



Councilmember Kenyan R. McDuffie

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, the Legalization of Marijuana for Medical Treatment Initiative of 1999 to allow the Alcoholic Beverage and Cannabis Board (“ABC Board”) to issue temporary non-resident registration identification cards that are valid for periods between 3 days and no longer than one year in length, allow licensed testing laboratories to receive and test samples of medical cannabis products from qualifying patients, allow licensed testing laboratories to conduct quality assurance or research and development testing for cultivation centers and manufacturers, amend the definition of a social equity applicant to include arrests and convictions of qualifying family members for a cannabis or drug offense, expand the list of eligible family members under the social equity applicant definition to include siblings and grandparents, clarify that existing licensed cultivation centers and retailers and applicants that scored 150 points or more during the open application period that occurred between November 29, 2021 and March 28, 2022, that are authorized by statute to receive a cultivation center, manufacturer, or retailer license apart from a designated open application period are not counted in calculating the 50% set aside requirement, clarify that the 5 cultivation center registration applicants that scored 150 points or more during the same open application period shall automatically receive a manufacturer license provided that they pay the annual fee and register with the ABC Board, allow the Alcoholic Beverage and Cannabis Administration to issue conditional licenses to testing laboratory applicants, and to waive the application fee for testing laboratory licenses.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Medical Cannabis Clarification and Non-Resident Patient Access Emergency Amendment Act of 2024”.

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; except, that the ABC Board shall be authorized to

85 convert a one-year conditional license to 2 years for a cultivation center or manufacturer that
86 does not currently have a proposed location.”.

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

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

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

94 (3) A new subsection (y) is added to read as follows:

95 “(y) The 5 cultivation center registration applicants that submitted medical
96 cannabis facility registration applications to the ABC Board between November 29, 2021 and
97 March 28, 2022, that scored 150 points or more shall automatically receive a manufacturer
98 license provided that the annual fee is paid after the effective date of the Medical Cannabis
99 Manufacturer Clarification Emergency Amendment Act of 2023, effective June 29, 2023 (D.C.
100 Act 25-152; 70 DCR 9410); provided, that the applicant registers on a form provided by ABCA
101 with the ABC Board by May 1, 2024.”.

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103 Sec. 3. Technical amendment.

104 Section 5 of the Certified Business Enterprise Program Compliance and Enforcement
105 Support Temporary Amendment Act of 2024, enacted on May 29, 2024 (D.C. Act 25-484; 71
106 DCR 6756) is amended to read as follows:

107 “Sec. 5. Effective date.

108 “This act shall take effect after approval by the Mayor (or in the event of veto by the
109 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
110 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
111 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
112 Columbia Register.”.

113 Sec. 4. Fiscal impact statement.

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

117 Sec. 5. Effective date.

118 This act shall take effect following approval by the Mayor (or in the event of veto by the
119 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than
120 90 days, as provided for emergency acts of the Council of the District of Columbia in section
121 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
122 D.C. Official Code § 1-204.12(a)).