



MEDICAL MARIJUANA SALES/DISPENSING IN GREELEY

Frequently Asked Questions

November 17, 2009

In October 2009, the Greeley City Council considered options to regulate the cultivation and sale of medical marijuana by “Primary Care Givers” to “Patients” as defined under Section 14 of Article XVIII of the Colorado Constitution. Ultimately, the Council voted to prohibit the establishment of Medical Marijuana Dispensaries within Greeley.

Can Patients continue to grow and consume marijuana for medical purposes in Greeley?

Yes. The City recognizes the provisions in the Colorado Constitution that allow Patients who are registered and in good standing with the State to grow and consume marijuana for their exclusive personal use. A Patient generally may not possess more than 6 plants or 2 ounces of marijuana at any time under this State law. Patients may grow their ration of marijuana plants at their personal residence. They may not grow their plants at another person’s home or at another residential dwelling they may have access to. When two or more Patients live together the total number of plants grown may equal their combined allowance.

Under very limited circumstances, it may be possible for a Patient to grow their marijuana at a separate commercial location, but this would require prior land use approval.

If a Patient does not want to grow their own marijuana for medical purposes, how can they obtain it?

A Patient must first designate a Primary Caregiver, also as defined by the Colorado Constitution. This is described as an individual who is at least 18 years old and “has significant responsibility for managing the well-being of a patient who has a debilitating medical condition.” A Patient and her/his Primary Care Giver can, together, only possess the amount of marijuana allowed per Patient under the State law. A Caregiver may have several patients.

A Patient’s Caregiver can provide the medical marijuana to the Patient in one of two ways:

- a. The Patient may obtain the marijuana from the Caregiver or Dispensary located outside the City of Greeley and in another jurisdiction which allows the sale of medical marijuana; or
- b. The Caregiver may deliver the medical marijuana to her/his Patients inside Greeley.

When is sales tax collected?

The Patient who travels outside Greeley to another jurisdiction where her/his Caregiver is located pays the sales tax in accordance with the rules of that government. This is the same as if one were to buy groceries or goods in another town.

If the Caregiver delivers the medical marijuana to her/his Patients inside Greeley, the Caregiver must collect sales tax of 3.46% on the purchase price of the medical marijuana sold to her/his Patient.

How does a Caregiver obtain a Greeley sales tax license?

The Caregiver must complete a standard Sales Tax License Application, which may be obtained on line (<http://greeleygov.com/Finance/SalesandUseTax.aspx>) or by coming to the City of Greeley Finance Department (1000 10th Street). An additional certification page is provided for Medical Marijuana Caregivers to complete and sign as part of the Sales Tax License Application. The application will then

be reviewed by Community Development Department staff for land use compliance. Once approved by Community Development, the application is returned to the Finance Department where the approved license is then issued.

The Caregiver may submit the completed application to the Finance Department staff who will forward the application for review or the Caregiver may walk the application to the Community Development Department, which is generally faster and allows any questions to be addressed immediately with the applicant. The process is generally fairly brief if the application is complete and can usually be accomplished in an hour or so, depending on the level of customer traffic on any given day. There is no cost to obtain a City Sales Tax License.

Can a Caregiver grow marijuana in Greeley for her/his patients?

No. Cultivation of marijuana, other than by a Patient for their personal use, is considered a dispensary and not allowed in Greeley.

Can Patients in Greeley sell any of their surplus marijuana to a Caregiver?

No. Any distribution of marijuana within Greeley, other than by a Caregiver who delivers the marijuana from a source outside the City, is prohibited. Further, Patients should be careful not to put themselves in a position of possessing more than the amount allowed under the Colorado Constitution for their personal use. Any amount over that limit would constitute a violation of the Greeley Municipal Code and subject to fines and penalties, including jail time.

Could a Group of Patients Collectively Grow their Marijuana Together, such as in a Cooperative?

Possibly. Under these circumstances the marijuana would have to be grown in a commercial or industrially zoned area; it would not be allowed as an operation in a residential property. Care should be given to security and a discreet location would be important so as not to create a potential nuisance and risk for other area properties. While the City codes would technically allow such a use under limited circumstances, it should be very carefully considered since a violation by anyone using the facility could implicate the entire group. Such an operation may also be generally discouraged due to its potential to attract a criminal activity.

How can a Patient or Caregiver work with the City to limit confusion about the authorized cultivation or delivery of marijuana for medical use by a Patient?

The City offers a Patient or Caregiver to voluntarily self-report their use or delivery of medical marijuana by completion of the attached form. While completely voluntary, knowing the location of Patients who are growing their own limited supply of medical marijuana or a local address of Caregivers who may be delivering medical marijuana to patients in Greeley would help code and law enforcement officials respond more appropriately to any citizen reports of suspected drug use and sales.

City Resource Contacts:

Sales Tax License

City of Greeley Finance Department
City Hall, 1000 10th Street, Greeley CO 80631
350-9728

Land Use & Zoning

City of Greeley Community Development Department
City Annex, 1100 10th Street, Ste 202, Greeley, CO 80631
350-9780

Legal Issues/Citations

City Attorney's Office
City Annex, 1100 10t St, Ste 401, Greeley, CO 80631
350-9758



Medical Marijuana Use – Voluntary Self-Identification

In the spirit of cooperation and to reduce instances where unintended conflicts may arise from actions taken to apprehend individuals who are suspected of possessing, cultivating, or dispensing marijuana in violation of State and Local law, the undersigned has voluntarily provided information to the City of Greeley as to her/his use or association with medical marijuana. It is understood this information will be kept confidentially by the City of Greeley and provided to the Weld County Regional Communications Center for the sole purpose of providing law enforcement officials with information that would assist in the appropriate response to reports of possession, distribution, or sale of marijuana.

(Please Print)

Name: _____ Phone: _____

Home Address: _____ Email: _____

I certify that I am a *(check all boxes that apply)*:

- Primary Caregiver**, as described under Section 14 of Article XVIII, who has a Sales and Use Tax License with the City of Greeley and who may, therefore, possess and deliver medical marijuana to patients in Greeley who have listed me as their Primary Caregiver and requested delivery of their supply of medical marijuana which I am growing or possessing on their behalf outside the City of Greeley.
- Patient**, registered and in good standing with the State of Colorado, and authorized to cultivate, possess, and consume medical marijuana in accordance with the provisions set forth in Section 14 of Article XVIII e Colorado Constitution. My medical marijuana is (check which applies):
 - _____ grown by me at my home
 - _____ delivered to me by my Primary Caregiver
 - _____ I purchase my medical marijuana at a Dispensary outside the City of Greeley

I understand I must possess a valid Medical Marijuana Patient registration card from the State of Colorado to be considered an authorized Patient. I represent that the information provided in this self-identification is true, accurate and complete and that providing this information to the City is fully voluntary and does not accrue any special privileges, benefits, or obligations by or to the City of Greeley, its agents or myself as it relates to the information provided.

Signature

Date

Rec'd by: _____
City of Greeley Representative

Date