

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency with respect to the need to amend the Legalization of Marijuana for Medical Treatment Initiative of 1999 and applicable District of Columbia Municipal Regulations to ease burdens for qualifying patients to access medical cannabis, and to amend the D.C. Code 47-2844 to authorize civil enforcement against illegal cannabis businesses in the District.

RESOLVED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Medical Marijuana Patient Access and Illicit Market Enforcement Emergency Declaration Resolution of 2021”.

Sec. 2. (a) On March 11, 2020, the Mayor of the District of Columbia issued Mayor’s Order 2020-045 and 2020-046, declaring a public emergency and a public health emergency in the District due to the imminent threat to the health, safety, and welfare of District residents posed by the spread of COVID-19. In response to the COVID-19 pandemic and the public health emergency declaration, the Council passed the COVID-19 Response Emergency Amendment Act of 2020 (D.C. Act 23-247; 67 DCR 3093). Section 310 of the bill authorized the Mayor to extend the validity of any licenses or registrations issued by the District for the duration of the public health emergency. This language was maintained in subsequent coronavirus-related legislation approved by Council.

(b) On July 25, 2021, the public health emergency declaration expired. As a result, roughly 6,216 patient registrations for the District’s medical cannabis program expired in a very short time period, reducing the number of registered patients in the program from nearly 12,000 to approximately 5,500. With these patients no longer able to access medical cannabis from licensed dispensaries, medical cannabis sales have dropped by 40%, forcing licensed dispensaries to lay off staff and take other cost-saving measures to stay afloat.

(c) Under the current law, qualifying patients must receive a recommendation to use medical cannabis from an authorized practitioner, such as a physician, who is registered with Alcoholic Beverage Regulation Administration (ABRA). As of September 30, 2021, only 579 licensed medical practitioners were registered with ABRA, and some charge \$150-\$200 for consultations and recommendations. Once the qualifying patient receives a recommendation from an authorized practitioner, he or she must then register with the ABRA, the cost of which is \$100. Patient registrations must be renewed annually at a cost of \$100. For patients whose cards expired after the public health emergency, a new recommendation and register would be necessary to become a qualifying patient again. The costs associated with this process make it difficult for patients to possess medical cannabis legally, driving some into the illicit market.

(d) As of October 26, 2021, the website 420DC lists over two dozen illegal cannabis storefronts in DC and over 100 illegal cannabis delivery services in the area. There are also an unknown number of illegal cannabis “pop-ups” that operate at temporary locations across the District. The true scale of the illicit market is difficult to estimate, however, in 2019 New Frontier Data estimated that the illicit market in DC is 17 times larger than the medical cannabis market. The products sold by illegal storefronts and delivery services are not traced or tested, putting patients who cannot afford to possess medical cannabis from a licensed dispensary at risk of ingesting contaminated products. Additionally, cannabis pop-ups have been associated with

incidents of violence, including armed robberies and shootings, that endanger residents of the District.

(e) Given the urgency of the current situation, it is necessary to lower barriers to accessing medical cannabis in the District and increase the tools at the District’s disposal for civil enforcement against illegal cannabis businesses.

(f) To lower barriers to accessing medical cannabis in the District, it is necessary to amend the Legalization of Marijuana for Medical Treatment Initiative of 1999 to allow qualifying patients with a written recommendation from an authorized practitioner within the last two years to register with ABRA; to allow qualifying patients and caregivers whose registration cards expired or will expire between March 1, 2020 to January 31, 2022 to continue purchasing, possessing and administering cannabis until January 31, 2022; to authorize ABRA to issue biennial registration cards to patients and caregivers who register with ABRA by January 31, 2022; and to amend Section 501 of Title 22-C of the District of Columbia Municipal Regulations to allow qualifying patients to establish residency in the District with one document, including a telephone bill or bank statement containing their District address.

(g) To adequately respond to the threats posed by illegal cannabis storefronts and delivery services, it is necessary to amend D.C. Code 47-2844 to authorize the revocation of licenses, sealing of premises, and fines for businesses purchasing, selling or exchanging marijuana in violation of the Legalization of Marijuana for Medical Treatment Initiative of 1999 or D.C. Code 48-904.01; and to authorize civil penalties for the housing providers of illegal cannabis businesses.

Sec. 3. The Council of the District of Columbia determines that the circumstances in section 2 constitute emergency circumstances, making it necessary that the “Medical Marijuana

82 Patient Access and Illicit Market Enforcement Emergency Amendment Act of 2021” be adopted
83 after a single reading.

84 Sec. 4. This resolution shall take effect immediately.