


Councilmember Kenyan R. McDuffie

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7 A PROPOSED RESOLUTION
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11 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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15 To declare the existence of an emergency with respect to the need to provide that both
16 cultivation center registration applicants that tied for second and received the
17 same total score after submitting a medical cannabis facility registration
18 application to the Alcoholic Beverage Control Board between November 29, 2021
19 and March 28, 2022 shall be awarded a cultivation center registration; to provide
20 that other cultivation center and dispensary registration applicants that scored 150
21 points or more after submitting a medical cannabis facility registration application
22 to the Alcoholic Beverage Control Board during the same open application period
23 shall be considered for a cultivation center or retailer registration; and to allow
24 those cultivation center and dispensary registration applicants that scored 150
25 points or more to change the location of its facility without otherwise affecting the
26 status of its application.

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28 RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That
29 this resolution may be cited as the “Medical Cannabis Clarification Supplemental
30 Emergency Declaration Resolution of 2023”.

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32 Sec. 2. (a) There exists an immediate need to provide that the two cultivation
33 center registration applicants that submitted a medical cannabis facility registration
34 application to the Alcoholic Beverage Control Board (“ABC Board”) between November
35 29, 2021, and March 28, 2022 (“open application period”), that tied for second and
36 received the same score be awarded a cultivation center registration. There exists a need
37 to allow other cultivation center and dispensary registration applicants that scored 150
38 points or more after submitting a cultivation center or dispensary application to the ABC

39 Board during the same open application period to be considered for a cultivation center or
40 retailer registration.

41 (b) The ABC Board’s open application period made available two cultivation
42 center registrations. Submitted cultivation center registration applications were scored by
43 a six-member selection panel consisting of individuals from six different District of
44 Columbia government agencies. Scoring by the selection panel resulted in a tie for
45 second place with two cultivation center registration applicants, which are both equity
46 impact enterprises, receiving the same total score.

47 (c) An on-going legal dispute exists regarding the awarding of the second
48 cultivation center registration that hinders the ability of either cultivation center
49 registration applicant that tied for second to proceed forward with opening and operating
50 a cultivation center to the detriment of the District.

51 (d) The Medical Cannabis Amendment Act of 2022, effective March 22, 2023
52 (D.C. Law L24-332; D.C. Official Code § 7-1671.01 *et seq.*) removed the caps on the
53 number of cultivation center and dispensary registrations per ward (“cap”).

54 (e) Additionally, those applicants who applied and made it to the second round
55 after scoring the requisite 150 points or more during the open application period
56 necessary to move forward in the selection process, invested significant time, money, and
57 resources into a legal and regulatory framework that the Council of the District of
58 Columbia changed shortly thereafter.

59 (f) There exists an immediate need for additional cultivation centers to open and
60 operate in the District of Columbia to ensure a sufficient supply of medical cannabis is
61 available for the additional retailers, internet retailers, and manufacturers permitted to

62 apply for a medical cannabis facility license under the Medical Cannabis Amendment Act
63 of 2022.

64 (g) The Medical Cannabis Clarification Supplemental Emergency Amendment
65 Act of 2023 (“Act”) will remedy this issue and will also enable the eligible cultivation
66 center applicants that scored 150 points or higher to be considered for a cultivation center
67 registration and have the option to change their location to another compliant property
68 that was previously unavailable to them due to the cap after May 1, 2023, enabling them
69 to begin operations more quickly and better serve registered patients and retailers.

70 (h) The Act will similarly allow eligible dispensary applicants to be considered
71 for a retailer registration no earlier than 180 calendar days after the effective date of the
72 Medical Cannabis Amendment Act of 2022 and have the option to change their location
73 to another compliant property that was previously unavailable to them due to the cap.

74 Sec. 3. The Council of the District of Columbia determines that the
75 circumstances enumerated in section 2 constitute emergency circumstances making it
76 necessary that the Medical Cannabis Clarification Supplemental Emergency Amendment
77 Act of 2023 be adopted after a single reading.

78 Sec. 4. This resolution shall take effect immediately.