


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 September 20, 2022, Additional Legislative Meeting
DATE: September 15, 2022

I request the following measures be agendized for the September 20, 2022, Additional Legislative meeting:

- “Department of Health Functions Clarification Emergency Declaration Resolution of 2022”
- “Department of Health Functions Clarification Emergency Amendment Act of 2022”
- “Department of Health Functions Clarification Temporary Amendment Act of 2022”

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 (DOH) 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 9th Street, N.W. Despite the fact that T.G. Cigars was a holder of a smoking exemption at its previous location at 1118 9th 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.

The Council already acted to provide T.G. Cigars with an exemption through the “Department of Health Functions Clarification Emergency Amendment Act of 2021” and accompanying temporary act, which expires October 26, 2022. The “Department of Health Functions Clarification Emergency Amendment Act of 2022” would continue this exemption while T.G. Cigars awaits the two-year anniversary of their current space in April 2023. This emergency should be sufficient to provide TG Cigars with an indoor smoking exemption through April 2023, at which time they will be able to work directly with DOH on their exemption.

Drafts of the measures and a one-page summary are attached. If you have any questions regarding these measures, please contact Linn Groft, Legislative Director, at lgroft@dccouncil.gov.

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