilities, but now that other municipalities have done it, could there be a template out there that would make this an option for Creede? I think the economic potential for this is really great, and I'd love to see Creede start this conversation before other area municipalities so that we can get in on the beginning of the market.

Thanks,
Elizabeth

--

Eric J. Heil, Esq., A.I.C.P.
Heil Law & Planning, LLC

[REDACTED]

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8/14/14

OPINION

Legal Pot Is a Public Health Menace

By William J. Bennett
And Robert A. White

The great irony, or misfortune, of the national debate over marijuana is that while almost all the science and research is going in one direction—pointing out the dangers of marijuana use—public opinion seems to be going in favor of broad legalization.

For example, last week a new study in the journal *Current Addiction Reports* found that regular pot use (defined as once a week) among teenagers and young adults led to cognitive decline, poor attention and memory, and decreased IQ. On Aug. 9, the American Psychological Association reported that at its annual convention the ramifications of marijuana legalization was much discussed, with Krista Lisdahl, director of the imaging and neuropsychology lab at the University of Wisconsin-Milwaukee, saying: "It needs to be emphasized that regular cannabis use, which we consider once a week, is not safe and may result in addiction and neurocognitive damage, especially in youth."

Since few marijuana users limit themselves to use once a week, the actual harm is much worse for developing brains. The APA noted that young people who become addicted to marijuana lose an average of six IQ points by adulthood. A long line of studies have found similar results—in 2012, a decades-long study of more than 1,000 New Zealanders who frequently smoked pot in adolescence pegged the IQ loss at eight points.

Yet in recent weeks and months, much media coverage of the marijuana issue has either tacitly or explicitly supported legalization. A CCN/ORC International survey in January found that a record 55% of Americans support marijuana legalization.

The disconnect between science and public opinion is so great that in a March WSJ/NBC



The Maggle's Farm recreational-marijuana store in Manitou Springs, Colo.

News poll, Americans ranked sugar as more harmful than marijuana. The misinformation campaign appears to be succeeding.

Here's the truth. The marijuana of today is simply not the same drug it was in the 1960s, '70s, or '80s, much less the 1930s. It is often at least five times stronger, with the levels of the psychoactive ingredient tetrahydrocannabinol, or THC, averaging about 15% in the marijuana at dispensaries found in the states that have legalized pot for "medicinal" or, in the case of Colorado, recreational use. Often the THC level is 20% or higher.

With increased THC levels come increased health risks. Since Colorado legalized recreational use earlier this year, two deaths in the state have already been linked to marijuana. In both cases it was consumed in edible form, which can result in the user taking in even more THC than when smoking pot. "One man jumped to his death after consuming a large amount of marijuana contained in a cookie," the Associated Press reported in April, "and in the other case, a man allegedly shot and killed his wife after eating marijuana candy." Reports are coming out of Colorado in what amounts to a parade of horrors

from more intoxicated driving to more emergency hospital admissions due to marijuana exposure and overdose.

Over the past 10 years, study after study has shown the damaging effect of marijuana on the teenage brain. Northwestern School of Medicine researchers reported in the *Schizophrenia Bulletin* in December that teens who smoked marijuana daily for about three years showed abnormal brain-structure changes. Marijuana use has clearly been linked to teen psychosis as well as decreases in IQ and permanent brain damage.

The response of those who support legalization: Teenagers can be kept away from marijuana. Yet given the dismal record regarding age-restricted use of tobacco and alcohol, success with barring teens from using legalized marijuana would be a first.

The reason such a large number of teens use alcohol and tobacco is precisely because those are legal products. The reason more are now using marijuana is because of its changing legal status—from something that was dangerous and forbidden to a product that is now considered "medicinal," and in the states of

Colorado and Washington recreational. Until recently, the illegality of marijuana, and the stigma of lawbreaking, had kept its use below that of tobacco and alcohol.

Legality is the mother of availability, and availability, as former Health, Education and Welfare Secretary Joseph A. Califano Jr. put it in his 2008 book on substance abuse, "High Society," is the mother of use. According to the Substance Abuse and Mental Health Services Administration, currently 2.7 million Americans age 12 and older meet the clinical criteria for marijuana dependence, or addiction.

Mark A.R. Kleiman, a professor of public policy at the University of California, Los Angeles, has estimated that legalization can be expected to increase marijuana consumption by four to six times. Today's 2.7 million marijuana dependents (addicts) would thus expand to as many as 16.2 million with nationwide legalization. That should alarm any parent, teacher or policy maker.

There are two conversations about marijuana taking place in this country: One, we fear, is based on an obsolete perception of marijuana as a relatively harmless, low-THC product. The other takes seriously the science of the new marijuana and its effect on teens, whose adulthood will be marred by the irreversible damage to their brains when young.

Supporters of marijuana legalization insist that times are changing and policy should too. But they are the ones stuck in the past—and charting a dangerous future for too many Americans.

Mr. Bennett is a former secretary of education (1985-88) and was the first director of the National Drug Control Policy (1989-90). Mr. White is an attorney in Princeton, N.J.

Dan Henninger is away.

Submitted by Mary Rich 8/15/14

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Article published Jul 12, 2014

Sorting out legal marijuana

Like it or not, Durango poised to join Colorado's exclusive club status when recreational pot goes on sale in the fall



Photo by: JERRY McBRIDE/Durango Herald -

Several types of marijuana are available from retail dispensaries elsewhere in Colorado. The city's moratorium on applications expired July 1. So far, it has received four applications for recreational marijuana shops in Durango.

By [Chuck Slothower](#) Herald staff writer

After a long, slow public debate, Durango is poised to join other Colorado cities in a first-in-the-nation public policy experiment with legal retail marijuana.

Retail marijuana is expected to go on sale in Durango sometime this fall. The city of Durango ended its moratorium on accepting applications July 1.

With that, our Southwest Colorado outpost will join much of the rest of Colorado in legalizing it, as marijuana advocates have urged for years. The verdict will be felt nationwide.

The city of Durango has received four land-use applications for retail marijuana shops. Three propose to "co-locate" with existing dispensaries. However, one dispensary, The Acceptus Group, has applied to open a retail shop in a downtown second-floor location at 965½ Main Ave.

Local dispensaries are not selling retail pot right away – it will take an estimated three to four months to obtain the necessary state and local licenses and begin selling the product.

The advent of legal marijuana for all adults has been a long time coming for Durango. While local elected officials favored a deliberate approach as they carefully crafted regulations, retailers in Denver, Telluride and other Colorado cities have been selling retail marijuana for months.

Durango's relatively slow response came despite strong local support for Amendment 64, the 2012 constitutional amendment that led to legal recreational marijuana. La Plata County voters backed it with 62 percent approval, higher than the 55 percent of voters statewide.

The go-slow approach has not gone unnoticed.

"They're about a year behind Carbondale and other places that have been doing it successfully," said Jackson Clark, owner of Toh-Atin Gallery in Durango.

Clark and other local business leaders don't expect much to change once recreational marijuana becomes available.

"It's legal, and I don't think it's caused any major problems," Clark said.

Some local residents have voiced concern that legal marijuana could harm Durango's image and hurt two of the city's most lucrative businesses: tourism and real estate. But Clark is among those who think the worries are overblown.

"We have plenty of alcohol-related problems that I think are much more severe than you'll see with this," he said. "I don't really see a downside."

Durango could receive more pot-related tourism than other Colorado cities because of its proximity to three states – New Mexico, Utah and Arizona – that have stricter marijuana laws.

A report released last week by the Colorado Department of Revenue found that tourism is driving retail marijuana purchases throughout the state, but especially so in mountain towns.

Out-of-state visitors account for about 44 percent of retail marijuana demand in the Denver metro area, and 90 percent in heavily visited mountain communities, according to the report. But some tourism operations don't expect much impact.

Rod Barker, owner of The Strater Hotel, said he "can't imagine it's a topic of too much interest" to guests of his historic Main Avenue hotel. Guests are more interested in Durango's natural setting, he said.

"We have a beautiful town to visit, and the tourists that I see here coming through the Strater are coming for the reasons we've had all of these years," he said.

Barker, sharing a popular sentiment, isn't eager for the city to become known for marijuana.

"So far, we've done a pretty good job of de-emphasizing it," he said.

Some communities, including Bayfield, Ignacio and Montezuma County, have banned retail marijuana operations.

The state report estimated total marijuana demand at 130 metric tons this year, much higher than initial estimates.

The report attributed the higher-than-expected demand to heavy use by daily marijuana smokers. Heavy users account for 70 percent of all marijuana demand in the state, the report said.

The report was produced by the Marijuana Policy Group, a collaboration between the University of Colorado, Boulder, Business Research Division and BBC Research & Consulting in Denver.

Overall, medical marijuana continues to outsell retail marijuana. Many heavy users have medical marijuana cards, while the retail shops are attracting tourists, the report said.

Retail marijuana carries an additional 10 percent sales tax. The hefty additional tax makes it cheaper for regular marijuana users to continue buying medical pot rather than shifting to retail. The report found "conversions from medical to retail consumption is relatively low."

Local governments may also see an impact in the form of a boost in tax revenue.

The city of Durango did not forecast any marijuana-related revenue for its current 2014 fiscal year budget.

City Manager Ron LeBlanc said he did not feel comfortable forecasting marijuana revenues without an established track record.

"The interaction between revenues generated by medical marijuana and recreational marijuana has not been documented. We simply do not know if the customer will shift from one to the other," LeBlanc said in an email response to questions. "We also do not know how the free market will react to the availability of these products."

Marijuana operators are maintaining a public silence as the process moves forward. Messages for local dispensary owners seeking comment for this story were not returned.

The city's revenue from medical marijuana so far has been modest.

For the first five months of the year, the city brought in just over \$75,000 in medical marijuana tax revenue, accounting for only 1 percent of Durango's sales-tax revenue. That was less than sporting goods, for example. Liquor stores brought in almost triple the revenue of medical marijuana.

Colorado's first-in-the-nation experience with legal recreational marijuana has brought a bright glare of media attention typified by New York Times columnist Maureen Dowd's instantly Internet-famous "panting and paranoid" trip with a marijuana edible in a Denver hotel room.

Some local residents just want to get through the initial phase and into a new normal. Call it green fatigue.

"We're all tired of hearing about it," said Roger Zalneraitis, executive director of the La Plata Economic Development Alliance. "We'd all rather talk about something else."

cslothower@durangoherald.com

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Article published Aug 7, 2014

Teen marijuana use down in Colo.

Declines come after medical pot stores open

By Peter Marcus
Herald Denver Bureau

DENVER – Teen marijuana use has declined since retail legalization was backed by voters in 2012, according to statistics released Thursday by state health officials.

Thirty-day marijuana use fell from 22 percent in 2011 to 20 percent in 2013, and lifetime use declined from 39 percent to 37 percent during the same two years, according to the Healthy Kids Colorado Survey released by the Department of Public Health and Environment.

“Regulating marijuana is working in Colorado. The drop in teen use reflects the fact that state and local authorities have far more control over marijuana than ever before,” said Mason Tvert, a proponent of Amendment 64, which legalized recreational marijuana, and spokesman for the Marijuana Policy Project. “Hopefully, elected officials and voters in other states are paying attention.”

Teen use in Colorado dropped nearly 5 points since 2009, when hundreds of medical marijuana stores began opening throughout Colorado. The state began regulating medical marijuana in 2010.

Durango is set to implement retail marijuana this fall.

Dr. Christian Thurstone, a specialist in child and adolescent and addictions psychiatry, will speak Friday at the Community Cannabis Forum in Durango at Miller Middle School. Thurstone is expected to present on the impacts of marijuana on the adolescent brain and discuss the implications of Colorado laws.

The trend in Colorado appears to debunk theories that marijuana legalization and normalization would lead to a spike in teen use, though retail marijuana opened for business in Colorado only in January.

Nationwide, the rate of current teen marijuana use increased from 20.8 percent in 2009 to 23.1 percent in 2011 and 23.4 percent in 2013, according to a report released in June by the U.S. Centers for Disease Control and Prevention. The national rate of lifetime use increased from 36.8 percent in 2009 to 39.9 percent in 2011 and 40.7 percent in 2013.

But in Colorado, where marijuana has seen a popularization and commercialization, teens appear to be moving away from the drug.

“As the culture normalizes cannabis into it, what’s happening is that adults are setting a good example of cannabis use, and kids are finding it kind of boring,” said Shawn Coleman, a Colorado marijuana lobbyist.

But state officials point out that the percentage of students who perceive a moderate or great risk from marijuana use declined from 58 percent in 2011 to 54 percent in 2013. They continue to worry that normalization of marijuana use in Colorado could lead to more young people trying it.

Officials also point out that none of the usage declines represents a “statistically significant” drop since the data is based on a sample with a margin of error.

“If we want Colorado to be the healthiest state in the nation, then we need to make sure our youngest citizens understand the risks of using potentially harmful substances,” said Dr. Larry Wolk, executive director and chief medical officer for the state health department. “Later this month, we’ll launch a youth-prevention campaign that encourages kids not to risk damaging their growing brains by experimenting with marijuana.”

Gov. John Hickenlooper, a Democrat, has been very concerned with the marijuana legalization experiment in Colorado, especially the impact on young minds. A grant in partnership with the city of Denver and the attorney general’s office has funded a campaign in which the symbolism of a rat cage is employed with the message: “Don’t be a lab rat.”

The state also has allocated \$16.4 million in marijuana tax cash fund expenditures for education.

“We know what works to protect young people from unhealthy substances,” Wolk said. “As with tobacco, youth education prevention campaigns will help ensure adult legalization of marijuana in Colorado does not impact the health of Colorado kids.”

He said that Colorado must continue to address the potential risks of using marijuana.

“We need to make sure our youngest citizens understand the risks of using potentially harmful substances ... “ Wolk said. “The fewer youth smoking marijuana ... the better.”

pmarcus@durangoherald.com

Most of us sitting in this room today could not imagine a world in which we were forbidden from opening a beer at the end of a long work day, or sipping a glass of wine with our dinner. But that is exactly the world in which American citizens lived eighty years ago when the Volstead Act officially outlawed alcoholic beverages in the US. During the thirteen years of prohibition that followed, thousands of Americans were arrested and jailed for violating the law, by simply partaking in a social experience. The ban of alcohol did not staunch the use of alcohol in the US, it simply created an unsustainable and expensive environment in which the government and law enforcement were tasked with an unachievable goal: to police the private lives of individuals.

After thirteen years fighting this losing battle and in the face of overwhelming public support, the government righted their misguided efforts, and instead of fighting to end alcohol consumption, they implemented policies to regulate the industry, setting in place guidelines to standardize the production and sale of alcohol, to garner taxes from alcohol purveyors and most importantly make the industry and product safer for the American public. We see those affects today: no one under the age of 21 is legally able to purchase or partake in alcohol in the public, businesses with liquor licenses are held to strict standards by local, state and federal law and any person or establishment found not in compliance with those laws can be punished accordingly. Alcohol consumption, as well as tobacco consumption, and other industries including gambling are highly regulated, but are available for those who make the personal choice to partake in them. Could you imagine the alternative?

We find ourselves today, at the end of another era of prohibition. On November 6, 2012 the *majority* of citizens in Mineral County along with the majority of citizens in Colorado voted in favor of the addition of Amendment 64 to the Colorado Constitution legalizing the personal use and regulation of marijuana by a 55.32% popular margin. According to a recent Gallup poll, a "clear majority" of Americans (58%) favor marijuana legalization. Currently 22 states have some form of legal marijuana. And as we speak, the Federal Food and Drug Administration is studying whether restrictions on marijuana should be eased, which is a step toward decriminalizing it at the federal level.

The decriminalization of marijuana and the decision to regulate it as a controlled substance in the same manner of alcohol, tobacco and gambling indicates a significant policy shift in the U.S. that has already had substantial positive impacts in job growth sectors, increased revenue throughout the state and reduction in crime rates. An MSNBC article published recently states: "According to data from the Denver Police Department, violent crime fell by 6.9% in the first quarter of 2014, compared with the same period in 2013. Property crime dropped by 11.1%." The same article goes on to discuss: "In a recently published study on medical marijuana legalization nationwide, researchers from the University of Dallas used statistics from the FBI's Uniform Crime Report and after analyzing this data from all 50 states between 1990 and 2006, they found: "That medical marijuana legalization is not predictive of higher crime rates and

may be related to reductions in rates of homicide and assault. Interestingly, robbery and burglary rates were unaffected by medical marijuana legislation, which runs counter to the claim that dispensaries and grow houses lead to an increase in victimization due to the opportunity structures linked to the amount of product and money that are present.”

The most up to date revenue figures provided by the state reflect sales from Jan. 1 through May 2014. During that time the state has generated revenue from taxes, licensing and fees of over \$27 million dollars and statewide revenue is estimated to reach \$98 million dollars during this fiscal year. This changing tide of public opinion and new source of income comes at an opportune time for Mineral County and the City of Creede, still suffering the effects of the West Fork Fire during the 2013 summer season. One of the challenging aspects of a tourist economy is the degree of uncertainty inherent in the ebb and flow of tourist traffic. The negative impacts of an uncertain economy are being acutely felt today in Creede and the surrounding areas because of the devastating loss in tourism experienced last summer. To date, three businesses have closed or moved from Creede and will not reopen this year. In a town of our size these closures are a significant loss. Mineral County and the City of Creede are not in a position to turn away the revenue and economic growth that the new marijuana industry has proven to provide.

The importance of a diverse economy cannot be understated. Creede provides activities that bring in thousands of people each summer. Unparalleled scenic beauty provides outdoor activities; we are also home to a varied arts community including live theatre, galleries and music as well as retail shops, service industries and restaurants. Introducing the retail marijuana industry into the economy of Creede simply strengthens our business community. With a strong and diverse economy comes job growth and stability. I'd like to give you an example of a community, very like ours that has already made the decision to approve the retail sale of marijuana: Leadville, CO. Leadville is a rural community with a year-round population of 3,000 people. Like us, they are also a former silver mining town. Like us, they are also primarily a tourist economy with surroundings that host outdoor enthusiasts as well as an arts community with a theater, shops, restaurants and galleries. Leadville is also home to two retail marijuana stores. In five months from Feb. 8 – June 23 2014, one of Leadville's retail stores, reported sales of approximately \$300,000. State and local regulations impose several different taxes on these funds.

At the state level:

2.9% Standard Sales Tax

10% Retail Marijuana Sales Tax, 15% of this goes back to the local government

15% Excise Tax earmarked for new school construction across the state

The city and county have the option to impose a separate tax that stays within the local government. In Leadville the city taxes marijuana at a rate of 2.9% and the county at 4%.

In addition to these local taxes, the city and county get 15% back from the state's "10 % Retail Marijuana Sales Tax."

That's a lot taxes. And it can be confusing, so if we take a moment to remember grade school math, the break down looks like this:

Retail Income for 5 months: \$300,000
State Tax: 27.9% for 5 months = \$83,700
Local Tax for City and County: 6.9% for 5 months = \$20,700
15% of the State's Retail Marijuana Sales Tax = \$4,500

Total Sales Tax Income for the City of Leadville and surrounding Lake County in a 5 month period= \$25,200

If we make an assumption that sales will continue at that rate for 1 year, the sales tax profit for their city and county will equal approximately \$62,400. Not taken into account in these figures are the fees for licensing retail establishments, which can bring in additional income and help offset any city or county employee time it takes to process these licenses. What could the City of Creede do with an additional \$62,000 per year? Perhaps those funds could be allocated for repairing the Willow Creek waterway or funneled into hiring a city police force, they could expand the parks and recreation system in Creede. These are all important projects that the city is currently working on and however these new funds would be allocated; they would certainly provide another significant source of revenue for our community.

I've spoken to employees of the City of Leadville, Lake County and the Director of the Leadville Chamber of Commerce and Visitor's Center and none of them had any negative comments to impart, both the City employee and Chamber Director stated that there have been no adverse affects to tourism or the community and the City was "optimistically hopeful" for the future of this industry in their community. While Colorado State is one of the first to make the progressive decision to legalize and regulate marijuana, we will certainly not be the last. Over the next five years, analysts project that the industry will grow to \$10.2 billion dollars. We are uniquely positioned on the forefront of this movement to reap income generated by this emerging market. Already Colorado has seen the birth of the "marijuana tourist," individuals travelling from out-of-state specifically to vacation where they are able to partake in legal marijuana.

Our neighboring community of Durango is currently reviewing whether or not to adopt retail marijuana sales in the Downtown Durango business district. To that end, the local Business Improvement District hired an independent consultant firm to gather data from "peer communities" that have successfully adopted pot regulations, communities like Telluride, Aspen, Carbondale, Leadville, Breckenridge and Silverton, and focused on practical regulatory advice offered in interviews with those cities' staff members.

According to *The Durango Herald*: Most cities enacted special – but not burdensome – restrictions on retail marijuana. In Telluride, retail pot is allowed in any commercial zone, including downtown, but prohibited in residential zones. In Aspen, retail pot is allowed anywhere retail is allowed. Every peer city in the survey reported benefiting from the retail pot trade, including from downtown stores. Across the board, peer cities are finding that downtown visitation has increased dramatically, as have inquiries about vacation and rental properties. Towns are (also) hearing positive feedback from downtown merchants.” The article goes on to say: “Contrary, perhaps, to expectations, customers are not young stoner kids; the demographic skews toward older baby boomers with disposable income – doctors, lawyers, etc. There were concerns about parking and traffic congestion but that hasn’t occurred.” As part of the survey, a Leadville staff member advised Durango to “treat retail marijuana stores just like liquor stores, bars, breweries. Don’t overthink this or overcomplicate this: For small towns, blowing this out of proportion and creating complex regulations will likely create enforcement headaches down the road.”

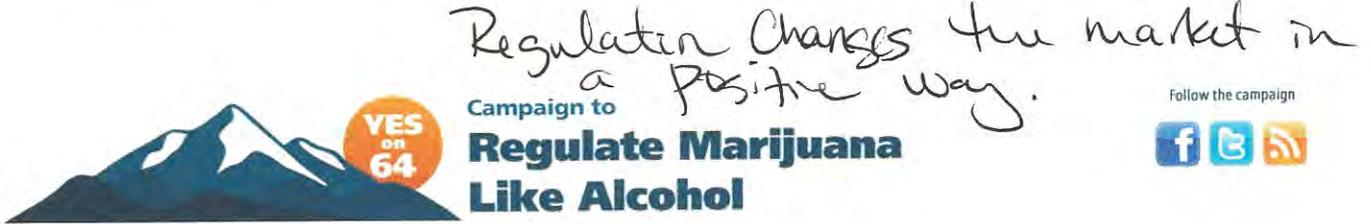
In addition to increased traffic and income made in the summer, the legalization of marijuana sales and cultivation in Mineral County and the City of Creede has the potential to increase our off-season traffic. We have the potential to generate more income in the fall and winter months by attracting year-round tourists including out-of-state travelers, vacationers and residents from South Fork and the Wolf Creek Ski area, the San Luis Valley and Hinsdale County. As of today, there are no other retail marijuana establishments in any of these counties. But that is changing. San Luis recently opened a retail store and Alamosa is in the process of expanding into retail sales. Customers and their dollars will travel to the places where they are able to purchase legal marijuana. Can we afford to watch those dollars be spent elsewhere?

Banning the responsibly regulated marijuana industry in the City of Creede is to impede the growth and stability of our community. Because of our size and limited resources, we must all work together to make this county and town a better home. The decisions made now affect not only our community today, but also the future longevity of Creede. Our bonds are tightly woven, and just as negative economic impacts reverberate within all of us, equally felt are the positive gains made. We can all benefit from the economic growth of this new industry and continue to thrive in this one-of-a-kind place we are all fortunate to call home.

Signed,

Sarah Wallace





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Regulating Marijuana Works!



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According to the federal government, teen marijuana use has dropped since Colorado began regulating medical marijuana. This is great news, but we want that progress to continue. As the billboard below conveys, we need to regulate marijuana across the board in order to protect teens.

By regulating marijuana like alcohol, Colorado can:

- Further Reduce Teen Marijuana Use
- Minimize Teens' Access to Marijuana
- Reduce Exposure to More Dangerous Drugs
- Take Sales Out of the Hands of Criminals



Further Reduce Teen Marijuana Use

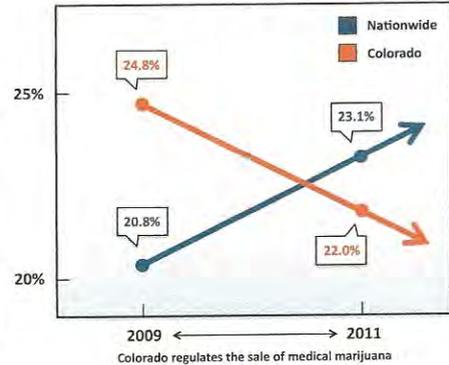
According to the latest report from the federal government, marijuana use by Colorado high school students has dropped since our state and its localities began regulating medical marijuana in 2010. This bucks the national trend of increasing teen marijuana use over the past several years. Nationwide, past-30-day marijuana use among high school students climbed from 20.8 percent in 2009, to 23.1 percent in 2011. Meanwhile, in Colorado, it *dropped* from 24.8 percent to 22 percent. See graph at right.

It was during this same two-year period that Colorado enacted strict state and local regulations on the sale of marijuana for medical purposes, whereas no such regulations were implemented throughout the rest of the country. This suggests that even the partial regulation of marijuana could decrease its availability and use among teens. Amendment 64 would regulate marijuana sales across the board for all adults 21 and older, further reducing teen use.

Earlier this year, research on the impact of medical marijuana laws on teen use arrived at a similar conclusion. In a press release about the study issued by the University of Colorado Denver, the researchers said there is "no statistical evidence that legalization increases the probability of [teen] use," and noted that "the data often showed a negative relationship between legalization and [teen] marijuana use."

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Regulation Works!
Teen Marijuana Use in Colorado vs. Nationwide
(% using at least once during the 30 days before the survey)



[Click image to enlarge](#)

Minimize Teens' Access to Marijuana

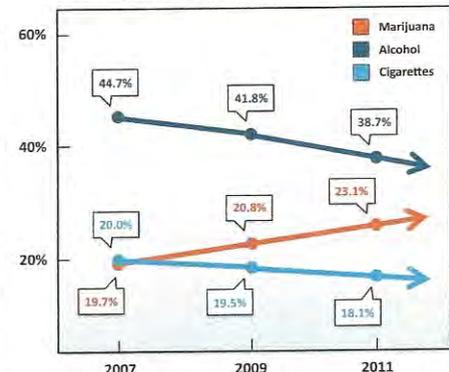
Marijuana prohibition, in which unregulated sales take place in an underground market, is the worst possible policy when it comes to keeping marijuana out of the hands of teens. In fact, there is substantial evidence that it is actually increasing its accessibility to young people. By forcing marijuana into an underground market, we are guaranteeing that sales will be entirely uncontrolled and that the individuals selling it will not ask for ID. Under Amendment 64, marijuana sales will be conducted in a regulated market in which checks for proof of age are mandatory and strictly enforced.

Despite marijuana's illegal status, teens consistently report that marijuana is universally available, and surveys show high school students across the nation can buy marijuana easier than they can buy alcohol or tobacco. Strictly regulating these legal products and restricting sales to minors have lent to significant decreases in use and availability among teens, and there is little doubt we would see similar results with marijuana.

The High School Youth Risk Behavior Survey released this June by the U.S. Centers for Disease Control (CDC) highlights the need to regulate marijuana. It found that levels of teen marijuana use are increasing nationwide, whereas levels of alcohol and cigarette use among teens are decreasing. In other words, regulation is working; prohibition is not. See graph above.

According to the survey, significantly more teens in the United States are using marijuana than cigarettes. Just more than 23 percent of high school students nationwide reported using marijuana within 30 days of taking the latest survey, up from 20.8 percent in 2009. Meanwhile, 18.1 percent reported past-30-day cigarette use, down from 19.5 percent in 2009. Over the past several years, the survey has shown that cigarette use and availability among teens, which had been sharply increasing in the early 1990s, began steadily declining shortly after the 1995 implementation of the "We Card" program, a renewed commitment to strictly restricting the sale of tobacco to young people, along with a focused effort on public

Which Product is Unregulated?
Teen marijuana, alcohol, and cigarette use nationwide
(% using at least once during the 30 days before the survey)



[Click image to enlarge](#)

education.

It is also worth noting that the latest CDC survey found that, since Colorado began regulating medical marijuana, there has been a significant decline in students reporting that they have been "offered, sold, or given an illegal drug by someone on school property." From 2009 to 2011, it dropped from 22.7 percent to 17.2 percent in 2011, whereas at the national level it increased from 22.7 percent to 25.6 percent. These statistics suggest that not only does the increased regulation of marijuana reduce use among teens; it may actually reduce teens' access to illegal drugs.

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Reduce Exposure to More Dangerous Drugs

By keeping marijuana illegal, we are forcing those who seek it into an underground market where it is sold exclusively by individuals who are willing to break the law. Naturally, some of these individuals will have other illegal products available, including drugs that are far more harmful than marijuana.

"The more users become integrated in an environment where, apart from cannabis, hard drugs can also be obtained, the greater the chance they may switch to hard drugs," according to a report published in 1997 by the Netherlands Institute of Mental Health and Addiction. "Separation of the drug markets is therefore essential."

Amendment 64 would regulate marijuana and restrict its sale to licensed stores, as we currently do with alcohol. In doing so, it will dramatically reduce consumers' exposure to harder drugs and their temptation to experiment with them. It will also ensure that consumers know what they are getting when they purchase marijuana. Illegal marijuana dealers are not subject to quality standards, and they are not testing or labeling their products. In a regulated marijuana system, such as that proposed by Amendment 64, marijuana producers and retailers will need to adhere to strict rules and regulations similar to those governing the production and sale of alcohol.

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In Which Market is Someone More Likely to Come Across Harder Drugs?



Unregulated



Regulated

[Click image to enlarge](#)

Take Sales Out of the Hands of Criminals

Marijuana prohibition has relegated the sale of marijuana to criminal enterprises and, increasingly, drug gangs. In doing so, it is exposing many consumers to more harmful people. And since marijuana is illegal, these individuals are unable to rely on law enforcement officials to step in when business-related disputes and incidents occur. All too often, this results in violence that affects not just marijuana dealers and consumers, but the broader communities surrounding them.

Marijuana is also a significant source of income for individuals and groups involved in other criminal activities. For example, much of the violence escalating on the Mexican border revolves around the actions of Mexican drug cartels fighting over profits from marijuana sales. In fact, former U.S. Drug Czar John Walters told the Associated Press in 2008, that marijuana is the biggest source of income for these ruthless narcoterrorist organizations. Whether they are large-scale drug cartels or small-town street gangs, the vast supply and demand surrounding marijuana will ensure they have a constant stream of profits to subsidize other illegal activities. Regulating marijuana like alcohol would eliminate this income source and, in turn, eliminate the violence and turf battles associated with the illegal marijuana market.

Finally, the illegal marijuana market puts money in criminals' pockets and takes it out of taxpayers'. Drug dealers do not collect taxes on their sales, and they do not pay taxes on their income. Under Amendment 64, all sales of marijuana will be subject to state and local sales tax. The General Assembly must also enact an excise tax of up to 15 percent on wholesale sales of non-medical marijuana, the first \$40 million of which will be directed to the state's public school construction fund each year.

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Which Activities Should Benefit From the Sale of Marijuana?



Illegal



Legal

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Report on decline of use by teens since cannabis legalization.

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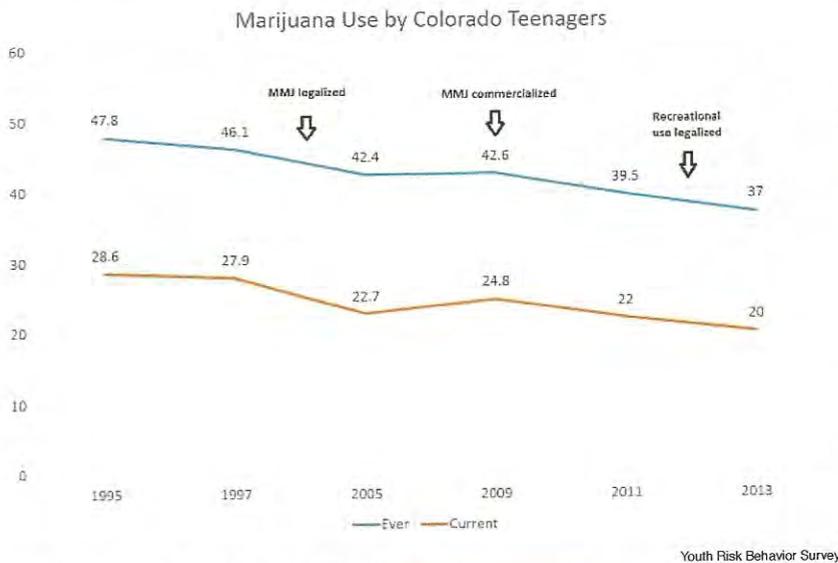
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Despite Legalization, Colorado Teenagers Stubbornly Refuse to Smoke More Pot

Jacob Sullum | Aug. 8, 2014 1:41 pm

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New survey data from Colorado indicate that marijuana legalization so far has not led to an increase in pot smoking by teenagers, as prohibitionists warned it would. In the 2013 Healthy Kids Colorado survey, 37 percent of high school students reported that they had ever tried marijuana, down from 39 percent in 2011. The percentage who reported using marijuana in the previous month (a.k.a. "current" use) also declined, from 22 percent in 2011 to 20 percent in 2013. The state Department of Public Health and Environment, which oversees the survey, says those decreases are not statistically significant. But they are part of a general downward trend in Colorado that has continued despite the legalization of medical marijuana in 2001, the commercialization of medical marijuana in 2009 (when the industry took off after its legal status became more secure), and the legalization of recreational use (along with home cultivation and sharing among adults) at the end of 2012:



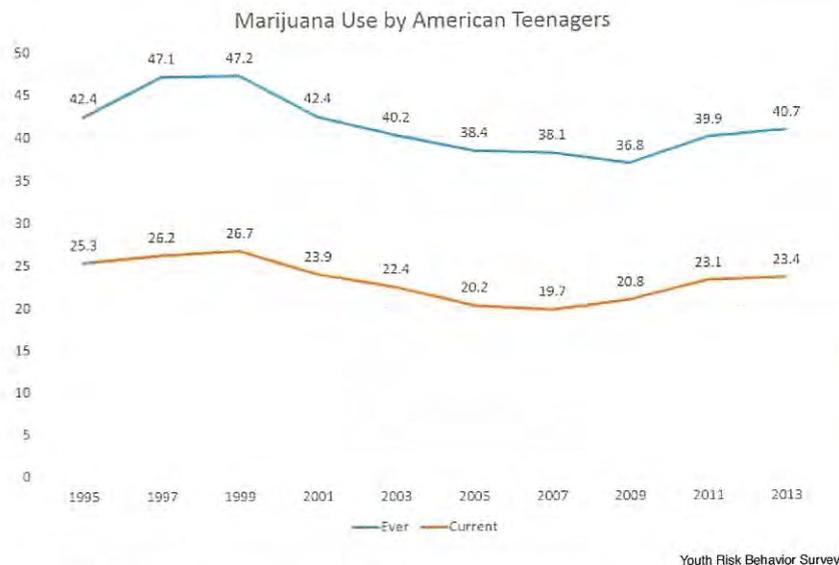
The earlier numbers come from the CDC's Youth Risk Behavior Survey, to which Colorado contributes data from its own survey. (You can find the state-specific numbers in the reports listed [here](#).) The CDC survey is conducted every other year, but Colorado has not always participated, which is why data for 1999, 2001, 2003, and 2007 are missing. Still, this does not

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look like what you would expect to see if relaxing restrictions on marijuana led to more underage consumption. In fact, the downward trend during this period is clearer in Colorado than in the **country as a whole**:



Nationwide, past-month marijuana use by high school students rose between 1995 and 1999, then declined steadily until 2007, when it began a gradual rise that continued through 2013. In Colorado, by contrast, that number rose between 2005 and 2009 but has declined since then. Again, not what you would expect if making marijuana legally available to adults boosted consumption by minors. More detailed and sophisticated analyses, including data from various states with medical marijuana laws, likewise have found **no evidence** of such an effect.

"Once again, claims that regulating marijuana would leave Colorado in ruins have proven to be unfounded," says Mason Tvert of the Marijuana Policy Project, who was a leader of Colorado's legalization campaign. "How many times do marijuana prohibition supporters need to be proven wrong before they stop declaring our marijuana laws are increasing teen use? They were wrong when they said regulating medical marijuana would do it, and they were wrong when they doubled down and said making marijuana legal for adults would do it."

It is still possible, of course, that legal recreational sales, which began in Colorado only this year, will increase teenagers' access to marijuana (not through direct sales but through diversion from adult buyers), which might lead to an increase in consumption. Colorado officials express a somewhat different concern. According to a **press release** from the health department, "Health experts worry that the normalization of marijuana use in Colorado could lead more young people to try it." In other words, they worry that allowing adults to legally purchase marijuana for recreational use will encourage teenagers to take a more positive view of cannabis, which will make them more likely to use it. Call it the "permitted fruit" effect. Prohibitionists such as former drug czar Gil Kerlikowske raised the same **complaint** against medical marijuana laws, but their fears seem to have been misplaced. For what it's worth, the health department reports that "the percentage of students who perceived a moderate or great risk from marijuana use declined from 58 percent in 2011 to 54 percent in 2013," even as marijuana use fell.

Jacob Sullum is a senior editor at Reason magazine and a nationally syndicated columnist.
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- For Legalization
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- Unsure

The NYTimes calling for national repeal of prohibition.

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Repeal Prohibition, Again

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PART 5
The Great Colorado Weed Experiment



PART 6
Rules for the Marijuana Market

Readers' Perspectives

Editorial Board's call to repeal the federal ban on

By THE EDITORIAL BOARD

It took 13 years for the United States to come to its senses and end Prohibition, 13 years in which people kept drinking, otherwise law-abiding citizens became criminals and crime syndicates arose and flourished. It has been more than 40 years since Congress passed the current ban on marijuana, inflicting great harm on society just to prohibit a substance far less dangerous than alcohol.

The federal government should repeal the ban on marijuana.

We reached that conclusion after a great deal of discussion among the members of The Times's Editorial Board, inspired by a rapidly growing movement among the states to reform marijuana laws.

There are no perfect answers to people's legitimate concerns about marijuana use. But neither are there such answers about tobacco or alcohol, and we believe that on every level — health effects, the impact on society and law-and-order issues — the balance falls squarely on the side of national legalization. That will put decisions on whether to allow recreational or medicinal production and use where it belongs — at the state level.

We considered whether it would be best for Washington to hold back while the states continued experimenting with legalizing medicinal uses of marijuana, reducing penalties, or even simply legalizing all use. Nearly three-quarters of the states have done one of these.

But that would leave their citizens vulnerable to the whims of whoever happens to be in the White House and chooses to enforce or not enforce the federal law.

The social costs of the marijuana laws are vast. There were 658,000 arrests for marijuana possession in 2012, according to F.B.I. figures, compared with 256,000 for cocaine, heroin and their derivatives. Even worse, the result is racist, falling disproportionately on young black men, ruining their lives and

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creating new generations of career criminals.

There is honest debate among scientists about the health effects of marijuana, but we believe that the evidence is overwhelming that addiction and dependence are relatively minor problems, especially compared with alcohol and tobacco. Moderate use of marijuana does not appear to pose a risk for otherwise healthy adults. Claims that marijuana is a gateway to more dangerous drugs are as fanciful as the "Reefer Madness" images of murder, rape and suicide.

There are legitimate concerns about marijuana on the development of adolescent brains. For that reason, we advocate the prohibition of sales to people under 21.

Creating systems for regulating manufacture, sale and marketing will be complex. But those problems are solvable, and would have long been dealt with had we as a nation not clung to the decision to make marijuana production and use a federal crime.

In coming days, we will publish articles by members of the Editorial Board and supplementary material that will examine these questions. We invite readers to offer their ideas, and we will report back on their responses, pro and con.

We recognize that this Congress is as unlikely to take action on marijuana as it has been on other big issues. But it is long past time to repeal this version of Prohibition.

Comments are now closed. Read a [roundup of the conversation](#).

marijuana.

6830 READER RESPONSES

Annie For Legalization Colorado

I am currently an engineering student at a university known for the difficulty of its curriculum. In addition to full time engineering student, I am a competitive athlete and ok-ish artist. I have suffered a lot of chronic injuries, and in combination with pretty intense physical therapy, have not found a more holistic and effective way to treat the residual pain. Insofar as I have noticed, there have been few to no negative repercussions of legalization in Colorado. Considering my experience, the question really seems to be "why not legalize?".

Joshua Reich For Legalization Hoboken, NJ

Bravo! It has taken far too long for a major national paper to take a stand on this issue that is based on a critical analysis of real data, but late is far better than never.

Theodore Desmarais For Legalization Nationwide



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Impact of Cannabis Regulation on Consumers / Community.

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Introduction

To say that marijuana has been given a bad rap over the past few decades is an understatement. If you're like most Americans, you have been led to believe that marijuana is a dangerous and addictive drug that has destroyed the lives of millions of teens and adults. You have been encouraged to believe that marijuana causes lung cancer and is a "gateway" to harder drugs. The government has even tried to convince you that most people who use marijuana are losers who sit around on couches all day doing nothing.

What we would like to do is wipe the slate clean and start over. Forget everything you have heard in the past and be open-minded to the truth about marijuana. We are not here to tell you that it is far, far less harmful than what your government has told you.

Part of the problem is that many people are simply unfamiliar with marijuana. They have never tried it (or perhaps only tried it a time or two decades ago) and assume the worst. They have been conditioned to think that marijuana use is bad and that people who use it are dangerous or strange or maybe even dirty. They have visions of people using marijuana and being totally zonked out, unable to maintain a regular conversation.

The truth is that marijuana is widely used in a manner quite similar to alcohol. Adults might consume it before enjoying a dinner party with friends. Friends might have a little before engaging in a spirited game of ultimate Frisbee. And spouses – yes, even some couples you know – might imbibe a bit while enjoying a romantic evening together. Concert-goers have even been known to have a puff or two before or during a show – which more likely than not results in them dancing or otherwise enjoying the music, not lying on the ground like lumps.

None of this is "bad" or "wrong" or "immoral." It is simply something that these responsible adults choose to do. And frequently it is something they choose to do specifically instead of alcohol. And for good reason! Alcohol is more toxic, more addictive, more harmful to the body, more likely to result in injuries, and more likely to lead to interpersonal violence than marijuana.

Below are just a few facts that highlight the very different impacts of these two popular substances on those who consume them and on the broader community.

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Marijuana	Alcohol
Does use contribute to...	
NO	Overdose Deaths? YES
NO	Long-term Health Problems? YES
NO	Violent Crimes? YES
NO	Serious Injuries? YES

Impact on the Consumer

- **Many people die from alcohol use. Nobody dies from marijuana use.** The U.S. Centers for Disease Control and Prevention (CDC) reports that more than 37,000 annual U.S. deaths, including more than 1,400 in Colorado, are attributed to alcohol use alone (i.e. this figure does not include accidental deaths). On the other hand, the CDC does not even have a category for deaths caused by the use of marijuana.
- **People die from alcohol overdoses. There has never been a fatal marijuana overdose.** The official publication of the Scientific Research Society, *American Scientist*, reported that alcohol is one of the most toxic drugs and using just 10 times what one would use to get the desired effect could lead to death. Marijuana is one of – if not *the* – least toxic drugs, requiring thousands of times the dose one would use to get the desired effect to lead to death. This "thousands of times" is actually theoretical, since there has never been a case of an individual dying from a marijuana overdose. Meanwhile, according to the CDC, hundreds of alcohol overdose deaths occur the United States each year.
- **The health-related costs associated with alcohol use far exceed those for marijuana use.** Health-related costs for alcohol consumers are eight times greater than those for marijuana consumers, according to an assessment recently published in the *British Columbia Mental Health and Addictions Journal*. More specifically, the annual cost of alcohol consumption is \$165 per user, compared to just \$20 per user for marijuana. This should not come as a surprise given the vast amount of research that shows alcohol poses far more – and more significant – health problems than marijuana.
- **Alcohol use damages the brain. Marijuana use does not.** Despite the myths we've heard throughout our lives about marijuana killing brain cells, it turns out that a growing number of studies seem to indicate that marijuana actually has neuroprotective properties. This means that it works to *protect* brain cells from harm. For example, one recent study found that teens who used marijuana as well as alcohol suffered significantly less damage to the white matter in their brains. Of course, what is beyond question is that alcohol damages brain cells.
- **Alcohol use is linked to cancer. Marijuana use is not.** Alcohol use is associated with a wide variety of cancers, including cancers of the esophagus, stomach, colon, lungs, pancreas, liver and prostate. Marijuana use has not been conclusively associated with any form of cancer. In fact, one study recently contradicted the long-time government claim that marijuana use is associated with head and neck cancers. It found that marijuana use actually *reduced* the likelihood of head and neck cancers. If you are concerned about marijuana being associated with lung cancer, you may be interested in the results of the largest case-controlled study ever conducted to investigate the respiratory effects of marijuana smoking and cigarette smoking. Released in 2006, the

study, conducted by Dr. Donald Tashkin at the University of California at Los Angeles, found that marijuana smoking was *not* associated with an increased risk of developing lung cancer. Surprisingly, the researchers found that people who smoked marijuana actually had *lower* incidences of cancer compared to non-users of the drug.

- **Alcohol is more addictive than marijuana.** Addiction researchers have consistently reported that marijuana is far less addictive than alcohol based on a number of factors. In particular, alcohol use can result in significant and potentially fatal physical withdrawal, whereas marijuana has not been found to produce any symptoms of physical withdrawal. Those who use alcohol are also much more likely to develop dependence and build tolerance.
- **Alcohol use increases the risk of injury to the consumer. Marijuana use does not.** Many people who have consumed alcohol or know others who have consumed alcohol would not be surprised to hear that it greatly increases the risk of serious injury. Research published this year in the journal *Alcoholism: Clinical & Experimental Research*, found that 36 percent of hospitalized assaults and 21 percent of all injuries are attributable to alcohol use by the injured person. Meanwhile, the *American Journal of Emergency Medicine* reported that lifetime use of marijuana is rarely associated with emergency room visits. According to the British Advisory Council on the Misuse of Drugs, this is because: "Cannabis differs from alcohol ... in one major respect. It does not seem to increase risk-taking behavior. This means that cannabis rarely contributes to violence either to others or to oneself, whereas alcohol use is a major factor in deliberate self-harm, domestic accidents and violence." Interestingly enough, some research has even shown that marijuana use has been associated with a *decreased* risk of injury.

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Impact on the Community

- **Alcohol use contributes to aggressive and violent behavior. Marijuana use does not.** Studies have repeatedly shown that alcohol, unlike marijuana, contributes to the likelihood of aggressive and violent behavior. An article published in the *Journal of Addictive Behaviors* reported that "alcohol is clearly the drug with the most evidence to support a direct intoxication-violence relationship," whereas "cannabis reduces the likelihood of violence during intoxication."
- **Alcohol use is a major factor in violent crimes. Marijuana use is not.** The National Institute on Alcohol Abuse and Alcoholism estimates that 25-30% of violent crimes in the United States are linked to the use of alcohol. According to a report from the U.S. Dept. of Justice, that translates to about 5,000,000 alcohol-related violent crimes per year. By contrast, the government does not even track violent acts specifically related to marijuana use, as the use of marijuana has not been associated with violence. (Of course, we should note that marijuana *prohibition*, by creating a widespread criminal market, is associated with acts of violence.)
- **Alcohol use contributes to the likelihood of domestic abuse and sexual assault. Marijuana use does not.** Alcohol is a major contributing factor in the prevalence of domestic violence and sexual assault. This is not to say that alcohol *causes* these problems; rather, its use makes it more likely that an individual prone to such behavior will act on it. For example, a study conducted by the Research Institute on Addictions found that among individuals who were chronic partner abusers, the use of alcohol was associated with significant increases in the daily likelihood of male-to-female physical aggression, but the use of marijuana was not. Specifically, the odds of abuse were eight times higher on days when men were drinking; the odds of severe abuse were 11 times higher. According to the Rape, Abuse and Incest National Network (RAINN) website highlights alcohol as the "most commonly used chemical in crimes of sexual assault" and provides information on an array of other drugs that have been linked to sexual violence. Given the fact that marijuana is so accessible and widely used, it is quite telling that the word "marijuana" does not appear anywhere on the page.

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Cannabis Facts.



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Is marijuana addictive?

According to the National Academy of Sciences' Institute of Medicine's 1999 report, *Marijuana and Medicine: Assessing the Science Base*:

"Compared to most other drugs ... dependence among marijuana users is relatively rare ... [A]lthough few marijuana users develop dependence, some do. But they appear to be less likely to do so than users of other drugs (including alcohol and nicotine), and marijuana dependence appears to be less severe than dependence on other drugs."

Does using marijuana lead to harder drugs?

According to the National Academy of Sciences' Institute of Medicine's 1999 report, *Marijuana and Medicine: Assessing the Science Base*:

"There is no conclusive evidence that the drug effects of marijuana are causally linked to the subsequent abuse of other illicit drugs ... There is no evidence that marijuana serves as a stepping stone on the basis of its particular physiological effect ... Instead, the legal status of marijuana makes it a gateway drug."

The World Health Organization noted that any gateway effect associated with marijuana use may actually be due to marijuana prohibition because "exposure to other drugs when purchasing cannabis on the black-market, increases the opportunity to use other illicit drugs."

Is marijuana more dangerous than tobacco?

In a word: no. Marijuana is not more dangerous than tobacco. Research has shown that marijuana causes far less harm than tobacco.

According to the U.S. Centers for Disease Control, tobacco was responsible for 435,000 deaths in 2000, or nearly 1,200 deaths per day. On the other hand, marijuana has never caused a fatal overdose in more than 5,000 years of recorded use.

It is important to note that the act of smoking *anything* is harmful to the lungs, and in this regard, marijuana is not completely benign. According to *Understanding Marijuana* (2002), by Mitch Earleywine, marijuana smokers sometimes exhibit symptoms similar to those experienced by tobacco smokers — coughing, wheezing, and bronchitis.

However, these harms can be minimized by ingesting marijuana orally, with devices known as vaporizers, or by using higher-potency marijuana, which reduces the harms associated with smoking while still delivering marijuana's medical benefits.

Other research shows that daily marijuana use does not lead to increased rates of respiratory illness, and that smoking both tobacco and marijuana is worse than smoking just one.

Unlike tobacco, research has never shown that marijuana increases rates of lung cancer or other cancers usually associated with cigarette smoking. In a 10-year, 65,000-patient study conducted at the Kaiser-Permanente HMO and published in 1997, cigarette smokers had much higher rates of cancer of the lung, mouth, and throat than non-smokers, but marijuana smokers who didn't smoke tobacco had no such increase. And in May 2006, Dr. Donald Tashkin of UCLA presented results of a new study showing that even very heavy marijuana smokers had no increased risk of lung cancer.

Has anyone ever died from marijuana?

In all of recorded medical literature, no one has ever died from a marijuana overdose.

In 2001, a detailed examination of the health and psychological effects of marijuana use from the National Drug and Alcohol Centre at the University of New South Wales in Australia noted that marijuana "makes no known contribution to deaths and a minor contribution to morbidity [illness]."

In a 1998 editorial, *The Lancet*, an esteemed British medical journal, wrote, "On the medical evidence available, moderate indulgence in cannabis has little ill-effect on health."

Can marijuana use cause cancer?

Marijuana smokers do not have an increased risk of premature death or cancer. According to the National Academy of Sciences' Institute of Medicine's 1999 report, *Marijuana and Medicine: Assessing the Science Base*:

"There is no conclusive evidence that marijuana causes cancer in humans, including cancers usually related to tobacco use. ... More definitive evidence that habitual marijuana smoking leads or does not lead to respiratory cancer awaits the results of well-designed case control epidemiological studies."

Can marijuana cause fertility problems?

According to the National Academy of Sciences' Institute of Medicine's 1999 report, *Marijuana and Medicine: Assessing the Science Base*:

"[T]he effect of cannabinoids on the capacity of sperm to fertilize eggs is reversible and is observed at [concentrations] which are higher than those likely to be experienced by marijuana smokers ... The well-documented inhibition of reproductive functions by THC is thus not a serious concern for evaluating the short-term medical use of marijuana or specific cannabinoids."

Can marijuana cause other life-threatening health problems?

According to the National Academy of Sciences' Institute of Medicine's 1999 report, *Marijuana and Medicine: Assessing the Science Base*, "Epidemiological data indicate that in the general population marijuana use is not associated with increased mortality."

Does marijuana cause amotivational syndrome?

According to the National Academy of Sciences' Institute of Medicine's 1999 report, *Marijuana and Medicine: Assessing the Science Base*, "When heavy marijuana use accompanies these symptoms, the drug is often cited as the cause, but no convincing data demonstrate a causal relationship between marijuana smoking and these behavioral characteristics."

I've heard that today's marijuana is stronger and more dangerous. Is this true?

Claims of a dramatic increase in marijuana potency are commonly based on the assertion that marijuana used in the 1960s and 1970s contained only 1% THC (the

main psychoactive compound in marijuana). But, as University of Southern California psychology professor and researcher Mitch Earleywine noted in his book, *Understanding Marijuana*, these claims are based on very small numbers of samples that may have been improperly stored. Furthermore, marijuana with just 1% THC is not psychoactive — that is, it doesn't produce a "high." So if the 1% figure is true, the drug's rapid increase in popularity was based on marijuana so weak that it wasn't even capable of producing the intended effect.

Earleywine further explained that the moderate increases in potency that have occurred "may not justify alarm. THC is not toxic at high doses like alcohol, nicotine, or many other common drugs. High-potency marijuana may actually minimize risk for lung problems because less [smoke] is required to achieve desired effects." Thus, even if today's marijuana were stronger, it would not be more dangerous.

Are people actually arrested for marijuana?

Yes. In 2007 alone, there were 872,720 marijuana-related arrests in the United States. (89% of these were for possession alone.) That's one marijuana arrest every 36 seconds and more than the populations of the state of Wyoming (522,830) and the city of Buffalo, New York (292,648) combined.

How much does marijuana prohibition cost?

By adding law enforcement costs and depriving governments of the revenue that could be gained by taxing marijuana sales, prohibition costs U.S. taxpayers \$41.8 billion per year, according to a 2007 estimate by public policy researcher Jon B. Gettman, Ph.D. The report, "Lost Taxes and Other Costs of Marijuana Laws," is based primarily on government estimates of the U.S. marijuana supply, prices, and arrests.

A more conservative 2005 estimate by Harvard University economist Dr. Jeffrey Miron is still staggering at \$10-\$14 billion per year. See www.prohibitioncosts.org for more information.

Wouldn't repealing marijuana prohibition make it easier for teens to buy marijuana?

Marijuana prohibition has not prevented a dramatic increase in marijuana use by teenagers. In fact, the overall rate of marijuana use in the U.S. has risen by roughly 4,000% since marijuana was first outlawed in 1937, and independent studies by RAND Europe and the U.S. National Research Council have reported that marijuana prohibition appears to have little or no impact on rates of use.

Prohibition may actually increase teen access to marijuana. Sellers of regulated products like tobacco and alcohol can be fined or lose their licenses if they sell to minors. Prohibition guarantees that marijuana dealers are not subject to any such regulations. Drug dealers don't ask for ID.

FUNDS

■ Continued from Page 1

services, exists to help secondary schools:

- Increase the presence of school health professionals in secondary schools to provide substance abuse and mental/behavioral health care to students who are enrolled in secondary schools and have substance abuse or other mental/behavioral health needs

- Implement substance abuse prevention education and provide evidence-based resources to school staff, students and families

- Reduce barriers to students who are enrolled in secondary schools with services that are provided by community-based organizations for treatment and counseling for students who are at risk for substance abuse

The legislature set aside \$2.5 million from marijuana tax revenue schools to hire more health professionals. Of the 12 applications that were submitted, 11 were funded, according to reports. The Colorado Department of Education opened a second application period, which closed last week, to use the remaining funds because there were some concerns the application period was too short.

In recent years, most schools have seen a decrease in health professionals because of budget constraints, and the ratios of students to available counselors or nurses often are far from the recommended guidelines, according to reports. The National Association of State Boards of Education suggests staffing ratios of 250 students to one counselor, 1,000 students for every psychologist and 400 students per every social worker.

"This money will support our efforts towards school-based drug prevention, early intervention and health care services and programs to reduce the risk of marijuana and other substance use and abuse by secondary school students," Alamosa School District Assistant Superintendent Carrie Zimmerman Thursday in an email. "It will give us the resources to hire a school nurse to be shared by Ortega Middle School and Alamosa High School."

Amendment 64, which made retail marijuana legal in Colorado two general elections ago, requires an excise tax is levied upon wholesale sales of cannabis, which the first \$40 million in revenue is earmarked annually to the state's public school capital construction assistance fund. Saguache and Costilla Counties are the only two Valley counties selling retail marijuana.

SLV schools awarded marijuana funds

STAFF REPORT

VALLEY — Three Valley school districts received thousands of dollars from state marijuana revenues Wednesday to hire health professionals including nurses, counselors, social workers and psychologists.

The Colorado State Board of Education approved 11 School Health Professional Grant (SHPG) program awards totaling more than \$975,000, according to reports. The Alamosa School District is set to collect \$50,000; the Center Consolidated School District, \$87,062; and the Mountain Valley School District, \$64,000.

"We are excited to receive the grant to expand our healthcare services to our children," said Center Consolidated School District Superintendent George Welsh Thursday in an email. "It will also help us to continue our education efforts around healthy lifestyles, such as exercise and movement, and

making good choices about potentially dangerous substances." GOAL Academy, which has a location in Alamosa, was also a grant recipient, according to reports, receiving \$53,440. The SHPG program is designed to provide funds to eligible education providers

to enhance the presence of secondary school health professionals like school nurses, school psychologists, school social workers and school counselors. This grant, which requires a 10 percent match of full time employees or in kind

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The Valley Carrier
Nov. 14, 2014

The Knowledge Now series features practical research on timely topics from the Colorado Municipal League.

MARIJUANA IN COLORADO

By Rachel Allen, CML staff attorney, and Kevin Bommer, CML deputy director

This information is of a general nature and should not be interpreted as legal advice. Local facts determine what laws may apply and how, so you should always consult your municipal attorney before proceeding.

IT IS HARD TO BELIEVE THAT marijuana has been part of the conversation in Colorado for so many years. As a pioneer in this arena, the state and local governments continue to provide oversight for the industry, but there are always new issues to consider and additional areas for improvement. This *Knowledge Now* paper provides an update to the papers released in May 2013 and June 2010 on several outstanding marijuana issues.

Marijuana by the numbers

By now, most Colorado municipalities have exercised their authority to either license or prohibit sales in their community. CML tracks these local marijuana actions in several spreadsheets available at www.cml.org, under Issues > Marijuana, and keeps marijuana ordinances on file. Overall, 53 municipalities are allowing, 181 are prohibiting or have moratoria in place, and 27 are taxing retail marijuana establishments in their community.

Many communities took advantage of the opportunities provided by the November elections to either refer a prohibition question to voters during this general election as permitted by Amendment 64 and/or a TABOR question to voters to levy a marijuana tax. Colo. Const. Art. XVIII, § 16 (5)(f). Seventeen municipalities asked their voters whether to allow marijuana sales, and three opted to allow medical marijuana sales, four will allow retail marijuana sales, and twelve will prohibit retail marijuana sales. Twenty municipalities had tax measures on the

sale of retail marijuana, only four of which failed. Several of those communities authorized a floating tax within a range that may be adjusted without an election by the town board or city council. See related section below on State Marijuana Revenues and the Taxpayers' Bill of Rights

Regulating marijuana grows for personal use

Marijuana home grows have sparked growing concern since the passage of medical and retail marijuana in Colorado. Every community faces the issue of home grows regardless of whether a municipality allows medical and/or retail marijuana sales. The Colorado Constitution allows for a marijuana patient to grow six plants per person for their medicine or an adult twenty-one years of age or older to have six plants per person for recreational use. Colo. Const. Art. XVIII, § 14 (4)(a) (II) and § 16 (3)(b). Six plants per person can become a large grow operation when several adults are living together. There is also an exception in the Medical Marijuana Amendment for a patient or his/her care-giver to grow more than six plants if they are "medically necessary". Colo. Const. Art. XVIII, § 14(4)(b).¹

Several municipalities continue to rely upon their fire code, building code, and

land use authority to regulate marijuana home grows. Others have adopted regulations targeted to curb large residential marijuana grows. Here are some types of restrictions for further consideration:

- Limit personal marijuana grows to one's primary residence.
- Limit grows to single family dwellings rather than multifamily structures.
- Cap the number of plants per residence regardless of the number of adults or patient's condition that the plants serve.
- Restrict the number of plants per square or cubic foot or limit square footage in which marijuana may be grown.
- Define the types of lights that are allowed.
- Allow grows inside the primary dwelling rather than outside or in a garage, outdoor shed, or accessory dwelling.
- Prohibit odors from being detected by neighboring properties.
- Set forth procedures for inspection of personal grows.
- Declare that cultivating marijuana in a manner that does not comply with local regulations constitutes a nuisance that can be abated.

CML had previously advised municipalities to define the term "enclosed, locked space" where one may grow recreational marijuana because that term, while used in Amendment 64, was defined neither in

¹ There may be legislation in 2015 addressing doctors that are writing referrals above the six plants per person limit in the medical marijuana law and requiring caregivers to register to ensure people are not allocating plant counts to more than one caregiver.

Amendment 64 nor statute until earlier in 2014. HB 14-1122 requires any person growing marijuana in a residence where a person under 21 years of age resides to grow in an "enclosed" space, which means, "A permanent or semi-permanent area covered and surrounded on all sides. Temporary opening of windows or doors or the temporary removal of wall or ceiling panels does not convert the area into an unenclosed space." C.R.S. § 18-18-102(14.5). The new law further defines a "locked space" as secured at all points of ingress and egress with a locking mechanism designed to limit access such as with a key or combination lock." C.R.S. § 18-18-102(16.5). A municipality should not have to further define this term in its local ordinance unless there is some other concern this definition does not address.

CML has collected local ordinances regulating marijuana home grows. To view the ordinances, visit www.cml.org or to request copies, contact CML Staff Attorney Rachel Allen at rallen@cml.org, 303-831-6411, or 866-578-0936.

Production of hash oil

Another cause for concern has been the personal production of marijuana extracts, concentrates, and hash oil. Some communities have passed ordinances to regulate the use of flammable gases in the production of marijuana concentrates while others have relied upon their building safety codes to regulate the unlicensed production of marijuana extracts. Legislation adding a prohibition on hash oil extraction to state statute is expected in the 2015 session.

CML has collected local ordinances regulating the recreational use of flammable gases in the production of marijuana concentrates. To view the ordinances, visit www.cml.org or to request copies, contact CML Staff Attorney Rachel Allen at rallen@cml.org, 303-831-6411, or 866-578-0936.

Marijuana edibles

Edibles can pose a greater risk for over consumption because the digestion of marijuana causes a delayed onset of the effects, and confusing packaging may lead to people not knowing

exactly how much THC they are actually ingesting. There has also been significant concern over the intentional or accidental ingestion of infused products by minors. As required by HB 14-1366, which was supported by CML, the Marijuana Enforcement Division recently promulgated new rules relating to the labeling and packaging of marijuana edibles as part of an overall update to the rules governing licensed retailers. The new rules and expanded testing requirements will normalize the amount and consistency of marijuana found in any edible to ensure that a single serving size has no more than 10 milligrams of active THC, the intoxicating chemical in marijuana. Each serving size will be either individually wrapped or easy to determine one serving within a larger edible product by perforation or other marking. The serving size rule is meant to ensure more safe consumption of edible marijuana. These rules are available at www.colorado.gov/pacific/enforcement/laws-constitution-statutes-and-regulations-marijuana-enforcement.

Working groups continue to address additional packaging and labeling requirements for marijuana edibles.

Marijuana in the workplace

For the time being, employers may continue to enforce their drug-free workplace policy despite the state's legalization of medical and recreational marijuana. Marijuana in the workplace is only an issue for medical marijuana because Amendment 64, which legalized adult use of marijuana, explicitly allows for employers to restrict marijuana use by employees by prohibiting use of recreational marijuana whether the employee is on or off-duty. Colo. Const. Art. XVIII, § 16 (6)(a). The prohibition of *medical* marijuana use by employees is pending review by the Colorado Supreme Court in the *Coats v. Dish Network* case. There likely will be more clarity once that case is decided, but the employer prevailed in the lower courts. As a result of the Court of Appeals holding from April 2013, Colorado employers may discipline employees for off-duty marijuana use without having to prove on-the-job

impairment. CML will update municipal members on the status of medical marijuana in the workplace once the Colorado Supreme Court issues a decision in the *Coats* case.

Of course, the outcome in the *Coats* case will not change the law as applied to commercial driver licensed employees or employees who operate heavy machinery in the course of their employment. Employees who are under the influence of marijuana or using marijuana in the workplace may be disciplined by his/her employer.

State marijuana revenues

The state is grappling with the TABOR implication for marijuana revenues. The state marijuana revenues are subject to the Taxpayer's Bill of Rights (TABOR), and the current revenue forecast requires that lawmakers will likely have to take some action. The total fiscal year revenue that was estimated at the time voters approved Proposition AA was lower than the actual revenue. This may result in an estimated TABOR refund of all the special sales tax revenue² in the current and future fiscal years barring voter approval to retain it. In the current fiscal year FY 2014–2015, all of the \$30.5 million estimated to be collected would have to be returned.

Resources

Department of Revenue Marijuana Enforcement Division provides state licensure. For more information, contact 303-205-8421 or visit www.colorado.gov/pacific/enforcement/marijuanaenforcement.

Colorado Department of Public Health and Environment oversees the registration of medical marijuana patients and caregivers. For more information, contact 303-692-2184, medical.marijuana@state.co.us, or visit www.colorado.gov/pacific/cdphe/medicalmarijuana.

² In November 2013, Colorado voters approved Proposition AA, which allowed a 10 percent retail sales tax and a 15 percent excise tax on recreational marijuana.

The Facts about Marijuana

Although marijuana may be helpful in limited medical conditions, more facts exist regarding the harmful health effects. Marijuana is not safe—for any age. Regular use of marijuana increases the risk of heart, lung, and mental health problems. The typical marijuana plant contains more than 400 chemicals, including about 60 of which can interact with the body's nervous system—many which are similar to those found in cigarette smoke in addition to potential exposure to mold, insecticides and bacteria because Colorado does not require product to be tested for contaminants.

The earlier in life a person starts using marijuana, the more likely the person will become addicted. About 17% of users between the ages of 13-25 will become addicted and about 17% of all people that enter publicly-funded rehab programs (support by your tax dollars) are marijuana users. Evidence-based medicine has shown that regular marijuana—1-2 times per week—is linked to social problems, learning and memory problems, and falling IQ scores. Furthermore, the developmental delays and diminished IQ do not go away after marijuana use has stopped. Marijuana has also been linked to mental illness including psychosis, schizophrenia and increased occurrence of depression, anxiety, suicidal thoughts, and personality disturbances.

Marijuana smokers are 4.8 times more likely to have a heart attack. People who smoke marijuana frequently, but not tobacco, have more respiratory health problems and miss more days of work than nonsmokers. Lung tissue from regular marijuana users have shown signs of pre-cancerous changes—as well as having many of the same problems of tobacco smokers like a daily cough, mucus, more chest colds, and lung infections. Second-hand smoke from marijuana is also linked to lung cancer, lung irritation, asthma attacks, and increased susceptibility to respiratory infections.

There is NO safe amount of marijuana use during pregnancy. THC—the chemical in marijuana that makes a person “high”—can pass through the placenta of the mother to the unborn child. Children exposed to THC during pregnancy have premature birth, miscarriage, low-birth weight and certain birth defects and symptoms similar to fetal alcohol syndrome including mental retardation.

Amendment 64 passed in Colorado does legalize the personal use of marijuana—but it is illegal for use to anyone under the age of 21 and is NEVER safe around children who are at highest risk for poisonings, developmental retardations, and long-term health effects. Pay attention for upcoming public meetings in our community regarding potential retail distribution decisions in Mineral County.

Press Release



Rocky Mountain High Intensity Drug Trafficking Area (RMHIDTA)

Contact:

RMHIDTA Director:
Tom Gorman
tgorman@rmhidta.org
303-671-2180

RMHIDTA Analyst:
Kevin Wong
kwong@rmhidta.org
303-671-2180

DENVER -- Setting the Record Straight on Marijuana “Spin Doctors”

Crime in Denver

Spin: Drug Policy Alliance’s recent *Status Report: Marijuana Legalization in Colorado After One Year of Retail Sales [2014] and Two Years of Decriminalization [2013]*” claims: “Since the first retail marijuana stores opened on January 1st, 2014, the state of Colorado has benefitted from a decrease in crime rates...” The report then cites some crime categories in the City of Denver.

Truth: According to Denver Police Department’s National Incident Based Reporting System (NIBRS), total reported crimes for all categories, not just the few selected by the Drug Policy Alliance, shows an overall increase of 8.6 percent from 2012 through 2013, the first year recreational marijuana was legalized. The increase continued through 2014 with a 2.5 percent increase from 2013.

Denver Police Department Reported Crimes

2012	2013	2014
44,338	48,153	49,365

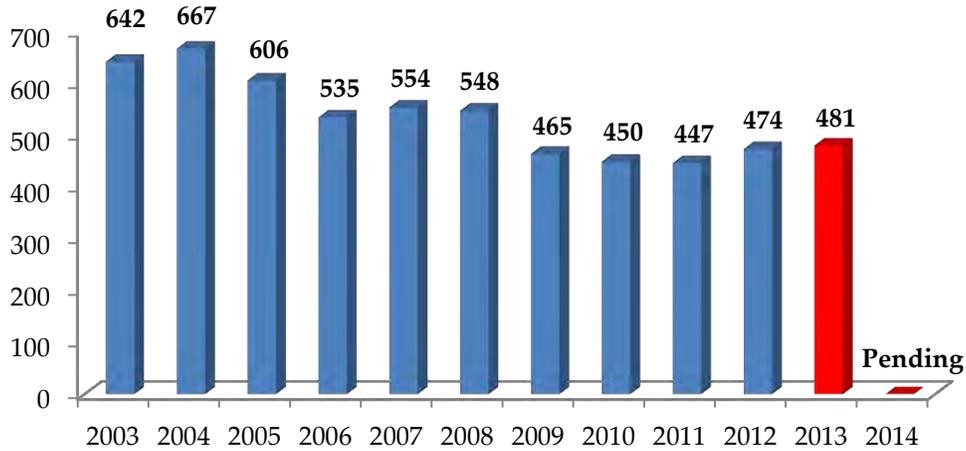
NOTE: There are a variety of reasons that reported crimes increase from year-to-year for which marijuana use may contribute; however, causation is difficult to substantiate.

Traffic Fatalities

Spin: The same Drug Policy Alliance’s *Status Report: Marijuana Legalization in Colorado After One Year of Retail Sales [2014] and Two Years of Decriminalization [2013]*” claims: “The decline in fatalities in 2014 marks a continuation of a 12-year long downward trend in traffic fatalities in the state of Colorado.”

Truth: According to the National Highway Transportation Safety Administration (NHTSA) Fatality Analysis Reporting System (FARS) with information provided by the Colorado Department of Transportation (CDOT): The past 12 years have not shown a consecutive year to year decrease. In fact, the data shows four separate years where the number of fatalities increased including 2013, the first year recreational marijuana was legalized. The 2014 data is still in the process of being finalized by CDOT.

2003-2014 Fatalities



NOTE: There are several factors contributing to the number of fatalities that may or may not involve impaired drivers under the influence of marijuana. These factors include miles driven, weather, number of drivers under the influence, safety of vehicles, road conditions, etc.

BOTTOM LINE

The public has a right to accurate, factually-presented information without the “spin” used by some advocates.

###

From: Jim2154@aol.com
To: clerk@creedetownhall.com
Subject: Parental neglect/endangerment of children and pot use
Date: Monday, February 02, 2015 3:16:32 PM

Randy,

Child neglect/endangerment, often resulting in death, where marijuana use was implicated.

Jim Otton
Lakewood, Colorado

Sent: 9/17/2014 3:47:07 P.M. Mountain Standard Time
Subj: Parental neglect/endangerment of children and pot use

City council members and concerned citizens,

Another disturbing aspect of pot use. This probably has been going on for quite a while prior to legalization/commercialization in Colorado, but it seems likely to increase with the greater availability of pot. Nowadays, everytime I hear about a hit-and-run, a home fire or explosion, any event where negligence may be involved, I wonder if drugs, specifically marijuana, are involved.

Jim Otton
VOTE FOR 2A
Lakewood, Colorado

In the article below, I have removed the photos.

Posted by Parents Opposed to Pot

[Negligent Parents Let Three Children Die in Colorado](#)

Posted: 15 Sep 2014 09:34 PM PDT

(Part one of two articles on Marijuana and Child Abuse/Neglect) There was much discussion over summer about children left in hot cars, but what about the first two children who died from an overheated car after Coloradans voted to legalize marijuana?

Why didn't we hear about the tragic death of Levi Welton in January of this year? Maybe the Press suppressed the story, while emphasizing that commercial marijuana stores were opening in the state at that time.

On November 27, 2012, three weeks after Coloradans voted to legalize marijuana, Heather Jensen, 24, kept her two-year old and four-year old sons in the car seats of an SUV, while she smoked marijuana and had sex in her boyfriend's truck. She left the ignition on and turned the heater up so the boys wouldn't freeze. When she returned 90 minutes later, the younger boy wasn't breathing. The older boy died in the hospital a week later. [Jensen](#) had lost her husband, Eric, in a car accident six weeks earlier. She has been sentenced to serve 10 years in prison.

Another Child Dies from Neglect

On January 13, 2014, two-year old Levi Welton died in a fire. He and his four-year old brother

had been left in a room alone, where the fire started. Little Levi went into the closet to escape the flames. The parents, aged 27 and 33, were smoking pot in another room with friends. They survived, along with the older son. Julia and Christopher Welton have been [charged](#) with negligent child abuse causing death. Logan County officials had investigated the parents previously for neglect. Both boys had tested positive for THC, although the mother insisted she did not smoke pot around her sons. A family friend who took custody of the surviving boy told a reporter that the county should have done more to take the children out of the home prior to the fire.

Two-year old Levi Welton hid from the fire in a closet, while his parents smoked pot, in Sterling, CO. His four-year old brother survived.

Three children died in Colorado within 14 months, while the parents' indulged in a marijuana. The [Colorado Alliance for Drug-Endangered Children](#) (CoDEC, affiliated with national DEC) has been working for stronger child protection laws. On April 1, 2014, Senators Linda Newell and Andy Kerr introduced two Senate bills to strengthen protections for children whose parents' drug usage, manufacture or cultivation put them in harms' way. The bills didn't pass. [Newell](#) believes the bills were misconstrued by critics and that the outcome was undermined by interests of the pot industry and politics. Drug Policy Alliance had written a [letter](#) to the Denver Post suggesting it was unfair to marijuana users.

Marijuana and Child Neglect

"Don't blame marijuana, blame the state." some marijuana activists exclaim. Others say, "Bad parents will be bad parents, and marijuana has nothing to do with it."

Parents Opposed to Pot blames the aggressive advocacy to legitimize marijuana for killing these three children. Those who praise cannabis refuse to see the irresponsible behaviors and outright neglect could have anything to do with marijuana. No one defends alcohol in the same way. These parents loved their children. With addiction, the object of addiction becomes more important than loved ones. We need to stop minimizing these incidents, because they're also happening in states without legalized marijuana.

On May 22, in Lakeland, Florida, an abandoned three-year old knocked on the door of his mother's house for an hour, crying, before the neighbors discovered him. The [mother and her boyfriend](#) had been smoking pot and doing whip-its all morning and then went into the bedroom to nap. Neither one of them had been supervising the boy who had gotten outside other times, even though they lived on a busy street. They told deputies that "marijuana should be legal anyways" and gave that as the reason they smoke pot all the time.

Tyler and William Jensen were happy-go-lucky boys before their death at ages 2 and 4. Negligence and impaired judgment from marijuana is to blame. Photo original from Facebook.

At least one of the children who died in a hot car this summer was a victim of a marijuana. On July 24, Seth Jackson, the foster father, went to see his marijuana dealer in Wichita and left the 10-month girl in the sweltering heat while he got high. He came out two hours later, and she was dead. [He and his partner](#) had been foster parents previously, without known issues.

Why Marijuana and Parenting Don't Mix

It's typical for pot smokers to not realize the lapse of time. Marijuana smokers lose a sense of time, and they become forgetful. Ideally, parents would never leave an infant or toddler for any period of time. Sober parents, with normal functioning, would rush back to their children before the heat or cold could do harm.

It's possible to sympathize with Heather Jensen for losing her husband, but her coping mechanisms are unacceptable. The three parents living in Colorado – a state with medical marijuana since 2000 – probably grew up learning to use marijuana as their crutch to escape the challenges and pains of life. If a recreational user starts additionally using for [anxiety](#), the anxiety is likely to become worse than it ever may have been had the user not started. Lady Gaga explains the vicious cycle in her [video](#).

Furthermore, those who begin using any addictive substance before age 21 are more likely to become addicted. These people may have grown up to be decent parents had they not begun using marijuana. Though many people begin drugs because they come from tough or abusive situations, it's not necessarily the case. Where marijuana is legal or when people learn to use pot (or alcohol or prescription drugs) to medicate problems, they don't learn healthy ways to get through the troubled times.

Another factor that could play into the impaired judgment of Seth Jackson, Heather Jensen, Julia Welton and Christopher Welton was the length of time they had been using marijuana. None were teens and the youngest was 24. If they had begun smoking marijuana as teens, the part of the brain that deals with executive function could have become very impaired. The bad judgment, escapism and laziness could continue even when they aren't smoking pot. Consistent pot smoking from teenage years into adulthood can prevent the normal process of growing into maturity. Recent studies give evidence to these [changes in the brain](#) structure.

Last year a 24-year old mother in Centralia, WA, let her toddler son smoke from a bong, as friends laughed and encouraged it. A cell phone photo surfaced and she was arrested.

Pregnancy, Breast Feeding and Daycare

The use of marijuana is inappropriate because of the constant alertness needed for child care. Plus, it messes with short-term memory. Users don't always realize they're impaired.

Tobacco smoking leads to health concerns and addiction, but it doesn't impair the mind. Second hand smoke is bad for children, and many smoking parents make an effort not to do it with children around. Many women quit when they become pregnant. Today there are moms who insist on smoking marijuana while pregnant, and even when they're [breast feeding](#).

The neighbor of a home daycare provider in Oregon reported she had seen the owner's daughter outside smoking with a bong in front of the children. Both [the owner and her daughter](#) were medical marijuana cardholders. The state investigated. In August, a [state board](#) told owners of four Oregon home-based day care centers will have to give up their medical marijuana cards or lose their licenses to care for children.

We know marijuana often brings about impaired judgment, forgetfulness and carelessness. One 19-year old Arizona [mother](#), who had smoked marijuana, drove off with her infant in a car seat, on the roof of the car. Casey Anthony was a big party girl, but according to one of her [friends](#), marijuana was her drug of choice. Without casting guilt on Amanda Knox, certainly heavy use of marijuana as a teen stunted her maturity and ability to function as a rational 19-year old in Italy.

Although not all child endangerment is necessarily caused by marijuana, alcohol or drugs, the estimates are around 80%. The problems of marijuana have specific relevance to judgment of time, memory and alertness. They are not quite the same as with other substances. Many tragedies can be avoided IF WE DON'T NORMALIZE MARIJUANA and make it legitimate for adults.

Marijuana Moms of Beverly Hills made big news last year when they declared that cannabis made them better moms, because it cut down on their anxiety. It's a [publicity stunt](#) set up to promote the industry and bring Cheryl Shuman, the founder, fame. If you have children and love them, or if you care for children, please don't indulge and don't spread the baloney that marijuana is safer than alcohol.

From: [Jim Otton](#)
To: [Me Otton](#)
Subject: Senate Judiciary Chairman: State Laws Legalizing Marijuana Are Unconstitutional
Date: Tuesday, February 03, 2015 9:01:50 AM

Concerned citizens and elected officials,

After the previous email regarding testimony of Ms. Lynch, the U.S. AG nominee, on marijuana, below are further statements at the Federal level about marijuana laws and their enforcement.

I personally don't see much difference between non-enforcement of Federal drug laws in states and full legalization and commercialization in the states.

With respect to whether the "voters have spoken" on the issue as cited by the President and continually by the industry, most citizens voted in November of 2012 through the fog of millions of dollars spent by the industry with essentially no opposition and little understanding of all the implications. In Colorado, recent polling shows declining support for legalized mj to nearly 50-50 and **citizens in 14 Colorado cities voted to block retail sales of marijuana this past November.**

Jim Otton
Member
Colorado SAM Coalition (Smart Approaches to Marijuana)
Lakewood, Colorado

CNSnews.com

Judiciary Chairman: State Laws Legalizing Marijuana Are Unconstitutional

January 28, 2015 - 5:25 PM

By [Terence P. Jeffrey](#)

(CNSNews.com) - Senate Judiciary Chairman Chuck Grassley (R.-Iowa) said in a floor speech Tuesday that state laws legalizing marijuana are unconstitutional and that the Obama administration's decision not to enforce the federal law banning marijuana in states that have legalized the drug is an abuse of prosecutorial discretion.

Colorado, Washington, Oregon, Alaska and the District of Columbia have all passed initiatives over the past three years legalizing marijuana use.

Marijuana, however, is banned nationwide by the federal Controlled Substances Act, which lists it as a Schedule 1 narcotic.

“The Controlled Substances Act prohibits marijuana possession nationwide,” said Grassley. “Under the Supremacy Clause of the Constitution, state laws to the contrary are unconstitutional.

“Normally the federal government sues states that enact such laws,” said Grassley. “But when Colorado and other states legalized marijuana, the Obama administration directed federal law enforcement to refrain from using its resources to enforce federal law in those states.”

“It did not make individualized prosecutorial decisions but a very blanket refusal to enforce federal law, contrary to the oath,” said Grassley.

Because the administration has refused to enforce federal law, Grassley said, two states have been forced to ask the Supreme Court to protect them from the fallout within their own territories of Colorado’s marijuana legalization.

“Nebraska and Oklahoma, rather than the federal government, have sued Colorado, as those neighboring states argue they face a significant increase in marijuana and other drug-related harms as a result of the Colorado law,” said Grassley.

“To make matters worse, Attorney General Holder is expanding his refusal to apply federal marijuana laws to Indian reservations,” said Grassley. “Those reservations depend upon Federal law enforcement. He plans to allow tribes to petition unelected local prosecutors to decide whether the same non-enforcement of marijuana laws’ policy will apply to those reservations.”

Grassley argued that the Obama administration would not act this way if federal gun laws were at stake.

“Does anyone believe if a state decided dealers could sell guns without conducting the federally required background checks, that the Obama administration would ignore those states?” said Grassley.

In December 2012, President Obama said he did not think it made sense to enforce the federal marijuana ban against “recreational drug users.”

Barbara Walters of ABC News asked him: “Do you think that marijuana should be legalized?”

“I wouldn't go that far,” Obama said. “But what I think is that, at this point, Washington and Colorado, you've seen the voters speak on this issue. And as it is, you know, the federal government has a lot to do when it comes to criminal prosecutions. It does

not make sense from a prioritization point of view for us to focus on recreational drug users in a state that has already said that under state law, that's legal.”

In a brief filed with the Supreme Court last month, Nebraska and Oklahoma asked the court to take up their case, arguing that government officials in Colorado were violating the federal Controlled Substances Act in implementing Colorado's Amendment 64 that legalized marijuana.

“The Supremacy Clause of the Constitution mandates that ‘[t]his Constitution, and the Laws of the United States which shall be made in Pursuance thereof . . . shall be the supreme Law of the Land . . . any Thing in the Constitution or Laws of any State to the Contrary notwithstanding,’” Nebraska and Oklahoma said in their brief.

“The Constitution affords the federal government the power to “regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes,” Nebraska and Oklahoma said. “As such, the federal government has broad authority to regulate the status of drugs within the boundaries of the United States.”

“The U.S. Congress has exercised its authority to do so,” said Nebraska and Oklahoma. “The CSA, enacted in 1970 as part of the Comprehensive Drug Abuse Prevention and Control is a lengthy and detailed statute creating a comprehensive framework for regulating the production, distribution, and possession of five classes of ‘controlled substances.’

“Marijuana was classified by Congress as a Schedule I drug,” said Nebraska and Oklahoma. “Marijuana is therefore subject to the *most* severe restrictions contained within the CSA.”

“Colorado state and local officials who are now required by Amendment 64 to support the establishment and maintenance of a commercialized marijuana industry in Colorado are violating the CSA,” said Nebraska and Oklahoma.

“The retail marijuana laws embed state and local government actors with private actors in a state-sanctioned and state-supervised industry which is intended to, and does, cultivate, package, and distribute marijuana for commercial and private possession and use in violation of the CSA (and therefore in direct contravention of clearly stated Congressional intent),” they said.

Dear Creede City Trustees,

With short notice on your meeting this evening, I submit a strong recommendation against allowing recreational marijuana shops in the city of Creede.

I will write more later on this, but I care deeply about Creede and its future. Four generations of our family have vacationed at a nearby ranch for 40 years. I subscribe to the Mineral County Miner and follow your news and events, and I support the CRT.

Allowing marijuana into Creede is inviting scourge of outside interests that will try to dominate and will be hard to get rid of.

Today's Denver Post's lead article, "Pot Promises Vaporize," is true in more ways than one. It concerns my city, Wheat Ridge, which, unfortunately, allowed recreational marijuana in over a year ago with little fanfare. We are now stuck with five outlets (stores and grow facilities - which are limited to 5000 square feet and must be adjacent to the retail part. Our neighbors, Lakewood, Golden, and Arvada do not allow it. Therefore we get the pot smokers and pot tourists on our streets.

This lead article concerns a man who is suing Wheat Ridge City for \$700,000 because he says he was led to believe he could get a marijuana retail store and that Wheat Ridge officials promised him no problem. Then just last week, our City Council voted to cap all marijuana outlets as is, meaning he won't get the shop he had hoped for.

Then on page 6A and 13A articles tell of the State Department of Public Health and Environment's report on the harmful physical and mental effects of marijuana. On page 13 is a commentary article on how Colorado is using its children as "lab rats," since marijuana is proliferating.

Creede should not go down this road. I like the Creede you all have maintained over the years – unspoiled, tasteful, charming. Don't let this change.

Contact the group, "Parents for a Healthy Colorado," at info@parents4cokids.com to learn of the hazards for children.

With this invasion of the marijuana industry, a depraved element will come in and flourish if legally sanctioned. It is a money trap to avoid.

Sincerely,

Barbara Leichty St. John
3480 Everett Street,
Wheat Ridge, CO 80033

303-771-8428

Denver school pot arrests jump after recreational stores open

Arrests for pot-related incidents spiked nearly 40 percent at Denver Public Schools following the opening of recreational marijuana stores in January.

There were 154 marijuana arrests during the 2013-2014 school year, which included the opening of recreational pot stores on Jan. 1. During the previous school year there were 111 arrests, according to data obtained by CPR from the Denver Police Department.

Arrests are concentrated in the city's high schools, with 67 in the 2013-2014 school year. North, East, and West High Schools dominated the arrest numbers.

Denver is the unofficial capital of the marijuana industry. About 100 recreational stores are open in the city, with a few dozen more scattered around the state.

Calls for comment to many the principals were not returned. Denver Public Schools did, however, release a statement.

"Denver Public Schools is very concerned about the apparent increase in marijuana use by students," the statement said, adding that there are education, intervention, and counseling services available to students. "Those efforts were recently expanded at the middle school level through the hiring of a substance abuse prevention supervisor."

Middle school marijuana arrests doubled, from 17 in the 2012-2013 school year to 34 in 2013-2014. Henry Middle School has by far the most arrests, three times the next closest middle school.

There were five arrests last school year at DPS elementary schools.

Rec'd from G. Alexander 2/3/15

To the Mayor and Trustees of Creede, Colorado,

We the people of Creede, Colorado and Mineral County, Colorado DO NOT WANT
RETAIL MARIJANA in any form in our town or county.

Name	physical address	mailing address
1 Debbie Whitmore	[REDACTED]	Creede
2 Charlotte Benoit	[REDACTED]	Creede CO 81130
3 Mary Smith	[REDACTED]	Creede CO 81130
4 Shelly Warrington	[REDACTED]	Creede CO 81130
5 Elizabeth Curry	[REDACTED]	Creede CO 81130
6 Robert Nasseffs Jr	[REDACTED]	Creede CO
7 Duane [unclear]	[REDACTED]	Creede CO 81130
8 Jennette Huet	[REDACTED]	Creede CO 81130
9 Paul HURT	[REDACTED]	Creede CO 81130
10 Bud Smith	[REDACTED]	Creede CO 81130
11 Andrew Mazino	[REDACTED]	81130
12 Dana Bink	[REDACTED]	81130
13. Harry Brunt 4	[REDACTED]	Creede 81130
14 Vicki Vinyard	[REDACTED]	Creede
15. Charles Amel	[REDACTED]	Creede
16. Chuck [unclear]	[REDACTED]	Creede
17. Bob [unclear]	[REDACTED]	Creede
18 Kristen G. Osborn	[REDACTED]	Alamosa 81101
19 Duval R. Osborn	[REDACTED]	Alamosa 81101
20. Melinda Bradshaw	[REDACTED]	South Fork 81154
21. SALLY [unclear]	[REDACTED]	Creede
22. Mark [unclear]	[REDACTED]	Creede 81130
23. [unclear]	[REDACTED]	Creede CO 81130
24. Judith [unclear]	[REDACTED]	Creede 81130
25. [unclear]	[REDACTED]	Creede, CO 81130
26. [unclear]	[REDACTED]	Alamosa, CO 81101

44

To the Mayor and Trustees of Creede, Colorado,

We the people of Creede, Colorado and Mineral County, Colorado DO NOT WANT
RETAIL MARIJANA in any form in our town or county.

Name	physical address	mailing address
27. David Gallegos	[REDACTED]	Alamosa, CO 81101
28. Jeffrey Larson	[REDACTED]	Creede, CO 81130
29. JOHN VITOPIK	[REDACTED]	CREEDE, CO. 81130
30. LINDA + LARRY W	[REDACTED]	W.D.R. CREEDE CO 81130
31. Ed + Elizabeth Wheatle	[REDACTED]	Creede CO 81130
32. Carla Branda 28977	[REDACTED]	(same)
33. Allie Hawthorne	[REDACTED]	Creede 81130
34. Jenny Vanky	[REDACTED]	Creede, CO 81130
35. Lucy Hardreaves	[REDACTED]	Creede CO 81130
(Chloe) 36. Delfenia P Noel	[REDACTED]	Creede CO 81130
37. Malcolm M Reed	[REDACTED]	Creede CO 81130
38. Lane Downing	[REDACTED]	Creede CO 81130
39. Milton C Schmidt	[REDACTED]	Creede 81130
40. Betty Schmidt	[REDACTED]	Creede 81130
41. Richard Salme	[REDACTED]	Rd. Creede
42. Sharon Bateman	[REDACTED]	Rd. Creede
43. Kenneth Taylor	[REDACTED]	Creede CO
44. Phyllis Walker	[REDACTED]	Rd Creede CO
45. Carol R. Pierce	[REDACTED]	Creede, CO
46. Bob Hume	[REDACTED]	Creede CO
47. Rosemary Nall	[REDACTED]	Rd Creede CO
48. Marilyn Skint	[REDACTED]	Creede, CO 81130
49. Aolyn B. W. Day	[REDACTED]	Creede, CO 81130
50. Kevin West Jr	[REDACTED]	St Creede CO 81130
51. Stella J. Taylor	[REDACTED]	St " " "
52. Paula Reagan	[REDACTED]	Creede CO 81130

To the Mayor and Trustees of Creede, Colorado,

We the people of Creede, Colorado and Mineral County, Colorado DO NOT WANT
RETAIL MARIJUANA in any form in our town or county.

Name	physical address	mailing address
53 Jack Kurtz		Same Creede
54 Ron Sanders		Creede
55 Tina Williamson		Creede
56 Ken Williamson		"
57 Paul Lakerman		"
58 Judy Homeyer		Creede
59 J. B. First		Same Creede
60 Betty Jackson		"
61 James Jones		Creede, Co.
62 Carol Clines		Creede Co
63 Bob Hennegoff		Creede Co.
64 Ken Leggett		CREEDE CO
65 Wendy Leggett		Creede
66 JETH SPARKS		CREEDE
67 Kacie Sparks		Creede
68 Sylvia Quint		Creede
69 Lyndal G. Chapman		Creede Co.
70 Bob Hanky		CREED, Co
71 Ana Beckley		Creede Co
72 David Beckley		Creede, Co.
73 Bob Summers		✓
74 Becky Umuh		Creede Co
75 Dune York		Creede, CO
76 Daryl Mills		Creede, CO
77 Stephanie Heste		Creede, CO

To the Mayor and Trustees of Creede, Colorado,

We the people of Creede, Colorado and Mineral County, Colorado DO NOT WANT
RETAIL MARIJANA in any form in our town or county.

Name	physical address	mailing address
78 James Ematach	[REDACTED]	co 81130 - Same
79 Kathy Cruise	[REDACTED]	[REDACTED] Creede, Co 81130
80 Julie Dwyer	[REDACTED]	Same
81 Maria Clark	[REDACTED]	Same
82 [REDACTED]	[REDACTED]	Creede, CO 81130
83 Victoria Lynn [REDACTED]	[REDACTED]	Creede, CO 81130
84 Mary [REDACTED]	[REDACTED]	Creede, CO 81130
85 Shelley Riggs	[REDACTED]	Creede, CO 81130
86 Cassidy & Mantous	[REDACTED]	1130 PO BOX [REDACTED]
87 Dawn Keniper	[REDACTED]	Creede, CO 81130
88 Phyllis Hervey	[REDACTED]	Creede, CO 81130
89 JAM THOMPSON	[REDACTED]	Creede, CO 81130
90 John Thompson	[REDACTED]	" "
91 Catherine [REDACTED]	[REDACTED]	Creede CO 81130
92 E. Wagon	[REDACTED]	CREEDE CO 81130
93 CINDA WAGNER	[REDACTED]	CREEDE CO 81130
94 Bob + Annette [REDACTED]	[REDACTED]	Bright Head Area Creede
95 [REDACTED]	[REDACTED]	Creede, CO 81130
96 Barbara [REDACTED]	[REDACTED]	Creede, CO 81130
97 [REDACTED]	[REDACTED]	Creede, CO 81130
98 Wanda Brandt	[REDACTED]	Creede, CO 81130
99 Rick Brandt	[REDACTED]	" "
100 [REDACTED]	[REDACTED]	" "
101 [REDACTED]	[REDACTED]	Creede, CO
102 [REDACTED]	[REDACTED]	Creede, CO
103 [REDACTED]	[REDACTED]	Creede, CO

To the Mayor and Trustees of Creede, Colorado,

We the people of Creede, Colorado and Mineral County, Colorado DO NOT WANT
RETAIL MARIJANA in any form in our town or county.

Name	physical address	mailing address
104 James Van Ry		Creede
105 Tom Lewis		
106 BF NEFF		
107 Nick LENZINI		
108 Monica Jones		
109 Ruth Whisman		
110 Stan Whisman		
111 Chris Snell		
112 Jenna Brown		
113 Ricky Brown		
114 Kim Fairchild		
115 Wm Kelly		
116 Jesse Reed		Creede Co
117 Mike Warrick		AR [Redacted] 6
118 Kathy Gering		PO Box 310
119 Bud Reed		Creede Co.
120 Mandy Sanchez		Creede CO
121 Kevin Mc Donald		Creede, Co
122 Judy K Christ	[Redacted] Creede	
123. Elaine Singer	20 Creede Co 81130	
124. Pat Meris	1 Creede 81130	
125. Nana Leggett	Creede Co 81130	
126 Phil Leggett	CREEDE color 8.130	
127 Josselyn Stuebke	ok 11	
128 Kay FEF	1 Creede Co	

To the Mayor and Trustees of Creede, Colorado,

We the people of Creede, Colorado and Mineral County, Colorado DO NOT WANT
RETAIL MARIJANA in any form in our town or county.

	Name	mailing address
129.	Hap Christensen	P.O. Box
130	DeAnna Lowe	PO Box
131	Yanis Powell	Box
132	Deanna	
133.	J.C. Banks	P.O. Box
134.	Sharon Woodard	
135.	Ursula	
136	Kaye Burns	Creede Co
137	Dean Burns	Creede, CO-
138	Melvin F. Blair	Creede, CO
139	Holly Wilson	Creede, CO
140	Rebecca Serrano	Creede, CO
141	Anna Hadden	Creede, CO 81130
142	Calvin S. Jr.	Creede, CO 81130
143	Anna Chaffey	Creede, CO 81130
144	Rosie Chadwell	"
145	Arthur Chantors	
146	Jimmy L. Crut	
147	Donald L. Cook	South Fork Co
148	Jannette Cochran	South Fork Co
149	Jayce Peters	South Fork
150	Marion Cook	South Fork
151	Concha Ann	" "
152	Ray J. Bull	Creede, CO 81130
153	M.C. Stewart	Creede " "
154	James H. Peterson	Creede

To the Mayor and Trustees of Creede, Colorado,

We the people of Creede, Colorado and Mineral County, Colorado DO NOT WANT
RETAIL MARIJANA in any form in our town or county.

	Name	physical address	mailing address
155	Mitch [unclear]	[REDACTED]	CREEDE CO, 81130 (SAME)
156	Mary Lou Scott	[REDACTED]	Creede, Co 81130
157	F B Bant	[REDACTED]	CREEDE CO 81130
158	Becky Walsh	[REDACTED]	Creede Co 81130
159	David Bradshaw	[REDACTED]	South Fork, CO 81154
160	Ben Sanknik	[REDACTED]	Creede
161	Dea Wiley	[REDACTED]	Creede, CO 81130
162	Frank R. [unclear]	[REDACTED]	WVA Estates Creede
163	Arvonne J. M	[REDACTED]	Dr. Creede, CO 81130
164	Nancy Black	[REDACTED]	Creede, CO 81130
165	Shemie Demuth	[REDACTED]	Creede Co 81130
166	Kelly Martenson	[REDACTED]	Creede CO 81130
167	Lisa R Birney	[REDACTED]	Creede Co 81130
168	Elane Martenson	[REDACTED]	Creede Co 81130
169	Mrs Tom Campbell	[REDACTED]	Creede Co 81130
170	Janis [unclear]	[REDACTED]	St Creede, CO 81130
171	Donna Beckus	[REDACTED]	South Fork, CO 81154
172	Alba Kemper	[REDACTED]	Creede, CO, 81130
173	Ron Kemper	[REDACTED]	CREEDE, CO, 81130
174	Roy DeSage	[REDACTED]	Creede Co. 81130
175	Janey J. Lary	[REDACTED]	Creede, CO 81130
176	Theresa K. Wa	[REDACTED]	Creede, CO 81130
177	Rose Odom	[REDACTED]	Creede 81130
178	Shirley [unclear]	[REDACTED]	Creede, CO 81130
179	Mary L Rich	[REDACTED]	Creede Co 81130
180	Marie [unclear]	[REDACTED]	Creede Co

To the Mayor and Trustees of Creede, Colorado,

We the people of Creede, Colorado and Mineral County, Colorado DO NOT WANT
RETAIL MARIJANA in any form in our town or county.

Name	physical address	mailing address
181	Sherry Drews	Creede, Co.
182	Bill McQueen	Creede, Co.
183	Carl Hill	Creede, Co.
184	Jo Ann Hall	Creede, Co.
185	James Hill	Head Road Creede CO
186	Norma McChesney	Head Road, Creede, CO
187	June Suddeth	Pistol Head, Creede, CO
188	Robert Long	Creede, Co.
189	Forrest W.	Creede Co.
190	John Vand	Creede, Co.
191	John Thompson	Creede, CO
192	Bill Ellis	Creede
193	Doug Jackson	Creede
194	Ken Hill	Creede, CO
195	Christy Cochran	Creede, CO
196	Terry Smith	Creede, Co.
197	Marty Steen	Creede, Co.
198	Royce Banks	EK R.D. Creede, CO.
199	John Huston	CREEDE CO
200	Henry Bas	Creede, Co
201	Stan Kent	Creede Co
202	Kay Carne	Creede Co
203	James Hill	near Hill Pt Creede, CO
204	John Welf	Creede
205	W.D. Brown	Creede CO

To the Mayor and Trustees of Creede, Colorado,

We the people of Creede, Colorado and Mineral County, Colorado DO NOT WANT
RETAIL MARIJANA in any form in our town or county.

Name physical address mailing address

Address	Name	physical address	mailing address
206	Theresa Adelman	[REDACTED]	[REDACTED]
207	Dan Chapman	[REDACTED]	[REDACTED]
208	Eva Jane Morton	[REDACTED]	[REDACTED]
209	Rudd & West	[REDACTED]	[REDACTED]
210	[REDACTED]	[REDACTED]	[REDACTED]
211	Dr. Kirk	[REDACTED]	Creede
212	Central House	[REDACTED]	Creede
213	Roddy Minkley	[REDACTED]	Creede
214	Sandy Krall	[REDACTED]	Creede Co 81130
215	Henry Matthews	[REDACTED]	Creede Co
216	Jessie Young	[REDACTED]	Creede
217	Lee Strick	[REDACTED]	Creede
218	Edward J Strick	[REDACTED]	Creede Co 81130
219	Vickie Smith	[REDACTED]	Creede
220	WK Smith	[REDACTED]	3 Creede
221	Ann Krigger	[REDACTED]	Same
222	Marie Celino	[REDACTED]	Same Creede
223	John B. Secora	[REDACTED]	P.O. Box 582 Creede
224	Nancy Blair	[REDACTED]	Creede
225	Tamara Hossel	[REDACTED]	Creede
226	Sobby Dunn	[REDACTED]	Creede Co
227	Chadwick Poole	[REDACTED]	281 Creede Co
228	Shirley Pope	[REDACTED]	281 Creede Co.
229	Bill Newton	[REDACTED]	Creede Co.
230	Bobell Anderson	[REDACTED]	Creede Co.
231	Katie Roney	[REDACTED]	Creede, CO

To the Mayor and Trustees of Creede, Colorado,

We the people of Creede, Colorado and Mineral County, Colorado DO NOT WANT
RETAIL MARIJANA in any form in our town or county.

	Name	physical address	mailing address
232	KEITH CARTWRIGHT	[REDACTED]	81130
233	Nancy Franklin	[REDACTED]	81130
234	Jeanne Cartwright	[REDACTED]	81130
235	LARRY FRANKLIN	[REDACTED]	81130
236	Brian Monkous	[REDACTED]	81130
237	Jacqueline J Stone 200	[REDACTED]	81130
238	Nellie R Brooks 13	[REDACTED]	1130
239	HARZEM BLOD	[REDACTED]	81130
240	Debra R. Wylesky 132	[REDACTED]	do 81130
241	Kenn+Sherrie Higdon Bl	[REDACTED]	
242	Anita + Wes Holla	[REDACTED]	81130
243	Bill + Norma Kratthe	[REDACTED]	7976 ^{we hope} _{we can come} back!
244	John + Donna Brumby	[REDACTED]	49 Creede, Co 81130
245	HARLES + GAY JACK	[REDACTED]	CREEDE Co 81130
246	Rex Coleman	[REDACTED]	on Amarillo TX 79124
247	Virgil + Mary Casgall 3	[REDACTED]	ail Creede Co 81130
248	Matthew + Heidi Moore	[REDACTED]	Sunray, TX 79086
249	Pat + Mark	[REDACTED]	Coxeek OK 73630
250	Lee + Miller	[REDACTED]	t Amarillo tex 79106
251	Jim Grigsby	[REDACTED]	d Creede, CO 81130
252	Cathryn Coleman	[REDACTED]	SFS 520 CREEDE CO: 81130 Amarillo TX 79124
253	George + Harolena Pa	[REDACTED]	nohee South Fork, CO 8164
254	John	[REDACTED]	#552 Creede
255	Ramona Wilson	[REDACTED]	552 Creede CO 81130
256	Joe Hooper 112	[REDACTED]	Creede Co 81130
257	Dannia Rogers 108	[REDACTED]	Creede Co 81130

To the Mayor and Trustees of Creede, Colorado,

We the people of Creede, Colorado and Mineral County, Colorado DO NOT WANT
RETAIL MARIJANA in any form in our town or county.

	Name	physical address	mail
258	Ann Mobley	[REDACTED]	[REDACTED] Creede
259	REX MOBLEY	[REDACTED]	'' ''
260	CHARLES N BR	[REDACTED]	[REDACTED]
261	CAROLYN BROU	[REDACTED]	[REDACTED]
262	Jacq. Bell	[REDACTED]	Box 455, CREEDE
263	Julia Smith	[REDACTED]	[REDACTED]
264	Paul W. [unclear]	[REDACTED]	[REDACTED]
265	Ken W. [unclear]	[REDACTED]	[REDACTED]
266	Donna [unclear]	[REDACTED]	[REDACTED]
267	Carolyn [unclear]	[REDACTED]	[REDACTED]
268	Ronald J. [unclear]	[REDACTED]	[REDACTED]
269	Francis [unclear]	[REDACTED]	[REDACTED]
270	Dorothy Rogers	[REDACTED]	[REDACTED]
271	James [unclear]	[REDACTED]	[REDACTED]
272	Ollie [unclear]	[REDACTED]	[REDACTED]
273	Louise Pomeroy	[REDACTED]	[REDACTED]
274	Jim Pomeroy	[REDACTED]	[REDACTED]
275	Henry [unclear]	[REDACTED]	[REDACTED]
276	John Steele	[REDACTED]	Creede, CO.
277	Elizabeth [unclear]	[REDACTED]	2
278	TERRY WETHERILL	[REDACTED]	CREEDE CO.
279	Scott Harrington	[REDACTED]	81130
280	Rebecca [unclear]	[REDACTED]	49 81130
281	Wan [unclear]	[REDACTED]	le, CO 81130
282	Jon [unclear]	[REDACTED]	le CO 81130
283	Don Keel	[REDACTED]	Creede, Co.

To the Mayor and Trustees of Creede, Colorado,

We the people of Creede, Colorado and Mineral County, Colorado DO NOT WANT
RETAIL MARIJANA in any form in our town or county.

	Name	physical address	mailing address
284	[Redacted]	[Redacted]	394th
285	Joe Crowder	[Redacted]	Creede Same
286	Christine Kraft	[Redacted]	Creede Same
287	Marie Johnson	[Redacted]	Creede Same
288	Thrupp Johnson	[Redacted]	Creede Same
289	Tancy Johnson	[Redacted]	Creede "
290	Finley Delgado	[Redacted]	Creede [Redacted]
291	JB Alexander	[Redacted]	Creede
292	Robert Clark	[Redacted]	Creede
293	David Clark	[Redacted]	Creede
294	Sonya Steffen	[Redacted]	Creede same
295	Hilbert Chase	[Redacted]	Creede same
296	Kathy Chase	[Redacted]	Creede, CO 81130
297	Jim Adams	[Redacted]	Creede, CO 81130
298	Cory Adm	[Redacted]	Creede, CO 81130
299	Dan Gale	[Redacted]	Creede CO 81130 P.O. [Redacted]
[Redacted]	Stephanie [Redacted]	[Redacted]	Creede CO 81130 [Redacted]
301	Linda [Redacted]	[Redacted]	" "
302	Kathy [Redacted]	[Redacted]	Creede CO 81130
303	Jim McAlister	[Redacted]	Creede Co.
304	Margaret Cindy Harms	[Redacted]	Creede, CO 81130

To the Mayor and Trustees of Creede, Colorado,

We the people of Creede, Colorado and Mineral County, Colorado DO NOT WANT
RETAIL MARIJANA in any form in our town or county.

	Name	physical address	mailing address
305	William Knowlton	[REDACTED]	Same
306	Kane Berham	[REDACTED]	Same
307	Jusan Belton	[REDACTED]	"
308	Donna Broock	[REDACTED]	"
309	Ann Lloyd	[REDACTED]	"
310	Karen Temple	[REDACTED]	"
311	Thelma Hedek	[REDACTED]	"
312	BILL BILL	[REDACTED]	"
313	Gloria Mayes	[REDACTED]	"
314	James Albright	[REDACTED]	Mc Rd PO Box [REDACTED]
315	Steve Abbott	[REDACTED]	Mc Rd PO [REDACTED]
316	Jane Haggitt	[REDACTED]	[REDACTED]
317	[REDACTED]	[REDACTED]	[REDACTED]
318	Debra Dudley	[REDACTED]	(D) same
319	Ed Dudley	[REDACTED]	La
320	Alicia Grant	[REDACTED]	same
321	Wendy Grant	[REDACTED]	same



MEMORANDUM

TO: Honorable Mayor Grossman and Board of Trustees
FROM: Eric J. Heil, Town Attorney
RE: Special Election for Marijuana Businesses
DATE: February 13, 2015

SUMMARY: This memorandum addresses issues related to a potential special election for marijuana businesses. Creede has already taken action to prohibit both medical marijuana businesses and marijuana establishments. Like other laws, the prohibition continues as the law in Creede unless and until the Board of Trustees as the governing body passes an ordinance to change the law. This memorandum first addresses a potential special election ballot question, then discusses other options.

AUTHORITY TO REFER BALLOT QUESTIONS: The Board of Trustees has general authority to submit any question to a vote of the registered electors of the City of Creede. CRS §31-11-111 is reprinted as follows:

§ 31-11-111. Initiatives, referenda, and referred measures - ballot titles

- (1) After an election has been ordered pursuant to section 31-11-104 or 31-11-105, the legislative body of the municipality or its designee shall promptly fix a ballot title for each initiative or referendum.
- (2) The legislative body of any municipality may, without receipt of any petition, submit any proposed or adopted ordinance or resolution or any question to a vote of the registered electors of the municipality. The legislative body of the municipality or its designee shall fix a ballot title for the referred measure.
- (3) In fixing the ballot title, the legislative body or its designee shall consider the public confusion that might be caused by misleading titles and shall, whenever practicable, avoid titles for which the general understanding of the effect of a "yes" or "no" vote would be unclear. The ballot title shall not conflict with those titles selected for any other measure that will appear on the municipal ballot in the same election. The ballot title shall correctly and fairly express the true intent and meaning of the measure.
- (4) Any protest concerning a ballot title shall be conducted as provided by local charter, ordinance, or resolution.

BALLOT QUESTION OPTIONS: The Board of Trustees may prepare a complete ordinance permitting and regulating marijuana based businesses and refer that to the electorate, in which case if approved by the voters such law would take effect. The other option is to refer a general question to the electorate and then the Board of Trustees would prepare an ordinance if the ballot question were approved. Due to the cost and time involved in preparing an ordinance to permit and regulate marijuana businesses, it seems more reasonable to refer a general question first, then expend the effort on preparing an ordinance if the voters approve the question of permitting marijuana businesses.

BALLOT QUESTION: Attached is a draft Resolution to approve permitting marijuana businesses. As drafted this ballot question is intended to allow voter input on the general question but clearly leaves discretion and authority with the Board of Trustees to determine the specific business categories to allow and specific regulations. **PLEASE NOTE:** If the outcome of the ballot question is negative, the Board of

Trustees is not legally prohibited from considering and adopting regulations to permit marijuana businesses in the future. I am not suggesting that the Board of Trustees take an action that is directly contrary to voter results (and I'm sure you can appreciate the political implications of such a course of action), but such results are not legally binding on the future legislative discretion of the governing body.

BALLOT QUESTION OPTIONS: It is also possible to refer a series of questions to the electorate on specific marijuana businesses issues. For example, separate questions on medical versus retail, growing operations, manufacturing, locations in the City, total number of permits. My observation I share is that it is typically best to keep ballot issues as simple as possible and the draft question is a simple Yes or No to marijuana businesses with the regulatory details to be determined by the Board of Trustees.

LOCAL MARIJUANA TAX: Several communities have also adopted a new local tax on marijuana businesses. Such a tax would be subject to the Tax Payor's Bill of Rights and could only be considered at an election in November or in the local biennial election (April, 2016).

INITIATIVE/REFERENDUM OPTION: Just to complete the range of potential special election options, it is possible that citizens without Board of Trustee consent or approval could prepare an ordinance permitting marijuana businesses and then obtain the required petition signatures to submit as an initiated ordinance. The initiative process begins with filing a notice with the City and submitting the proposed ordinance, then the proponents have 180 days to gather petition signatures in the amount of 5% of the total registered electors in Creede. If a valid petition is submitted then the Board of Trustees has the option to either adopt the ordinance or refer it to a special election. The referendum process is where the Board of Trustees adopts an ordinance, then there is a 30 day period where a petition may be submitted that is signed by 5% of the registered electors. If a valid referendum petition is submitted, then the Board of Trustees must either repeal the ordinance or refer the ordinance to a special election.

MINIMUM BUFFER DISTANCE: Due to the required separation from playgrounds and recreational facilities the potential areas where marijuana businesses can be located appears very limited. The interpretation and application of the federal laws is not settled. There is a 1,000' separation from schools and playgrounds. Playgrounds are defined as outdoor facilities containing 3 or more separate apparatus intended for recreation of children. Pre-schools are not included in the definition of the 1,000' buffer area. The separation from "youth center" is only 100' which includes any recreational facility. Therefore, it may be possible that with the relocation of the Creede school that Creede can interpret the pre-school and playground and not requiring a 1,000' buffer area and may interpret the ball field/skate park area as not requiring a 1,000' buffer because there are not 3 separate outdoor apparatus intended for the recreation of children. On the other hand, the federal intent is clear to establish a 1,000 buffer from outdoor areas intended for recreational use by children. Considering these circumstances, it may be possible for Creede to interpret the federal minimum buffer very narrowly and then adopt its own buffer that is deemed appropriate for the Creede community.

ATTACHMENTS:

- Draft Resolution referring question of Permitting Marijuana Businesses to a Special Election

Thank you, Eric

RESOLUTION NO. _____

A RESOLUTION REFERRING THE QUESTION OF PERMITTING MARIJUANA ESTABLISHMENTS AND MEDICAL MARIJUANA CENTERS, OPTIONAL PREMISES CULTIVATION OPERATIONS, AND MEDICAL MARIJUANA INFUSED PRODUCTS MANUFACTURESS' LICENSE IN THE CITY OF CREEDE TO A SPECIAL ELECTION

WHEREAS, the Creede Board of Trustees has determined that the question of permitting marijuana establishments and medical marijuana businesses is subject to wide spread community debate and diversity of opinions and that question of permitting marijuana based businesses should be submitted to a vote of the electorate; and

WHEREAS, the Creede Board of Trustees has the right to refer any ordinance or question on its own motion to a special election; and

WHEREAS, the Creede Board of Trustees has the right to determine the title and ballot question; and

WHEREAS, Colorado Revised Statute §1-7.5-104 authorizes the governing board of a political subdivision other than a county to determine to conduct an election as a mail ballot election; and,

WHEREAS, three election judges must be appointed at least fifteen days prior to the special election and Colorado Revised Statute §31-10-401 authorizes the Creede Board of Trustees to delegate the authority to appoint election judges to the Creede Town Clerk; and

WHEREAS, the Creede Board of Trustees finds that the delegation of such authority to appoint election judges to the Creede Town Clerk will promote the timely and efficient appointment of election judges

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE CITY OF CREEDE, COLORADO the following:

Section 1. Special Election, Title and Ballot Question. A special election is hereby called to be held on Tuesday, May 19, 2015 for consideration of the following ballot question:

Permitting Marijuana Businesses in the City of Creede

Shall the Board of Trustees adopt regulations to permit (in whole or in part as determined appropriate by the Board of Trustees) marijuana establishments and medical marijuana centers, optional premises cultivation operations, and medical marijuana-infused products manufacturer's licenses in the City of Creede to the extent and pursuant to such limitations, restrictions, conditions, fees and regulations as the Board of Trustees shall determine by ordinance?

DRAFT February 13, 2015

YES _____

NO _____

Section 2. Mail Ballot Election. Special election on May 19, 2015 shall be conducted as a mail ballot election subject to rules promulgated in accordance with Article 4 of Title 24 of the Colorado Revised Statutes.

Section 3. Town Clerk. The Town Clerk is authorized and directed to take all actions as necessary and appropriate to conduct a mail ballot election on May 19, 2015, in accordance with the law. The Town Clerk is further authorized to appoint election judges.

RESOLUTION INTRODUCED, READ, APPROVED AND ADOPTED ON MARCH 3, 2015.

By: _____
Eric Grossman, Mayor

Attest: _____
Randi Snead, Town Clerk

February 17, 2015

To: Creede City Trustees

From: Daryl and Alicia Grant
311 Dooley Dr.
Creede, CO 81130

We have been coming to the Creede area for more than 20 years. Sixteen years ago we purchased our house in Mineral County with the dream of spend our summers here during our retirement years. About 5 years ago, we discovered that we enjoy the winters in Creede as much as the summers and last August 2014 we made the move to become full time residents.

We attended the last city trustee meeting. We agree with many of the comments made at that meeting in opposition to the retail sale of marijuana in Creede so we will not repeat those items at this time but would like to discuss our disappointment with the lack of interest in the opinions of county residents.

In 2000, the city of Creede and Mineral County came together to produce a Comprehensive Community Plan. Public meetings were held and surveys taken of city and county residents. The plan that resulted, while not legally binding, stated the desire to retain the small city character, the closeness of the community, the feeling of being a part of a family, the quiet atmosphere and the isolation of the community.

Those attributes are what drew us to Creede. We love it here. We believe that the introduction of retail marijuana is in drastic contrast to the desires expressed in the 2000 Comprehensive Community Plan. In an area such as Mineral County, which only has one municipality within its borders, we believe the county as well as city residents opinions are important in this matter.

We request the Creede City Trustees engage Mineral County officials to develop an updated Comprehensive Community Plan before finalizing a decision on the retail sale of marijuana.

Thank you for your consideration.

OPINIONS & EDITORIALS

Rec'd from G. Alexander 2/17/15

Creede leaves legacy with families

Dear Editor,
The extended Creede family recently lost three great ladies. These were Iva Nail of Eules, LaNell Gunter of Claude, and Colorado native Barbara Williams of Westminster had one connection: they were all from the Creede area, mostly at Wason Ranch. Their friendship spanned multiple decades and in sad coincidence they died away within six months of each other: Iva in January, Barbara in April and LaNell in July. These ladies shared many philosophies and left strong legacies for those who loved them. They were matriarchs who believed in the importance of faith and family, especially the importance of family traditions in Creede... spent fishing, eating, and just being together. Iva was 14 years old when she came to Creede in 1937. Her family stayed at Wason Ranch, and on that first visit she liked from Wason to the Amethyst mine and back, completely wearing

out a new pair of shoes.

LaNell started vacationing in South Fork when she was a little girl.

She and her family camped out there, and around 1980 her extended family made their way back to Creede and began staying at Wason. Barbara came to Creede around 1968 when her husband's oil company began leasing a cabin at Wason. Her family fondly remembers Barbara sitting atop a horse at Roaring Fork, on the trail to Goose Creek, wearing a brown leather duster and a fishing hat. After that day her family lovingly nicknamed her "Poker Alice."

So it was at Wason that Iva, Barbara, and LaNell became summer buddies, sitting on the porch, sharing their lives with each other. They were the glue that bound our families, encouraging us to love each other and value each day spent together. They planned family picnics, scheduled horseback rides, and cooked amazing meals. They tended sunburns and scrapes and bug bites, and soothed us to

sleep when our bodies ached from too much activity.

From those beginnings, children and grandchildren, brothers and sisters-in-law, daughters and sons-in-law, and even nieces and nephews have fallen in love with Creede. Our families have even united in marriages that resulted from Creede romances: Iva's great-nephew, Ben, married Barbara's granddaughter, Michelle. LaNell's grandson, Jeff, married Iva's granddaughter, Lauren.

This year our Creede vacation was glorious as we celebrated our huge interwoven family and introduced the fourth generation of family to the mountains. We love the

good people of Creede; we love Creede's breathtaking beauty, and we believe we are better, stronger, more grounded in family because of our time spent here. God bless Creede and God bless Iva, Barbara and LaNell for leaving us the legacy of family vacations spent in this beautiful place.

Linda Nail Pool, Bedford, Texas

Marijuana debate fueled by 'Greed in Creede'

Dear Editor,

Well over 30 years ago I received an answer back from Glen Hinshaw, MCM columnist, about bow hunting for elk in the Creede area (big applause for his newest book... "Echoes from the Mountain.") I did and continued for several years— convinced my company, GEN Mills, to have the Yoplat div. sponsor a Creede mountain run. I bought property in Creede, vacationed in the wonderful family area— & NOW—I read about what is apparently a "Labrinthian dilemma of formidable magnitude," certainly fueled by the "Greed in Creede" and the almighty dollar, to generate \$\$\$ by "Green Lighting"— the sale of marijuana.

I do hope and pray that Creede will maintain Ordinance 375 and remain like the city of Colorado Springs with NO on marijuana sales.

Jim Flynn,
Creede property owner

Letter to Creede board of trustees

Dear trustees,

With short notice on your Feb. 3 meeting, I submit a strong recommendation against allowing recreational marijuana shops in the city of Creede.

I will write more later on this, but I care deeply about Creede and its future. Four generations of our family have vacationed at a nearby ranch for 40 years. I subscribe to the Mineral County Miner and follow your news and events, and I support the CRT.

Allowing marijuana into Creede is inviting scourge of outside interests that will try to dominate and will be hard to get rid of.

Today's Denver Post's lead article, "Pot promises vaporize," is true in more ways than one. It concerns my city, Wheat Ridge, which,

unfortunately, allowed recreational marijuana in over a year ago with little fanfare. We are now stuck with five outlets (stores and grow facilities - which are limited to 5,000 square feet and must be adjacent to the retail part. Our neighbors, Lakewood, Golden and Arvada do not allow it. Therefore we get the pot smokers and pot tourists on our streets.

This lead article concerns a man who is suing Wheat Ridge City for \$700,000, because he says he was led to believe he could get a marijuana retail store and that Wheat Ridge officials promised him no problem. Then just last week, our city council voted to cap all marijuana outlets as is, meaning he won't get the shop he had hoped for.

Then on page 6A and 13A articles tell of the State Department of Public

Health and Environment's report on the harmful physical and mental effects of marijuana. On page 13 is a commentary article on how Colorado is using its children as "lab rats," since marijuana is proliferating.

Creede should not go down this road. I like the Creede you all have maintained over the years - unspoiled, tasteful, charming. Don't let this change.

Contact the group, "Parents for a Healthy Colorado," at info@parents4cokids.com to learn of the hazards for children.

With this invasion of the marijuana industry, a depraved element will come in and flourish if legally sanctioned. It is a money trap to avoid.

Sincerely,
Barbara Leichy St. John
Wheat Ridge Colo.

Close

Original View

D.C. group plans marijuana lawsuit

BY JOHN INGOLD
THE DENVER POST

A Washington, D.C.-based group opposed to the legalization of marijuana has announced plans to sue the state of Colorado in federal court, in the hopes of closing the state's pot stores.

The Safe Streets Alliance, which touts itself as “a nonprofit national organization founded over two decades ago to reduce violent crime in America,” plans to announce the lawsuit Thursday in a news conference on the Colorado Capitol's east steps.

According to information posted on the group's website, the lawsuit will name both Colorado officials and “several prominent participants” of the marijuana industry.

The lawsuit apparently will argue that Colorado's system for regulating marijuana stores violates the Supremacy Clause of the U.S. Constitution and federal anti-racketeering laws. Reached by phone, an attorney for Safe Streets refused to provide further details, including the names of the lawsuit's plaintiffs.

Colorado already is defending its legalization laws from a lawsuit filed by two neighboring states. The state attorney general's office has yet to respond to that law suit but has indicated the lawsuit lacks merit.

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The New York Times <http://nyti.ms/1kjtWF8>



U.S.

After 5 Months of Sales, Colorado Sees the Downside of a Legal High

By JACK HEALY MAY 31, 2014

DENVER — Five months after Colorado became the first state to allow recreational marijuana sales, the battle over legalization is still raging.

Law enforcement officers in Colorado and neighboring states, emergency room doctors and legalization opponents increasingly are highlighting a series of recent problems as cautionary lessons for other states flirting with loosening marijuana laws.

There is the Denver man who, hours after buying a package of marijuana-infused Karma Kandy from one of Colorado's new recreational marijuana shops, began raving about the end of the world and then pulled a handgun from the family safe and killed his wife, the authorities say. Some hospital officials say they are treating growing numbers of children and adults sickened by potent doses of edible marijuana. Sheriffs in neighboring states complain about stoned drivers streaming out of Colorado and through their towns.

"I think, by any measure, the experience of Colorado has not been a good one unless you're in the marijuana business," said Kevin A. Sabet, executive director of Smart Approaches to Marijuana, which opposes legalization. "We've seen lives damaged. We've seen deaths directly attributed to marijuana legalization. We've seen marijuana slipping through Colorado's borders. We've seen marijuana getting into the hands of kids."

Despite such anecdotes, there is scant hard data. Because of the lag in reporting many health statistics, it may take years to know legal marijuana's effect — if any — on teenage drug use, school expulsions or the number of fatal

car crashes.

It was only in January, for example, that the Colorado State Patrol began tracking the number of people pulled over for driving while stoned. Since then, marijuana-impaired drivers have made up about 12.5 percent of all citations for driving under the influence of drugs or alcohol.

Proponents of legalization argue that the critics are cherry-picking anecdotes to tarnish a young industry that has been flourishing under intense scrutiny.

The vast majority of the state's medical and recreational marijuana stores are living up to stringent state rules, they say. The stores have sold marijuana to hundreds of thousands of customers without incident. The industry has generated \$12.6 million in taxes and fees so far, though the revenues have not matched some early projections.

Marijuana supporters note that violent crimes in Denver — where the bulk of Colorado's pot retailers are — are down so far this year. The number of robberies from January through April fell by 4.8 percent from the same time in 2013, and assaults were down by 3.7 percent. Over all, crime in Denver is down by about 10 percent, though it is impossible to say whether changes to marijuana laws played any role in that decline.

“Every major institution said this would be horrible and lead to violence and blood in the streets,” said Brian Vicente, one of the authors of Amendment 64, which legalized marijuana in Colorado. “None of that's happened. The sky did not fall.”

The argument is being waged with fervor because both sides say Colorado's successes and failures with regulating marijuana will shape perceptions of legalization for voters considering similar measures in other states and for leery federal law enforcement officials. After the 2012 legalization votes in Colorado and Washington State — where recreational sales are expected to begin this summer — Justice Department officials gave the states a cautious green light. But they warned that they might intervene if marijuana ended up fueling violence or drug trafficking, or flowing across state lines or into the hands of children.

Marijuana opponents like Thomas J. Gorman of the Rocky Mountain High Intensity Drug Trafficking Area program, which helps law enforcement, say Colorado is already falling short of those standards.

“In any other state if they were making as much money and growing as much dope, they’d be taken out by the feds,” Mr. Gorman said.

Few agree on how much legally purchased marijuana is being secreted out of Colorado. Michele Leonhart, the head of the Drug Enforcement Administration, told a Senate panel in April that officials in Kansas had tallied a 61 percent increase in seizures of marijuana that could be traced to Colorado. But according to the Kansas Highway Patrol, total marijuana seizures fell to 1,090 pounds from 2,790 pounds during the first four months of the year, a 61 percent decline.

Some sheriffs and police chiefs along Colorado’s borders say they have noticed little change. But in Colby, Kan., which sits along an interstate highway running west to Colorado, Police Chief Ron Alexander said charges for sale, distribution or possession related to marijuana were rising fast. This year, he tallied 20 such cases through May 23. Two years ago, there were six during that same time period.

Sheriff Adam Hayward of Deuel County, Neb., said he was locking up more people for marijuana-related offenses. “It’s kind of a free-for-all,” he said. “The state or the federal government needs to step up and do something.”

Criminal marijuana cases in Colorado plunged by 65 percent in 2013, the first full year of legalization for personal recreational use, but the police in some areas have been writing dozens of tickets to crack down on public marijuana smokers. Police and fire officials across the state have been contending with a sharp rise in home explosions, as people use flammable butane to make hashish oil. And despite a galaxy of legal, regulated marijuana stores across the state, prosecutors say a dangerous illicit market persists.

In February, for example, in the Denver suburb of Aurora, a 17-year-old planning to rob an out-of-state marijuana buyer instead accidentally shot and killed his girlfriend, law enforcement officials said.

“Why break into a house to steal a TV or a computer that you have to

fence when you can steal mounds of cash or marijuana, which is like liquid?” said George Brauchler, the district attorney who oversees Aurora. “That’s the kind of stuff we’re starting to become more aware of.”

Many of Colorado’s starkest problems with legal marijuana stem from pot-infused cookies, chocolates and other surprisingly potent edible treats that are especially popular with tourists and casual marijuana users.

On Colorado’s northern plains, for example, a fourth grader showed up on the playground one day in April and sold some of his grandmother’s marijuana to three classmates. The next day, one of those students returned the favor by bringing in a marijuana edible he had swiped from his own grandmother.

“This was kind of an unintended consequence of Colorado’s new law,” said John Gates, the district’s director of school safety and security. “For crying out loud, secure your weed. If you can legally possess it, that’s fine. But it has no place in an elementary school.”

So far this year, nine children have ended up at Children’s Hospital Colorado in Aurora after consuming marijuana, six of whom got critically sick. In all of 2013, the hospital treated only eight such cases.

In March, the state logged what appeared to be its first death directly tied to legal recreational marijuana when a 19-year-old African exchange student, Levy Thamba Pongi, plunged to his death in Denver. He and three other students had driven from their college in Wyoming to sample Colorado’s newly legal wares. Mr. Pongi ate marijuana-infused cookies, began acting wildly and leapt from a hotel balcony, officials said; the medical examiner’s office said marijuana intoxication had made a “significant” contribution to the accident.

In April, the shooting death of Kristine Kirk raised even more concerns about regulating edible marijuana. Minutes before she was killed, Ms. Kirk called 911 to say her husband, Richard, was “talking like it was the end of the world” and had consumed marijuana and possibly prescription medication for back pain, according to a police affidavit. Police later confirmed that Mr. Kirk had bought the Karma Kandy and a pre-rolled joint from a licensed marijuana shop that evening.

Those two deaths, combined with reports of groggy, nauseated children

visiting emergency rooms, forced the state to tighten its labeling and packaging rules for edible marijuana. Regulators are also considering whether to set lower limits on the amount of THC, the psychoactive component of marijuana, that can be packed into one cookie or chocolate bonbon.

Even supporters of legalization such as Mr. Vicente say Colorado needs to pass stricter rules about edible marijuana. He said the state was racing up a sharp learning curve.

“Marijuana was illegal for 80 years,” Mr. Vicente said. “Now it’s legal, and everyone’s just trying to figure out how to approach these new issues.”

Correction: June 8, 2014

An article last Sunday about efforts by Colorado to adapt to the legalization of marijuana for recreational use misstated the percentage of marijuana-impaired traffic citations by the Colorado State Patrol. It is 12.5 percent, not 1.5 percent. The article also referred incorrectly to the use of butane in the making of hashish oil. It is used as a solvent; it is not used to cook the oil.

A version of this article appears in print on June 1, 2014, on page A14 of the New York edition with the headline: After 5 Months of Sales, Colorado Sees the Downside of a Legal High.

March 4, 2015

To: The Mayor and Trustees who serve the city of Creede.

Please allow me to say that I respect each of you and the position you fill. In fact, I believe you are there for a reason and that God placed you there for that reason. Romans chapter 13, beginning with verse 1 says: "Everyone must submit himself to the governing authorities, for there is no authority except that which God established. The authorities that exist have been established by God. Verse 4: He is God's servant to do you good." What an awesome honor that God chose you to lead and direct the business and direction of Creede! But what an awesome responsibility goes with that! We are also told to pray for our leaders, which we have done publicly and privately.

Part of our dilemma is due to the very fact that we do believe the Bible to be God's inspired word. We believe the Bible is word by word (verbal), completely (plenary), and fully God breathed or inspired (theopneustos). We believe, through our study that the Bible is literally true; scientifically accurate and infallible. We believe it is all mankind needs to be thoroughly equipped and to be righteous in the sight of God (II Timothy 3:16-17). It is our "guidebook" so to speak, for living a happy, fulfilled life on this earth that God created. And we believe that even if you don't believe these facts, it doesn't change the truth. Peter does call us a peculiar people (I Peter 2:9)!

But this is where the "rub" comes in. Since we do believe what God says, and there is a verse that speaks against something, it is offensive to us that it would be condoned and encouraged.

In Galatians 5:19 - 21, the Bible says: "The acts of the sinful nature are obvious: sexual immorality, impurity and debauchery; idolatry and witchcraft (Greek word: PHARMAKIA, the mixing of drugs); hatred, discord, jealousy, fits of rage, selfish ambition, dissensions, factions and envy; drunkenness, orgies and the like. I

warn you, as I did before, that those who live like this will not inherit the kingdom of God.”

We believe the selling of marijuana goes against what the aforementioned verse speaks against and would not have a positive effect on our town. This is an activity that God can't bless nor can we support.

I appreciate your time and consideration. I would be more than glad to discuss any of these Bible positions with anyone, at any place, at any time. We thought you should be aware of what the Bible says about marijuana for recreational use.

May God bless our town of Creede and all of you as you make these decisions.

Sincerely,



Keith Cartwright, Minister for the Creede Church Of Christ

