

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, due to congressional review, the Legalization of Marijuana for Medical Treatment Initiative of 1999 to clarify which Advisory Neighborhood Commissions have standing to file a protest and allow the Alcoholic Beverage and Cannabis Board to extend the public comment period for up to 30 calendar days, to establish the requirement that all retailers be located more than 400 feet from each other, to clarify that cultivation center, retailer, and internet retailer licenses issued to unlicensed establishments count toward the overall 50% set aside requirement for social equity applicants, and to clarify the process for unlicensed establishments being issued a medical cannabis cultivation center, retailer, or internet retailer license.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Medical Cannabis License Clarification Congressional Review Emergency 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 6(b)(18) (D.C. Official Code § 7-1671.05(b)(18)) is amended as follows:

(1) Subparagraph (A) is amended by striking the phrase “all Advisory Neighborhood Commissions in the affected ward” and inserting the phrase “any Advisory Neighborhood Commission within 600 feet of where the establishment is or will be located (“affected ANC”)” in its place.

(2) A new subparagraph (E) is added to read as follows:

“(E) The ABC Board may extend the public comment period set forth in paragraph (A) of this subsection by an additional 30 calendar days in response to a written request submitted by either an affected ANC or the applicant.”.

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

“(q-1)(1) No retailer license shall be issued for a facility that is located within 400

feet from another facility operating under a retailer license.

“(2) In determining whether a retailer application is eligible to be approved, the ABC Board shall ensure that the retailer application will not be located within 400 feet of a previously submitted retailer application filed timely by another applicant.

“(3) ABCA shall proceed forward with the application filed by the facility that is first in time. If the application is subsequently denied, ABCA shall proceed with the application that is second in time, third in time, et cetera, until an application is approved.”.

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

“(1) Cultivation Center, Retailer, and Internet Retailer licenses issued under this section shall count toward the 50% set aside requirement for social equity applicants set forth in section 7(h).”.

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

(1) Paragraph (1) is amended by striking the word “immediately” and inserting the phrase “once its license is issued by ABCA” in its place.

(2) Paragraph (2) is redesignated as paragraph (3).

(3) A new paragraph (2) is added to read as follows:

“(2)(A) An unlicensed establishment that is approved for a cultivation center, retailer, or internet retailer license shall obtain issuance of its license by the later date of either September 30, 2024, or within 180 days of Board approval or have its Board approval rescinded.

“(B)(i) An unlicensed establishment that temporarily discontinues operations after

Board approval that is not involved in unlicensed activity may request that the Board extend the deadline set forth in subparagraph (A) of this paragraph by one additional 180-day period to allow the applicant to take steps to resume business operations at the applicant’s proposed location.

“(ii) The Board shall approve the applicant’s extension request; provided, that the applicant can demonstrate to the Board that the applicant is making reasonable progress to resume business operations at the proposed location.

“(C) Notwithstanding paragraph A of this subsection, a cultivation center, retailer, or internet retailer applicant shall cease any unlicensed activity once its license is issued by ABCA.”.

Sec. 3. Technical amendment.

(a) Section 47-2908 of the District of Columbia Official Code is amended by adding a new subsection (c) to read as follows:

“(c) If a business licensed under this section imposes a service fee consistent with the provisions of subsection (b) of this section, the imposition of the service fee shall not constitute an unfair or deceptive trade practice under § 28-3904.”.

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(b) This section shall apply upon the effective date of the Restaurant Revitalization and Dram Shop Clarification Amendment Act of 2024, enacted on March 25, 2024 (D.C. Act 25-427; 71 DCR 3525).

Sec. 4. Fiscal impact statement.

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

Sec. 5. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia