

To: Ordinance Review Committee  
From: Mark Eyerman  
Subject: Marijuana Products Manufacturing  
Date: February 24, 2022

The Medical Marijuana Law requires special approval for marijuana manufacturing facilities that use inherently hazardous substances. The law defines an inherently hazardous substance as “a liquid chemical; a compressed gas; carbon dioxide; or a commercial product that has a flash point at or lower than 100 degrees Fahrenheit, including but limited to, butane, propane and diethyl ether.” The definition specifically excludes any form of alcohol or ethanol. The state law establishes additional requirements for any marijuana extraction using inherently hazardous substances.

Kris has suggested that a note be added to the Land Use Table in Section 7 indicating that the manufacturing of marijuana products that does not involve the use of inherently hazardous substances is allowed in conjunction with a licensed cultivation facility. I have prepared the following draft amendments to do this without verifying that this is in conformance with state medical and adult-use marijuana rules and state laws. The draft amendments create a definition of “inherently hazardous substance” in the context of marijuana regulation, create a note to be added to the Table of Uses in Section 7, and indicates to which uses in the table the Note applies.

Here are the draft amendments:

- Amend Section 17 Definitions by adding a definition of “inherently hazardous substance” in proper alphabetical order to read:

**Inherently Hazardous Substance:** As the term relates to the regulation of marijuana establishments, a liquid chemical; a compressed gas; carbon dioxide; or a commercial product that has a flash point at or lower than 100 degrees Fahrenheit, including but limited to, butane, propane and diethyl ether. Inherently hazardous substance does not include any form of alcohol or ethanol.

- Amend the Notes to the Land Use Table in Section 7.6 to add a new note 16 to read:

16. The manufacturing of marijuana products that does not involve the use of inherently hazardous substances is allowed as an accessory use for a licensed marijuana cultivation facility.

- Amend the Table of Land Uses in Section 7.6 by adding a superscript 16 to the following uses:
  - Medical Marijuana Cultivation Facility – Tier 1
  - Medical Marijuana Cultivation Facility – Tier 2
  - Marijuana Cultivation Facility – Tier 3
  - Marijuana Cultivation Facility – Tier 4