Research Protocol for Colorado Local Retail Marijuana Regulations: A Compilation from 2016

Prepared by the Colorado Department of Public Health and Environment, Prevention Services Division, Retail Marijuana Education Program

March 2016
Colorado Local Retail Marijuana Regulations

I. Dates of protocol: January 2016 - March 2016

II. Scope: The purpose of this project is to compile and map Colorado county and municipality marijuana ordinances, including information on medical and recreational marijuana regulations where appropriate. The project will compile local zoning and marijuana ordinances regulating hours of sales, local plant counts and density setbacks.

This is a cross-sectional dataset, and captures laws in effect from as of March 1, 2016. The jurisdictions selected for measurement are described below:


Jurisdictions included in sample after exclusions for population < 3,000 and for inability to find controlling ordinance:


Vista, Steamboat Springs, Breckenridge, Silverthorne, Woodland Park, Dacono, Eaton, Erie, Evans, Frederick, Fort Lupton, Firestone, Greeley, Lochbuie, Longmont, Mead, Miliken, Severance, and Windsor.

*Aurora, Basalt, Windsor, Westminster, and Littleton are municipalities which are geographically spread across two or more counties. For the purposes of coding, each jurisdiction is only counted once.

**Jurisdictions with population < 3,000 excluded from sample:**
*This guidance was provided by Seattle Kind County Public Health.

**Counties Excluded:** Cheyenne, Dolores, Hinsdale, Jackson, Kiowa, Mineral, and Sedgwick.

Figure 1. Breakdown of Population and Sampling of Jurisdictions.

<table>
<thead>
<tr>
<th>Category of Jurisdiction</th>
<th>Number of Jurisdictions</th>
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| Population of jurisdictions w/ any RMJ law on the books (counting municipalities spread over
  multiple counties ONLY ONCE)                                                             | 303                     |
| Total Counties in Population w/ any RMJ law on the books                                   | 64                      |
| Total Municipalities in Population w/ any law on the books                                 | 239                     |
| Total Ordinances Sampled                                                                   | 85                      |
| Jurisdictions Sampled w/ population > 3,000 allowing RMJ licensing (counting municipalities split between multiple counties only once) | 39                      |
| Jurisdictions Sampled w/ population > 3,000 in Ban/Moratoria                              | 115                     |
| Jurisdictions EXCLUDED from Sample for population size of < 3,000 people                  | 149                     |
| Jurisdictions EXCLUDED for inability to find ordinance                                     | 19                      |
| **Total Jurisdictions Sampled by mapping team** (after exclusion of jurisdictions w/ population < 3,000 and of jurisdictions whose ordinances could not be found) | 130                     |

Jurisdictions excluded from sample for inability to find controlling ordinance:

**Counties Excluded:** Baca, Bent, Crowley, Elbert, Fremont, Lake, Moffat, Otero, Yuma.

**Municipalities Excluded:** Brush, Castle Pines, Fountain, Johnstown, Rocky Ford, Sterling, Johnstown, Fruita, Yuma, Sedgwick.

III. Primary data collection

a. **Project timeline:** Published November 2017.

b. **Dates covered in the dataset:** This is a cross-sectional dataset covering relevant Colorado Retail Marijuana Local Regulations as of March 1, 2016.
c. **Data collection methods:** The research team (the “team”) building this dataset consisted of three part-time staff. The team collected ordinances from communities with over 3,000 residents, as their regulations were most likely to be accessible online.

The research design is a qualitative, non-experimental analysis of content found within municipal and county codes. The independent variables are the ordinances being studied, coded, and analyzed. The dependent variables are the trends in regulation concerning density restrictions, proximity restrictions, setback restrictions, buffer limits, business size, hours of operation, open and public consumption, and other unique provisions observed in municipal and county jurisdictions in Colorado.

d. **Search terms: keyword searches included** Marijuana ordinance, marijuana regulations, county name + marijuana, municipality name + marijuana

e. **Databases used:** County and municipal ordinances were collected using county and municipal government sites, Colorado Municipal League resources ([www.cml.org](http://www.cml.org)), Colorado Counties Inc. resources ([www.ccionline.org](http://www.ccionline.org)) and Lexis Nexis.

f. **Inclusion and exclusion criteria:** Ordinances were reviewed for:
   1. Regulatory status of the county and/or municipality (allow, ban or moratoria)
   2. Type of licenses allowed or prohibited in ordinance which could be a combination of several licenses (retail marijuana store and sales, retail marijuana cultivation, retail marijuana infused product manufacturer, retail marijuana testing facility, only allowing current medical establishments to sell retail marijuana)
   3. License and ordinance information for joint locations
   4. Zoning information
   5. Density setback of marijuana establishments from youth-serving organizations, parks, another marijuana establishment and any other applicable setbacks placed on marijuana establishments
   6. Hours of sale for medical and retail marijuana establishments
   7. County or municipal regulation on personal grows for private use for those twenty-one (21) years and older
   8. Home occupation allowances
   9. Requirements in the ordinance on retail marijuana establishments including security requirements, signage, size of store, indoor/outdoor growing restrictions, and product display restrictions
   10. Nuisance and abatement regulations and penalties
   11. Ordinance definitions including but not limited to; ‘openly or publicly’, retail marijuana establishment, retail marijuana store, retail marijuana cultivation,
retail marijuana infused product manufacturer, retail marijuana testing facility, vaping/edibles lounge, marijuana accessories, THC

The final list of variables can be found in the dataset’s codebook, which is accessible from the dataset’s homepage at LawAtlas.org.

IV. Coding

a. Development of coding scheme:
   1. First Draft
      a. In order to stay consistent with Washington, the second state to legalize recreational/retail marijuana, CDPHE utilized Washington’s codebook for reviewing local ordinances and policies as a trial. Using Public Health—Seattle & King County’s codebook, developed to map retail and medical marijuana ordinances in Washington State, a first draft of the codebook that was adapted to reflect Colorado’s ordinances and research interests. Three coders performed an initial coding exercise of ten Colorado municipalities with retail marijuana ordinances on the books, inputting their responses into a Google Forms survey. The codebook was slightly adapted to reflect Colorado specific license types, ordinance definitions and laws that are specific to Colorado, such as home grow laws.
      b. This first draft codebook was utilized to review ten (10) local and county ordinances by three (3) reviewers separately. The codebook was created into a Google Form. A new entry was created for each ordinance and each coder reported their own codes.
      c. Following the first review, the reviewers met to analyze their coding results using google analytics from the google form. The coders reviewed for discrepancies, similarities and challenges using the first draft codebook from Washington.

2. Discrepancies
   a. As first time reviewers and coders, several terms were not interpreted the same in the codebook and/or in the local/county ordinance. Therefore, several codes were included or not included due to this interpretation. The coders discussed and re-analyzed the local ordinance and codebook in order to come up with common terms for future coding.

3. Challenges
   a. Washington state has very specific zoning requirements for homes, businesses, etc. These zones and strict regulations do not
reflect Colorado zoning regulations and many zoning codes were not applicable to Colorado retail marijuana ordinances. This left many codes blank and with no information.

b. Washington state does not currently have regulations on joint locations (i.e. an establishment could be a retail marijuana store and retail marijuana product infused manufacturer). These codes were added to the second draft to reflect this difference.

c. Washington state does not have codes on dual-licensing (retail marijuana and medical marijuana licenses). Many towns and counties in Colorado combine their retail and medical marijuana regulations into one ordinance. This challenge will be analyzed in future months because the first objective for this project is to map and examine local retail marijuana ordinances.

4. Second Draft
   a. Based on the challenges and discrepancies from the first draft codebook, the second draft deleted many of the zoning specific codes due to the differences in zoning information between Washington and Colorado at a local level.
   
b. Codes were adapted to better reflect Colorado local and county ordinances definitions and license types. In addition, buffer limit definitions (distance from select facilities) have been updated to include more than youth-serving organizations (schools, universities, parks etc.). These updates include places of worship, public pools and to refine the range of available survey responses regarding dispensaries’ required distance from sensitive uses.

5. Third Draft
   a. A third draft was crafted with feedback from the Robert Wood Johnson Foundation LawAtlas Policy surveillance program at Temple University’s Beasley School of Law and in coordination with Public Health—Seattle & King County. The third draft was formulated to align more closely with content and themes observed in Colorado county and municipal ordinances. This was the final version of the codebook.

b. Dataset terminology: Dataset terminology is a set of relevant terms recorded and defined by the team specifically for purposes of coding within this dataset. As the team developed the coding scheme, they recorded the dataset terminology below:

   **Buffer limits**: An environmental intervention used by local governments to impose distance restriction from community facilities and areas where
children are commonly found, such as parks, playgrounds, schools, daycare centers and others.

**Setback Restrictions:** An environmental intervention employed by local governments, usually housed within local zoning laws, designating a minimum distance a marijuana establishment must be from another entity (residence, main street, business, etc.)

For additional information about questions, responses, variable names, and values please see the project’s Codebook at LawAtlas.org.

V. Quality control

a. **Quality control – research:** The research team utilized the same search terms and tested these terms and findings for three local jurisdiction.

b. **Quality control – redundant coding:** One jurisdiction was redundantly coded to test the coders’ interrater reliability. Coders’ responses were aligned on all but 3 of the questions, demonstrating agreement on 34 of 37 coded responses, well over the minimum threshold for interrater reliability. The specified interrater reliability threshold for the project is 70%.

c. **Quality control-final check:** The final check including downloading the Excel Spreadsheet of data and the Codebook to look for any outliers, inaccurate cities (cities that were placed outside of Colorado in the mapping system) and checking all government links to ensure they linked to the appropriate information if applicable.