



Denver Urban Gardens Marijuana Policy

Policy: Denver Urban Gardens (DUG) does not allow gardeners to grow marijuana plants in DUG community gardens.

Scope: This policy applies to all gardeners growing in community gardens in the Denver Urban Gardens (DUG) network.

Background: In 2000, Colorado voters approved Amendment 20, which amended the state constitution to allow patients with certain medical conditions, documented by a physician, to use marijuana for medical purposes. Under this law, patients may possess no more than two ounces of usable marijuana and may cultivate no more than six marijuana plants. However, marijuana plants may not be grown “in plain view of, or in a place open to, the general public” (Colorado Constitution, art. XVIII, sec. 14 (5) (II)). Denver Urban Gardens believes that community gardens are in view of and in a place open to the public, therefore it would not be legal to grow medical marijuana plants in community gardens.

In 2012, Colorado voters approved Amendment 64, which amended the state constitution to allow the recreational use of marijuana in certain circumstances. The law allows persons over the age of 21 to grow up to six marijuana plants, with three or fewer plants being mature at any time, “provided that the growing takes place in an enclosed, locked space, [and] is not conducted openly or publicly” (Colorado Constitution, article XVIII, section (3) (b)).

Community gardens are not enclosed, locked spaces and are open to the public. Therefore, it would not be legal under Amendment 64 to grow marijuana in a community garden.

In addition, marijuana remains illegal under federal law, so the presence of marijuana plants in community gardens could expose gardeners, Denver Urban Gardens, and the owners of the land on which gardens are located to legal risks, including asset forfeiture.

Community gardens are public places cared for by neighborhood gardeners, but also enjoyed and open to neighborhood visitors, including children. The potential exists for community gardeners to be put at risk by the presence of marijuana plants, as the plants could be attractive targets for theft. For these reasons, Denver Urban Gardens has determined that, regardless of whether it is legal, growing marijuana plants in DUG community gardens is undesirable and not

permitted.

To protect community gardeners and landowners from these potential risks, Denver Urban Gardens will immediately remove any marijuana plants found growing in DUG community gardens. Any gardener found to be cultivating marijuana in a DUG community garden will immediately and permanently lose the privilege to garden in any DUG community garden.