

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency to help legitimate medical cannabis businesses with respect to the need to set a new expiration date for the issuance of two year qualifying patient and caregiver registration cards, to establish a sunset date for qualifying patients and caregivers whose registration cards expired on or after March 1, 2020 to continue to purchase medicinal marijuana, to ease registration burdens for individuals entering and remaining in the medical cannabis program until September 30, 2022 by allowing individuals 21 years and older to self-certify that they are utilizing cannabis for medical purposes, to ease registration burdens for caregivers by not requiring that they submit a criminal background check to ABRA, to provide the Board with the authority to establish alternative or additional processes and procedures for patients to register in the medical cannabis program, to increase the amount of dried cannabis a qualifying patient may possess at any one time from 4 ounces to 8 ounces, to establish civil violations under Title 7 that may result in the closure of an unregistered establishment, to provide the Chief of Police with the authority to close an unregistered establishment for an initial 96 hour period for violations of Title 7 of the DC Official Code, to establish processes and procedures for a notice of summary closure issued by the Board, to establish a process for holding landlords or property owners responsible for allowing or permitting unregistered establishments to operate on its premises, to provide the Board with the authority to issue cease and desist orders to unregistered establishments, to amend 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 a District address, and to declare a 4/20 medical cannabis sales tax holiday week to retain and bring patients back to the medical cannabis program.

RESOLVED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Medical Marijuana Patient Access Supplemental Extension and Civil Enforcement Emergency Declaration Resolution of 2022”.

41 Sec. 2. (a) On February 1, 2022, the Council approved the Medical Marijuana Patient
42 Access Extension Emergency Amendment Act of 2022 (D.C. Act 24-323), which took effect on
43 February 11, 2022. The emergency legislation, which expires on May 1, 2022, is intended to ease
44 the burdens for qualifying patients to access medical cannabis in light of the mass expiration of
45 patient registration at the end of the public health emergency on July 25, 2021, and the
46 continuing threat posed by illicit cannabis storefronts and delivery services.

47 (b) It is estimated that the illicit cannabis market in the District logs \$600 million in sales
48 annually, including those by illicit cannabis storefronts and delivery services, and this, in turn, is
49 economically harming the medical cannabis program where the majority of registered
50 dispensaries are owned by minorities.

51 (c) Several dozen illegal cannabis businesses are currently operating in the District. A
52 review of over three dozen of the most prominent illegal cannabis businesses reveals that over
53 two-thirds are owned by non-District residents. These businesses sell untraced, untested cannabis
54 that is mostly cultivated outside of the District, are often located in areas where legal facilities
55 are not allowed, such as being within 300 feet of schools and recreation facilities, due to
56 concerns of youth exposure to cannabis and cannabis products, and do not pay the fees and taxes
57 licensed facilities must pay, putting licensed cannabis businesses at a competitive disadvantage.
58 These illegal businesses are also targets of crimes such as robbery and theft, as they often lack
59 robust security systems that are required of licensed facilities, and have been implicated in other
60 criminal activity including illegal possession of firearms and illegal possession and distribution
61 of narcotics.

62 (d) The use of criminal penalties against illicit storefront owners is ineffective and comes
63 with a host of collateral consequences. Additionally, existing civil penalties for operating an

64 illegal cannabis business are insufficient to deter further illegal activity. As such, it is necessary
65 to provide the Mayor and the Alcoholic Beverage Control Board additional authority to close
66 illegal businesses and issue fines to business owners and property owners who facilitate illegal
67 business operations. Unless otherwise necessary to protect residents from immediate harm,
68 enforcement activities against illegal storefronts will not commence until May 16, 2022.

69 (e) Patients face burdens at multiple steps in the process that may deter them from
70 accessing medical cannabis, including finding a provider who is registered with ABRA and the
71 cost of registration itself. Data from ABRA shows that the number of unique patients purchasing
72 medical cannabis who are District residents has declined since December, and only 620
73 healthcare providers—out of thousands licensed in the District—are registered and able to
74 provide recommendations to patients to use medical cannabis.

75 (f) To address the burdens associated with becoming a medical cannabis patient and
76 provide relief to struggling medical cannabis dispensaries, the Council previously adopted
77 legislation allowing patients with expired registration cards to continue purchasing medical
78 cannabis for a short period of time and establishing two-year registration cards for new patients.
79 Additionally, the Council included a provision in D.C. Act 24-323 that allows seniors to enter or
80 remain in the medical cannabis program by allowing them to self-certify on a form provided by
81 ABRA that they are utilizing cannabis for medical purposes as part of the registration process
82 until September 30, 2022. While the senior self-certification provision enabled approximately
83 376 seniors to register with ABRA both in-person and on-line during the agency's four-day
84 "Senior Week" initiative, there remains a need to accommodate non-seniors seeking to enter or
85 remain in the medical cannabis program.

(g) To reduce administrative barriers as much as possible for patients in the District, it is necessary to allow individuals twenty-one years of age and older to self-certify on a form provided by ABRA that they are utilizing cannabis for medical purposes as part of the registration process until September 30, 2022.

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 Patient Access Supplemental Extension and Civil Enforcement Emergency Amendment Act of 2022 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.