
CITY OF DEER LODGE

Public Health & Safety
COMMITTEE

AGENDA

December 14, 2022 – 5:00 P.M. | Council Chambers, City Hall

1. Call Meeting to Order:

2. Approval of Minutes:

- a. Regular Meeting: August 11, 2022 – No meeting September, October, November 2022

3. Public Comment on Non-Agenda Items – (Limit to three minutes per person)

4. Old Business: (Public Comment period prior to each topic)

- a. None

5. New Business:

- a. Department Reports: (Accept reports as presented)
 - i. PD Report - Chief Smith
 - ii. Code Enforcement Report – Jordan
 - iii. FD Report – Chief Pierson
 - iv. County Health Report – Ida Miller
- b. Skatepark Ordinance – Jordan
- c. Marijuana Businesses Zoning and Regulations – Jordan
- d. Radar Speed Signs – Jordan

6. Staff or Committee Comments or Concerns:

7. Announcement of the Next Meeting:

- a. January 11, 2023, at 5:00 PM.

8. Adjournment:

Public Health & Safety Committee

Members

Rob Kersch | Joseph Callahan (Chair) | Curt Fjelstad

Public Health & Safety Committee

MINUTES

August 11, 2022, at 5:00pm | Council Chambers

Members Present:	Robert Kersch, Curt Fjelstad
Members Absent:	Joseph Callahan
Mayor:	Absent
CAO:	Jordan Green
Staff:	Cyndi Thompson
Guests:	See Sign in Sheet

1. Call Meeting to Order:

- a. Assign a Chairperson – Jordan

Member Kersch motioned Joseph Callahan as Chairperson. Member Fjelstad seconded the motion. 2 Ayes, 0 Nos, 1 Absent. Motion passed.

Interim Chairperson Kersch called meeting to order at 5:01pm as Chairperson Callahan was absent.

2. Approval of Minutes for

- a. June 9, 2022 – No meeting in July 2022.

Interim Chairperson Kersch motioned to approve minutes as presented. Member Fjelstad seconded the motion. 2 Ayes, 0 Nos, 1 Absent. Motion passed.

3. Public Comment – Limited to Three Minutes Per Person

- a. None

4. Old Business:

- a. None

5. New Business:

a. Department Reports: Accepted as presented.

1. Police Police Chief Smith

Police Chief Smith report summarized recent department activities for July based upon 289 calls for service, 28 citations and 14 calls for Code Enforcement.

2. Code Enforcement..... Jordan

Jordan provided recent department updates for hiring a new code enforcement officer and departmental happenings.

3. Fire..... Fire Chief Pierson

Fire Chief Pierson report summarized recent department activities for July based upon 8 calls for service.

4. County Health Report.....Ida Miller

Child Safety: Powell County Public Health received 5 Child Safety Seats from a grant out of Missoula with Buckle Up for Life. These seats are available for distribution. They also have some child safety seats available on a sliding scale fee basis.

Animal bites: 1 dog bite, 1 cat bite, 1 bat bite, and 1 pack rat bite

Rabies: Our bat bite resulted in the patient receiving the post-exposure prophylaxis. The bat was seen lying on the ground within the city limits and was picked up at which time the bat bit the person and then flew away. Because the bat bite was known and the bat was not available for testing, the person is receiving treatment. It is not recommended to handle sick animals without taken proper precautions especially bats and skunks.

COVID-19

Home test kits: These are available thru Powell County Public Health. Call if you need one at (406) 491-3681, they are good until October 2022. If used and positive, there are directions included on how to report the test or call Public Health staff for assistance. The advantage of using and reporting of home test results is that there is a verified record of the positive case and then if a positive test result is received in the next 90 days it does not delay further events such as surgery.

Vaccinations are still available, and the CDC is recommending another booster for anyone age 50 and over if you have received the recommended previous vaccinations. Powell County has 65.9% of eligible persons fully vaccinated.

Testing and contact tracing for Coronavirus continues in Powell County. In May, there were 14 positive cases, in June there were 56 positive cases, and in July there were 108 positive cases. We had 6 prison employees reported as positive and several offenders in July. There were 4 hospitalizations in July. We have had two deaths in Powell County.

Important Public Health concerns other than coronavirus:

Powell County Public Health Officer: Dr. Paul Rees

Ticks: Different species carry different types of disease, in Montana the main species of tick we worry about are the black-legged tick or deer tick and the American dog tick. Those are the ones that carry diseases of the most concern to us right now, including Lyme disease which only deer ticks carry, and Rocky Mountain spotted fever which is carried by the dog tick.

Hantavirus: Outbuildings and other enclosed spaces may harbor rodents can lead to potential for exposure to hantavirus. Appropriate precautions should be used when evidence of rodents is visible. The most important hantavirus in the United States that can cause Hantavirus Pulmonary Syndrome is spread by the deer mouse here in Montana.

Highly Pathogenic Avian Influenza: This has not been detected in Powell County. There are flocks and wild bird infections in Montana. This virus is extremely infectious and fatal to poultry and some species of wild birds. Although risk to humans is very low, Montanans should take precautions when handling game birds or any sick or dead bird they find. Gloves should always be worn when handling game birds or any sick or dead bird that must be handled for disposal. People are encouraged to report unusual or unexplained cases of sickness and/or death of domestic or wild birds to their veterinarian or public health at 406-691-0242.

Monkey Pox: There are no reported cases of monkeypox in Montana. However, Montana Department of Public Health and Human Services is prepared to investigate if Montana gets a case.

- b. Police Department Mechanical Tire Deflators – Chief Smith
Chief Smith presented a draft policy for the Spike Strips (Stop Stick) as a recommendation to incorporate into the DL Police Policy.

Member Kersch motioned to approve the presented draft policy as a standing policy and Chief Smith to represent the Police Department Policy once Mechanical Tire Deflators is incorporated into the Police Department Policy. Member Fjelstad seconded the motion. 2 Ayes, 0 Nos, 1 Absent. Motion passed.

- c. Designated Parade Routes (Council Member Henderson) - Jordan
Discussed the standard parade route and having special parade route. Notification of having a parade should be at least 3 weeks out before an event.

Jordan to put together traffic plans for established routes and special events routes for the parades and bring back to this committee for review.

6. Staff Comments or Concerns:

- a. Discussed curfew siren recommencing at 10:00PM.

7. Announcement of the Next Meeting:

- a. September 8, 2022, at 5:00pm

8. Adjournment:

- a. Meeting was adjourned at 5:38PM.

Prepared by: Cyndi Thompson, City Clerk

Interim Chairperson: _____
Rob Kersch

Date: _____

Public Health & Safety Committee

Members

Joseph Callahan (Chair) | Rob Kersch | Curt Fjelstad



Deer Lodge Police Department

November 2022

Police CFS

911 Call Total: 2

Traffic Accidents Total: 9

Alarm Total: 6

Assault Total: 1

Break-in - Attempted Total: 1

Burglary Residence Total: 2

Courtesy Ride Total: 6

Civil Standby Total: 1

Custodial Interference Total: 1

Disturbance Total: 5

Dog Bite Total: 1

Domestic - Nonviolent Total: 1

Drug Paraphernalia Found Total: 1

Elder Abuse Total: 1

Fire - Total: 2

Fraud Total: 1

Gas Drive off Total: 1

Harassment Total: 1

Hit and Run Total: 1

Hunting Complaint Total: 1

Minor(s) In Possession Total: 2

Missing Person(s) - Juvenile Total: 1

Motorist Assist Total: 2

Partner Family Member Assault Total: 2

Probation Officer Check Total: 2

Property Damage Total: 1

Property Stolen Total: 1

Ambulance Assists Total: 5

Request Officer Total: 5

Stray - Horse(s) Total: 2

Suspicious Person(s) Total: 2

Suspicious Vehicle(s) Total: 2

Theft Total: 5

Theft Motor Vehicle Total: 1

Threat(s) Total: 3

Traffic - Complaint Total: 2

Traffic - Hazard Total: 2

Traffic - Stranded Motorist Total: 1

Unsecure Premises Total: 1

Unwanted Person(s) Total: 3

VIN Inspection Total: 1

Welfare Check Total: 16

Traffic Stop Total: 52

Tobacco Violation-2

2 Black Ford SUV patrol cars purchased

1 Officer out for surgery

Assisted with fatal hit and run

Unattended death- CPR performed

Total Calls For Service: 188

Citations Issued: 20



CODE COMPLIANCE REPORT

November 2022

HIGHLIGHTS

- 3 dog at large calls
- 1 citizen complaint
- Reading and reviewing city codes
- Familiarization with radios and equipment
- 0 citations issued
- 298 total dog tags issued ytd
- 0 dogs at shelter
- Ride along with Dan Green regarding city codes for construction
- Familiarization with city of Deer Lodge home page and how to access codes online
- Office setup

INTEREST ITEMS FOR CITY COUNCIL

None



FIRE DEPARTMENT REPORT

NOVEMBER 2022

HIGHLIGHTS

6 Call for Service:

3 for fire service:

- 1 structure fire at a large building. Was caught and pretty well under control by business employees. Not much damage.
- 1 camper fire, total loss.
- 1 for false alarm on a burn permit that was not activated properly.

1 for gas leak:

- 1 call for gas leak, very small. Crews shut the meter off and stopped the leak

2 Calls for Car Accidents:

- 1 for extrication for victims with minor injuries.
- 1 for traffic control on multi-vehicle accident.

INTEREST ITEMS FOR CITY COUNCIL

Department Happenings:

None at this time.

Powell County Public Health

NOVEMBER 2022

Child Safety: Powell County Public Health has car seats available on a sliding scale basis.

Animal bites: 2 animal bites were reported in November

Rabies: There has been a case of rabies verified in Montana during 2022. It is not recommended to handle sick animals without taken proper precautions especially bats and skunks. Powell County had another bat bite in September and prophylaxis was administered

Influenza: October 1, 2022, is the start of influenza in Montana. Immunizations are available at Deer Lodge Medical Center, Heidi Applegate’s office, and Safeway. Influenza (also known as “flu”) is a contagious respiratory illness caused by influenza viruses. It can cause mild to severe illness, and at times can lead to death. With the number of confirmed cases reported to public health, we can state the influenza has reached Powell County and is spreading.

Powell County Public Health conducted an influenza vaccination clinic in conjunction with Safeway pharmacy on November 3rd in Elliston, Avon, and Helmville.

Cold vs Flu

Signs and Symptoms

	Cold	Flu
Symptom onset	Gradual	Abrupt
Fever	Rare	Common
Aches	Slight	Common
Chills	Uncommon	Fairly Common
Fatigue, weakness	Sometimes	Usual
Sneezing	Common	Sometimes
Chest Discomfort	Mild to moderate	Common
Cough	Hacking	Severe coughing
Stuffy nose/sore throat	Common	Sometimes
Headache	Rare	Common

There have been 17 laboratory verified cases of influenza in Powell County. This flu season is reported to be the worse in 13 years so far. Respiratory syncytial virus (RSV) is also a virus common at this time of year. It is the leading cause of bronchitis and pneumonia and is especially serious to infants, small children and the elderly. We had 3 cases reported in November.

COVID-19

Testing for Covid-19 Free testing by the Montana Public Health Laboratory will no longer be available after December 1st.

Vaccinations are available, and the CDC is recommending the bivalent booster for anyone age 50 and over if you have received the recommended previous vaccinations.

Testing and contact tracing for Coronavirus continues in Powell County. In November there were 13 positive cases and 1 death. Free testing will be limited after December 1, 2022.

Highly Pathogenic Avian Influenza: This has not been detected in Powell County. There are flocks and wild bird infections in Montana. This virus is extremely infectious and fatal to poultry and some species of wild birds. Although risk to humans is very low, Montanans should take precautions when handling game birds or any sick or dead bird they find. Gloves should always be worn when handling game birds or any sick or dead bird that must be handled for disposal. People are encouraged to report unusual or unexplained cases of sickness and/or death of domestic or wild birds to their veterinarian or public health at 406-691-0242.

Monkey Pox: There have been 7 cases reported in six counties in Montana. Vaccination is available if you or your healthcare provider feel that you are at high risk of contracting monkeypox.

Ebola: Ebola has become an issue in Africa and Montana has frequent travelers from there. The Department of Public Health and Human Services has been actively tracking all arrivals and is notifying counties to follow up if needed. We have not received any notifications yet.

MCE Design Department

350 Conley Lake Rd.
Deer Lodge, MT 59722
(406) 415-6271



JOHN & DOROTHY WILSON MEMORIAL SKATE PARK SKATE PARK RULES

- Skate park is unsupervised
- Do not use the Skate park at night
- Skate at your own risk; know your limits and abilities
- Helmets, pads, and safety gear strongly recommended
- Please keep park clean; Dispose of trash properly
- Cans and plastic bottles only; No glass allowed
- Metal stunt pegs not permitted on bikes
- Surface is slippery when wet; Do not use in wet weather conditions
- Do not use Skate park when it is covered in ice or snow
- Be respectful of neighbors; Keep noise levels down
- Outside obstacles are not permitted in the park
- Pets and non-skaters must remain outside of the Skate park
- No alcohol, drugs, tobacco, hookah, vaping, or profanity
- Litter, graffiti, tagging, and the placement of stickers are not permitted
- In case of Police/Fire/Medical emergency: Dial 9-1-1
- Please report any unlawful behavior to the Police Department immediately
- Violators are subject to citation and/or eviction from the premises

HAVE FUN, BE SAFE, AND RESPECT THE PARK AND YOUR FELLOW SKATERS!



CTT

City of Deer Lodge	Skate Park Sign	Jordan Green	08-16-22
36" x 60"; Changed Per Email; Added Windbeams			

Montana Code Annotated 2021

TITLE 16. ALCOHOL, TOBACCO, AND MARIJUANA

CHAPTER 12. MARIJUANA REGULATION AND TAXATION

Part 1. General Provisions

Definitions

16-12-102. Definitions. As used in this chapter, the following definitions apply:

- (1) "Adult-use dispensary" means a licensed premises from which a person licensed by the department may:
 - (a) obtain marijuana or marijuana products from a licensed cultivator, manufacturer, dispensary, or other licensee approved under this chapter; and
 - (b) sell marijuana or marijuana products to registered cardholders, adults that are 21 years of age or older, or both.
- (2) "Affiliate" means a person that directly, or indirectly through one or more intermediaries, controls or is controlled by, or is under common control with, another person.
- (3) "Beneficial owner of", "beneficial ownership of", or "beneficially owns an" is determined in accordance with section 13(d) of the federal Securities and Exchange Act of 1934, as amended.
- (4) "Canopy" means the total amount of square footage dedicated to live plant production at a licensed premises consisting of the area of the floor, platform, or means of support or suspension of the plant.
- (5) "Consumer" means a person 21 years of age or older who obtains or possesses marijuana or marijuana products for personal use from a licensed dispensary but not for resale.
- (6) "Control", "controls", "controlled", "controlling", "controlled by", and "under common control with" mean the possession, direct or indirect, of the power to direct or cause the direction of the management or policies of a person, whether through the ownership of voting owner's interests, by contract, or otherwise.
- (7) "Controlling beneficial owner" means a person that satisfies one or more of the following:
 - (a) is a natural person, an entity that is organized under the laws of and for which its principal place of business is located in one of the states or territories of the United States or District of Columbia, or a publicly traded corporation, and:
 - (i) acting alone or acting in concert, owns or acquires beneficial ownership of 5% or more of the owner's interest of a marijuana business;
 - (ii) is an affiliate that controls a marijuana business and includes, without limitation, any manager; or
 - (iii) is otherwise in a position to control the marijuana business; or
 - (b) is a qualified institutional investor acting alone or acting in concert that owns or acquires beneficial ownership of more than 15% of the owner's interest of a marijuana business.
- (8) "Correctional facility or program" means a facility or program that is described in **53-1-202(2)** or (3) and to which an individual may be ordered by any court of competent jurisdiction.

(9) "Cultivator" means a person licensed by the department to:

- (a) plant, cultivate, grow, harvest, and dry marijuana; and
- (b) package and relabel marijuana produced at the location in a natural or naturally dried form that has not been converted, concentrated, or compounded for sale through a licensed dispensary.

(10) "Debilitating medical condition" means:

- (a) cancer, glaucoma, positive status for human immunodeficiency virus, or acquired immune deficiency syndrome when the condition or disease results in symptoms that seriously and adversely affect the patient's health status;
- (b) cachexia or wasting syndrome;
- (c) severe chronic pain that is a persistent pain of severe intensity that significantly interferes with daily activities as documented by the patient's treating physician;
- (d) intractable nausea or vomiting;
- (e) epilepsy or an intractable seizure disorder;
- (f) multiple sclerosis;
- (g) Crohn's disease;
- (h) painful peripheral neuropathy;
- (i) a central nervous system disorder resulting in chronic, painful spasticity or muscle spasms;
- (j) admittance into hospice care in accordance with rules adopted by the department; or
- (k) posttraumatic stress disorder.

(11) "Department" means the department of revenue provided for in **2-15-1301**.

(12) (a) "Employee" means an individual employed to do something for the benefit of an employer.

(b) The term includes a manager, agent, or director of a partnership, association, company, corporation, limited liability company, or organization.

(c) The term does not include a third party with whom a licensee has a contractual relationship.

(13) (a) "Financial interest" means a legal or beneficial interest that entitles the holder, directly or indirectly through a business, an investment, or a spouse, parent, or child relationship, to 5% or more of the net profits or net worth of the entity in which the interest is held.

(b) The term does not include interest held by a bank or licensed lending institution or a security interest, lien, or encumbrance but does include holders of private loans or convertible securities.

(14) "Former medical marijuana licensee" means a person that was licensed by or had an application for licensure pending with the department of public health and human services to provide marijuana to individuals with debilitating medical conditions on November 3, 2020.

(15) (a) "Indoor cultivation facility" means an enclosed area used to grow live plants that is within a permanent structure using artificial light exclusively or to supplement natural sunlight.

(b) The term may include:

- (i) a greenhouse;

- (ii) a hoop house; or
- (iii) a similar structure that protects the plants from variable temperature, precipitation, and wind.
- (16) "Licensed premises" means all locations related to, or associated with, a specific license that is authorized under this chapter and includes all enclosed public and private areas at the location that are used in the business operated pursuant to a license, including offices, kitchens, restrooms, and storerooms.
- (17) "Licensee" means a person holding a state license issued pursuant to this chapter.
- (18) "Local government" means a county, a consolidated government, or an incorporated city or town.
- (19) "Manufacturer" means a person licensed by the department to convert or compound marijuana into marijuana products, marijuana concentrates, or marijuana extracts and package, repackage, label, or relabel marijuana products as allowed under this chapter.
- (20) (a) "Marijuana" means all plant material from the genus Cannabis containing tetrahydrocannabinol (THC) or seeds of the genus capable of germination.
- (b) The term does not include hemp, including any part of that plant, including the seeds and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers, whether growing or not, with a delta-9 tetrahydrocannabinol concentration of not more than 0.3% on a dry weight basis, or commodities or products manufactured with hemp, or any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products.
- (c) The term does not include a drug approved by the United States food and drug administration pursuant to section 505 of the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 301, et seq.
- (21) "Marijuana business" means a cultivator, manufacturer, adult-use dispensary, medical marijuana dispensary, combined-use marijuana licensee, testing laboratory, marijuana transporter, or any other business or function that is licensed by the department under this chapter.
- (22) "Marijuana concentrate" means any type of marijuana product consisting wholly or in part of the resin extracted from any part of the marijuana plant.
- (23) "Marijuana derivative" means any mixture or preparation of the dried leaves, flowers, resin, or byproducts of the marijuana plant, including but not limited to marijuana concentrates and other marijuana products.
- (24) "Marijuana product" means a product that contains marijuana and is intended for use by a consumer by a means other than smoking. The term includes but is not limited to edible products, ointments, tinctures, marijuana derivatives, and marijuana concentrates.
- (25) "Marijuana transporter" means a person that is licensed to transport marijuana and marijuana products from one marijuana business to another marijuana business, or to and from a testing laboratory, and to temporarily store the transported retail marijuana and retail marijuana products at its licensed premises, but is not authorized to sell marijuana or marijuana products to consumers under any circumstances.
- (26) "Mature marijuana plant" means a harvestable marijuana plant.
- (27) "Medical marijuana" means marijuana or marijuana products that are for sale solely to a cardholder who is registered under Title 16, chapter 12, part 5.
- (28) "Medical marijuana dispensary" means the location from which a registered cardholder may obtain marijuana or marijuana products.
- (29) "Outdoor cultivation" means live plants growing in an area exposed to natural sunlight and environmental conditions including variable temperature, precipitation, and wind.

(30) "Owner's interest" means the shares of stock in a corporation, a membership in a nonprofit corporation, a membership interest in a limited liability company, the interest of a member in a cooperative or in a limited cooperative association, a partnership interest in a limited partnership, a partnership interest in a partnership, and the interest of a member in a limited partnership association.

(31) "Paraphernalia" has the meaning provided for "drug paraphernalia" in **45-10-101**.

(32) "Passive beneficial owner" means any person acquiring an owner's interest in a marijuana business that is not otherwise a controlling beneficial owner or in control.

(33) "Person" means an individual, partnership, association, company, corporation, limited liability company, or organization.

(34) "Qualified institutional investor" means:

(a) a bank or banking institution including any bank, trust company, member bank of the federal reserve system, bank and trust company, stock savings bank, or mutual savings bank that is organized and doing business under the laws of this state, any other state, or the laws of the United States;

(b) a bank holding company as defined in **32-1-109**;

(c) a company organized as an insurance company whose primary and predominant business activity is the writing of insurance or the reinsuring of risks underwritten by insurance companies, and that is subject to regulation or oversight by the insurance department of the office of the state auditor or a similar agency of another state, or any receiver or similar official or any liquidating agent for such a company, in their capacity as such an insurance company;

(d) an investment company registered under section 8 of the federal Investment Company Act of 1940, as amended;

(e) an employee benefit plan or pension fund subject to the federal Employee Retirement Income Security Act of 1974, excluding an employee benefit plan or pension fund sponsored by a licensee or an intermediary holding company licensee that directly or indirectly owns 10% or more of a licensee;

(f) a state or federal government pension plan; or

(g) any other entity identified by rule by the department.

(35) "Registered cardholder" or "cardholder" means a Montana resident with a debilitating medical condition who has received and maintains a valid registry identification card.

(36) "Registry identification card" means a document issued by the department pursuant to **16-12-503** that identifies an individual as a registered cardholder.

(37) (a) "Resident" means an individual who meets the requirements of **1-1-215**.

(b) An individual is not considered a resident for the purposes of this chapter if the individual:

(i) claims residence in another state or country for any purpose; or

(ii) is an absentee property owner paying property tax on property in Montana.

(38) "Seedling" means a marijuana plant that has no flowers and is less than 12 inches in height and 12 inches in diameter.

(39) "State laboratory" means the laboratory operated by the department of public health and human services to conduct environmental analyses.

(40) "Testing laboratory" means a qualified person, licensed under this chapter that:

- (a) provides testing of representative samples of marijuana and marijuana products; and
 - (b) provides information regarding the chemical composition and potency of a sample, as well as the presence of molds, pesticides, or other contaminants in a sample.
- (41) (a) "Usable marijuana" means the dried leaves and flowers of the marijuana plant that are appropriate for the use of marijuana by an individual.
- (b) The term does not include the seeds, stalks, and roots of the plant. (*Subsection (15)(b)(ii) terminates October 1, 2023--sec. 117(1), Ch. 576, L. 2021.*)

History: En. Sec. 2, I.M. No. 190, approved Nov. 3, 2020; amd. Sec. 38, Ch. 576, L. 2021.

Created by LAWS^{II}

MCA Contents / TITLE 16 / CHAPTER 12 / Part 2 / 16-12-207 Licensing as...

Montana Code Annotated 2021

TITLE 16. ALCOHOL, TOBACCO, AND MARIJUANA
CHAPTER 12. MARIJUANA REGULATION AND TAXATION
Part 2. Licensing and Regulation

Licensing As Privilege -- Criteria

16-12-207. Licensing as privilege -- criteria. (1) A cultivator license, manufacturer license, adult-use dispensary license, medical marijuana dispensary license, combined-use marijuana license, marijuana transporter license, or any other license authorized under this chapter is a privilege that the state may grant to an applicant and is not a right to which an applicant is entitled. In making a licensing decision, the department shall consider:

- (a) the qualifications of the applicant; and
- (b) the suitability of the proposed licensed premises, including but not limited to cultivation centers, dispensaries, and manufacturing facilities.

(2) The department may deny or revoke a license based on proof that the applicant made a false statement in any part of the original application or renewal application.

(3) (a) The department shall deny a cultivator license, manufacturer license, adult-use dispensary license, or medical marijuana license if the applicant's proposed licensed premises:

(i) is situated within a zone of a locality where an activity related to the use of marijuana conflicts with an ordinance, a certified copy of which has been filed with the department;

(ii) is not approved by local building, health, or fire officials as provided for in this chapter; or

(iii) is within 500 feet of and on the same street as a building used exclusively as a church, synagogue, or other place of worship or as a school or postsecondary school other than a commercially operated school, unless the locality requires a greater distance. This distance must be measured in a straight line from the center of the nearest entrance of the place of worship or school to the nearest entrance of the licensee's premises. This subsection (3)(a)(iii) does not apply if the application is for license renewal and the licensed premises was established before the church, synagogue, or other place of worship or school or postsecondary school existed on the same street.

(b) For the purposes of this subsection (3), "school" and "postsecondary school" have the meanings provided in **20-5-402**.

(4) A licensee may not sell or otherwise transfer marijuana or marijuana products through a drive-up window, except that a dispensary may hand-deliver marijuana or marijuana products to a registered cardholder in a vehicle that is parked immediately outside the subject dispensary.

(5) A marijuana business may not dispense or otherwise sell marijuana or marijuana products from a vending machine or allow such a vending machine to be installed at the interior or exterior of the premises.

(6) A marijuana business may not utilize the United States postal service or an alternative carrier other than a licensed marijuana transporter to transport, distribute, ship, or otherwise deliver marijuana or marijuana products.

(7) A marijuana business may not provide free marijuana or marijuana products or offer samples of marijuana or marijuana products.

(8) Marijuana or a marijuana product may not be given as a prize, premium, or consideration for a lottery, contest, game of chance, game of skill, or competition of any kind.

(9) (a) Except as provided in subsection (9)(c), an adult-use dispensary or medical marijuana dispensary must have a single, secured entrance for patrons and shall implement strict security measures to deter and prevent the theft of marijuana and unauthorized entrance in accordance with department rule.

(b) Except as provided in subsection (9)(c), a marijuana business that is not an adult-use dispensary or medical marijuana dispensary must implement security measures in accordance with department rule to deter and prevent the theft of marijuana and unauthorized entrance.

(c) The provisions of this subsection (9) do not supersede any state or local requirements relating to minimum numbers of points of entry or exit or any state or local requirements relating to fire safety.

(10) Each marijuana business shall install a video monitoring system that must, at a minimum:

(a) allow for the transmission and storage, by digital means, of a video feed that displays the interior and exterior of the cannabis establishment; and

(b) be capable of being recorded as prescribed by the department.

(11) An adult-use dispensary or medical marijuana dispensary may not operate between the hours of 8 p.m. and 9 a.m. daily.

(12) A person under 21 years of age is not permitted inside a marijuana business unless the person is a registered cardholder.

History: En. Sec. 13, I.M. No. 190, approved Nov. 3, 2020; amd. Sec. 54, Ch. 576, L. 2021.