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8 A BILL
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12 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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16 To amend, on a temporary basis, the Legalization of Marijuana for Medical Treatment Initiative
17 of 1999 to allow qualifying patients with a written recommendation from an authorized
18 practitioner within the last two years to register with ABRA; to allow qualifying patients
19 and caregivers whose registration cards expired or will expire between March 1, 2020 to
20 January 31, 2022 to continue purchasing, possessing and administering cannabis until
21 January 31, 2022, at which point the qualifying patient or caregiver will need to acquire a
22 new registration card; to increase the amount of dried cannabis a qualifying patient may
23 possess at any one time from 4 ounces to 8 ounces; to issue biennial registration cards to
24 patients and caregivers who register with ABRA by January 31, 2022; to amend D.C.
25 Code 47-2844 to authorize the revocation of licenses, sealing of premises, and fines for
26 businesses purchasing, selling or exchanging marijuana in violation of the Legalization of
27 Marijuana for Medical Treatment Initiative of 1999 or D.C. Code 48-904.01; to authorize
28 civil penalties for the housing providers of illegal cannabis businesses; and to amend
29 Section 501 of Title 22-C of the District of Columbia Municipal Regulations to allow
30 qualifying patients to establish residency in the District with one document, including a
31 telephone bill or bank statement containing their District address.
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33 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
34 act may be cited as the “Medical Marijuana Patient Access and Illicit Market Enforcement
35 Temporary Amendment Act of 2021.”

36 Sec. 2. The Legalization of Marijuana for Medical Treatment Initiative of 1999, effective
37 February 25, 2010 (D.C. Law 13-315; D.C. Official Code § 7-1671.01 et seq.) is amended as
38 follows:

(a) Section 3 is amended as follows:

(1) Subsection (c)(1)(A) is amended to read as follows:

“(1)(A) Obtained a signed, written recommendation from an authorized practitioner within the last two years in accordance with § 7-1671.04; and”.

(2) A new subsection (c-1) is added to read as follows:

“(c-1) Where a qualifying patient’s or caregiver’s registration identification card expired or will expire at any time between March 1, 2020 to January 31, 2022, and the qualifying patient or caregiver has not submitted an application for a new registration identification card, the qualifying patient or caregiver may continue to purchase, possess and administer medical marijuana in accordance with this chapter and the rules issued pursuant to § 7-1671.13 until January 31, 2022. On or after February 1, 2022, the qualifying patient or caregiver must possess a valid registration identification card to continue to purchase, possess and administer medical marijuana.”.

(b) Section 4(a) is amended by striking the phrase “is 2 ounces of dried medical marijuana; provided, that the Mayor, through rulemaking, may increase the quantity of dried medical marijuana that may be possessed up to 4 ounces; and” and inserting the phrase “is 8 ounces of dried medical marijuana; provided, that the Mayor” in its place.

(c) Section 6(3) is amended to read as follows:

“(3) Issue nontransferable registration identification cards that expire annually to registered persons and entities, which may be presented to and used by law enforcement to confirm whether a person or entity is authorized to administer, cultivate, dispense, distribute, test, or possess medical marijuana, or manufacture, possess, or distribute paraphernalia; provided that, qualifying patients and caregivers who register after the effective date of the act prior to

January 31, 2022 shall be issued nontransferable registration identification cards that expire biennially;”.

(c) Section 8(b) is repealed.

Sec. 3. Section 47-2844 of the District of Columbia Official Code is amended by adding a new paragraph (1B) to read as follows:

“(1B) In addition to the provisions of subsection (a-1) of this section and paragraph (1) of this subsection, the Mayor or the Chief of Police, notwithstanding § 2-1801.04(a)(1), may take the following actions against, or impose the following requirements upon, any licensee, or agent or employee of a licensee, that knowingly engages or attempts to engage in the purchase, sale, exchange, or any other form of commercial transaction involving marijuana that is not purchased, sold, or exchanged in accordance with Chapter 16B of Title 7 (§ 7-1671.01 et seq.) or § 48-904.01:

(A) For the first violation of this paragraph:

(i) The Mayor shall issue a fine in the amount of \$30,000;

(ii) The Mayor may issue a notice to revoke all licenses issued to the licensee pursuant to this chapter. Notices issue pursuant to this sub-subparagraph shall be provided to the Alcoholic Beverage Regulation Administration; and

(iii)(I) The Chief of Police, after a determination by the Mayor in accordance with § 2-1801.06(a), shall seal the licensee’s premises, or a portion of the premises, for up to 96 hours without a prior hearing. Notice of the sealing shall be given to the Alcoholic Beverage Regulation Administration and the Director of the Department of Consumer and Regulatory Affairs;

(II) Within 14 days after a licensee's premises is sealed under sub-sub-subparagraph (I) of this sub-subparagraph, the Mayor shall require the licensee to submit a remediation plan to the Director of the Department of Consumer and Regulatory Affairs that contains the licensee's plan to prevent any future recurrence of purchasing, selling, exchanging, or otherwise transacting any marijuana that is not purchased, sold, or exchanged in accordance with Chapter 16B of Title 7 (§ 7-1671.01 et seq.) or § 48-904.01, and acknowledgement that a subsequent occurrence of engaging in prohibited activities may result in the revocation of all licenses issued to the licensee pursuant to this chapter.

(III) If the licensee fails to submit a remediation plan in accordance with this sub-subparagraph, or if the Mayor, in consultation with the Chief of Police, rejects the licensee's remediation plan, the Mayor shall notify to the licensee of the defects in any rejected remediation plan and the Mayor's intent to revoke all licenses issued to the licensee pursuant to this chapter.

(IV) If the licensee cures the defects in a rejected remediation plan, the Mayor may suspend any action to revoke the license of the licensee issued pursuant to this chapter.

(V) The Mayor shall notify the Office of the Attorney General upon sealing a licensee's premises, or a portion of the premises.

(B) For any subsequent violation of this paragraph:

- (i) The Mayor may issue a fine in the amount of \$60,000; and
- (ii) The Chief of Police, after a determination by the Mayor in accordance with § 2-1801.06(a), shall seal the licensee's premises, or a portion of the premises, for up to 30 days without a prior hearing.

(C) If a licensee's premises, or a portion of the premises, is sealed under subparagraph (A) or (B) of this paragraph, a licensee shall have the right to request a hearing with the Office of Administrative Hearings within 3 business days of service of notice of the sealing of the premises under subparagraph (E) of this paragraph.

(D) If a licensee timely requests a hearing under subparagraph (C) of this paragraph, the Office of Administrative Hearings shall hold a hearing before an administrative law judge within 3 business days after receiving the request.

(E) At the time of the sealing of the premises, or a portion of the premises, under subparagraph (A) or (B) of this paragraph, the Director of the Department of Consumer and Regulatory Affairs shall post at the premises and serve on the licensee a written notice and order stating:

- (i) The specific action or actions being taken;
- (ii) The factual and legal bases for the action or actions;
- (iii) The right, within 3 business days after service of notice of the sealing of the premises, to request a hearing with the Office of Administrative Hearings;
- (iv) The right to a hearing before an administrative law judge, within 3 business days after a timely request being received by the Office of Administrative Hearings; and
- (v) That it shall be unlawful for any person, with the exception of emergency services personnel, to enter the sealed premises for any purpose without written permission by the Director of the Department of Consumer and Regulatory Affairs.

(F) A licensee shall pay a fine issued pursuant to subparagraph (A) or (B) of this paragraph within 20 days after adjudication by the Office of Administrative Hearings. If

the licensee fails to pay the fine within the specified time period, the Mayor may seal the premises until the fine is paid.

(G) For purposes of this paragraph, the term:

(i) "Business days" means days in which the Office of Administrative Hearings is open for business.

(ii) "Marijuana" shall have the same meaning as provided in § 48-901.02(3)(A).

Sec. 4. Penalties for housing providers of illegal cannabis businesses.

(a)(1) For the first violation of § 47-2844(1B), the Mayor shall send a notice to the housing provider where the illegal activity occurred stating:

(A) The nature of illegal activity documented on the premises;

(B) The specific action or actions being taken against the licensee operating on the premises; and

(C) The housing provider may be subject to civil penalties for any subsequent illegal activity under § 47-2844(1B) pursuant to subsection (c) of this section.

(2) Notices issued pursuant to this subsection shall be provided to the Alcoholic Beverage Regulation Administration and the Director of the Department of Consumer and Regulatory Affairs.

(b) For any subsequent violation of § 47-2844(1B):

(1) The Mayor shall issue a fine in the amount of \$30,000 to the housing provider; and

(2)(A) The Mayor shall require the housing provider to submit a remediation plan within 14 days of the notice of a fine under paragraph (1) to the Director of Consumer and

Regulatory Affairs that contains the housing provider's plan to prevent any future violations of § 47-2844(1B).

(B) If the housing provider fails to submit a remediation plan in accordance with subparagraph (A), or the Mayor rejects the housing provider's remediation plan as deficient, the Mayor may issue additional fines or revoke the housing providers' licenses.

(c) A housing provider has the right to request a hearing with the Office of Administrative Hearings within 15 business days of service of notice of any actions taken under subsection (b) of this section.

(d) For purposes of this section, the term "business days" means days in which the Office of Administrative Hearings is open for business.

Sec. 5. Section 501.2(b) of Subtitle C of Title 22 of the District of Columbia Municipal Regulations (22-C DCMR 501.2(b)) is amended as follows:

(a) Lead in language in subsection (b) is amended by striking the phrase "two (2)" and inserting the phrase "one (1)" in its place.

(b) Paragraph (9) is amended to read as follows:

"(9) Utility bills from a period within the two (2) months immediately preceding the application date in the name of the applicant on a District of Columbia residential address;".

(c) Paragraph (10) is redesignated at paragraph (11).

(c) A new paragraph (10) is added to read as follows:

"(10) A bank statement addressed to the applicant from a period within the two (2) months immediately preceding the application date in the name of the applicant on a District of Columbia residential address; or".

Sec. 6. Fiscal impact statement.

176 The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact
177 statement required by section 4a of the General Legislative Procedures Act of 1975, approved
178 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

179 Sec. 7. Effective date.

180 (a) This act shall take effect following approval by the Mayor (or in the event of veto by
181 the Mayor, action by the Council to override the veto), a 30-day period of congressional review
182 as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
183 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
184 Columbia Register.

185 (b) This act shall expire after 225 days of its having taken effect.