



## **Marijuana Policy Oversight Team Social Consumption Subcommittee**

### Social Consumption Brief: Marijuana Events and Clubs from around the U.S. and the World

#### **UNITED STATES**

##### **Portland, OR**

- Oregon's Indoor Clean Air Act was amended to include vaporization and marijuana. This means that smoking or vaporization of marijuana in businesses like clubs or lounges is no longer allowed.<sup>1</sup>
  - There is an exception for cigar bars and tobacco smoke shops, but there currently is no such exception for marijuana.
  - There would need to be a change to the Oregon Clean Air Act to permit indoor marijuana smoking or vaporization lounges.
- Under both Oregon law and Portland City Code, marijuana cannot be exchanged for consideration, unless it's from a licensed business.
  - "For consideration" means value that is given or received either directly or indirectly through sales, barter, trade, fees, charges, dues, contributions, or donations. This means that marijuana cannot be sold from unlicensed businesses or events, and it cannot be given away if there is a cover charge or a fee to enter an event or location.

##### **Seattle, WA**

- In early 2015, Seattle City Attorney Pete Holmes recommended in a memo titled "Moving Marijuana Policy Forward" to allow for marijuana consumption lounges.<sup>2</sup>
  - His concept would only include edibles and vaporization: no smoking (due to Washington's Indoor Clean Air Act).
  - His concept would not allow for the sale of alcohol, but would allow for the sale of other beverages and food.
- The same memo also outlined a proposal for public consumption of marijuana at events.
  - Seattle has required compliance with laws against public consumption, and as such directs that marijuana consumption at events follow the following guidelines:
    - Must be in a fenced area.
    - Consumption is not visible to the general public.

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<sup>1</sup> [http://www.oregonlive.com/marijuana/index.ssf/2015/12/oregon\\_clean\\_air\\_rules\\_may\\_spe.html](http://www.oregonlive.com/marijuana/index.ssf/2015/12/oregon_clean_air_rules_may_spe.html)

<sup>2</sup> <http://seattletimes.wpengine.netdna-cdn.com/pot/files/2015/01/MarijuanaMemoFinalPSH.pdf>

- Only those over 21 allowed to gain entry.
  - Use area must not be staffed by employees or volunteers of the event (except security or personnel responding to a call).
  - The impact of consumption must not impact the general public.
- However, near the end of Washington’s 2015 legislative session, HB 2136 eliminated private marijuana clubs, and made their operation a felony.<sup>3</sup>
- Seattle Mayor Ed Murray had proposed to close Seattle’s hookah (tobacco) lounges for violating Washington’s indoor smoking ban, but later backed down.<sup>4</sup> The lounges claim to be private, members-only clubs not subject to the smoking ban.
  - One such lounge reached a settlement with the City if they agreed to operate strictly as a private club.<sup>5</sup>

### Denver, CO

- There are members-only clubs in Denver, and some of them were raided in April of 2015.<sup>6</sup>
  - They were cited for operating without a license, selling marijuana without a license, and public consumption, among other charges.
- There is a ballot measure in Denver, to be voted on in November 2016, named “Responsible Use Denver”<sup>7</sup> and sponsored by the National Organization for the Reform of Marijuana Laws (NORML) that would legalize public consumption of marijuana by adults in certain clubs, lounges, or bars.<sup>8</sup>

### Juneau, AK

- In Nov. 2015, Alaska’s Marijuana Control Board voted to allow people to consume marijuana in certain stores that offer marijuana for sale.<sup>9</sup>
  - They also changed the definition of “in public” to allow for consumption in those stores.
  - Draft rules defining the parameters of the consumption of marijuana purchased from stores were released in May of 2016.<sup>10</sup> The public comment period for these rules ends on June 21, 2016. Details include:
    - Limiting access to those over 21 years old.
    - A \$1,000 fee to be paid for an onsite consumption endorsement.
    - Ventilation requirements.
    - Security requirements.
    - Isolating marijuana consumption from other areas of the retail store.
    - Restricting consumption ONLY to marijuana sold by the store where it’s consumed.

<sup>3</sup> <http://www.kplu.org/post/private-cannabis-clubs-are-now-illegal-washington>

<sup>4</sup> <http://www.seattletimes.com/seattle-news/politics/seattle-backs-down-on-closing-citys-hookah-lounges/>

<sup>5</sup> <http://www.seattletimes.com/seattle-news/politics/seattle-hookah-lounge-reaches-settlement-with-health-officials/>

<sup>6</sup> [http://www.thecannabist.co/2015/04/20/pot-club-undercover-denver-police-raids-potus-club-grassroots/33774/?\\_ga=1.241385794.1321357763.1443752515](http://www.thecannabist.co/2015/04/20/pot-club-undercover-denver-police-raids-potus-club-grassroots/33774/?_ga=1.241385794.1321357763.1443752515)

<sup>7</sup> <http://blog.norml.org/2016/01/25/denver-norml-announces-marijuana-lounge-initiative/>

<sup>8</sup>

[https://ballotpedia.org/Denver,\\_Colorado,\\_Marijuana\\_Clubs\\_and\\_Bars\\_%22Responsible\\_Use\\_Denver%22\\_Initiative\\_\(2016\)](https://ballotpedia.org/Denver,_Colorado,_Marijuana_Clubs_and_Bars_%22Responsible_Use_Denver%22_Initiative_(2016))

<sup>9</sup> <http://www.businessinsider.com/ap-alaska-regulators-are-1st-to-ok-marijuana-use-at-pot-shops-2015-11>

<sup>10</sup>

<https://www.commerce.alaska.gov/web/Portals/9/pub/HomePage/PublicNotice/2016/Regulations/DRAFTRegulationOnsiteConsumption.pdf>

- A 1g limit of dried marijuana flower to be sold for consumption on site.
- A 10mg limit of edible marijuana to be sold for consumption on site.
- A 0.25g limit of marijuana concentrate to be sold for consumption on site.
- Requirement to dispose of unused marijuana.
- Requirement to monitor patrons for signs of over consumption.
- Restriction of games or contests involving consumption of marijuana.
- Restriction of giving marijuana for consumption away for free.
- Local governments may protest a consumption endorsement.
- The Alaska Senate voted to ban smoking indoors in March of 2016, and created an exemption for tobacco, but not for marijuana.<sup>11</sup> However, the bill did not make it out of committee, and it was not passed during Alaska’s 2016 session, but it’s possible that a similar bill will be considered in 2017.<sup>12</sup>

### Washington, DC

- Washington DC voted to ban marijuana clubs, after reversing itself on the issue several times over a few months.<sup>13</sup>
  - Minorities have been disproportionately impacted by laws against smoking marijuana in public in Washington DC, and some groups argued that allowing a place for the consumption of marijuana could alleviate that imbalance.
  - There was a task force charged with studying how Washington DC might legally allow marijuana clubs, but that work is now in question.

### Flandreau, SD

- The Flandreau Santee Sioux Tribe voted to allow the possession and production of marijuana in 2015, and to transform a former bowling alley into a marijuana lounge.<sup>14</sup>
  - Due to concerns over Federal law, the marijuana harvest the tribe had produced was destroyed in late 2015, and the tribe suspended their production and distribution efforts after conversation with federal officials.<sup>15</sup> However, they intent to move forward at a later time.

### Providence, RI

- A Medical Marijuana vaporization lounge, Elevated, opened in July 2015<sup>16</sup>
  - 4 people were arrested at Elevated when marijuana was sold to undercover officers<sup>17</sup>. The sale was not from employees of the lounge, but by a group that sub-leased part of the lounge’s space.
- RI’s indoor smoking ban does NOT include vaporizing, since the term “smoking” is limited to combustion of material, not vaporization of that material.

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<sup>11</sup> <http://juneauempire.com/state/2016-03-30/senate-votes-ban-smoking-bars-restaurants-statewide>

<sup>12</sup> <http://www.alaskastar.com/2016-04-21/smoking-ban-will-wait-2017#.V1IPDPkrJhE>

<sup>13</sup> [https://www.washingtonpost.com/local/dc-politics/dc-council-bans-pot-clubs-reversing-itself--again/2016/04/05/9b539b50-fb4c-11e5-886f-a037dba38301\\_story.html](https://www.washingtonpost.com/local/dc-politics/dc-council-bans-pot-clubs-reversing-itself--again/2016/04/05/9b539b50-fb4c-11e5-886f-a037dba38301_story.html)

<sup>14</sup> <http://money.cnn.com/2015/09/30/news/marijuana-lounge-santee-sioux-tribe/>

<sup>15</sup> <http://indiancountrytodaymedianetwork.com/2015/11/08/flandreau-santee-sioux-tribe-burns-crop-suspends-marijuana-operation-162363>

<sup>16</sup> <http://meeb.com/first-marijuana-vaping-lounge-opens-rhode-island-impact-condominiums/>

<sup>17</sup> <http://turnto10.com/news/local/state-police-raid-vapor-lounge-arrest-4>

## **INTERNATIONAL**

### **Barcelona, Spain**

- Sale of marijuana is NOT legal.
- Growing marijuana and possession IS legal.
- “Cannabis Social Clubs” aren’t technically legal: exist in legal gray area.<sup>18</sup>
  - Clubs grew from 40 in 2010 to 700 in 2014, with 165,000 total members
  - Yearly fee.
  - Included in fee is access to the club, and access to marijuana and possibly food, games, and other things.
  - Registering online to join these clubs may violate the “European Cannabis Social Clubs Code of Conduct” offered by the European Coalition for Just and Effective Drug Policies.<sup>19</sup>
- Former Barcelona Mayor Xavier Trias attempted to shut down the clubs<sup>20</sup>
  - This was done by instituting distancing requirements between clubs and places like, schools, libraries, and playgrounds.
  - The new Mayor reduced the distancing from 150 to 100 meters, and applied the requirements only to new clubs, not existing ones... but these changes need to be implemented by June 13, 2016 or they revert back to the old requirements.

### **Catalonia, Spain<sup>21</sup>**

- See above (Barcelona, Spain).
- Cannabis Club in Catalonia was shut down for “drug trafficking.”
- Clubs take in an estimated \$6.7m per month.<sup>22</sup>

### **Windsor, Ontario, Canada**

- A few Medical marijuana lounges have opened in Windsor, Ontario.
  - Higher Limits opened in January, and it prompted Windsor city councilors to consider how to better-regulate such lounges.<sup>23</sup> Vapelated Vapor Lounge opened a few months later.<sup>24</sup>
  - Both lounges may be at risk if Ontario’s smoke-free laws are changed to include marijuana. Ontario Bill 178 would do just that, and efforts to exempt Medical marijuana vapor from the proposed changes were rejected.<sup>25</sup> As of May 31, 2016, the bill was ordered for third reading in the Ontario Legislative Assembly.<sup>26</sup>

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<sup>18</sup> <http://www.npr.org/sections/parallels/2014/08/19/321326102/one-of-europes-latest-crassroots-movement-cannabis-social-clubs>

<sup>19</sup> <http://www.encod.org/info/CODE-OF-CONDUCT-FOR-EUROPEAN.html>

<sup>20</sup> <https://www.leafly.com/news/headlines/barcelonas-first-female-mayor-grants-amnesty-to-cannabis-clubs-bu>

<sup>21</sup> [http://elpais.com/elpais/2014/06/11/inenglish/1402495530\\_584157.html](http://elpais.com/elpais/2014/06/11/inenglish/1402495530_584157.html)

<sup>22</sup> [http://ccaa.elpais.com/ccaa/2013/12/27/catalunya/1388176101\\_438021.html](http://ccaa.elpais.com/ccaa/2013/12/27/catalunya/1388176101_438021.html)

<sup>23</sup> <http://www.cbc.ca/beta/news/canada/windsor/windsor-medical-marijuana-vaping-lounge-1.3421236>

<sup>24</sup> <http://windsorstar.com/news/local-news/another-cannabis-vaping-lounge-to-open-in-downtown-windsor>

<sup>25</sup> <http://news.nationalpost.com/news/canada/canadian-politics/ontario-tories-to-see-exemption-for-pot-lounges-and-vaporizers-to-new-anti-smoking-bill>

<sup>26</sup> [http://www.ontla.on.ca/web/bills/bills\\_detail.do?locale=en&BillID=3796&detailPage=bills\\_detail\\_status](http://www.ontla.on.ca/web/bills/bills_detail.do?locale=en&BillID=3796&detailPage=bills_detail_status)

- Lounges in Ontario are still free to operate for now since their smoke-free laws currently do not cover marijuana vapor or smoke, but those lounges are not allowed to have ashtrays since ashtrays are explicitly disallowed under those same smoke-free laws.<sup>27</sup>

### **Montevideo, Uruguay**

- Uruguay legalized marijuana in 2013, and later began registering growers clubs where members can grow plants and smoke limited amounts of marijuana there.<sup>28</sup>
- Clubs can grow up to 99 plants and have up to 45 members.<sup>29</sup>

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<sup>27</sup> <http://www.cbc.ca/news/canada/windsor/windsor-medical-marijuana-lounge-1.3422903>

<sup>28</sup> <http://www.sandiegouniontribune.com/news/2015/jun/11/ap-photos-marijuana-clubs-sprouting-up-in-uruguay/>

<sup>29</sup> <http://www.thecannabist.co/2015/06/26/photos-uruguay-marijuana-club/36742/>