



Department of Police

Memorandum

To: Vail Town Council
From: Dwight Henninger, Chief of Police
Date: October 16, 2009
Subject: Medical Marijuana Dispensaries

On Tuesday, October 20th, you will be asked to approve the land use regulation of Medical Marijuana Dispensaries (MMD) in Vail. **I strongly urge you to deny Ordinance No. 22, Series of 2009.**

Vail prides itself on being a family friendly resort and community, and allowing MMD in Vail is in direct conflict with over 40 years of work at being the premier mountain resort community. The children of Vail already struggle to identify appropriate adult conduct when seeing our guests acting out on vacation. Approving the sale of “legal” marijuana in Vail may further cloud their view of suitable behavior as they approach adulthood.

Medical marijuana issues are going to be addressed in the State legislature in 2010 and hopefully they will clear up a number of the loopholes that have made a sham of marijuana for “debilitating medical conditions¹.” Currently there are over 11,000 approved medical marijuana registry citizens in the State, and of the over 13,000 applications received to date, only 29 have been denied by the Colorado Department of Public Health and Environment. The number of applications has jumped from 90 a month in 2008, to over 600 a month in 2009. The average applicant is a male, 41 years of age, complaining of severe pain mainly in the stomach and back. Over 800 doctors have approved at least one recommendation for medical marijuana. The vast majority have been issued by 20 specific doctors. You can open today’s Vail Daily and see the ads for the MMD’s. You can even have an appointment over the phone to get this recommendation from a “doctor” without being seen in person.

California is a few years ahead of Colorado in the area of MMD and many communities are experiencing numerous problems of crime and disorder in and about these businesses. Common problems include: robberies of the businesses and customers due to the large cash transactions; traffic at all hours; burglaries; illegal resale and drug sales in the parking lots; and felons working in the MMD’s. Preliminarily they are also seeing an increase in driving under the influence of marijuana related accidents.

1. Colorado Amendment 20, An Amendment to the Constitution of the State of Colorado, Amending Article XVIII, Section 14, page 1

I am aware of 8 MMD's in Eagle County, the closest being in Eagle-Vail, on an existing bus route. A person in true need of medical marijuana can obtain the product within 3 miles of the Town of Vail.

Therefore, I urge you to deny the land use addition of MMD's Town wide to our Code in order to preserve the family friendly resort and community we all love.

If you are compelled to approve the addition, please exclude MMD's for the Commercial Service Center Zone District Properties (US Bank, Gateway and Solaris) in the draft ordinance, and consider increasing the distances from schools to 1,000 feet to be consistent with the Colorado Uniform Controlled Substances Act of 1992, section 18-18-407(2)(a), which increases penalties for drug dealing within 1,000 feet of a school.