

**April 11 – Land Use Webinar– L5  
The Cannabis Conundrum**

**Don't Bogart that Joint My Friend!**

**Supplemental Materials**

Controlled Substances Act (21 U.S.C. §§801-971)

Comprehensive Drug Abuse Prevention and Control Act (21 U.S.C. §881(a) (2013)) See particularly 21 U.S.C. §881(a)(7) regarding potential seizure:

*All real property, including any right, title, and interest (including any leasehold interest) in the whole of any lot or tract of land and any appurtenances or improvements, which is used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, a violation of this subchapter punishable by more than one year's imprisonment.*

Racketeer Influenced and Corrupt Organizations Act of 1970 (RICO) (18 U.S.C. §1961-1968)

Colorado's regulatory scheme may be found at C.R.S. §§12-43.3-101 et seq. (Medical Marijuana) and C.R.S. §§12-43.4-101 et seq. (Recreational Marijuana) with regulations enforced by the Marijuana Enforcement Division within the Department of Revenue at 1CCR 212-1 (Medical Marijuana) and 1CCR 212-2 (Recreational Marijuana). See also, [www.colorado.gov/cs/Satellite/Rev-MMJ/CBON/1251581331216](http://www.colorado.gov/cs/Satellite/Rev-MMJ/CBON/1251581331216) for the Marijuana Enforcement Division's website and access to the applicable statutes and regulations.

*The Dangers and Consequences of Marijuana Abuse*, U.S. Department of Justice Drug Enforcement Administration, May 2014; see also, House Blocks DEA From Targeting Medical Marijuana, Huffington Post, June 3, 2015. [http://www.huffingtonpost.com/2015/06/03/congress-medical-marijuana\\_n\\_7505066.html](http://www.huffingtonpost.com/2015/06/03/congress-medical-marijuana_n_7505066.html)

*In re Rent-Rite Super Kegs W. Ltd.*, 484 B.R. 799 (Bankr. D. Colo. 2012). See also, *Federal Bankruptcy Courts No Safe Haven for Marijuana Producers or Their Landlords*, David T. Brennan, Esq., Lexology, May 31, 2015, <http://www.lexology.com/library/detail.aspx?g=37014f46-8e05-4968-8cdc-3ac9e76bcc3c>

*Hammer v. Today's Health Care II*, CV2011-051310 (Ariz. Sup. Ct. Apr. 17, 2012), available at <http://www.keytlaw.com/Cases/hammer.pdf>; see also *Haeberle v. Lowden*, 2012 WL 7149098 (Colo. Dist. Ct.) (holding a contract between a marijuana grower and retailer was void as it was against public policy)

New York Times, Odd Byproduct of Legal Marijuana: Homes That Blow Up, Jack Healy, January 17, 2015. <http://www.nytimes.com/2015/01/18/us/odd-byproduct-of-legal-marijuana-homes-blow-up.html?hp&action=click&pgtype=Homepage&module=second-column-region&region=top-news&WT.nav=top-news&r=0>

***Marijuana Legalization: Implications for Property/Casualty Insurance***, Brenda Wells PhD, AAI, Journal of Insurance Issues, 2014, 37 (1); 77-92.

The Colorado Clean Indoor Air Act effectively prohibits smoking marijuana in any location where tobacco smoking is prohibited. See C.R.S. §§25-14-201 et seq.

Next City, *Feds to Pot Growers: Don't Water Your Plants with Our H2O*, Sarah Goodyear, May 27, 2014. <http://nextcity.org/daily/entry/watering-pot-plants-legalized-marijuana-states>

Bureau of Reclamation Policy Manual Temporary Release PEC TRMR-63, Expires 5.16.2016. [http://www.usbr.gov/recman/temporary\\_releases/pectrmr-63.pdf](http://www.usbr.gov/recman/temporary_releases/pectrmr-63.pdf)

See Colorado Rule of Professional Conduct 1.2(14), adopted March 14, 2014.

J. Marcus Painter, *Rents, Refi's, and Reefer Madness: How Legal Is Legalized Marijuana for Landlords and Their Lenders?* American Bar Association Probate & Property Magazine: Volume 29 No. 01, Jan. 2015

J. Marcus Painter, *Holland & Hart, LLP Rents, Refi's and Reefer Madness: More on the Dissonance in Commercial Real Estate Caused by Legalized Marijuana at the State Level and the Regulation of Finance at the Federal Level*, American College of Real Estate Lawyers, The ACREL Papers, Fall 2015

City of Boulder Regulatory Scheme:

[https://www.municode.com/library/co/boulder/codes/municipal\\_code?nodeId=TIT6HESASA\\_CH16REMA](https://www.municode.com/library/co/boulder/codes/municipal_code?nodeId=TIT6HESASA_CH16REMA)