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2 
3 Chairman Phil Mendelson


Councilmember Kenyan R. McDuffie

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7 A BILL
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12 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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17 To amend, on a temporary basis, the Legalization of Marijuana for Medical Treatment Initiative
18 of 1999 to allow the Alcoholic Beverage and Cannabis Board (“ABC Board”) to issue
19 temporary non-resident registration identification cards that are valid for periods between
20 3 days and no longer than one year in length, allow licensed testing laboratories to
21 receive and test samples of medical cannabis products from qualifying patients, allow
22 licensed testing laboratories to conduct quality assurance or research and development
23 testing for cultivation centers and manufacturers, amend the definition of a social equity
24 applicant to include arrests and convictions of qualifying family members for a cannabis
25 or drug offense, expand the list of eligible family members under the social equity
26 applicant definition to include siblings and grandparents, clarify that existing licensed
27 cultivation centers and retailers and applicants that scored 150 points or more during the
28 open application period that occurred between November 29, 2021 and March 28, 2022,
29 that are authorized by statute to receive a cultivation center, manufacturer, or retailer
30 license apart from a designated open application period are not counted in calculating the
31 50% set aside requirement, clarify that the 5 cultivation center registration applicants that
32 scored 150 points or more during the same open application period shall automatically
33 receive a manufacturer license provided that they pay the annual fee and register with the
34 ABC Board, allow the Alcoholic Beverage and Cannabis Board to issue conditional
35 licenses to testing laboratory applicants, and to waive the application fee for testing
36 laboratory licenses.
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38 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
39 act may be cited as the “Medical Cannabis Clarification and Non-Resident Patient Access
40 Temporary Amendment Act of 2023”.

41 Sec. 2. The Legalization of Marijuana for Medical Treatment Initiative of 1999, effective
42 February 25, 2010 (D.C. Law 13-315; D.C. Official Code § 7-1671.01 *et seq.*), is amended as
43 follows:

44 (a) Section 2 (D.C. Official Code § 7-1671.01) is amended as follows:

45 (1) Paragraph (13B)(B) is amended by striking the phrase “30-day registration
46 identification card” and inserting the phrase "registration identification card valid for periods
47 established by the ABC Board by rulemaking, which are between 3 days and no longer than one
48 year in length” in its place.

49 (2) Paragraph (20C)(B) is amended by striking the phrase “or has a non-parent legal
50 guardian who is or has been incarcerated” and inserting the phrase “or has a non-parent legal
51 guardian, or a grandparent or a sibling who is or has been arrested, convicted, or incarcerated”.

52 (b) Section 6(b) (D.C. Official Code § 7-1671.05(b)) is amended as follows:

53 (1) Paragraph (4) is amended as follows:

54 (A) Subparagraph (A) is amended by striking the phrase “30 days” and
55 inserting the phrase "periods established by the ABC Board by rulemaking, which are between 3
56 days and no longer than one year in length”.

57 (B) Subparagraph (B) is amended by striking the phrase "30-day”.

58 (2) Paragraph (5)(C) is amended by striking the phrase "3 years.” and inserting the
59 phrase “3 years, except for temporary non-resident registration identification cards that are valid
60 for periods established by the ABC Board by rulemaking, which shall be between 3 days and no
61 longer than one year in length.” in its place.

62 (3) A new paragraph (11A) is added to read as follows:

63 “(11A) Allow testing laboratories to:

64 “(A) Receive and test samples of medical cannabis products from
65 qualifying patients; provided, that the qualifying patient must present proof that he or she is
66 currently registered, and that the medical cannabis product was purchased from a retailer or
67 internet retailer licensed with ABCA.

68 “(B) Receive and test samples of medical cannabis products from licensed
69 cultivation centers or manufacturers for purposes of quality assurance or research and
70 development. Samples collected for quality assurance or research and development testing may
71 be selected by the cultivation center or manufacturer non-randomly. Any tests conducted for
72 purposes of quality assurance or research and development shall not satisfy the requirements of
73 paragraphs (8) through (11) of this subsection.”.

74 (c) Section 7 (D.C. Official Code § 7-1671.06) is amended as follows:

75 (1) Subsection (h) is amended by striking the phrase "cultivation centers who
76 receive a manufacturer’s license pursuant to subsection (d) of this section” and inserting the
77 phrase "cultivation centers and retailers, and applicants who scored 150 points or more during
78 the ABC Board open application period that occurred between November 29, 2021 and March
79 28, 2022, who receive a cultivation center, manufacturer, or retailer’s license pursuant to
80 subsections (d), (w), (x) and (y) of this section.”.

81 (2) Subsection (k)(1) is amended to read as follows:

82 “(k)(1) The ABC Board shall be authorized to issue a one-year conditional license for a
83 cultivation center, retailer, internet retailer, manufacturer, courier, or testing laboratory that does
84 not currently have a proposed location.”.

85 (3) Subsection (n)(2) is amended to read as follows:

86 “(2)(A) The ABC Board shall, by rules issued pursuant to section 14, establish the
87 initial application and renewal fees for cultivation center, manufacturer, retailer, internet retailer,
88 and courier licenses. The ABC Board may revise these fees as considered necessary.

89 “(B) There shall be no initial application fee for a testing laboratory
90 license. Renewal fees for a testing laboratory license shall be established by rules issued pursuant
91 to sub-paragraph (A) of this paragraph.”.

92 (3) Subsection (y) is amended as follows:

93 (A) Strike the phrase “be considered by the ABC Board for a manufacturer
94 license” and insert the phrase “automatically receive a manufacturer license provided that the
95 annual fee is paid.

96 (B) Strike the phrase “files a manufacturer license application” and insert
97 the phrase "registers on a form provided by ABCA” in its place.

98 Sec. 3. Repealer.

99 The Medical Cannabis Manufacturer Clarification Temporary Amendment Act of 2023,
100 passed on 2nd reading on June 20, 2023 (Enrolled version of Bill 25-304), is repealed.

101 Sec. 4. Fiscal impact statement.

102 The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact
103 statement required by section 4a of the General Legislative Procedures Act of 1975, approved
104 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

105 Sec. 5. Effective date.

106 (a) This act shall take effect following approval by the Mayor (or in the event of veto by
107 the Mayor, action by the Council to override the veto), a 30-day period of Congressional review
108 as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

109 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
110 Columbia Register.

111 (b) This act shall expire after 225 days of its having taken effect.