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Councilmember Kenyan McDuffie

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 2010 to clarify the eligibility requirements for utilizing the 50-point or 20% preference on an application for a dispensary, cultivation center, or testing laboratory registration when an applicant is certified by the Department of Small and Local Business Development as an equity impact enterprise; and to amend the Small and Certified Enterprise Development and Assistance Act of 2005 to clarify the definition of equity impact enterprise.

RESOLVED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Fifty-Point Preference Clarification Emergency Declaration Resolution of 2021”.

(a) The Legalization of Marijuana for Medical Treatment Amendment Act of 2010, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-1671.01 *et seq.*) provides 50 preference points to qualifying applicants for registration as a medical cannabis dispensary, cultivation center, or testing laboratory that are certified as a medical cannabis certified business enterprise by the DC Department of Small & Local Business Development (“DSLBD”).

(b) Title 2 of the D.C. Official Code also creates a new equity impact enterprise category that contains overlapping but competing certification requirement language for

1 DSLBD to consider when compared to D.C. Official Code § 7-1671.05. An equity
2 impact enterprise is defined in D.C. Official Code § 2-218.02(8A).

3 (c) On October 1, 2020, the District’s Medical Marijuana Program was
4 transferred from the District Department of Health to the Alcoholic Beverage Regulation
5 Administration (“ABRA”). Although oversight, administration, and enforcement of the
6 program was transferred to ABRA, DSLBD retained the authority over certifying medical
7 cannabis certified business enterprises, including applicants for dispensary, cultivation
8 center, and testing laboratory registrations.

9 (d) Confusion exists within the medical cannabis industry regarding who qualifies
10 and what certification criteria would be utilized by DSLBD for a dispensary, cultivation
11 center or testing laboratory in order to be eligible for the 50 preference points. This
12 confusion can hinder the growth and expansion of the District’s Medical Marijuana
13 Program; thereby, hindering the ability of testing laboratories to open in the District as
14 well as preventing qualifying patients from obtaining the medication that they need.

15 (e) This confusion is resolved by clarifying that applicants for dispensary,
16 cultivation center, and testing laboratory registrations must be certified by DSLBD as an
17 equity impact enterprise and satisfy several other criteria to qualify as a medical cannabis
18 certified business enterprise and to be eligible for the 50 preference points.

19 (f) The Council of the District of Columbia determines that these circumstances
20 constitute emergency circumstances, making it necessary that the Fifty Point Preference
21 Clarification Emergency Amendment Act of 2021 be adopted after a single reading.

22 Sec. 6. This resolution shall take effect immediately.