



Councilmember Charles Allen

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on a temporary basis, the Legalization of Marijuana for Medical Treatment Initiative of 1999 to provide the Alcoholic Beverage and Cannabis Administration the ability to extend the 45-calendar day public comment period for cultivation center, retailer, or internet retailer licenses to an unlicensed establishment by an additional 30-calendar days, to clarify which persons have standing to protest the issuance of a cultivation center, retailer, or internet retailer license to an unlicensed establishment, to align the enforcement procedures with those provided in Title 25 of the District of Columbia Official Code, and to clarify that the Alcoholic Beverage and Cannabis Board has the authority to issue cease-and-desist orders mandating compliance with the provisions of the Medical Cannabis Program; and to amend the Medical Cannabis Amendment Act of 2022 to clarify that the Alcoholic Beverage and Cannabis Board has authority to enforce against commercial property owners in whose properties are used to operate illegal cannabis businesses.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Medical Cannabis Program Enforcement Temporary Amendment Act of 2024”.

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

(a) Section 7 (D.C. Official Code § 7-1671.06) is amended by adding a new subsection (c-1) to read as follows:

“(c-1) It shall be a violation of this act for any unlicensed or licensed cultivation center, manufacturer, retailer, or internet retailer to represent that goods or services or the business is

38 compliant with the Legalization of Possession of Minimal Amounts of Marijuana for Personal Use
39 Initiative of 2014, effective February 26, 2015 (D.C. Law 20-153; D.C. Official Code § *passim*);
40 provided, that a licensed cultivation center, manufacturer, retailer, or internet retailer may have
41 signage indicating that there is medical cannabis on the property.”.

42 (b) Section 7a(h) (D.C. Official Code § 7-1671.06a(h)) is amended to read as follows:

43 “(h)(1) The ABC Board shall provide notice of complete and eligible cultivation center,
44 retailer, and internet retailer license applications received from unlicensed establishments to the
45 Councilmember, and any Advisory Neighborhood Commission within 600 feet of where the
46 establishment is or will be located (“affected ANC”), for a 45-calendar day public comment period.
47 The ABC Board may extend the public comment period required by this paragraph in response to
48 a written request submitted by either an affected ANC or the applicant by an additional 30-calendar
49 days.

50 “(2) An affected ANC may protest the issuance of the license.

51 “(3) The ABC Board shall hold a contested case protest hearing within 120 days of
52 receiving a timely protest from an affected ANC pursuant to paragraph (2) of this subsection.

53 “(4) The provisions of this subsection shall apply to all applications submitted to
54 ABCA after the effective date of the Medical Cannabis Program Enforcement Emergency
55 Amendment Act of 2024, passed on emergency basis on January 9, 2024 (Enrolled version of Bill
56 25-XXX).”.

57 (c) Section 7b (D.C. Official Code § 7-1671.06b) is amended by adding a new subsection
58 (e) to read as follows:

59 “(e) An unlicensed establishment shall not display signage or imagery advertising relating
60 to:

61 “(1) The prices of cannabis or cannabis product in the window;
62 “(2) Cannabis or a cannabis product on the exterior of any window or on the exterior
63 or interior of any door; or
64 “(3) Cannabis or a cannabis product on the exterior or visible from the exterior of
65 the unlicensed establishment or elsewhere in the District.”

66 (d) Section 9 (D.C. Official Code § 7-1671.08) is amended as follows:

67 (1) Subsection (d) is amended by striking the phrase “licensed cultivation” and
68 inserting the phrase “licensed or unlicensed cultivation” in its place.

69 (2) A new subsection (f) is added to read as follows:

70 “(f) Beginning January 31, 2024, the ABC Board may issue the following fines to an
71 unlicensed establishment that violates section 7(c-1) or 7b(e), or has not filed an accepted and
72 pending application with the ABC Board and knowingly engages or attempts to engage in the
73 purchase, sale, exchange, delivery, or any other form of commercial transaction involving cannabis
74 that is not purchased, sold, exchanged, or delivered in accordance with the provisions of this act
75 or section 401 of the District of Columbia Uniform Controlled Substances Act of 1981, effective
76 August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-904.01):

77 “(1) For the first violation, the ABC Board may issue a written warning to the
78 unlicensed establishment;

79 “(2) For the second violation, the ABC Board may:

80 “(A) Issue a fine in the amount of \$10,000; and

81 “(B) Require the unlicensed establishment to submit a remediation plan to
82 the ABC Board that contains the unlicensed establishment’s plan to prevent any future recurrence
83 of purchasing, selling, exchanging, delivering, or otherwise transacting any cannabis that is not

84 purchased, sold, exchanged, or delivered in accordance with the provisions of this act or section
85 401 of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5,
86 1981 (D.C. Law 4-29; D.C. Official Code § 48-904.01); and

87 “(3) For any subsequent violations or if the unlicensed establishment fails to submit
88 a remediation plan in accordance with paragraph (2) of this subsection, or if the ABC Board rejects
89 the unlicensed establishment’s remediation plan, the ABC Board may issue additional fines.”.

90 (e) Section 13a (D.C. Official Code § 7-1671.12a) is amended as follows:

91 (1) Subsection (a) is amended by striking the phrase “Board or the Mayor” both
92 times it appears and inserting the word “Board” in its place.

93 (2) Subsection (d) is amended by striking the phrase “Board or the Mayor” and
94 inserting the word “Board” in its place.

95 (3) Subsection (f) is amended by striking the phrase “Board or the Mayor” and
96 inserting the word “Board” in its place.

97 (f) New sections 15, 16, 17, and 18 are added to read as follows:

98 “Sec. 15. Examination of premises, books, and records.

99 “(a) An applicant for a license, and each licensee, shall allow any ABCA investigator, agent
100 of the ABC Board, or any member of the Metropolitan Police Department full opportunity to
101 examine, at any time during business hours:

102 “(1) The premises where a cannabis product is manufactured, kept, sold, or
103 consumed for which an application for a license has been made or for which a license has been
104 issued; and

105 “(2) The books and records of the business for which an application for a license
106 has been made or for which a license has been issued.

107 “(b) ABCA investigators shall examine the premises and books and records of each
108 licensed establishment in the District at least once each year. The investigators shall make
109 reasonable efforts to ensure that the licensee shall know in advance the date of the inspection.

110 “Sec. 16. Search warrants for illegal cannabis products; disposition of seized products.

111 “‘If a search warrant is issued by any judge of the Superior Court of the District of Columbia
112 or by a United States Magistrate for the District of Columbia for premises where any cannabis
113 products are sold, exchanged as part of a commercial transaction, delivered, or permitted to be
114 consumed in violation of this title, the cannabis product and any other property designed for use
115 in connection with the unlawful manufacture for sale, keeping for sale, selling, or consumption
116 may be seized and shall be subject to such disposition as the court may make thereof.

117 “‘Sec. 17. Notifications from Department of Licensing and Consumer Protection, Office of
118 Tax and Revenue, Fire and Emergency Medical Services Department, and Metropolitan Police
119 Department.

120 “(a) The Department of Licensing and Consumer Protection, the Office of Tax and
121 Revenue, and the Fire and Emergency Medical Services Department shall notify the ABC Board
122 if a licensed establishment is the subject of a citation, revocation, or other enforcement action for
123 a violation of laws or regulations enforced by those agencies or offices within 30-calendar days
124 after the citation, revocation, or other enforcement action.

125 “(b) If a licensed establishment is the subject of an incident report by the Metropolitan
126 Police Department, the Metropolitan Police Department shall file a copy of the incident report with
127 the ABC Board within 30-calendar days after the incident. The ABC Board shall make the report
128 available for public inspection upon request.

129 “Sec. 18. Nuisance.

130 “(a) Any building, ground, or premises where cannabis is sold, exchanged as part of a
131 commercial transaction, delivered, or permitted to be consumed by an unlicensed establishment
132 shall be a nuisance, except any building, ground, or premises of an applicant that filed an accepted
133 and pending application with the Board during the 90-calendar day open application period.

134 “(b) An action to enjoin any nuisance defined in subsection (a) of this section may be
135 brought in the name of the District of Columbia by the Attorney General for the District of
136 Columbia in the Civil Branch of the Superior Court of the District of Columbia against any person
137 conducting or maintaining such nuisance or knowingly permitting such nuisance to be conducted
138 or maintained.”.

139 Sec. 3. The Medical Cannabis Amendment Act of 2022, effective March 22, 2023 (D.C.
140 Law 24-332; 70 DCR 1582), is amended as follows:

141 (a) Section 8 (D.C. Official Code § 7-1675.01) is amended as follows:

142 (1) Subsection (a) is amended as follows:

143 (A) Paragraph (1) is amended as follows:

144 (i) The lead-in language is amended by striking the phrase
145 “Alcoholic Beverage and Cannabis Administration makes final determinations for the licensure of
146 unlicensed establishments pursuant to §§ 7-1671.06a and 7-1671.06b, for the first violation
147 of D.C. Official Code § 47-2844(a-2)(1B), the Mayor” and inserting the phrase “Alcoholic
148 Beverage and Cannabis Board (“ABC Board”) makes final determinations for the licensure of
149 unlicensed establishments pursuant to sections 7a and 7b of the Legalization of Marijuana for
150 Medical Treatment Initiative of 1999, effective March 22, 2023 (D.C. Law 24-332; D.C. Official
151 Code §§ 7-1671.06a and 7-1671.06b), for the first violation of section 9(f) of the Legalization of

152 Marijuana for Medical Treatment Initiative of 1999, effective July 27, 2010 (D.C. Law 18-210;
153 D.C. Official Code § 7-1671.08(f)), the ABC Board ” in its place.

154 (ii) Subparagraph (C) is amended by striking the phrase “D.C.
155 Official Code § 47-2844(a-2)(1B)” and inserting the phrase “section 9(f) of the Legalization of
156 Marijuana for Medical Treatment Initiative of 1999, effective July 27, 2010 (D.C. Law 18-210;
157 D.C. Official Code § 7-1671.08(f))” in its place.

158 (B) Paragraph (2) is amended by striking the phrase “provided to the
159 Alcoholic Beverage and Cannabis Administration,” and inserting the phrase “provided to” in its
160 place.

161 (2) Subsection (b) is amended as follows:

162 (A) The lead-in language is amended by striking the phrase “D.C. Official
163 Code § 47-2844(a-2)(1B)” and inserting the phrase “section 9(f) of the Legalization of Marijuana
164 for Medical Treatment Initiative of 1999, effective July 27, 2010 (D.C. Law 18-210; D.C. Official
165 Code § 7-1671.08(f))” in its place.

166 (B) Paragraph (1) is amended by striking the phrase “The Mayor” and
167 inserting the phrase “The ABC Board” in its place.

168 (C) Paragraph (2) is amended as follows:

169 (i) Subparagraph (A) is amended to read as follows:

170 “(2)(A) The ABC Board shall require the commercial property owner to submit a
171 remediation plan within 14 days after the notice of a fine under paragraph (1) of this subsection to
172 the ABC Board that contains the commercial property owner's plan to prevent any future violations
173 of section 9(f) of the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective
174 July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-1671.08(f)).”.

175 (ii) Subparagraph (B) is amended by striking the phrase “the Mayor,
176 in consultation with the Director of the Department of Licensing and Consumer Protection, rejects
177 the commercial property owner's remediation plan, the Mayor may issue additional fines or revoke
178 the commercial property owners’ licenses” and inserting the phrase “the ABC Board rejects the
179 commercial property owner’s remediation plan, the ABC Board may issue additional fines” in its
180 place.

181 (3) Subsection (c) is amended as follows:

182 (A) Paragraph (1) is amended by striking the phrase “Office of
183 Administrative Hearings” and inserting the phrase “Alcoholic Beverage and Cannabis Board
184 (“ABC Board”)” in its place.

185 (B) Paragraph (2) is amended by striking the phrase “Office of
186 Administrative Hearings” and inserting the phrase “ABC Board” in its place.

187 (C) Paragraph (3) is amended by striking the phrase “administrative law
188 judge” and inserting the phrase “ABC Board” in its place.

189 (4) Subsection (e)(1) is amended by striking the phrase “Office of Administrative
190 Hearings” and inserting the phrase “ABC Board” in its place.

191 (b) Section 9 is amended as follows:

192 (1) Subsection (a) is amended by striking the phrase “7, and 8” and inserting the
193 phrase “and 7” in its place.

194 (2) Subsection (c)(2) is amended by striking the phrase “this act” and inserting the
195 phrase “the provisions identified in subsection (a) of this section” in its place.

196 Sec. 4. Fiscal impact statement.

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

200 Sec. 5. Effective date.

201 (a) This act shall take effect following approval by the Mayor (or in the event of veto by
202 the Mayor, action by the Council to override the veto), a 30-day period of congressional review as
203 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24,
204 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(1)), and publication in the District of
205 Columbia Register.

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