Boulder County

Community Planning & Permitting

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BOARD OF COUNTY COMMISSIONERS HEARING
BOULDER COUNTY, COLORADO

THURSDAY, NOVEMBER 05, 2026 AT 9:00 A.M.

All commissioners' public hearings and meetings will be offered in a hybrid format where attendees can join through Zoom or in-person at the Boulder County Courthouse, 3rd Floor, 1325 Pearl Street, Boulder. There will also be a kiosk located in the lobby of the 3rd Floor to sign up for in-person public comment. For questions regarding in-person hearings, please email Brianna Barber at bbarber@bouldercounty.gov or call 303-441-3500.

HEARING PACKET

PACKET CONTENTS

Energy Impact Offset Fund and Marijuana Regulations Update	**PAGE #**
Staff Memo and Recommendation	1-2
Energy Impact Offset Fund Accomplishments Summary	3-4
Exhibit A: Proposed (redlined) Amended Marijuana Regulations	5-18
Exhibit A: Proposed (clean version) Amended Marijuana Regulations	19-30
Proposed Resolution 2026-070	31-34
Staff and Industry Feedback	35-60

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BOARD OF COUNTY COMMISSIONERS HEARING
November 05, 2026, 9:00 a.m.
Hearing Room, 3rd Floor
Boulder County Historic Courthouse

Report on Energy Impact Offset Fund & Marijuana Regulations Amendments

Staff: Kathy Gissel, Permit & License Operations Manager/Marijuana Co-Authority CP&P; Ron Flax, Chief Building Official/Deputy Director CP&P; Michael Koertje, Assistant County Attorney; Olivia Lucas, Senior Assistant County Attorney: Susie Strife, Director of OSCAR; Zac Swank, Deputy Director OSCAR, Ambra Sutherlin, Senior Commercial Sustainability Advisor.

BACKGROUND:

The Boulder County Marijuana Licensing Regulations establish the local framework for licensing marijuana businesses operating in unincorporated Boulder County. Staff is proposing several amendments intended to align local requirements with current state regulations, improve administrative efficiency, reduce duplicative review processes, and ensure the long-term sustainability of the County's marijuana licensing program. The proposed amendments would become effective January 1, 2027.

Key proposed changes include:

1. **Sunset the Energy Impact Offset Fund (EIOF).** Staff recommends discontinuing the EIOF due to significant economic challenges facing the marijuana cultivation industry and because the program has substantially achieved its primary objectives of promoting energy efficiency, renewable energy, and carbon reduction. Over the life of the program, 80% of cultivators transitioned to LED lighting, energy assessments were conducted at 14 cultivation facilities, a carbon-conscious certification program was developed, and renewable energy and carbon reduction projects were supported throughout the community.
2. **Extend local marijuana license terms from one year to two years.** This amendment would align Boulder County's licensing cycle with the State of Colorado's current two-year marijuana license term and reduce administrative burdens for both licensees and County staff.

3. **Remove the County Assessor and Treasurer from the marijuana license review process.** This change would align marijuana licensing with other County licensing programs and eliminate duplicative review functions, as both offices maintain independent processes for property valuation and tax compliance.

RECOMMENDATION:

Staff recommends that the Board take the following actions:

Action 1: Adopt the proposed sunset of the Energy Impact Offset Fund (EIOF), effective January 1, 2027.

Action 2: Adopt the proposed amendments to the Boulder County Marijuana Licensing Regulations, including:

- Removal of all Energy Impact Offset Fund (EIOF) references ;
- Extending local marijuana license terms from one year to two years; and
- Removing the County Assessor and Treasurer from the marijuana license review process;

with an effective date of January 1, 2027.

Attachments

1. Energy Impact Offset Fund accomplishments summary.
2. Exhibit A: Proposed amendments to the Boulder County Marijuana Licensing Regulations, both redlined version and clean version.
3. Proposed Resolution 2026-0070.

Boulder County Energy Impact Offset Fund (EIOF) – Project Highlights (2014–2026)

Boulder County's Energy Impact Offset Fund (EIOF), funded through fees assessed to cannabis cultivation facilities, supports energy efficiency, renewable energy, and carbon emission reductions. The fund provides education, technical assistance, and financial incentives to help cultivators adopt energy management best practices, reduce operating costs, and minimize their environmental impact.

The fund also supports broader carbon pollution reduction initiatives, including renewable energy projects benefiting low-income communities. Additionally, the program collects high-quality energy consumption data to support research and the development of more efficient lighting, ventilation, and energy management technologies for the cannabis industry.

2017 – Demand Side Management Study

Conducted a study of 16 cannabis cultivation facilities to identify energy efficiency opportunities, evaluate on-site renewable energy potential, and recommend strategies to reduce carbon emissions.

2019–2020 – Cannabis Facility Energy Assessments

Partnered with Energy & Resource Solutions (ERS) to conduct comprehensive energy assessments at 14 cannabis cultivation facilities. Each facility received customized recommendations to reduce energy costs, improve efficiency, and lower carbon emissions.

2020–2023 – Carbon Conscious Certification Program

Partnered with the Cannabis Conservancy to develop and implement the Boulder County Carbon Conscious Certification program, providing cultivators with a framework, technical guidance, and resources to advance carbon-neutral cannabis production.

2023 – Daily Light Integral (DLI) Controls Study

Partnered with Resource Innovations and a local cannabis cultivator to evaluate greenhouse lighting controls and their potential to reduce energy consumption and costs. Findings helped inform energy modeling and potential future rebates for lighting controls.

Carbon Offset Purchases (2022 and 2025)

Purchase of carbon offsets to sequester the greenhouse gas emissions from cannabis cultivators.

Four Corners Carbon Coalition (2024-2026)

Funding for direct carbon dioxide removal projects.

2014–2026 – EIOF Credit Program and Energy Improvements

Established an EIOF credit program to incentivize investments in energy efficiency and renewable energy by providing credits toward future EIOF fees for eligible improvements.

Key accomplishments include:

- **80% of cultivators (13 facilities)** upgraded to energy-efficient LED lighting, leveraging EIOF credits and PACE/Xcel Energy rebates.
- **1 Megawatt solar array installed** at 6185 Arapahoe Avenue, supporting on-site renewable energy generation.
- **Jack's Solar Garden –** Cannabis cultivator, In the flow, purchased locally available renewable energy credits to offset fees, cumulating in an 85% energy offset.

Overall Program Impact

Through research, education, technical assistance, and financial incentives, the EIOF has helped cannabis cultivators adopt energy-efficient technologies, reduce carbon emissions, and invest in renewable energy. The program also advances broader community climate goals by supporting carbon reduction projects, expanding renewable energy opportunities for low-income communities, and generating valuable energy data to inform future technologies, policies, and incentive programs.

Article 1: Purpose and Intent

Section 14 of article XVIII of the Colorado Constitution permits limited medical uses of marijuana under Colorado law. Section 16, article XVIII of the Colorado Constitution permits personal use of marijuana by persons aged 21 years and older under Colorado law. To enact, restrict, and enforce the state constitution, the General Assembly enacted the Colorado Marijuana Code, article 10 of title 44, C.R.S. (the "CMC"). In addition, the Colorado Department of Revenue adopted 1 CCR 212-3, the Colorado Marijuana Rules (the "CMR"). The CMC and CMR authorize counties and municipalities to determine whether to permit, as a matter of state law, certain medical and retail (i.e. non-medical) marijuana businesses within their jurisdictions.

The purpose of these Regulations is to authorize licensing in unincorporated Boulder County as provided in Section 16, article XVIII of the Colorado Constitution and §44-10-104, C.R.S., as amended; to establish specific standards and procedures for local licensing of Marijuana Businesses and Establishments; and to protect the health, safety, and welfare of the residents, consumers and patients of Boulder County by prescribing the manner in which Licensed Marijuana Businesses can be conducted in the county. By enacting these Regulations, Boulder County does not intend to encourage or promote the establishment of any business or operation, or the commission of any act, that constitutes or may constitute a violation of state or federal law. As of the date of the enactment of these Regulations, the use, possession, distribution, and sale of marijuana is illegal under Federal law and those who engage in such activities do so at their own risk of criminal prosecution.

Article 2: Defined Terms

The definitions in the CMC, §44-10-103, C.R.S., as amended, and the CMR 1-115 shall apply to these Regulations except as follows:

a) "Authority": The Boulder County Marijuana Licensing Authority.
b) "Applicant": A Person that has submitted an application for licensure or registration, or for renewal of licensure or registration, pursuant to these Regulations that was accepted for review but has not been approved or denied.
c) "Building Official": The Chief Building Official in the Boulder County Community Planning & Permitting Department.
d) "Dual Operation": A facility that simultaneously operates a licensed Medical Marijuana Business and licensed Retail Marijuana Establishment.
e) "Electronic ID Scanner": A device that is capable of quickly and reliably confirming the validity of an identification using computer processes.
f) "Local Jurisdiction": The city, county, municipality, or city and county where the Licensed Marijuana Business is located.
g) "Off-Premises Storage Facility": A permitted facility that is an extension of the Licensee's licensed premises, that allows a Licensed Marijuana Business to store Medical Marijuana, Medical Marijuana Products, Retail Marijuana, or Retail Marijuana Products that are part of its finished goods inventory.
h) "Off-Premises Storage Permit": An extension of a Licensed Marijuana Business' licensed

premises that is subject to all applicable medical or retail marijuana regulations.

i) "State": The Marijuana Enforcement Division (the "MED") of the Colorado Department of Revenue.

Article 3: Local Licensing

a) *Local License Required*. It is unlawful to operate any business in unincorporated Boulder County for which a license is required under the CMC or CMR without first having obtained a local license under these Regulations and a State license.

b) *Dual Licenses*. Dual Operations are permitted so long as appropriate State and Boulder County licenses have been issued and remain valid and active for both operations.

c) *No entitlement or vested right*. No person shall have any entitlement or vested right to licensing under these Regulations, the CMC, Boulder County zoning approvals, or Boulder County building permits. To lawfully engage in the business of selling, cultivating, testing, storing, transporting, or manufacturing of marijuana in unincorporated Boulder County, all persons must obtain a license or permit under these Regulations. Such a license or permit is a revocable privilege subject to the will and scrutiny of local and State authorities.

Article 4: Relationship to Other Laws

Boulder County intends to follow and incorporate the requirements and procedures in the CMC and the CMR. Whenever possible, these Regulations and any licenses issued under these Regulations shall be construed to comply with federal law, specifically including the Controlled Substances Act.

Article 5: Authority

The Boulder County Board of County Commissioners (the "Board") may designate, in its discretion, a person or persons to act as the Boulder County Marijuana Licensing Authority. The Authority shall serve at the pleasure of the Board and be compensated on terms mutually agreeable to the Board and the Authority. The Authority shall accept and determine applications and fees, investigate potential licensing violations, take action against licensees, and perform other duties as provided by these Regulations.

Article 6: Licenses

The Authority is authorized to issue the following local licenses should the applicant fulfill the requirements: Medical Marijuana Store license; Medical Marijuana Cultivation license; Medical Marijuana Products Manufacturer license; Medical Marijuana Testing Facility license; Medical Marijuana Transporter license; Marijuana Research and Development license; Retail

Marijuana Store license; Retail Marijuana Cultivation Facility license; Retail Marijuana Products Manufacturer Facility license; Retail Marijuana Testing Facility license; and Retail Marijuana Transporter license; In addition, an Off-Premises Storage Permit may be issued. A Boulder County license shall only be required for Medical or Retail Marijuana Transporters if the Transporter will have a Licensed Premises or Off-Premises Storage Facility in the County. The license requirements in these Regulations shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other federal, state, or local law. The license does not provide any exception, defense, or immunity to any person in regard to any potential criminal liability the person may have for the cultivation, production, distribution, testing, storage, or possession of marijuana. A valid license shall be required from the State of Colorado as provided by the CMC.

Article 7: Licensing Procedure

a) *General Procedure.* The Authority shall consider and act upon all complete local license applications as authorized by these Regulations. The Authority may defer to the State to enforce compliance with the requirements in the CMC and any other State regulations not covered by these Regulations. The Authority shall grant or deny a license or permit based solely upon the Authority's investigation and findings, and no public hearing shall be required. The Authority shall deny any application or permit that is not in full compliance with these Regulations. The Authority may, at its discretion, waive specific submission requirements or require the submission of additional materials as may be useful in making a determination under these Regulations.

b) Application forms.

1. All applications for Licensed Marijuana Businesses shall be made upon the applicable Boulder County application form along with all appropriate documentation required by the Authority. The burden of proving an Applicant's qualifications for licensure rests, at all times, with the Applicant.
2. An application for a Licensed marijuana business shall not be filed until the use has been approved pursuant to the Land Use Code.
3. All applications must be complete before being accepted or considered by the Authority.
4. All applications must include all attachments or supplemental information required by the form.
5. All applications must be accompanied by a full remittance of the application and license fees.
6. The Authority may refuse to accept an incomplete application.
7. An Applicant's failure to provide any requested information by the Authority deadline may be grounds for denial of the application.

c) *Other County Departments.* Upon receipt of an application under 7(b) above, the Authority shall circulate the application to the Community Planning & Permitting Department's Building Inspectors, Zoning, and Access and Engineering teams~~, the Public Works Department~~, and the Public Health Department~~, and the Treasurer's Office.~~ These departments should employ their best efforts to respond within thirty days to the Authority with any concerns they have regarding the application. Failure of a referral agency to timely respond to a referral shall not constitute approval of the license.

Article 8: Licensing Requirements

a) Before issuing a local license for a new Licensed Marijuana Business, the Authority shall determine that all of the following requirements have been met in addition to any requirements in the CMC and CMR:
    1. The appropriate application is complete, and all fees have been paid;
    2. The Director of Community Planning & Permitting or designee has determined:
        a. The use is permitted and the owner or operator has obtained any required approvals under the Land Use Code;
        b. No zoning violations exist on the parcel;
        c. All existing or proposed signage meets the requirements of the Land Use Code;
        d. All existing or proposed lighting meets the Land Use Code's lighting requirements;
        e. All structures on the proposed Licensed Premises have been inspected by the Building Official or designee, who has determined that all required permits and a Certificate of Occupancy or final inspection approvals have been obtained;
        f. The proposed Licensed Premises complies with the Boulder County Building Code and Amendments; and
        g. No Building Code violations exist in the structure containing the proposed Licensed Premises.
    3. The Public Health Director or designee has determined the proposed Licensed Premises has all required well and septic permits or is adequately served by public water and sewer; and
    ~~4. The Treasurer or designee has determined there are no overdue property taxes for the property or any property in the county owned by the businessowner(s); and~~
    ~~5.~~4. The County Engineer or designee has determined the proposed Licensed Premises has satisfactory vehicular access and parking facilities pursuant to the County's Multimodal Transportation Standards and the Land Use Code, has provided for reasonably required offsite transportation improvements to serve the proposed site, and has suitably mitigated any traffic hazards associated with the use.

b) Before issuing a new Off-Premises Storage Permit, the Licensed Marijuana Business, along with meeting all of the requirements of Article 8(a), will need the following requirements met and approved by the Authority:
    1. Prior to submitting an application for an Off-Premises Storage Permit, the Licensed Marijuana Business must obtain acknowledgement of good standing from the relevant Local Jurisdiction. A copy of this acknowledgment must be submitted with the application.
    2. No Medical Marijuana, Medical Marijuana Products, Retail Marijuana, or Retail Marijuana Products may be stored within a permitted storage facility until the Authority has approved the permit and has been provided a copy of the Off-Premises Storage Permit from the State.
    3. Any Off-Premises Storage Permit issued by the Authority shall be conditioned upon the Licensed Marijuana Business' receipt of all required Local Jurisdiction and State approvals or acknowledgments.
    4. A Licensed Marijuana Business may only store Medical Marijuana, Medical Marijuana Products, Retail Marijuana, or Retail Marijuana Products in their Licensed Premises or in their one permitted Off-Premises Storage Facility. Medical Marijuana Transporters and Retail Marijuana Transporters are allowed to have more than one permitted Off- Premises Storage Facility.
    5. Permitting. To obtain a permit for an Off-Premises Storage Facility, a Licensed Marijuana Business must apply on current Local Jurisdiction and State forms and pay any applicable fees.
    6. Extension of Licensed Premises. A permitted Off-Premises Storage Facility shall constitute an extension of the Licensed Marijuana Business' Licensed Premises, subject to all applicable Local Jurisdiction and State regulations.
    7. Limitation on Inventory to be Stored. A Medical Marijuana Store, Cultivation Operation, Medical Marijuana Products

Manufacturer, Retail Marijuana Store, Retail Marijuana Cultivation Facility, and a Retail Marijuana Products Manufacturer Facility may only have upon the permitted Off-Premises Storage Facility Medical Marijuana, Medical Marijuana Products, Retail Marijuana, or Retail Marijuana Products that are part of the particular Licensed Marijuana Business' finished goods inventory.

8. Restrictions. The permitted Off-Premises Storage Facility may be utilized for storage only. The Licensed Marijuana Business may not sell, cultivate, manufacture, process, test, or consume any Medical Marijuana, Medical Marijuana Products, Retail Marijuana, or Retail Marijuana Products within the premises of the permitted Off-Premises Storage Facility.

Article 8.5: Operation Requirements

a) *Hours of Operation.* Medical Marijuana Stores and Retail Marijuana Stores must be closed to the public and no sale of marijuana may occur upon the premises except as allowed for the sale of sealed containers of alcoholic beverages in the Colorado Liquor Code, §44-3-901(6)(b)(II), C.R.S., as amended.

b) *Odor Control.* Odors should not escape the property line. If any complaints are received, licensees will work with Public Health to rectify air quality concerns. Unresolved air quality complaints may be basis for action on the license pursuant to Article 13 of these Regulations.

c) *Visibility of Operations.* All cultivation, production, storage, display, testing, and sales of marijuana and marijuana products must not be visible from the exterior of the business.

d) *Giveaways.* Licensed Marijuana Businesses may not distribute marijuana or marijuana-products free of charge to a consumer.

e) *Advertising.* All Licensed Marijuana Businesses are subject to the requirements of the Land Use Code and the restrictions on advertising and marketing under the CMC and CMR. In addition, no advertisement for marijuana or marijuana products is permitted on signs mounted on vehicles, hand-held or other portable signs, handbills, leaflets or other flyers directly handed to any person in a public place, left upon a motor vehicle, or posted upon any public or private property without consent of the property owner. This prohibition shall not apply to (1) any advertisement contained within a newspaper, magazine or other periodical of general circulation within the County or on the internet; (2) advertising which is purely incidental to sponsorship of a charitable event not geared to or for the benefit of children or youth.

f) *Sponsorship.* A Licensed Marijuana Business may sponsor a charitable, sports, or similar event, but a Licensed Marijuana Business must not engage in advertising at, or in connection with, such an event unless the Licensed Marijuana Business has reliable evidence that no more than thirty percent of the audience at the event and/or viewing advertising in connection with the event is reasonably expected to be under the age of 21.

g) *Additional requirements for Medical Marijuana Stores and Retail Marijuana Stores:*

1. *Receipts for Retail Marijuana Stores.* Receipts must contain the statement: "It is illegal to transfer or sell retail marijuana or retail marijuana products to anyone under the age of 21."
2. *Proof of age.* Proof of age of every person entering the Medical Marijuana Store or Retail Marijuana Store must be verified. Verification can be done either by the Licensee using an Electronic ID Scanner or physically inspecting an acceptable form of identification listed in the CMC and CMR.

h) *Sustainability.* All marijuana cultivation operations must meet the following requirement~~s~~, unless the Authority, in consultation with the Building Official, grants an extension of time for good cause shown.

1. A sustainability report must be submitted to the Licensing Authority that documents all electrical energy consumed including any fuel associated with generators or CO2 generation since the previous license expiration or the start date of the operation. This report must be made on the form provided by the Licensing Authority and must contain all required supplemental information. The sustainability report is due ~~on a yearly basis~~ at time of license renewal.

~~1. The sustainability report must be created and signed by an independent third-party commissioning agent who is approved by the Building Official, unless the facility is participating in the Boulder County Energy Impact Offset Fund (the "BCEIOF"), as provided in subparagraph (5). All fuels must be converted to kilowatt hours ("kWh") using the rate of 3412 Btu = 1 kWh. Documentation of source of consumption data is required. If a cultivation facility is participating in the BCEIOF, then energy usage does not have to be separately reported in the sustainability report.~~

~~2. A cultivation operation must directly offset 100% of electricity use through a verified subscription in a Community Solar Garden, renewable energy generated on site, or equivalent approved by the Building Official. A cultivation operation must directly offset 100% of any natural gas, liquid fuel, bio-fuel, or propane consumption, if used to power an onsite electrical power generator, CO2 generator, or unvented room heater, through a verified subscription in a Community Solar Garden, renewable energy generated on site, or equivalent~~

~~approved by the Building Official. The offset must be demonstrated in the sustainability report approved by the Building Official.~~

~~3. All lamps must be disposed of at a hazardous waste or comparable facility and not deposited in a trash receptacle or landfill. The time, date, and location of all lamps recycled must be documented.~~

~~4. In lieu of the offset requirements contained in subsections (2) & (3) of this article, a facility may choose to participate in the BCEIOF. The owner(s) of such facilities must sign a BCEIOF agreement in which they agree to abide by all terms, requirements, and conditions of the BCEIOF program. Failure to pay the full amount of a BCEIOF invoice within 60 days of the date of the invoice will result in a late fee pursuant to Article 14(d). Two or more invoices paid after 60 days of the date of the invoice within one calendar year will be considered a license infraction pursuant to Article 13.~~

i) *Reporting of Crime on a Licensed Premise or Otherwise Related to a Licensed Marijuana Business*. A Licensed Marijuana Business shall report to the Authority any discovered plan or other act or omission of any person: (1) to commit theft, burglary, underage sales, diversion of marijuana or marijuana product, or other crime related to the operation of the Licensed Marijuana Business; or (2) that results in injury to any person on the Licensed Premises or otherwise creates a risk to public health or safety. A report shall be made as soon as possible after the discovery of the action, but not later than 14 days. Nothing in this paragraph (j) alters or eliminates any obligation a Licensed Marijuana Business or Licensee may have to report criminal activity to a local or state law enforcement agency.

Article 9: Inspection

By signing and submitting a license application, the owner of the Licensed Marijuana Business certifies that the applicant has received permission from the property owner to allow inspections as may be required under State or local licensing law. In addition, the owners authorize the Authority or designee and the Building Official or designee, to enter upon and inspect the premises. Upon request, the owner of the Licensed Marijuana Business shall timely provide the Authority with records related to the business. This section shall not limit any inspection authorized under any other provision of law or regulation.

Article 10: Decision and Appeal

a) The Authority, in its sole discretion, may delay issuing a decision on a license application while the applicant is working toward bringing a noncompliant property into compliance. Applicants receiving the benefit of such a delay must proceed to correct the noncompliance diligently and in good faith or be subject to denial.
b) Once the Authority has completed a review of the application, it shall either issue a local license or a denial letter that specifies the reasons for denial. Within ten days of a denial letter, the applicant may request that the Authority reconsider its decision by submitting a letter to the Authority clearly stating the grounds for the request. In response, the Authority may deny the request, issue a revised denial letter, or issue a

local license. A denial letter, revised denial letter, or local license denial is subject to judicial review as specified in 44-10-304(1), C.R.S., but issues that were or could have been decided by the Board of Adjustment may not be raised in such a proceeding.

c) A determination by the Director of Community Planning & Permitting or designee, under Article 8(a)(2) above, that the use is not permitted or that the owner or operator has not obtained the required approvals under the Land Use Code, shall constitute a final decision of the Director appealable to the County Board of Adjustment under the applicable provisions of Article 4 of the Land Use Code. When the Authority receives such a determination, the Authority shall not issue a decision on the licensing application for thirty days. If the applicant files an appeal to the Board of Adjustment, the Authority shall not issue a decision on the licensing application until such appeal is finally resolved, unless a separate reason for denial exists.
d) The Authority will not issue a conditional license approval and shall determine that all of the requirements outlined in Article 8 have been met and the Applicant has been issued a valid license as required by the CMC before issuing a local license for a new Licensed Marijuana Business.

Article 11: Changes in License

All County forms, copies of corresponding State forms, and fees must be submitted to the Authority to modify a business premise, location, or ownership and shall be made at least thirty days prior to the anticipated change. If forms are received less than thirty days prior to the change or after the change has occurred a late fee may be charged. All information provided on State and Boulder County forms must be consistent. The application must include the application fee, be complete in every material detail, and be filled out truthfully.

a) *Modifications During Licensing Process.* No modifications may be made to the business or establishment until the license is issued by the Authority.
b) *Transfer/Change of Ownership*. A license or Off-Premises Storage Permit shall be transferable only upon approval from the State and acknowledgement by the Authority. Any change in ownership shall require acknowledgement by the Authority and be submitted on a Boulder County Change of Ownership Application.
    1. The Applicant(s) or transferee(s) for any license transfer or change of ownership shall not operate the Licensed Marijuana Business until the transfer of ownership request is approved in writing by the State and the Authority.
    2. The current Owner(s) or proposed transferee(s) of the license at date of issue retain full responsibility for the Licensed Marijuana Business identified in the transfer of ownership application until the transfer of ownership request is approved in writing by the State and acknowledged by the Authority. A violation of this requirement shall constitute grounds to deny the transfer of ownership request and may result in disciplinary action against the license(s) of the current Owner(s) and/or the Licensed Marijuana Business.
    3. If the Licensed Marijuana Business or any Licensees affiliated or associated with the business are applying to transfer ownership and are involved in an

administrative investigation or administrative disciplinary action, the following may apply:

a. The transfer of ownership may be delayed or denied until administrative action is resolved; or

b. If the transfer of ownership is approved in writing by both the State and the Authority, the transferee(s) may be responsible for the actions of the Licensed Marijuana Business and its prior owners, and subject to discipline based upon the same.

c) *Change of Location*. A change to the location of a Licensed Marijuana Business shall require approval by the Authority and be requested on a Boulder County Marijuana Licensing Report of Changes form, including the procurement of all permits and approvals from all referral departments listed in 7(c) above. The license shall be effective on the date of issuance, and the Licensee shall, within 120 days, change the location of its business to the place specified therein and at the same time cease to operate at the former location. At no time may a Licensee operate or exercise any of the privileges granted pursuant to the license at both locations. For good cause shown, the 120 day deadline may be extended for an additional 120 days. To be approved for a change of location the new location must comply with Articles 8 and 8.5 of these Regulations.

d) *Modification of Premises*. A modification of any building structure where a Licensed Marijuana Business is located is subject to all applicable provisions of the Land Use Code and County building code. Any modification of premises shall require approval by the Authority and be requested on a Boulder County Marijuana Licensing Report of Changes form.

e) *Change of Mailing Address*. Notification is required and must be done on the Boulder County Marijuana Licensing Report of Changes form.

f) *Change in Trade Name*. Change may be made only upon approval by the Authority and the State. Any changes shall require approval by the Authority and be requested on a Boulder County Marijuana Licensing Report of Changes form.

Article 12: Term of License or Permit; Renewal

a) *Term of License or Permit.* Boulder County Marijuana Business licenses and Off–Premises Storage Permits shall be valid for a period of ~~one year~~two years or upon the expiration and non-renewal of the associated license or permit, whichever occurs first.

b) *Renewal of License or Permit.* Before renewing a local license for a Licensed Marijuana Business, the Authority shall determine that all of the following requirements have been met in addition to any requirements in the CMC, and CMR:

1. A renewal application, renewal fee, operating fee, and any required accessory license operating fees must be submitted at least forty-five days before the expiration of the license or permit, or a late fee may apply. Failure to submit a

renewal application prior to the expiration date of a license or permit may result in the revocation of a license or permit on the expiration date.

2. No violations of these regulations exist. Renewal of any local license or permit is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place.
3. The Director of Community Planning & Permitting or designee has determined:
    a. The use is permitted and the owner or operator has obtained any required approvals under the Land Use Code;
    b. No zoning violations exist on the Licensed Premises;
    c. All existing or proposed signage under the control of the licensee meets the requirements of the Land Use Code;
    d. All existing or proposed lighting under the control of the licensee meets the Land Use Code's lighting requirements;
    e. The Licensed Premises have been inspected by the Building Official or designee, who has determined that all required permits and a Certificate of Occupancy or final inspection approvals have been obtained;
    f. The Licensed Premises complies with the Boulder County Building Code and Amendments; and
    g. No Building Code violations exist on the Licensed Premises.
4. The Public Health Director or designee has determined:
    a. The Licensed Premises has all required well and septic permits or is adequately served by public water and sewer; and
    b. All reports of offensive odors have been rectified as confirmed by Public Health.
5. The County Engineer or designee has determined the Licensed Premises has satisfactory vehicular access and parking facilities pursuant to the County's Multimodal Transportation Standards and the Land Use Code, has provided for reasonably required offsite transportation improvements to serve the site, and has suitably mitigated any traffic hazards associated with the use.
6. ~~If the Assessor or designee has determined that the Licensee has not filed a personal property schedule as required by §39-5-108, C.R.S. for the most recent applicable year, the license shall not be renewed unless a schedule is filed prior to the expiration date of the license or permit.~~
7. ~~If the Treasurer or designee has determined that there are overdue property taxes for either the real property where the Licensed Premises is located or for the personal property owned by the Licensed Marijuana Business, the license shall not be renewed, with the exception that if the business owner is current pursuant to a payment plan with the Treasurer for personal property taxes, the license may be renewed.~~
8. ~~If the Licensee is participating in the BCEIOF, the Licensee has submitted all required sustainability reports and there are no overdue BCEIOF invoices related to the Licensee's participation in the BCEIOF, with the exception that if the Licensee is current pursuant to a payment plan for BCEIOF invoices, the license may be renewed.~~

c) If the Licensee timely applies for the renewal of an existing license, the Authority may administratively continue the license beyond the expiration date while it completes the renewal licensing process.
d) If the Licensee files a renewal application within 30 days prior to expiration, the Licensee must provide a written explanation detailing the circumstances surrounding the late filing. If the Authority accepts the application, then the Authority may elect to administratively continue the license beyond the expiration date while it completes the renewal licensing process.
e) *License Not Renewed or Administratively Continued.*
    1. In the event the license is not renewed prior to expiration, a Licensed Marijuana Business may not operate unless it has been administratively continued.
    2. If a Licensee files a renewal application after the date of expiration, the application will be treated as a new license application.
    3. Renewal applications that are denied by the Authority may be appealed pursuant to §44-10-314, C.R.S.
f) *Licenses Subject to Ongoing Discipline and/or Suspension*. Licenses that are the subject of a suspension, disciplinary action, and/or any other administrative action are subject to the requirements of this rule. Licenses that are not timely renewed will expire.

Article 13: Violations

a) *Order to Show Cause*. If the Authority has reasonable cause to believe that a Licensee has violated the CMC, CMR or these Regulations, it shall issue an Order to Show Cause, specifically identifying the alleged violation(s), advising that action may be taken against the license, and giving the Licensee ten days to provide a response in writing and request a public hearing.
b) If a public hearing has been requested within ten days of the issuance of the Order to Show Cause, the Authority shall set a hearing within 14 days, to be held within 30 days of the Order. The Licensee shall be given an opportunity to testify and call witnesses. The Authority may administer oaths and issue subpoenas for the testimony of persons or for documents to be produced.
c) *Decision*. Based on the Licensee's response and any other evidence that has been presented, the Authority shall determine if a violation has occurred, and if so, the appropriate penalty. The Authority may take into consideration any aggravating and mitigating factors surrounding the violation which could impact the type or severity of penalty imposed.
d) *Penalties*. The Authority will make a determination regarding the type of penalty to impose based on the severity of the violation in the following categories:
    1. *License Infractions*. This category of violation is the least severe and may include, but is not limited to, air quality complaints, unauthorized modifications of the premises of a minor nature, or failure to notify the Authority of a change in ownership~~, or two or more late paid BCEIOF invoices in a calendar year~~. The range of penalties for this category of violation include a verbal or written warning, license suspension, a fine per individual violation, or a fine in lieu of suspension of up to

$10,000 depending on the mitigating and aggravating circumstances. Sanctions may also include license restrictions.

2. *License Violations*. This category of violation is more severe than a license infraction but generally does not have an immediate impact on the health, safety, and welfare of the public at large. License violations may include but are not limited to, unrectified odor issues, advertising and/or marketing violations, unauthorized modifications of the premises, or failure to notify the Authority of a change in ownership. The range of penalties for this category of violation may include a written warning, license suspension, a fine per individual violation, a fine in lieu of suspension of up to $50,000, and/or license revocation depending on the mitigating and aggravating circumstances. Sanctions may also include restrictions on the license.
3. *License Violations Affecting Public Safety*. This category of violation is the most severe and may include, but is not limited to, medical marijuana sales to non-patients, consuming marijuana on the Licensed Premises, marijuana sales in excess of the relevant transition limit, violations related to Dual Operations, or packaging or labeling violations that directly impact patient safety. Violations of this nature generally have an immediate impact on the health, safety, and welfare of the public at large. The range of penalties for this category of violation may include license suspension, a fine per individual violation, a fine in lieu of suspension of up to $100,000, and/or license revocation. Sanctions may also include restrictions on the license.

e) *Fines*. Fines of up to $3,000 for each offense may be imposed for a Licensee's violations. If a Licensee has had multiple violations within a three-year period, fines of up to $5,000 for each offense may be imposed. If a license has been suspended pursuant to this Article for fourteen days or less, the Licensee may petition the Authority for a fine in lieu of suspension, and the Authority in its sole discretion may grant this request. Any fine must be paid within thirty days of a final decision by the Authority or the license will be suspended, unless the Authority grants a longer period.

f) *Appeal Process*. Within ten days of any decision by the Authority, the Licensee may provide a written response by submitting a letter to the Authority clearly stating its position. In response, the Authority may make a final decision, request additional information or conduct additional investigation prior to issuing a final decision, or withdraw the violation determination. A final decision is appealable under Colorado Rule of Civil Procedure 106(a)(4). A Licensee may continue to operate during the pendency of an appeal. The Authority may grant extensions of deadlines under this Article for good cause shown.

g) *Upon Denial or Revocation of a State License.* Any license issued under these Regulations shall be null and void if a court of competent jurisdiction determines that the issuance of local licenses violates federal law. Upon denial or revocation of a State license, all related local licenses issued under these Regulations shall be deemed immediately revoked by operation of law, with no ground for appeal or other redress on behalf of the Licensee**.**

Article 14: Fee Structure.

a) *New Marijuana Business License and Off-Premises Storage Permit*. Only one Application Fee is required per business, per location. Licenses will be issued for a two-year term. An ~~Annual~~ Operating Fee ~~will be~~is required for the first license and an Accessory License Operating Fee ~~will be~~is required for each additional license for that business, at that location and may be paid for the full two-year termat the time of issuance or renewal, or on an annual basis. The operating fee may be refunded if the Authority denies the application. All other fees are non-refundable.

b) The Authority will maintain a fee schedule for applications, operating fees, conversions, renewals, and administrative fees. The BOCC will approve all changes to this schedule, which is binding on Licensees.

Article 15: Severability

If any provision of these Regulations is found to be invalid by a court of competent jurisdiction, only the provision subject to the court decision shall be repealed or amended. All other provisions shall remain in full force and effect.

Article 1: Purpose and Intent

Section 14 of article XVIII of the Colorado Constitution permits limited medical uses of marijuana under Colorado law. Section 16, article XVIII of the Colorado Constitution permits personal use of marijuana by persons aged 21 years and older under Colorado law. To enact, restrict, and enforce the state constitution, the General Assembly enacted the Colorado Marijuana Code, article 10 of title 44, C.R.S. (the "CMC"). In addition, the Colorado Department of Revenue adopted 1 CCR 212-3, the Colorado Marijuana Rules (the "CMR"). The CMC and CMR authorize counties and municipalities to determine whether to permit, as a matter of state law, certain medical and retail (i.e. non-medical) marijuana businesses within their jurisdictions.

The purpose of these Regulations is to authorize licensing in unincorporated Boulder County as provided in Section 16, article XVIII of the Colorado Constitution and §44-10-104, C.R.S., as amended; to establish specific standards and procedures for local licensing of Marijuana Businesses and Establishments; and to protect the health, safety, and welfare of the residents, consumers and patients of Boulder County by prescribing the manner in which Licensed Marijuana Businesses can be conducted in the county. By enacting these Regulations, Boulder County does not intend to encourage or promote the establishment of any business or operation, or the commission of any act, that constitutes or may constitute a violation of state or federal law. As of the date of the enactment of these Regulations, the use, possession, distribution, and sale of marijuana is illegal under Federal law and those who engage in such activities do so at their own risk of criminal prosecution.

Article 2: Defined Terms

The definitions in the CMC, §44-10-103, C.R.S., as amended, and the CMR 1-115 shall apply to these Regulations except as follows:

a) "Authority": The Boulder County Marijuana Licensing Authority.
b) "Applicant": A Person that has submitted an application for licensure or registration, or for renewal of licensure or registration, pursuant to these Regulations that was accepted for review but has not been approved or denied.
c) "Building Official": The Chief Building Official in the Boulder County Community Planning & Permitting Department.
d) "Dual Operation": A facility that simultaneously operates a licensed Medical Marijuana Business and licensed Retail Marijuana Establishment.
e) "Electronic ID Scanner": A device that is capable of quickly and reliably confirming the validity of an identification using computer processes.
f) "Local Jurisdiction": The city, county, municipality, or city and county where the Licensed Marijuana Business is located.
g) "Off-Premises Storage Facility": A permitted facility that is an extension of the Licensee's licensed premises, that allows a Licensed Marijuana Business to store Medical Marijuana, Medical Marijuana Products, Retail Marijuana, or Retail Marijuana Products that are part of its finished goods inventory.

h) "Off-Premises Storage Permit": An extension of a Licensed Marijuana Business' licensed premises that is subject to all applicable medical or retail marijuana regulations.
i) "State": The Marijuana Enforcement Division (the "MED") of the Colorado Department of Revenue.

Article 3: Local Licensing

a) *Local License Required*. It is unlawful to operate any business in unincorporated Boulder County for which a license is required under the CMC or CMR without first having obtained a local license under these Regulations and a State license.
b) *Dual Licenses*. Dual Operations are permitted so long as appropriate State and Boulder County licenses have been issued and remain valid and active for both operations.
c) *No entitlement or vested right*. No person shall have any entitlement or vested right to licensing under these Regulations, the CMC, Boulder County zoning approvals, or Boulder County building permits. To lawfully engage in the business of selling, cultivating, testing, storing, transporting, or manufacturing of marijuana in unincorporated Boulder County, all persons must obtain a license or permit under these Regulations. Such a license or permit is a revocable privilege subject to the will and scrutiny of local and State authorities.

Article 4: Relationship to Other Laws

Boulder County intends to follow and incorporate the requirements and procedures in the CMC and the CMR. Whenever possible, these Regulations and any licenses issued under these Regulations shall be construed to comply with federal law, specifically including the Controlled Substances Act.

Article 5: Authority

The Boulder County Board of County Commissioners (the "Board") may designate, in its discretion, a person or persons to act as the Boulder County Marijuana Licensing Authority. The Authority shall serve at the pleasure of the Board and be compensated on terms mutually agreeable to the Board and the Authority. The Authority shall accept and determine applications and fees, investigate potential licensing violations, take action against licensees, and perform other duties as provided by these Regulations.

Article 6: Licenses

The Authority is authorized to issue the following local licenses should the applicant fulfill the requirements: Medical Marijuana Store license; Medical Marijuana Cultivation license; Medical Marijuana Products Manufacturer license; Medical Marijuana Testing Facility license; Medical Marijuana Transporter license; Marijuana Research and Development license; Retail Marijuana Store license; Retail Marijuana Cultivation Facility license; Retail Marijuana Products Manufacturer Facility license; Retail Marijuana Testing Facility license; and Retail Marijuana Transporter license; In addition, an Off-Premises Storage Permit may be issued. A Boulder County license shall only be required for Medical or Retail Marijuana Transporters if the Transporter will have a Licensed Premises

or Off-Premises Storage Facility in the County. The license requirements in these Regulations shall be in addition to, and not in lieu of, any other licensing and permitting requirements imposed by any other federal, state, or local law. The license does not provide any exception, defense, or immunity to any person in regard to any potential criminal liability the person may have for the cultivation, production, distribution, testing, storage, or possession of marijuana. A valid license shall be required from the State of Colorado as provided by the CMC.

Article 7: Licensing Procedure

a) *General Procedure.* The Authority shall consider and act upon all complete local license applications as authorized by these Regulations. The Authority may defer to the State to enforce compliance with the requirements in the CMC and any other State regulations not covered by these Regulations. The Authority shall grant or deny a license or permit based solely upon the Authority's investigation and findings, and no public hearing shall be required. The Authority shall deny any application or permit that is not in full compliance with these Regulations. The Authority may, at its discretion, waive specific submission requirements or require the submission of additional materials as may be useful in making a determination under these Regulations.

b) *Application forms.*

1. All applications for Licensed Marijuana Businesses shall be made upon the applicable Boulder County application form along with all appropriate documentation required by the Authority. The burden of proving an Applicant's qualifications for licensure rests, at all times, with the Applicant.
2. An application for a Licensed marijuana business shall not be filed until the use has been approved pursuant to the Land Use Code.
3. All applications must be complete before being accepted or considered by the Authority.
4. All applications must include all attachments or supplemental information required by the form.
5. All applications must be accompanied by a full remittance of the application and license fees.
6. The Authority may refuse to accept an incomplete application.
7. An Applicant's failure to provide any requested information by the Authority deadline may be grounds for denial of the application.

c) *Other County Departments.* Upon receipt of an application under 7(b) above, the Authority shall circulate the application to the Community Planning & Permitting Department's Building Inspectors, Zoning, and Access and Engineering teams, and the Public Health Department. These departments should employ their best efforts to respond within thirty days to the Authority with any concerns they have regarding the application. Failure of a referral agency to timely respond to a referral shall not constitute approval of the license.

Article 8: Licensing Requirements

a) Before issuing a local license for a new Licensed Marijuana Business, the Authority shall determine that all of the following requirements have been met in addition to any requirements in the CMC and CMR:
    1. The appropriate application is complete, and all fees have been paid;
    2. The Director of Community Planning & Permitting or designee has determined:
        a. The use is permitted and the owner or operator has obtained any required approvals under the Land Use Code;
        b. No zoning violations exist on the parcel;
        c. All existing or proposed signage meets the requirements of the Land Use Code;
        d. All existing or proposed lighting meets the Land Use Code's lighting requirements;
        e. All structures on the proposed Licensed Premises have been inspected by the Building Official or designee, who has determined that all required permits and a Certificate of Occupancy or final inspection approvals have been obtained;
        f. The proposed Licensed Premises complies with the Boulder County Building Code and Amendments; and
        g. No Building Code violations exist in the structure containing the proposed Licensed Premises.
    3. The Public Health Director or designee has determined the proposed Licensed Premises has all required well and septic permits or is adequately served by public water and sewer; and
    4. The County Engineer or designee has determined the proposed Licensed Premises has satisfactory vehicular access and parking facilities pursuant to the County's Multimodal Transportation Standards and the Land Use Code, has provided for reasonably required offsite transportation improvements to serve the proposed site, and has suitably mitigated any traffic hazards associated with the use.

b) Before issuing a new Off-Premises Storage Permit, the Licensed Marijuana Business, along with meeting all of the requirements of Article 8(a), will need the following requirements met and approved by the Authority:
    1. Prior to submitting an application for an Off-Premises Storage Permit, the Licensed Marijuana Business must obtain acknowledgement of good standing from the relevant Local Jurisdiction. A copy of this acknowledgment must be submitted with the application.
    2. No Medical Marijuana, Medical Marijuana Products, Retail Marijuana, or Retail Marijuana Products may be stored within a permitted storage facility until the Authority has approved the permit and has been provided a copy of the Off-Premises Storage Permit from the State.
    3. Any Off-Premises Storage Permit issued by the Authority shall be conditioned upon the Licensed Marijuana Business' receipt of all required Local Jurisdiction and State approvals or acknowledgments.

4. A Licensed Marijuana Business may only store Medical Marijuana, Medical Marijuana Products, Retail Marijuana, or Retail Marijuana Products in their Licensed Premises or in their one permitted Off-Premises Storage Facility. Medical Marijuana Transporters and Retail Marijuana Transporters are allowed to have more than one permitted Off- Premises Storage Facility.
5. Permitting. To obtain a permit for an Off-Premises Storage Facility, a Licensed Marijuana Business must apply on current Local Jurisdiction and State forms and pay any applicable fees.
6. Extension of Licensed Premises. A permitted Off-Premises Storage Facility shall constitute an extension of the Licensed Marijuana Business' Licensed Premises, subject to all applicable Local Jurisdiction and State regulations.
7. Limitation on Inventory to be Stored. A Medical Marijuana Store, Cultivation Operation, Medical Marijuana Products Manufacturer, Retail Marijuana Store, Retail Marijuana Cultivation Facility, and a Retail Marijuana Products Manufacturer Facility may only have upon the permitted Off-Premises Storage Facility Medical Marijuana, Medical Marijuana Products, Retail Marijuana, or Retail Marijuana Products that are part of the particular Licensed Marijuana Business' finished goods inventory.
8. Restrictions. The permitted Off-Premises Storage Facility may be utilized for storage only. The Licensed Marijuana Business may not sell, cultivate, manufacture, process, test, or consume any Medical Marijuana, Medical Marijuana Products, Retail Marijuana, or Retail Marijuana Products within the premises of the permitted Off-Premises Storage Facility.

Article 8.5: Operation Requirements

a) *Hours of Operation.* Medical Marijuana Stores and Retail Marijuana Stores must be closed to the public and no sale of marijuana may occur upon the premises except as allowed for the sale of sealed containers of alcoholic beverages in the Colorado Liquor Code, §44-3-901(6)(b)(II), C.R.S., as amended.
b) *Odor Control.* Odors should not escape the property line. If any complaints are received, licensees will work with Public Health to rectify air quality concerns. Unresolved air quality complaints may be basis for action on the license pursuant to Article 13 of these Regulations.
c) *Visibility of Operations*. All cultivation, production, storage, display, testing, and sales of marijuana and marijuana products must not be visible from the exterior of the business.
d) *Giveaways*. Licensed Marijuana Businesses may not distribute marijuana or marijuana-products free of charge to a consumer.
e) *Advertising.* All Licensed Marijuana Businesses are subject to the requirements of the Land Use Code and the restrictions on advertising and marketing under the CMC and CMR. In addition, no advertisement for marijuana or marijuana products is permitted on signs mounted on vehicles, hand-held or other portable signs, handbills, leaflets or other flyers directly handed to any person in a public place, left upon a motor vehicle, or posted upon any public or private property without consent of the property owner. This prohibition shall not apply to (1) any advertisement contained within a newspaper, magazine or other periodical of general circulation within the County or on the internet;

(2) advertising which is purely incidental to sponsorship of a charitable event not geared to or for the benefit of children or youth.

f) *Sponsorship.* A Licensed Marijuana Business may sponsor a charitable, sports, or similar event, but a Licensed Marijuana Business must not engage in advertising at, or in connection with, such an event unless the Licensed Marijuana Business has reliable evidence that no more than thirty percent of the audience at the event and/or viewing advertising in connection with the event is reasonably expected to be under the age of 21.

g) *Additional requirements for Medical Marijuana Stores and Retail Marijuana Stores:*
   1. *Receipts for Retail Marijuana Stores*. Receipts must contain the statement: "It is illegal to transfer or sell retail marijuana or retail marijuana products to anyone under the age of 21."
   2. *Proof of age.* Proof of age of every person entering the Medical Marijuana Store or Retail Marijuana Store must be verified. Verification can be done either by the Licensee using an Electronic ID Scanner or physically inspecting an acceptable form of identification listed in the CMC and CMR.

h) *Sustainability.* All marijuana cultivation operations must meet the following requirement, unless the Authority, in consultation with the Building Official, grants an extension of time for good cause shown.
   1. A sustainability report must be submitted to the Licensing Authority that documents all electrical energy consumed including any fuel associated with generators or CO2 generation since the previous license expiration or the start date of the operation. This report must be made on the form provided by the Licensing Authority and must contain all required supplemental information. The sustainability report is due at time of license renewal.

i) *Reporting of Crime on a Licensed Premise or Otherwise Related to a Licensed Marijuana Business*. A Licensed Marijuana Business shall report to the Authority any discovered plan or other act or omission of any person: (1) to commit theft, burglary, underage sales, diversion of marijuana or marijuana product, or other crime related to the operation of the Licensed Marijuana Business; or (2) that results in injury to any person on the Licensed Premises or otherwise creates a risk to public health or safety. A report shall be made as soon as possible after the discovery of the action, but not later than 14 days. Nothing in this paragraph (j) alters or eliminates any obligation a Licensed Marijuana Business or Licensee may have to report criminal activity to a local or state law enforcement agency.

Article 9: Inspection

By signing and submitting a license application, the owner of the Licensed Marijuana Business certifies that the applicant has received permission from the property owner to allow inspections as may be required under State or local licensing law. In addition, the owners authorize the Authority or designee and the Building Official or designee, to enter upon and inspect the premises. Upon request, the owner of the Licensed Marijuana Business shall timely provide the Authority with records related to the business. This section shall not limit any inspection authorized under any other provision of law or regulation.

Article 10: Decision and Appeal

a) The Authority, in its sole discretion, may delay issuing a decision on a license application while the applicant is working toward bringing a noncompliant property into compliance. Applicants receiving the benefit of such a delay must proceed to correct the noncompliance diligently and in good faith or be subject to denial.
b) Once the Authority has completed a review of the application, it shall either issue a local license or a denial letter that specifies the reasons for denial. Within ten days of a denial letter, the applicant may request that the Authority reconsider its decision by submitting a letter to the Authority clearly stating the grounds for the request. In response, the Authority may deny the request, issue a revised denial letter, or issue a local license. A denial letter, revised denial letter, or local license denial is subject to judicial review as specified in 44-10-304(1), C.R.S., but issues that were or could have been decided by the Board of Adjustment may not be raised in such a proceeding.
c) A determination by the Director of Community Planning & Permitting or designee, under Article 8(a)(2) above, that the use is not permitted or that the owner or operator has not obtained the required approvals under the Land Use Code, shall constitute a final decision of the Director appealable to the County Board of Adjustment under the applicable provisions of Article 4 of the Land Use Code. When the Authority receives such a determination, the Authority shall not issue a decision on the licensing application for thirty days. If the applicant files an appeal to the Board of Adjustment, the Authority shall not issue a decision on the licensing application until such appeal is finally resolved, unless a separate reason for denial exists.
d) The Authority will not issue a conditional license approval and shall determine that all of the requirements outlined in Article 8 have been met and the Applicant has been issued a valid license as required by the CMC before issuing a local license for a new Licensed Marijuana Business.

Article 11: Changes in License

All County forms, copies of corresponding State forms, and fees must be submitted to the Authority to modify a business premise, location, or ownership and shall be made at least thirty days prior to the anticipated change. If forms are received less than thirty days prior to the change or after the change has occurred a late fee may be charged. All information provided on State and Boulder County forms must be consistent. The application must include the application fee, be complete in every material detail, and be filled out truthfully.

a) *Modifications During Licensing Process.* No modifications may be made to the business or establishment until the license is issued by the Authority.
b) *Transfer/Change of Ownership*. A license or Off-Premises Storage Permit shall be transferable only upon approval from the State and acknowledgement by the Authority. Any change in ownership shall require acknowledgement by the Authority and be submitted on a Boulder County Change of Ownership Application.

1. The Applicant(s) or transferee(s) for any license transfer or change of ownership shall not operate the Licensed Marijuana Business until the transfer of ownership request is approved in writing by the State and the Authority.
2. The current Owner(s) or proposed transferee(s) of the license at date of issue retain full responsibility for the Licensed Marijuana Business identified in the transfer of ownership application until the transfer of ownership request is approved in writing by the State and acknowledged by the Authority. A violation of this requirement shall constitute grounds to deny the transfer of ownership request and may result in disciplinary action against the license(s) of the current Owner(s) and/or the Licensed Marijuana Business.
3. If the Licensed Marijuana Business or any Licensees affiliated or associated with the business are applying to transfer ownership and are involved in an administrative investigation or administrative disciplinary action, the following may apply:
    a. The transfer of ownership may be delayed or denied until administrative action is resolved; or
    b. If the transfer of ownership is approved in writing by both the State and the Authority, the transferee(s) may be responsible for the actions of the Licensed Marijuana Business and its prior owners, and subject to discipline based upon the same.

c) *Change of Location*. A change to the location of a Licensed Marijuana Business shall require approval by the Authority and be requested on a Boulder County Marijuana Licensing Report of Changes form, including the procurement of all permits and approvals from all referral departments listed in 7(c) above. The license shall be effective on the date of issuance, and the Licensee shall, within 120 days, change the location of its business to the place specified therein and at the same time cease to operate at the former location. At no time may a Licensee operate or exercise any of the privileges granted pursuant to the license at both locations. For good cause shown, the 120 day deadline may be extended for an additional 120 days. To be approved for a change of location the new location must comply with Articles 8 and 8.5 of these Regulations.

d) *Modification of Premises*. A modification of any building structure where a Licensed Marijuana Business is located is subject to all applicable provisions of the Land Use Code and County building code. Any modification of premises shall require approval by the Authority and be requested on a Boulder County Marijuana Licensing Report of Changes form.

e) *Change of Mailing Address*. Notification is required and must be done on the Boulder County Marijuana Licensing Report of Changes form.

f) *Change in Trade Name*. Change may be made only upon approval by the Authority and the State. Any changes shall require approval by the Authority and be requested on a Boulder County Marijuana Licensing Report of Changes form.

Article 12: Term of License or Permit; Renewal

a) *Term of License or Permit.* Boulder County Marijuana Business licenses and Off–Premises Storage Permits shall be valid for a period of two years or upon the expiration and non-renewal of the associated license or permit, whichever occurs first.
b) *Renewal of License or Permit.* Before renewing a local license for a Licensed Marijuana Business, the Authority shall determine that all of the following requirements have been met in addition to any requirements in the CMC, and CMR:
    1. A renewal application, renewal fee, operating fee, and any required accessory license operating fees must be submitted at least forty-five days before the expiration of the license or permit, or a late fee may apply. Failure to submit a renewal application prior to the expiration date of a license or permit may result in the revocation of a license or permit on the expiration date.
    2. No violations of these regulations exist. Renewal of any local license or permit is subject to the laws and regulations effective at the time of renewal, which may be substantially different than the regulations currently in place.
    3. The Director of Community Planning & Permitting or designee has determined:
        a. The use is permitted and the owner or operator has obtained any required approvals under the Land Use Code;
        b. No zoning violations exist on the Licensed Premises;
        c. All existing or proposed signage under the control of the licensee meets the requirements of the Land Use Code;
        d. All existing or proposed lighting under the control of the licensee meets the Land Use Code's lighting requirements;
        e. The Licensed Premises have been inspected by the Building Official or designee, who has determined that all required permits and a Certificate of Occupancy or final inspection approvals have been obtained;
        f. The Licensed Premises complies with the Boulder County Building Code and Amendments; and
        g. No Building Code violations exist on the Licensed Premises.
    4. The Public Health Director or designee has determined:
        a. The Licensed Premises has all required well and septic permits or is adequately served by public water and sewer; and
        b. All reports of offensive odors have been rectified as confirmed by Public Health.
    5. The County Engineer or designee has determined the Licensed Premises has satisfactory vehicular access and parking facilities pursuant to the County's Multimodal Transportation Standards and the Land Use Code, has provided for reasonably required offsite transportation improvements to serve the site, and has suitably mitigated any traffic hazards associated with the use.

c) If the Licensee timely applies for the renewal of an existing license, the Authority may administratively continue the license beyond the expiration date while it completes the renewal licensing process.
d) If the Licensee files a renewal application within 30 days prior to expiration, the Licensee must provide a written explanation detailing the circumstances surrounding the late filing. If the Authority accepts the application, then the Authority may elect to administratively continue the license beyond the expiration date while it completes the renewal licensing process.
e) *License Not Renewed or Administratively Continued.*
    1. In the event the license is not renewed prior to expiration, a Licensed Marijuana Business may not operate unless it has been administratively continued.
    2. If a Licensee files a renewal application after the date of expiration, the application will be treated as a new license application.
    3. Renewal applications that are denied by the Authority may be appealed pursuant to §44-10-314, C.R.S.
f) *Licenses Subject to Ongoing Discipline and/or Suspension*. Licenses that are the subject of a suspension, disciplinary action, and/or any other administrative action are subject to the requirements of this rule. Licenses that are not timely renewed will expire.

Article 13: Violations

a) *Order to Show Cause*. If the Authority has reasonable cause to believe that a Licensee has violated the CMC, CMR or these Regulations, it shall issue an Order to Show Cause, specifically identifying the alleged violation(s), advising that action may be taken against the license, and giving the Licensee ten days to provide a response in writing and request a public hearing.
b) If a public hearing has been requested within ten days of the issuance of the Order to Show Cause, the Authority shall set a hearing within 14 days, to be held within 30 days of the Order. The Licensee shall be given an opportunity to testify and call witnesses. The Authority may administer oaths and issue subpoenas for the testimony of persons or for documents to be produced.
c) *Decision*. Based on the Licensee's response and any other evidence that has been presented, the Authority shall determine if a violation has occurred, and if so, the appropriate penalty. The Authority may take into consideration any aggravating and mitigating factors surrounding the violation which could impact the type or severity of penalty imposed.
d) *Penalties*. The Authority will make a determination regarding the type of penalty to impose based on the severity of the violation in the following categories:
    1. *License Infractions*. This category of violation is the least severe and may include, but is not limited to, air quality complaints, unauthorized modifications of the premises of a minor nature, or failure to notify the Authority of a change in ownership. The range of penalties for this category of violation include a verbal or written warning, license suspension, a fine per individual violation, or a fine in lieu of suspension of up to $10,000 depending on the mitigating and aggravating circumstances. Sanctions may also include license restrictions.

2. *License Violations*. This category of violation is more severe than a license infraction but generally does not have an immediate impact on the health, safety, and welfare of the public at large. License violations may include but are not limited to, unrectified odor issues, advertising and/or marketing violations, unauthorized modifications of the premises, or failure to notify the Authority of a change in ownership. The range of penalties for this category of violation may include a written warning, license suspension, a fine per individual violation, a fine in lieu of suspension of up to $50,000, and/or license revocation depending on the mitigating and aggravating circumstances. Sanctions may also include restrictions on the license.
3. *License Violations Affecting Public Safety*. This category of violation is the most severe and may include, but is not limited to, medical marijuana sales to non-patients, consuming marijuana on the Licensed Premises, marijuana sales in excess of the relevant transition limit, violations related to Dual Operations, or packaging or labeling violations that directly impact patient safety. Violations of this nature generally have an immediate impact on the health, safety, and welfare of the public at large. The range of penalties for this category of violation may include license suspension, a fine per individual violation, a fine in lieu of suspension of up to $100,000, and/or license revocation. Sanctions may also include restrictions on the license.

e) *Fines*. Fines of up to $3,000 for each offense may be imposed for a Licensee's violations. If a Licensee has had multiple violations within a three-year period, fines of up to $5,000 for each offense may be imposed. If a license has been suspended pursuant to this Article for fourteen days or less, the Licensee may petition the Authority for a fine in lieu of suspension, and the Authority in its sole discretion may grant this request. Any fine must be paid within thirty days of a final decision by the Authority or the license will be suspended, unless the Authority grants a longer period.

f) *Appeal Process*. Within ten days of any decision by the Authority, the Licensee may provide a written response by submitting a letter to the Authority clearly stating its position. In response, the Authority may make a final decision, request additional information or conduct additional investigation prior to issuing a final decision, or withdraw the violation determination. A final decision is appealable under Colorado Rule of Civil Procedure 106(a)(4). A Licensee may continue to operate during the pendency of an appeal. The Authority may grant extensions of deadlines under this Article for good cause shown.

g) *Upon Denial or Revocation of a State License.* Any license issued under these Regulations shall be null and void if a court of competent jurisdiction determines that the issuance of local licenses violates federal law. Upon denial or revocation of a State license, all related local licenses issued under these Regulations shall be deemed immediately revoked by operation of law, with no ground for appeal or other redress on behalf of the Licensee**.**

Article 14: Fee Structure.

a) *New Marijuana Business License and Off-Premises Storage Permit*. Only one Application Fee is required per business, per location. Licenses will be issued for a two-year term. An Operating Fee is required for the first license and an Accessory License Operating Fee is required for each additional license for that business, at that location and may be paid for the full two-year term at the time of issuance or renewal, or on an annual basis. The operating fee may be refunded if the Authority denies the application. All other fees are non-refundable.

b) The Authority will maintain a fee schedule for applications, operating fees, conversions, renewals, and administrative fees. The BOCC will approve all changes to this schedule, which is binding on Licensees.

Article 15: Severability

If any provision of these Regulations is found to be invalid by a court of competent jurisdiction, only the provision subject to the court decision shall be repealed or amended. All other provisions shall remain in full force and effect.

RESOLUTION 2026-0070

A RESOLUTION SUNSETTING THE ENERGY IMPACT OFFSET FUND AND

AMENDING THE BOULDER COUNTY MARIJUANA LICENSING REGULATIONS

A. The Boulder County Board of County Commissioners (the "Board") adopted Resolution 2013-102 on October 29, 2013, adopting the Boulder County Marijuana Licensing Regulations (the "Regulations") which authorize licensing in unincorporated Boulder County as permitted by state law; establish specific standards and procedures for local licensing of marijuana-related businesses as provided by state law; and protect the health, safety and welfare of the residents and patients of Boulder County by prescribing the manner in which marijuana businesses can be conducted in the county.

B. The Regulations included requirements for marijuana cultivators (the "Cultivators") to meet certain energy offset requirements to mitigate the energy impacts of marijuana cultivation.

C. On August 5, 2014, the Board adopted Resolution 2014-41, which created the Boulder County Energy Impact Offset Fund (the "Fund"), which provided Cultivators with an alternative to compliance with the energy offsets required in the Regulations.

D. Resolution 2014-41 required monies from the Fund to be used to promote or facilitate reduction in fossil fuel energy consumption or otherwise directly offset the effects of fossil fuel energy consumption. Potential uses of the funds included the purchase and installation of monitoring equipment, grants to income-qualifying property owners in unincorporated Boulder County for solar or other measures that have demonstrable carbon reduction benefits; and programs that accelerate the adoption of new technologies and operational methods that will result in less energy intensive cannabis grow operations and/or that improve the industry's integration with local agricultural practices and organic farming methods to reduce dependence on fertilizers derived from fossil fuels.

E. On June 21, 2022, the Board adopted Resolution 2022-042 which updated the Fund to better define the Steering Committee.

F. After the Fund was established, most Cultivators subject to the Regulations chose the Fund as the alternative to compliance with the energy offset requirement of the Regulations.

G. Since 2019, when the County's current financial tracking system was instituted, the Fund collected $1,132,815.18. Through research, education, technical assistance, and financial incentives, the Fund has helped cannabis cultivators adopt energy-efficient technologies, reduce carbon emissions, and invest in renewable energy. The program also

advanced broader community climate goals by supporting carbon reduction projects, expanding renewable energy opportunities for low-income communities, and generating valuable energy data to inform future technologies, policies, and incentive programs.

H. The marijuana cultivation industry has experienced significant economic challenges since its peak in 2021, making it increasingly difficult for cultivators to stay in business and meet their Fund obligations. The number of licensed cultivators has declined from eighteen (18) in 2021 to eight (8) today, and three of the county's remaining cultivators (37.5%) are on payment plans due to financial hardship. These challenges reflect broader conditions within the industry.

I. The Board remains strongly committed to energy efficiency and carbon reduction goals. However, 80% of Cultivators have made recommended energy efficiency upgrades, the EIOF program has run its course and is no longer a necessary way to address the concerns for which it was created. The continuation of the Fund would have little impact on future cultivator efficiency and sustainability decisions. Instead, the continued fee requirement adds to the financial strain for businesses that are struggling to remain viable while providing diminishing funding for offsetting projects with increasing administrative burden.

J. Administration of the Fund and payment plans requires staff resources across multiple County departments. Staff time dedicated to establishing, monitoring, and following up on payments could be more effectively utilized elsewhere, particularly given current county budget constraints.

K. In addition, the City of Boulder ended their similar EIOF fee on September 17th, 2026.

L. For the reasons discussed above, the Board desires to sunset the EIOF by revoking Resolutions 2014-41 and 2022-042, and adopting the amended Regulations provided in Exhibit A.

M. The current Fund balance due is $202,544.76, of which $112,948.62 is on payment plans. Payments into the Fund for 2026 have been collected (except for those on payment plans). The Board intends that payments will cease at the end of 2026, meaning anyone not on a payment plan will not be required to make further fund payments. Payment plans will continue until the responsible party has paid off the outstanding amount.

N. The Board intends that the Fund will remain open until 2030. The Fund balance will remain available through the end of 2028 as potential rebates for Cultivators who purchased on site or off-site solar due to the fee. Once those rebates have been distributed, the Board intends that the remainder of the Fund balance will be disposed of

by the EOIF Steering Committee according to its funding framework described in Resolution 2022-042.

N. In addition, the Board desires to otherwise amend the Regulations as follows.

1. To coordinate with the State of Colorado's licensing, the Board desires to move from a one-year to a two-year renewal period.

2. To conform to County licensing requirements for other entities, the Board desires to remove County Assessor and County Treasurer from the licensing referral process.

NOW THEREFORE BE IT RESOLVED THAT

1. Boulder County Resolution 2014-41 and 2022-042 are hereby revoked.

2. Obligations for payments into the Fund will cease as of December 31, 2026, with the exception of growers subject to payment plans.

3. Growers subject to current payment plans will continue to pay the outstanding balance on their payment plan and will not be charged any new fees as of December 31, 2026.

4. The Fund will remain open and balances available for use until December 31, 2030

5. Remaining balance in the Fund will be distributed as follows:

   a. As rebates for Cultivators that have pre-existing on site solar or pre-existing solar garden subscriptions.

   b. After the Fund balance is used for purposes described in Subsection 5.a, above, the Boulder County Office of Sustainability, Climate Action and Resilience (OSCAR) will dispose of the remaining funds according to the following guidelines previously established in Resolution 2022-042: Ninety-five percent of the remaining monies in the Fund must be used to promote or facilitate reductions in fossil fuel energy consumption, or otherwise shall directly offset the effects of fossil fuel consumption. Possible uses of the monies may include, but are not limited to:

i. Purchase and installation of monitoring equipment necessary for a business to participate in the Energy Monitoring Program.

ii. Grants, incentives, or project funding that supports income qualified residents in Boulder County for rooftop solar or other measures that have demonstrable carbon reduction benefits.

iii. Programs that accelerate the adoption of new technologies and operational methods that will result in less energy intensive cannabis grow operations.

iv. Programs that improve the industry's integration with local agricultural practices and organic farming methods for the purposes of growing soil and reducing our dependence on fertilizers derived from fossil fuels.

v. The remaining five percent may be used pay for costs related to the administration of the Fund by the County.

5. The Regulations are hereby amended as contained in Exhibit A.

From: Hoefler, Gabi
To: Gissel, Kathy
Cc: HealthWaterQuality-EnvironmentalBP LU; Dooley-Strappelli, Patricia
Subject: Re: Request for Feedback: Proposed Two-Year Marijuana License Term
Date: Monday, October 26, 2026 3:33:03 PM

Thank you Kathy, we appreciate the consideration. From our end we think the license renewal being tied to correcting odor issues has been a very effective.

Gabi Hoefler
BCPH

From: Gissel, Kathy <kgissel@bouldercounty.gov>
Sent: Monday, October 26, 2026 2:38 PM
To: Hoefler, Gabi <ghoefler@bouldercounty.gov>
Cc: HealthWaterQuality-EnvironmentalBP LU <HealthWQ-EnvironBPLU@bouldercounty.gov>; Dooley-Strappelli, Patricia <pdooley-strappelli@bouldercounty.gov>
Subject: RE: Request for Feedback: Proposed Two-Year Marijuana License Term

Thank you for this feedback, Gabi. We will make note of this concern and will keep you in the loop on whether we move forward, and if so, what ideas we might come up with to help with that type of situation.

Thank you!
Kathy

Kathy Gissel | **Permit & License Operations Manager**
Marijuana & Secure Transportation Co-Authority
Permitting and Licensing Programs
2045 13th Street | Boulder, CO 80302
Direct: 720.564.2626 | Main: 303.441.3930
Service Hours: 8:00a.m. – 4:30p.m. Monday, Wednesday - Friday, and 10:00 a.m.–4:30 p.m. Tuesday
**My working hours: 7am – 5:30pm, Monday through Thursday*

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Cc: HealthWaterQuality-EnvironmentalBP LU <HealthWQ-EnvironBPLU@bouldercounty.gov>; Dooley-Strappelli, Patricia <pdooley-strappelli@bouldercounty.gov>
Subject: Re: Request for Feedback: Proposed Two-Year Marijuana License Term

Hi Kathy,
From Public Health's Air Quality perspective, I don't see much of an issue with this. The only exception would be if a business that has unresolved odor complaints is allowed to continue to operate for another year without renewal. We really haven't had this issue, but it's the only concern we have if a business wasn't making the effort to resolve an odor issue and there becomes less incentive to resolve it quickly for renewal purposes.

Thanks for reaching out for feedback.

Gabi Hoefler
Boulder County Public Health
AQ
303-441-1147

From: Gissel, Kathy <kgissel@bouldercounty.gov>
Sent: Thursday, October 22, 2026 3:13 PM
To: CP&PZoning <Zoning@bouldercounty.gov>; HealthWaterQuality-EnvironmentalBP LU <HealthWQ-EnvironBPLU@bouldercounty.gov>; Riley, Anita <ariley@bouldercounty.gov>; Brighton, Ian <ibrighton@bouldercounty.gov>; Oliver, Timothy <toliver@bouldercounty.gov>; Building Inspectors <BuildingInspectors@bouldercounty.gov>; Frederick, Summer <sfrederick@bouldercounty.gov>; Dooley-Strappelli, Patricia <pdooley-strappelli@bouldercounty.gov>; Hoefler, Gabi <ghoefler@bouldercounty.gov>; Sutherlin, Ambra <asutherlin@bouldercounty.gov>
Cc: McGuinness, Brendan <bmcguinness@bouldercounty.gov>; Flax, Ron <rflax@bouldercounty.gov>
Subject: Request for Feedback: Proposed Two-Year Marijuana License Term

Hi everyone,

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Since you play an important role in reviewing these applications, we'd really appreciate your perspective on this change, particularly whether you anticipate any issues with reviewing applications every two years instead of annually or feel any aspects of your review should still happen each year.

We'll be going before the BOCC on November 5, 2026, to seek approval of this change (so long as there isn't an overwhelming sense from you all that this should not happen), along with a few other proposed marijuana regulation updates. If approved, we are requesting an effective date of January 1, 2027.

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When you have a chance over the next few days, please reply with any thoughts you're willing to share.

Thank you!
Kathy

Kathy Gissel | **Permit & License Operations Manager**
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Service Hours: 8:00a.m. – 4:30p.m. Monday, Wednesday - Friday, and 10:00 a.m.–4:30 p.m. Tuesday
**My working hours: 7am – 5:30pm, Monday through Thursday*

From: Sullivan, Moriah
To: CP&PZoning; Gissel, Kathy
Subject: Re: Request for Feedback: Proposed Two-Year Marijuana License Term
Date: Monday, October 26, 2026 10:02:37 AM

Im all for this change. I think its a very good idea.

Moriah Sullivan
she/her
Code Compliance Specialist II
Boulder County Community Planning & Permitting
BoulderCounty.gov
Office Hours:
M,T,W; 8:30am-5:00pm
Th,F; 8:00am-4:30pm

From: CP&PZoning <Zoning@bouldercounty.gov>
Sent: Monday, October 26, 2026 7:52 AM
To: Gissel, Kathy <kgissel@bouldercounty.gov>; Sullivan, Moriah <msullivan@bouldercounty.gov>
Subject: Re: Request for Feedback: Proposed Two-Year Marijuana License Term

Hi Kathy,

From the zoning point of view, I do think this would be a helpful change as denials only happen when there is a zoning violation present, or sites are operating outside of approved customer limits or uses. This rarely happens, however. @Sullivan, Moriah what is your thoughts on this?

Clara Wagh
Planner I – Zoning Compliance
Boulder County Community Planning and Permitting
Website: www.bouldercounty.gov
2045 13th St Boulder, Colorado 80302
Email: cwagh@bouldercounty.gov
M/T/W/Th 7 am to 5:30 pm

From: Gissel, Kathy <kgissel@bouldercounty.gov>
Sent: Thursday, October 22, 2026 3:13 PM
To: CP&PZoning <Zoning@bouldercounty.gov>; HealthWaterQuality-EnvironmentalBP LU <HealthWQ-EnvironBPLU@bouldercounty.gov>; Riley, Anita <ariley@bouldercounty.gov>; Brighton, Ian <ibrighton@bouldercounty.gov>; Oliver, Timothy <toliver@bouldercounty.gov>; Building Inspectors <BuildingInspectors@bouldercounty.gov>; Frederick, Summer <sfrederick@bouldercounty.gov>; Dooley-Strappelli, Patricia <pdooley-strappelli@bouldercounty.gov>; Hoefler, Gabi <ghoefler@bouldercounty.gov>; Sutherlin, Ambra <asutherlin@bouldercounty.gov>
Cc: McGuinness, Brendan <bmcguinness@bouldercounty.gov>; Flax, Ron <rflax@bouldercounty.gov>
Subject: Request for Feedback: Proposed Two-Year Marijuana License Term

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When you have a chance over the next few days, please reply with any thoughts you're willing to share.

Thank you!

Kathy

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Marijuana & Secure Transportation Co-Authority
Permitting and Licensing Programs
2045 13th Street | Boulder, CO 80302
Direct: 720.564.2626 | Main: 303.441.3930
Service Hours: 8:00a.m. – 4:30p.m. Monday, Wednesday - Friday, and 10:00 a.m.–4:30 p.m. Tuesday
**My working hours: 7am – 5:30pm, Monday through Thursday*

From: Building Inspectors
To: Gissel, Kathy
Subject: RE: Request for Feedback: Proposed Two-Year Marijuana License Term
Date: Monday, October 26, 2026 10:06:19 AM

Hey,

We don't foresee any issues with the two-year proposal.

Thanks,

Taj Yelton | Building Inspections Supervisor
Boulder County Community Planning & Permitting - Building Inspections
Office: 2045 13th St., Boulder
Mailing Address: P.O. Box 471, Boulder, CO 80306
Direct: 720-564-2639 | Main: 303-441-3930
tyelton@bouldercounty.gov
www.bouldercounty.gov

From: Gissel, Kathy <kgissel@bouldercounty.gov>
Sent: Thursday, October 22, 2026 3:13 PM
To: CP&PZoning <Zoning@bouldercounty.gov>; HealthWaterQuality-EnvironmentalBP LU <HealthWQ-EnvironBPLU@bouldercounty.gov>; Riley, Anita <ariley@bouldercounty.gov>; Brighton, Ian <ibrighton@bouldercounty.gov>; Oliver, Timothy <toliver@bouldercounty.gov>; Building Inspectors <BuildingInspectors@bouldercounty.gov>; Frederick, Summer <sfrederick@bouldercounty.gov>; Dooley-Strappelli, Patricia <pdooley-strappelli@bouldercounty.gov>; Hoefler, Gabi <ghoefler@bouldercounty.gov>; Sutherlin, Ambra <asutherlin@bouldercounty.gov>
Cc: McGuinness, Brendan <bmcguinness@bouldercounty.gov>; Flax, Ron <rflax@bouldercounty.gov>
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Thank you!
Kathy

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From: Gissel, Kathy
To: Riley, Anita
Subject: RE: Request for Feedback: Proposed Two-Year Marijuana License Term
Date: Monday, October 26, 2026 4:30:00 PM
Attachments: image001.png

Hi Anita,

Thanks so much for your feedback on this.

As far as Accela being fully operational for marijuana licenses, we are very close! I did testing on it and have submitted some items that needed tweaked, so just waiting for those items to be completed.

I'll keep you posted on everything.

Thank you!
Kathy

Kathy Gissel | **Permit & License Operations Manager**
Marijuana & Secure Transportation Co-Authority
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2045 13th Street | Boulder, CO 80302
Direct: 720.564.2626 | Main: 303.441.3930
Service Hours: 8:00a.m. – 4:30p.m. Monday, Wednesday - Friday, and 10:00 a.m.–4:30 p.m. Tuesday
**My working hours: 7am – 5:30pm, Monday through Thursday*

From: Riley, Anita <ariley@bouldercounty.gov>
Sent: Monday, October 26, 2026 4:24 PM
To: Gissel, Kathy <kgissel@bouldercounty.gov>
Subject: Re: Request for Feedback: Proposed Two-Year Marijuana License Term

Hi Kathy,
A two-year license term sounds like a great idea! There's not that much that changes in a year from an AE perspective.
Not related to this request but to marijuana permits, it would be nice to have Accela fully operational for marijuana permits.
Thanks.

Anita Riley | Principal Planner

Planning Division | Boulder County Community Planning & Permitting
P.O. Box 471 Boulder, CO 80306 | Courthouse Annex – 2045 13th St. Boulder, CO 80302
ariley@bouldercounty.gov | **Direct:** (303) 413-7512 | **Main:** (303) 441-3930 |
www.boco.org/cpp

My office hours are Monday through Thursday, 8:00 am to 5:30 pm, and Friday, 8:00 am to noon.



From: Gissel, Kathy <kgissel@bouldercounty.gov>
Sent: Thursday, October 22, 2026 3:13 PM
To: CP&PZoning <Zoning@bouldercounty.gov>; HealthWaterQuality-EnvironmentalBP LU <HealthWQ-EnvironBPLU@bouldercounty.gov>; Riley, Anita <ariley@bouldercounty.gov>; Brighton, Ian <ibrighton@bouldercounty.gov>; Oliver, Timothy <toliver@bouldercounty.gov>; Building Inspectors <BuildingInspectors@bouldercounty.gov>; Frederick, Summer <sfrederick@bouldercounty.gov>; Dooley-Strappelli, Patricia <pdooley-strappelli@bouldercounty.gov>; Hoefler, Gabi <ghoefler@bouldercounty.gov>; Sutherlin, Ambra <asutherlin@bouldercounty.gov>
Cc: McGuinness, Brendan <bmcguinness@bouldercounty.gov>; Flax, Ron <rflax@bouldercounty.gov>
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Thank you!
Kathy

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**My working hours: 7am – 5:30pm, Monday through Thursday*

From: Gissel, Kathy
To: HealthWaterQuality-EnvironmentalBP LU
Cc: Dodge, Erin; Cannon, Jessica
Subject: RE: Request for Feedback: Proposed Two-Year Marijuana License Term
Date: Monday, October 26, 2026 4:48:00 PM

You got it!

Thank you!
Kathy

Kathy Gissel | **Permit & License Operations Manager**
Marijuana & Secure Transportation Co-Authority
Permitting and Licensing Programs
2045 13th Street | Boulder, CO 80302
Direct: 720.564.2626 | Main: 303.441.3930
Service Hours: 8:00a.m. – 4:30p.m. Monday, Wednesday - Friday, and 10:00 a.m.–4:30 p.m. Tuesday
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From: HealthWaterQuality-EnvironmentalBP LU <HealthWQ-EnvironBPLU@bouldercounty.gov>
Sent: Monday, October 26, 2026 4:45 PM
To: Gissel, Kathy <kgissel@bouldercounty.gov>
Cc: Dodge, Erin <edodge@bouldercounty.gov>; Cannon, Jessica <jcannon@bouldercounty.gov>
Subject: Re: Request for Feedback: Proposed Two-Year Marijuana License Term

Yes, that would be perfect. Thanks, Kathy.

Jessica Cannon, EHS

3450 Broadway

Boulder, CO 80304

303-441-1138

jcannon@bouldercounty.org

Environmental Health

BOULDER COUNTY PUBLIC HEALTH
Opportunity for a healthy life.

Our Vision: To be trusted advisors who cultivate a healthy, sustainable community through positive partnerships and exceptional customer service.

From: Gissel, Kathy <kgissel@bouldercounty.gov>
Sent: Monday, October 26, 2026 4:41 PM
To: HealthWaterQuality-EnvironmentalBP LU <HealthWQ-EnvironBPLU@bouldercounty.gov>
Cc: Cannon, Jessica <jcannon@bouldercounty.gov>
Subject: RE: Request for Feedback: Proposed Two-Year Marijuana License Term

Hi Jessica,

A change of ownership does not, and would not, be required to obtain a new license; however, licensees are required to notify us whenever a change in ownership occurs. We're happy to forward that information to you as we receive it so that you are always kept in the loop.

Thank you!

Kathy

Kathy Gissel | **Permit & License Operations Manager**

Marijuana & Secure Transportation Co-Authority

Permitting and Licensing Programs

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Direct: 720.564.2626 | Main: 303.441.3930

Service Hours: 8:00a.m. – 4:30p.m. Monday, Wednesday - Friday, and 10:00 a.m.–4:30 p.m.

Tuesday

**My working hours: 7am – 5:30pm, Monday through Thursday*

From: HealthWaterQuality-EnvironmentalBP LU <HealthWQ-EnvironBPLU@bouldercounty.gov>
Sent: Monday, October 26, 2026 3:43 PM
To: Gissel, Kathy <kgissel@bouldercounty.gov>
Cc: Cannon, Jessica <jcannon@bouldercounty.gov>
Subject: Re: Request for Feedback: Proposed Two-Year Marijuana License Term

Kathy,

If there is a change of owner during the two year period, will that trigger a new license?

Change of ownership could means a change of USE OWTS permit if operations are changing wastewater flows

or an affidavit is required stating no change of wastewater flows will occur with new owner.

Jessica Cannon, EHS

3450 Broadway

Boulder, CO 80304

303-441-1138

jcannon@bouldercounty.org

Environmental Health



From: Hoefler, Gabi <ghoefler@bouldercounty.gov>
Sent: Monday, October 26, 2026 3:32 PM
To: Gissel, Kathy <kgissel@bouldercounty.gov>
Cc: HealthWaterQuality-EnvironmentalBP LU <HealthWQ-EnvironBPLU@bouldercounty.gov>; Dooley-Strappelli, Patricia <pdooley-strappelli@bouldercounty.gov>
Subject: Re: Request for Feedback: Proposed Two-Year Marijuana License Term

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Subject: RE: Request for Feedback: Proposed Two-Year Marijuana License Term

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Thank you!

Kathy

Kathy Gissel | **Permit & License Operations Manager**

Marijuana & Secure Transportation Co-Authority

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Thanks for reaching out for feedback.

Gabi Hoefler

Boulder County Public Health

AQ

303-441-1147

From: Gissel, Kathy <kgissel@bouldercounty.gov>
Sent: Thursday, October 22, 2026 3:13 PM
To: CP&PZoning <Zoning@bouldercounty.gov>; HealthWaterQuality-EnvironmentalBP LU <HealthWQ-EnvironBPLU@bouldercounty.gov>; Riley, Anita <ariley@bouldercounty.gov>; Brighton, Ian <ibrighton@bouldercounty.gov>; Oliver, Timothy <toliver@bouldercounty.gov>; Building Inspectors <BuildingInspectors@bouldercounty.gov>; Frederick, Summer <sfrederick@bouldercounty.gov>; Dooley-Strappelli, Patricia <pdooley-strappelli@bouldercounty.gov>; Hoefler, Gabi <ghoefler@bouldercounty.gov>; Sutherlin, Ambra <asutherlin@bouldercounty.gov>
Cc: McGuinness, Brendan <bmcguinness@bouldercounty.gov>; Flax, Ron <rflax@bouldercounty.gov>
Subject: Request for Feedback: Proposed Two-Year Marijuana License Term

Hi everyone,

I'm reaching out to get your input on a proposed change to Boulder County's marijuana licensing process. We are considering extending our local license term from one year to two years to align with the State of Colorado's licensing cycle and to reduce county staff time involved in processing annual renewals and referral reviews.

Since you play an important role in reviewing these applications, we'd really appreciate your perspective on this change, particularly whether you anticipate any issues with reviewing applications every two years instead of annually or feel any aspects of your review should still happen each year.

We'll be going before the BOCC on November 5, 2026, to seek approval of this change (so long as there isn't an overwhelming sense from you all that this should not happen), along with a few other proposed marijuana regulation updates. If approved, we are requesting an effective date of January 1, 2027.

The time between the hearing and the proposed effective date will give us an opportunity to work together to develop the most efficient path forward, taking your feedback and any concerns into consideration. We'll keep everyone in the loop as we work through the details.

When you have a chance over the next few days, please reply with any thoughts you're willing to share.

Thank you!

Kathy

Kathy Gissel | **Permit & License Operations Manager**

Marijuana & Secure Transportation Co-Authority

Permitting and Licensing Programs

2045 13th Street | Boulder, CO 80302

Direct: 720.564.2626 | Main: 303.441.3930

Service Hours: 8:00a.m. – 4:30p.m. Monday, Wednesday - Friday, and 10:00 a.m.–4:30 p.m. Tuesday

**My working hours: 7am – 5:30pm, Monday through Thursday*

From: CannXtracts Boulder
To: Gissel, Kathy
Subject: [EXTERNAL] Re: Boulder County Marijuana Regulations Amendments - BOCC Hearing November 5,2026
Date: Monday, October 26, 2026 5:58:23 PM

Good evening Kathy,

Thank you for giving us the opportunity of feedback for the County's proposals.

I think that most of your proposals make sense and will make life and renewals easier, but as with everything its money that becomes the main concern. Im sure I wont be the only one to say that an increase in license fees is something that may impose an additional unmanageable burden on licensees when there is just a massive increase in costs of operation too. What kind of license fee increase are you all considering? 10%, 20%, more?

The second part of the increased costs that raises something to consider, especially if you all are trying to align with the State more, is allowing licensees to pay for their license 12 months at a time even if the license is good for 2 years. You could put a caveat in that if a licensee doesnt pay its 2nd 12 month fee then its license can be revoked, or something. But, requiring licensees to pay 2 years of increased license fees at once (we are recreational and medical so its more than just a single license renewal fee) could cause a big money crunch.

Anyway, those are my thoughts. Thanks for your time!

David Neale.
Cannxtracts LLC.

> On Oct 26, 2026, at 6:10 PM, Gissel, Kathy <kgissel@bouldercounty.gov> wrote:
>
> Dear Licensed Marijuana Businesses,
>
> Boulder County Community Planning & Permitting, in coordination with OSCAR, will be presenting proposed changes to the County's marijuana regulations to the Board of County Commissioners (BOCC) on November 5, 2026, and if approved, we are asking to become effective January 1, 2027. We wanted to share an overview of the proposed changes and provide an opportunity for you to offer feedback before the hearing.
>
> The proposed changes include the following:
>
> 1. **Sunset the Energy Impact Offset Fund (EIOF)**
> The marijuana industry has experienced significant economic challenges since its peak in 2021, making it increasingly difficult for cultivation businesses to remain viable and meet their EIOF obligations. Sunsetting the EIOF is intended to help support the remaining businesses during this challenging period.

2. **Extend the local license term from one year to two years**

This change would align Boulder County's licensing term with the State of Colorado, which has moved to a two-year license term.

3. **Increase licensing fees**

Proposed fee increases would allow the County to better recover the actual staff time and resources required to administer the marijuana licensing program.

4. **Remove the County Assessor and Treasurer from the license review process**

This change would align marijuana licensing with the County's other licensing programs. The Assessor and Treasurer also have their own processes for evaluating property information and ensuring property tax obligations are addressed, making their participation in our licensing review duplicative of their work and is unnecessary.

We welcome your feedback.

We recognize that these proposed changes may affect your business, and we would appreciate hearing your thoughts, questions, or concerns for consideration before the hearing. Please reply to this email with any feedback you would like us to consider.

You are also welcome to attend the BOCC hearing on November 5, 2026, and provide comments directly to the Board if you wish to speak. Public comments are limited to three minutes per person.

Thank you for your continued engagement with Boulder County and for taking the time to share your input as we consider these proposed changes.

Best Regards,
Kathy

Kathy Gissel | **Permit & License Operations Manager**
Marijuana & Secure Transportation Co-Authority
Permit and Licensing Programs
Boulder County Community Planning & Permitting
Service Hours: 8:00a.m. – 4:30p.m. Monday, Wednesday - Friday, and 10:00 a.m.–4:30 p.m. Tuesday
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Physical Address: 2045 13th Street | Boulder, CO 80302
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**My working hours: 7am – 5:30pm, Monday through Thursday*

From: Gissel, Kathy
To: Cobb, Alexander
Cc: McGuinness, Brendan
Subject: RE: Marijuana Licensing - Personal Property Schedule Review
Date: Thursday, September 24, 2026 3:30:00 PM

Hi Alexander,

Thank you for your quick response! I really appreciate you taking the time to review this and provide your feedback.

Based on your response and running it past Mike Koertje in the CA's Office, we are comfortable moving forward with removing the Assessor's Office referral requirement from the regulations. As we build out our licensing software, we could have it set up to automatically notify your office any time there is a change of business ownership, if that would be helpful to your office.

We do still need to take the proposed regulatory changes through the BOCC for approval. If approved, we are currently looking at January 1, 2027, as the effective date for these changes. Until then, the existing referral requirement will remain in place, so you will continue to see the referrals come your way.

We'll keep you posted as we move through the process and will let you know once we have an outcome of the BOCC hearing on November 5th.

Thanks again for your quick response and for working with us on this!

Thank you!
Kathy

Kathy Gissel | **Permit & License Operations Manager**
Marijuana & Secure Transportation Co-Authority
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**My working hours: 7am – 5:30pm, Monday through Thursday*

From: Cobb, Alexander <acobb@bouldercounty.gov>
Sent: Thursday, September 24, 2026 8:22 AM
To: Gissel, Kathy <kgissel@bouldercounty.gov>
Cc: McGuinness, Brendan <bmcguinness@bouldercounty.gov>
Subject: RE: Marijuana Licensing - Personal Property Schedule Review

Hi Kathy,

I think it may make sense to remove the Assessor's Office step to help streamline the licensing process. It is helpful for our office to receive updated asset lists, as they can also provide information on new ownership, but I don't see the review as being mandatory for the renewal process—particularly if similar license programs do not require an Assessor review. I would be comfortable with licensing staff handling this directly or removing the requirement from the regulations.

Thanks for reaching out!

Alexander Cobb
Business Personal Property
Boulder County Assessor's Office
303-441-4821

PO Box 471 or 1325 Pearl St. 2nd floor
Boulder, CO 80302

From: Gissel, Kathy <kgissel@bouldercounty.gov>
Sent: Wednesday, September 23, 2026 3:16 PM
To: Cobb, Alexander <acobb@bouldercounty.gov>
Cc: McGuinness, Brendan <bmcguinness@bouldercounty.gov>
Subject: Marijuana Licensing - Personal Property Schedule Review

Hi Alexander,

We are currently reviewing our marijuana licensing regulations and processes in preparation for proposed regulatory updates, and there is a provision related to the Assessor's Office that I wanted to get your thoughts on.

Our current regulations state that, on license renewals, the Assessor must determine that a licensee has not failed to file a personal property schedule as required for the most recent applicable year, and that a marijuana license may not be renewed unless the schedule has been filed prior to the expiration of the license.

As part of our process review, we are looking at whether this referral to your office is still necessary for marijuana license renewals. CP&P does not currently perform this type of review for our other license programs, such as liquor or short-term/vacation rentals, so we are trying to determine whether there is a specific reason this additional review is necessary for marijuana licensing.

If this review is still necessary, would this be something that our licensing staff could reasonably verify directly, or do you feel it is important for your office to continue processing?

If you do not feel that this review is necessary for these renewals any longer, we would like to consider removing the requirement from the regulations as part of the broader updates we are currently working on.

We currently have a November 5th hearing with the BOCC for the marijuana licensing changes, with a suggested January 1, 2027 effective date, so any feedback you can provide would be appreciated.

Thanks Alexander!

Thank you!
Kathy

Kathy Gissel | **Permit & License Operations Manager**
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**My working hours: 7am – 5:30pm, Monday through Thursday*

From: Weissmann, Paul
To: Gissel, Kathy
Cc: McGuinness, Brendan
Subject: RE: Marijuana Licensing - Property Tax Review Process
Date: Monday, September 28, 2026 10:13:57 AM

Hello.

I've always thought that it was bullshit that only one industry has to prove that they have paid their taxes to have their license renewed, but if you have to still check you can do that through the public site. We sometimes catch other accounts that the assessor misses so you would likely miss as well – that is rare.

Happy to talk about how you want to do this going forward.

Paul

Paul Weissmann
Boulder County Treasurer
PO BOX 471
Boulder, Colorado 80306-0471
pweissmann@bouldercounty.gov
303-441-3520

From: Gissel, Kathy <kgissel@bouldercounty.gov>
Sent: Wednesday, September 23, 2026 1:41 PM
To: Weissmann, Paul <pweissmann@bouldercounty.gov>
Cc: McGuinness, Brendan <bmcguinness@bouldercounty.gov>
Subject: Marijuana Licensing - Property Tax Review Process

Hi Paul,

We are currently reviewing our marijuana licensing regulations and processes in preparation for proposed regulatory updates and are looking at ways to streamline the application review process.

Currently, as you know, our marijuana license applications are referred to both the Assessor's Office and Treasurer's Office for review related to property taxes. We are considering removing this referral step and having our licensing staff conduct the property tax review directly.

Our regulations require us to determine that there are no overdue property taxes associated with the property or with any other property in Boulder County owned by the business owner(s). Our licensing staff would verify this information using the County's publicly available property tax information prior to issuing the license.

We are considering this change because it would eliminate an additional referral step in the licensing process and allow our staff to complete the review as part of our existing application workflow. It's also my understanding that your office has its own processes for identifying and collecting outstanding taxes, and that similar referrals are not conducted for the other license types issued by the County, i.e., Liquor, Short-Term/Vacation Rentals, and Contractors.

Before we move forward, I wanted to get your feedback on this proposed change and make sure there are not any concerns from your office that we should consider. In particular, if there is information you believe our licensing staff would not be able to reliably obtain through the County's public property tax resources.

We currently have a November 5th hearing with the BOCC for the marijuana licensing changes, with a suggested January 1, 2027 effective date, so any feedback you can provide would be appreciated.

Thanks Paul!

Thank you!
Kathy

Kathy Gissel | **Permit & License Operations Manager**
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