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2 Chairman Phil Mendelson

  
Councilmember Kenyan R. McDuffie

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

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

100                  Sec. 3. Repealer.

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102 passed on 2nd reading on June 20, 2023 (Enrolled version of Bill 25-304), is repealed.

103                  Sec. 4. Fiscal impact statement.

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

107                  Sec. 5. Effective date.

108           This act shall take effect following approval by the Mayor (or in the event of veto by the  
109 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than  
110 90 days, as provided for emergency acts of the Council of the District of Columbia in section  
111 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;  
112 D.C. Official Code § 1-204.12(a)).