

**COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE ON EDUCATION**

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**COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE ON BUSINESS AND ECONOMIC  
DEVELOPMENT**

KENYAN R. MCDUFFIE, CHAIRPERSON  
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**MEMORANDUM**

To: Chairman Mendelson  
From: Councilmember David Grosso and Councilmember Kenyan R. McDuffie  
Re: Request to Agendize Measures for December 15 Legislative Meeting  
Date: December 10, 2020

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This memo is to request that the following measures be placed on the agenda for the December 15, 2020 Legislative Meeting:

Emergency and Temporary Legislation

- Medical Marijuana Plant Count Elimination Congressional Review Emergency Amendment Act of 2020
- Medical Marijuana Plant Count Elimination Congressional Review Emergency Declaration Resolution of 2020

The Legalization of Marijuana for Medical Treatment Initiative of 1999 effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-1671.06) (“Medical Marijuana Act”), established a medical marijuana program in the District. Pursuant to the Medical Marijuana Act, the Department of Health can register qualifying patients to receive access to medical marijuana without fear of government sanction, to the extent possible without a change in federal laws.

Since passage of the Medical Marijuana Act, the Council and Executive have endeavored to improve access to medical marijuana for patients with the enactment of multiple bills and regulations including the Medical Marijuana Expansion Amendment Act of 2014, the Medical Marijuana Reciprocity Amendment Act of 2016, the Medical Marijuana Certified Business Enterprise Preference Emergency Amendment Act of 2018, and most recently the Student Medical Marijuana Patient Fairness Emergency Amendment Act of 2019.

In 2019, the Council passed emergency and temporary legislation repealing the existing law which limited the number of plants that a cultivation center may grow (the “plant count limit”) to

1,000. The plant count limit originally was 95; the Council raised the limit to 500 plants in 2014 and to 1,000 in 2016.

The expiration of the emergency legislation on January 1, 2021 reinstates the previous arbitrary 1,000 plant count limit. The latest temporary is still under congressional review.

The rationale for the plant count limit was to protect the medical marijuana program from interference by the federal government, but federal budget language now prohibits the Department of Justice from interfering with state or territorial medical marijuana programs, including in the District of Columbia.

As a result, there is no longer a reason to maintain an arbitrary plant count limit rather than allow cultivation centers to grow what is required to meet the market need.

To meet the needs of patients who seek specific strains of medical marijuana or who do not consume medical marijuana by smoking, a greater quantity of medical marijuana is required for the development and provision of unique strains and for production of tinctures, oils, edibles, and other products.

The plant count limit unnecessarily creates a shortage of these products and limits the variety of strains available to patients.

This lack of product puts District of Columbia cultivators and dispensaries at a disadvantage in competition with both the underground market as well as neighboring states with larger medical marijuana programs.

Therefore, there exists an immediate need to pass a congressional review emergency to ensure that amendments to existing law to remove the arbitrary limit on the number of plants that a marijuana cultivation center may grow remain in place.

Draft copies of the measures are attached. Please contact Councilmember Grosso's Deputy Chief of Staff Matthew Nocella at (202) 724-8194 or [mnocella@dccouncil.us](mailto:mnocella@dccouncil.us) with any questions.

Thank you for your consideration of this request.

Cc: Office of the Council Secretary  
Office of the General Counsel  
Office of the Budget Director  
Mayor's Office of Policy and Legislative Affairs  
Members and Staff of the Council of the District of Columbia

