


**COUNCIL OF THE DISTRICT OF COLUMBIA**  
**OFFICE OF COUNCILMEMBER BROOKE PINTO, WARD 2**  
**MEMORANDUM**  
1350 Pennsylvania Avenue, NW, Washington, DC 20004

---

**TO:** Chairman Phil Mendelson  
**FROM:** Councilmember Brooke Pinto   
**RE:** Request to Agendize Emergency and Temporary Measures for the December 7, 2021, Regular Legislative Meeting  
**DATE:** December 2, 2021

I request the following measures be agendized for the December 7, 2021, Regular Legislative meeting:

- “Department of Health Functions Clarification Emergency Declaration Resolution of 2021”
- “Department of Health Functions Clarification Emergency Amendment Act of 2021”
- “Department of Health Functions Clarification Temporary Amendment Act of 2021”

The purpose of this emergency and temporary legislation is to amend section 4917 of D.C. Law 14-28, the Department of Health Functions Clarification Act of 2001, to exempt T.G. Cigars, the tobacco bar and retail store located at 1120 9th Street, N.W. from the revenue requirements needed to obtain an exemption from the Department of Health from indoor smoking prohibitions.

DOH’s current interpretation of L14-28 is now preventing a District business, T.G. Cigars, from obtaining an exemption from the indoor smoking prohibition at its new location at 1120 9<sup>th</sup> Street, N.W. Despite the fact that T.G. Cigars was a holder of a smoking exemption at its previous location at 1118 9<sup>th</sup> Street, N.W., *literally next door*, DOH will not count T.G. Cigars’ sales revenues from that location when deciding whether a smoking exemption may be granted at its new location. According to DOH, T.G. Cigars must first generate two years of sales revenues at its new location before DOH will consider granting T.G. Cigars an exemption.

Drafts of the measures and a one-page summary are attached. If you have any questions regarding these measures, please contact Barry Weise, Legislative Director, at [bweise@dccouncil.us](mailto:bweise@dccouncil.us).

cc: Members, Council of the District of Columbia  
Office of the Secretary  
Office of the General Counsel  
Office of the Budget Director  
Mayor’s Office of Policy and Legislative Affairs