



RETAIL MARIJUANA USE WITHIN THE TOWN OF NEDERLAND FAQs

The Colorado Marijuana Enforcement Division (MED) and the Town of Nederland are responsible for the regulation of both the **Medical** and **Retail** Marijuana industries in Nederland, each of which have separate and distinct statutes and rules under which they operate. Both industries were legalized by popular vote supporting amendments to the Colorado Constitution allowing the use of marijuana within the confines of the State of Colorado.

Under current law, only those individuals who own a Medical Marijuana facility in Good Standing may submit an application for a Retail Marijuana Business License - this requirement will sunset on July 1, 2014.

❖ Residents & Visitors:

How old do I have to be to purchase, possess or consume retail marijuana?

- **Answer** - You must be 21 and older to buy, possess or use retail marijuana. It is illegal to give or sell retail marijuana to minors.

What is the difference between medical and retail marijuana?

- **Answer** - Only licensed retail marijuana stores may sell retail marijuana, and only to those 21 and older.

Medical marijuana requires a State red card, which can only be obtained by Colorado residents with a recommendation from a doctor that a patient suffers from a debilitating medical condition that may benefit from medical marijuana. Medical marijuana patients can obtain marijuana from a licensed center, a primary care giver or self-grow. For more information about medical marijuana, please visit the [Colorado Department of Public Health and the Environment](#).

Where can I purchase retail marijuana?

- **Answer** - Those 21 and older can purchase retail marijuana at licensed retail stores.

Can I consume marijuana in public?

- **Answer** - No, it is illegal to consume marijuana in public. Retail marijuana is intended for private, personal use.

This includes, but is not limited to areas accessible to the public such as transportation facilities, schools, amusement venues, parks, playgrounds, sidewalks and roads. It is also illegal to smoke at indoor-but-public locations like bars, restaurants and common areas in buildings.

How much marijuana can I purchase and possess in the Town of Nederland at one time?

- **Answer** - Colorado residents 21 and older can purchase and possess up to one (1) ounce of retail marijuana at a time.

In Nederland, non-residents can purchase and possess up to one-quarter ounce (1/4 oz.) per purchase, per consumer. A non-resident is not allowed to purchase plants, seeds or clones.

Can I consume marijuana in a licensed retail store?

- **Answer** - No, it is illegal to consume marijuana in or around a licensed store.

What are the consequences if I violate marijuana laws?

- **Answer** - Penalties range from a fine to a possible jail or prison sentence. [Colorado State Statutes](#) and The Town of [Nederland Municipal Code](#) spell out the specific penalties for various violations.

Schools, universities and employers are allowed to put in place their own disciplinary actions for marijuana-related infractions.

Are the rules different for possession and consumption of edible marijuana than for marijuana that can be smoked?

- **Answer** - No. Possession laws are the same for all retail marijuana types, and public consumption is always illegal, regardless of form.

Can I have marijuana in my car?

- **Answer** - Yes. Marijuana may be carried in cars, but it may not be in an open container. It is illegal to use or consume marijuana in a motor vehicle and it is illegal to drive under the influence of marijuana.

Is there a DUI-like equivalent for driving under the influence of marijuana?

- **Answer** - Yes. It is illegal to drive under the influence of marijuana and it can result in a DUI, just like alcohol. Anyone with 5 nanograms or more of delta 9-tetrahydrocannabinol (known as THC) per milliliter in whole blood (CRS 42-4-1301) while driving can be arrested for DUI. The consequences of DUI is dependent on the driver but they can include fines, jail time and a revoked license.

Can I take marijuana through airport security or travel out of state with it?

- **Answer** - No. It is illegal to take marijuana or marijuana products across state lines.

❖ Marijuana Retailers & Home Growers

When will retail sales begin in licensed stores?

- **Answer** - The first retail sales are legally authorized to begin on January 1, 2014, in licensed stores, subject to inspections, hearings and other criteria.

For additional information on becoming a licensed retail store, please visit the [State Department of Revenue](#) and [Nederland Municipal Code](#).

Who is eligible to apply for a retail marijuana license?

- **Answer** - In Nederland, only existing medical marijuana centers, manufacturers and cultivators in good standing are eligible to apply for a retail license before January 1, 2014. They can convert to a retail license or add a retail license to their existing medical marijuana license.

After January 1, any person not already licensed for medical marijuana may submit a notice to the State of intent to apply for a retail license, and then apply for a State license on July 1, 2014.

What is the process for transitioning a medical marijuana center license into a retail store license?

- **Answer** - A retail store in Nederland must be licensed by the State and the Town, which includes completing a public hearing and required inspections.

How much marijuana can be sold to an individual in a retail store?

- **Answer** - Colorado residents 21 and older can purchase and possess up to one (1) ounce of retail marijuana at a time.

In Nederland, non-residents can purchase and possess up to one-quarter ounce (1/4 oz.) per purchase, per consumer. A non-resident is not allowed to purchase plants, seeds or clones.

Can I display my wares in my storefront?

- **Answer** – No. At no time shall marijuana be externally displayed in any storefront or other publicly viewed fashion.

What kind of signage can I have?

- **Answer** – Refer to [Nederland Municipal Code Chapter 18](#), Article V Signs for regulations as they pertain to your zoning area. In addition, a retail store shall display a 6" x 6" sign for the entrance of the business, that gives notice of the marijuana store and the fact that the premises is off limits to minors or those under the age of twenty-one (21). No advertising of marijuana or pictorial representations of marijuana are allowed.

How are marijuana-infused foods regulated?

- **Answer** - Marijuana-infused food operations must comply with the Boulder County Health Department Rules and Regulations just as all other food businesses do.

Marijuana-infused food operations that manufacture food in Nederland must obtain the MIP (Marijuana Infused Products) license.

Where can a retail marijuana establishment be located?

- **Answer** – Please refer to Nederland’s Zoning Map located at: [Nederland Zoning Map](#)

Nederland has adopted Ordinance 720 Regulation of Marijuana, which allows **Retail Marijuana Stores** in the following zoning districts, with certain approvals:

- Neighborhood Commercial (NC), with an approved Special Review Use Permit
- Central Business District (CBD)
- General Commercial (GC)

Retail Marijuana Cultivation Facilities (retail grows) in the following zoning districts, with certain approvals, and after October 1, 2014:

- Forestry (F)
- Mountain Residential (MR), as a licensed home occupation with an approved Special Review Use Permit
- Low Density Residential (LDR), as a licensed home occupation with an approved Special Review Use Permit
- Medium Density Residential (MDR), as a licensed home occupation with an approved Special Review Use Permit
- High Density Residential (HDR), as a licensed home occupation with an approved Special Review Use Permit
- Neighborhood Commercial (NC), with an approved Special Review Use Permit
- Central Business District (CBD), with an approved Special Review Use Permit
- General Commercial (GC)
- Industrial (I)

Retail Marijuana Testing Facility in the following zoning districts, with certain approvals:

- Mountain Residential (MR), as a licensed home occupation with an approved Special Review Use Permit
- Low Density Residential (LDR), as a licensed home occupation with an approved Special Review Use Permit
- Medium Density Residential (MDR), as a licensed home occupation with an approved Special Review Use Permit
- High Density Residential (HDR), as a licensed home occupation with an approved Special Review Use Permit
- Neighborhood Commercial (NC), with an approved Special Review Use Permit
- Central Business District (CBD)
- General Commercial (GC)
- Industrial (I)

Retail Marijuana Product Manufacturing Facility:

- General Commercial (GC)
- Industrial (I)

Can I become a licensed grow (retail cultivator)?

- **Answer** - As per State Rule R 502: From January 1, 2014 to September 30, 2014, a Retail Marijuana Cultivation Facility license shall only be issued to a Person who has been issued a Retail Marijuana Store license or a Retail Marijuana Products

Manufacturing Facility license. A retail grow cannot be operated or licensed unless it's attached to a retail center or retail MIP. After Oct.1 2014, a retail grow will be able to operate without being attached to a center or MIP.

Can I sell marijuana from a mobile cart?

- **Answer** - No. Each marijuana establishment must be operated from a permanent and fixed location. No moveable, mobile, or transitory location shall be permitted.

Can I legally grow marijuana at home and what is the limitation?

- **Answer** - Yes. Adult residents can grow up to 6 marijuana plants per person. No more than 12 total plants are allowed per residence regardless of the number of adults living there. Marijuana plants must be kept in an enclosed, locked area.

Take extra precautions to ensure that only authorized adults have access to the marijuana plants. You must be 21 and older to have or use retail marijuana. Children and pets should be kept away from plants at all times.

Can I sell home-grown marijuana to others?

- **Answer** – No. Home-grown marijuana, no matter the form, may not be sold to others.

Is it legal to grow plants outside?

- **Answer** - Marijuana must be grown in a fully enclosed and locked space, whether indoors or outdoors.

❖ Business & Private Property Owners

Can individual property owners restrict or prohibit marijuana use or possession on their property?

- **Answer** - Yes. Any property owner can limit retail marijuana use, consumption, possession, transfer, display, transportation, sale or growth of marijuana on his or her property.

Can a business owner, resident, or neighborhood weigh in on whether a new marijuana retail store can open in its neighborhood?

- **Answer** - Yes. As per Nederland Ordinance 720 and 721, a retail marijuana store must hold a public hearing at which time anyone from the public is welcome to speak.

Does marijuana smoke fall under provisions of the Colorado Clean Indoor Air Act (including those related to hotel/motel rooms and restaurants)?

- **Answer** - Yes. The Colorado Clean Indoor Air Act prohibits smoking in restaurants and limits the number of hotel rooms in which smoking is permitted. A hotel or motel wishing to permit marijuana smoke in individual rooms would still need to keep 75 percent of the rooms smoke free.

Can employers restrict or prohibit marijuana use or possession by employees at the workplace?

- **Answer** - Yes. Employers are allowed to regulate or prohibit the use, consumption, possession, transfer, display, transportation, sale or growing of marijuana in the workplace. Employers may also enact policies restricting the use of marijuana by employees.

❖ Parents, Guardians & Neighbors

What is the penalty for someone under the age of 21 who is caught possessing or consuming marijuana?

- **Answer** - Penalties can range from a fine to a possible jail or prison sentence. Additionally, K-12 schools, universities and school districts may have disciplinary and expulsion policies for students caught with retail marijuana on school property.

Can I legally give or sell marijuana to someone under the age of 21?

- **Answer** - No. You must be 21 and older to have or use retail marijuana. It is illegal to give or sell retail marijuana to minors.

Are there limitations on the proximity of retail marijuana businesses to schools?

- **Answer** – Yes, but only in regards to a retail store. There is a 100-foot spacing requirement between retail marijuana stores and schools.

What should I do if I suspect or know my child has consumed marijuana?

- **Answer** - Call 9-1-1 if you are worried about the health and safety of your child. You must be 21 and older to have or use retail marijuana and children should be kept away from retail marijuana at all times.

What should I do if I suspect or know my pet has consumed marijuana?

- **Answer** - Call a veterinarian. Pets should be kept away from marijuana at all times.

How can Nederland residents and visitors avoid exposure to public marijuana use?

- **Answer** - It is illegal to consume marijuana in public in Colorado. If you see a violation in Nederland, call the police non-emergency line at 303-258-3250 or Boulder County Dispatch at 303-441-4444.

How is marijuana smoke treated differently from tobacco smoke in terms of where it is permitted?

- **Answer** - Both marijuana and tobacco smoke are subject to the Colorado Clean Indoor Air Act, which prohibits smoking in most indoor places accessible to the public.

It is illegal to consume marijuana in public.

What can I do if I live near a marijuana cultivation center (grow facility) and the odor is bothersome, or the light used for growing plants is visible to the general public from dusk to dawn?

- **Answer** - If marijuana odor or intensity of lights being used is perceived to be excessive, residents can file a public nuisance complaint with the Nederland Police Department by calling 303-258-3250 or Boulder County Dispatch at 303-441-4444.

What should Nederland residents or visitors do if they see a violation of marijuana laws?

- **Answer** - Call the police non-emergency line at 303-258-3250 or Boulder County Dispatch at 303-441-4444.