

**STATE OF COLORADO
COUNTY OF GILPIN
CITY OF BLACK HAWK**

COUNCIL BILL NUMBER: CB29

ORDINANCE NUMBER: 2020-29

TITLE: AN ORDINANCE AMENDING CHAPTER 6, ARTICLE XVIII, OF THE BLACK HAWK MUNICIPAL CODE TO ALLOW FOR THE SALE OF INDUSTRIAL HEMP PRODUCTS BY LICENSED RETAIL MARIJUANA STORES

WHEREAS, pursuant to Article XVIII, § 16 of the Colorado Constitution (generally referred to as "Amendment 64"), the State of Colorado legalized the recreational use of marijuana;

WHEREAS, Colo. Const. Art. XVIII, § 16(1)(c) specifically excludes industrial hemp from the definition of "marijuana" and finds and declares "that industrial hemp should be regulated separately from strains of cannabis with higher delta-9 tetrahydrocannabinol (THC) concentration";

WHEREAS, pursuant to C.R.S. § 35-61-108, the Colorado Department of Public Health and Environment (the "CDPHE") permits registered persons in the State of Colorado to carry out the processing, sale, and distribution of industrial hemp-based products; and

WHEREAS, pursuant to C.R.S. § 44-10-501(3)(e) and C.R.S. § 44-10-601(3)(c), medical marijuana stores and retail marijuana stores may sell industrial hemp products.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BLACK HAWK, GILPIN COUNTY:

Section 1. Section 6-555 of the Black Hawk Municipal Code is amended by the addition thereto of the following defined term, which shall appear in alphabetical order:

Industrial Hemp Product means a finished product containing industrial hemp that:

- (1) Is a cosmetic, food, food additive, or herb;
- (2) Is for human use or consumption;
- (3) Contains any part of the hemp plant, including naturally occurring cannabinoids, compounds, concentrates, extracts, isolates, resins, or derivatives; and
- (4) Contains a delta-9 tetrahydrocannabinol concentration of no more than three-tenths of one percent.

Section 2. Sec. 6-558, subsection (f) of the Black Hawk Municipal Code is hereby amended to read as follows:

Sec. 6-558. Retail marijuana stores.

(f) Retail marijuana store licensees are prohibited from selling or giving away any consumable product that is not a retail marijuana product or industrial hemp product, including without limitation cigarettes or tobacco products, alcohol beverages, and food products other than non-alcohol beverages that are not retail marijuana products or industrial hemp products.

Section 3. Sec. 6-558 of the Black Hawk Municipal Code is amended by the addition thereto of a new subsection (h) to read as follows:

(h) Retail marijuana store licensees may sell or transfer industrial hemp products to a consumer only after the licensee has confirmed:

(1) That the industrial hemp product has passed all required testing pursuant to the Colorado Retail Marijuana Code and the regulations promulgated in conformance therewith; and

(2) That the person transferring the industrial hemp product to the retail marijuana store is registered with the Colorado Department of Public Health and Environment pursuant to C.R.S. § 25-5-426.

Section 4. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Black Hawk, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 5. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect application to other persons or circumstances.

Section 6. Effective Date. The City Clerk is directed to post the Ordinance as required by the Charter. This Ordinance shall become effective upon posting by the City Clerk.

READ, PASSED AND ORDERED POSTED this 28th day of October, 2020.

ATTEST:


Melissa A. Greiner, CMC, City Clerk


David D. Spellman, Mayor

