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A BILL  
25-649

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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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:

32           “(c-1) It shall be a violation of this act for any unlicensed or licensed cultivation center,  
33 manufacturer, retailer, or internet retailer to represent that goods or services or the business is  
34 compliant with the Legalization of Possession of Minimal Amounts of Marijuana for Personal  
35 Use Initiative of 2014, effective February 26, 2015 (D.C. Law 20-153; D.C. Official Code §  
36 *passim*); provided, that a licensed cultivation center, manufacturer, retailer, or internet retailer  
37 may have signage indicating that there is medical cannabis on the property.”.

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

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

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

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

49                       “(4) The provisions of this subsection shall apply to all applications submitted to  
50 ABCA after the effective date of the Medical Cannabis Program Enforcement Emergency

51 Amendment Act of 2024, passed on emergency basis on January 9, 2024 (Enrolled version of  
52 Bill 25-XXX).”.

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

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

57 “(1) The prices of cannabis or cannabis product in the window;

58 “(2) Cannabis or a cannabis product on the exterior of any window or on the  
59 exterior or interior of any door; or

60 “(3) Cannabis or a cannabis product on the exterior or visible from the exterior of  
61 the unlicensed establishment or elsewhere in the District.”.

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

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

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

66 “(f) Beginning January 31, 2024, the ABC Board may issue the following fines to an  
67 unlicensed establishment that violates section 7(c-1) or 7b(e), or has not filed an accepted and  
68 pending application with the ABC Board and knowingly engages or attempts to engage in the  
69 purchase, sale, exchange, delivery, or any other form of commercial transaction involving  
70 cannabis that is not purchased, sold, exchanged, or delivered in accordance with the provisions

71 of this act or section 401 of the District of Columbia Uniform Controlled Substances Act of  
72 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-904.01):

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

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

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

77 “(B) Require the unlicensed establishment to submit a remediation plan to  
78 the ABC Board that contains the unlicensed establishment’s plan to prevent any future  
79 recurrence of purchasing, selling, exchanging, delivering, or otherwise transacting any cannabis  
80 that is not purchased, sold, exchanged, or delivered in accordance with the provisions of this act  
81 or section 401 of the District of Columbia Uniform Controlled Substances Act of 1981, effective  
82 August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-904.01); and

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

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

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

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

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

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

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

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

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

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

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

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

108                   ““If a search warrant is issued by any judge of the Superior Court of the District of  
109 Columbia or by a United States Magistrate for the District of Columbia for premises where any

110 cannabis products are sold, exchanged as part of a commercial transaction, delivered, or  
111 permitted to be consumed in violation of this title, the cannabis product and any other property  
112 designed for use in connection with the unlawful manufacture for sale, keeping for sale, selling,  
113 or consumption may be seized and shall be subject to such disposition as the court may make  
114 thereof.

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

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

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

127           “Sec. 18. Nuisance.

128           “(a) Any building, ground, or premises where cannabis is sold, exchanged as part of a  
129 commercial transaction, delivered, or permitted to be consumed by an unlicensed establishment

130 shall be a nuisance, except any building, ground, or premises of an applicant that filed an  
131 accepted and pending application with the Board during the 90-calendar day open application  
132 period.

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

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

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

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

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

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

150 Code §§ 7-1671.06a and 7-1671.06b), for the first violation of section 9(f) of the Legalization of  
151 Marijuana for Medical Treatment Initiative of 1999, effective July 27, 2010 (D.C. Law 18-210;  
152 D.C. Official Code § 7-1671.08(f)), the ABC Board ” in its place.

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

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

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

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

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

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

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



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

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

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

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

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

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

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

190                   (b) Section 9 is amended as follows:

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

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

195                   Sec. 4. Fiscal impact statement.

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

199                   Sec. 5. Effective date.

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

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