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2 Councilmember Vincent Orange

  
Councilmember David Grosso

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4 Councilmember Jack Evans  
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Councilmember Brianne K. Nadeau  
6

7 A BILL  
8

9 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA  
10

11 To legalize the possession, consumption, display, purchasing, or transporting of marijuana and  
12 marijuana-infused products for personal use, not in public, for persons over the age of 21;  
13 to establish that possession, consumption, display, purchasing, or transporting of  
14 marijuana and marijuana-infused products shall not constitute a civil or criminal offense  
15 under District law or be a basis for seizure or forfeiture of assets under District laws, for  
16 persons under the age of 21; to amend the District of Columbia Uniform Controlled  
17 Substances Act of 1981 to decriminalize certain amounts of marijuana and marijuana-  
18 infused products for personal use; to amend the Drug Paraphernalia Act of 1982 to strike  
19 certain paraphernalia related to marijuana use from the provision; to amend Title 25 of  
20 the District of Columbia Official Code to establish the licensing and regulation  
21 infrastructure for the production, sale, and testing of retail marijuana and retail marijuana-  
22 infused products in the District of Columbia; to establish a dedicated marijuana fund,  
23 which shall consist of all sales tax and excise tax revenue from retail marijuana; to direct  
24 all retail marijuana license fees, penalties, forfeitures, and all other monies, income, or  
25 revenue received by the Alcoholic Beverage Regulation Administration from retail  
26 marijuana-related activities; to establish a tax on the gross receipts of retail marijuana  
27 sales and on the first sale or transfer of unprocessed retail marijuana in the District of  
28 Columbia; to clarify the Legalization of Marijuana for Medical Treatment Amendment  
29 Act of 2010 maintaining each regulation, standard, rule, notice, order and guidance  
30 promulgated or issued by the Mayor, except where inconsistent with this act, and the  
31 rights of any person holding a license pursuant to that legislation; and to amend Title 18  
32 of D.C. Municipal Regulation to adjust allowances of THC concentration while operating  
33 a motor vehicle.

34 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
35 act may be cited as the “Marijuana Legalization and Regulation Act of 2015”.

1           Sec. 2. Definitions.

2           For the purposes of this act, the term:

3           (1) “Average market rate” means the average price, as determined by the Office of the  
4 Chief Financial Officer on a biannual basis in six-month intervals, of all unprocessed retail  
5 marijuana that is sold or transferred from retail marijuana cultivation facilities to retail marijuana  
6 product manufacturing facilities, retail marijuana stores, or other retail marijuana cultivation  
7 facilities. The “average market rate” may be based on the purchaser or transferee of unprocessed  
8 retail marijuana or on the nature of the unprocessed retail marijuana that is sold or transferred.

9           (2) “Batch” means a definite quantity of marijuana, useable marijuana, or  
10 marijuana-infused product identified by a batch number, every portion or package of which is  
11 uniform within recognized tolerances for factors that appear in the labeling.

12           (3) “Batch number” mean an identifier for a batch that includes the licensee by business  
13 or trade name and the District of Columbia business identifier number, and the date of harvest or  
14 processing for each lot of marijuana, useable marijuana, or marijuana-infused product.

15           (4) “Manufacture” means the production, preparation, propagation, compounding,  
16 conversion, or processing of a controlled substance, either directly or indirectly or by extraction  
17 from substances of natural origin, or independently by means of chemical synthesis, or by a  
18 combination of extraction and chemical synthesis, and includes any packaging or repackaging of  
19 the substance or labeling or relabeling of its container. The term “manufacture” does not include  
20 the preparation, compounding, packaging, repackaging, labeling, or relabeling of a controlled  
21 substance by a practitioner in the course of a practitioner’s professional practice, or by a  
22 practitioner for the purpose of research, teaching, or chemical analysis and not for sale.

1 (5) "Retail marijuana" means all parts of the plant Cannabis, whether growing or not,  
2 with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the  
3 resin extracted from any part of the plant; and every compound, manufacture, salt, derivative,  
4 mixture, or preparation of the plant, its seeds or resin. The term "retail marijuana" does not  
5 include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the  
6 seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of  
7 the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed  
8 of the plant which is incapable of germination.

9 (6) "Retail marijuana-infused products" means products that contain retail marijuana or  
10 marijuana extracts and are intended for human use.

11 (7) "Remuneration" means anything of value, including money, real property, tangible  
12 and intangible personal property, contract rights, choses in action, services, and any rights of use  
13 or employment promises or agreements connected therewith.

14 (8) "THC potency" means percent of delta-9 tetrahydrocannabinol content per dry  
15 weigh of any part of the plan Cannabis, or per volume or weight of marijuana product.

16 (9) "Transfer" means to grant, convey, hand over, assign, sell, exchange, or barter in any  
17 manner or by any means.

18 (10) "Unprocessed marijuana" means marijuana at the time of the first transfer or sale  
19 from a retail marijuana cultivation facility to a retail marijuana product manufacturing facility or  
20 a retail marijuana store.

21 Sec. 3. (a) Notwithstanding any other law, for an individual who is at least 21 years of  
22 age, the following acts shall not constitute a civil or criminal offense under District law or be a  
23 basis for seizure or forfeiture of assets under District laws:

1 (1) Possessing, displaying, purchasing, or transporting 2 ounces or less of dried  
2 marijuana and marijuana infused products, or 5 grams or less of hashish;

3 (2) Consumption of marijuana; provided that nothing in this section shall permit  
4 consumption in public;

5 (3) Possessing, growing, processing or transporting no more than 6 marijuana  
6 plants, and possession of the marijuana produced by the plants on the premises where the plants  
7 were grown, provided that the growing takes places in an enclosed, locked space and is not  
8 conducted publicly;

9 (4) Possessing, displaying, purchasing, or transporting marijuana paraphernalia;

10 (5) Transfer without remuneration of 2 ounces or less of dried marijuana to an  
11 individual who is at least 21 years of age; or

12 (6) Assisting another individual who is at least 21 years of age in any of the acts  
13 described in this subsection.

14 (b)(1) For an individual who has not reached 21 years of age, the acts described in  
15 subsection (a) of this section shall not constitute a civil or criminal offense under District law or  
16 be a basis for seizure or forfeiture of assets under District laws, but shall constitute a civil  
17 infraction.

18 (2) An individual who has not reached 21 years of age and who commits an act  
19 described in subsection (a) of this section shall be subject to a drug-education program unless a  
20 court enters a written finding that a drug-education program is unnecessary or unavailable, but  
21 not to any other form of criminal or civil punishment or disqualification, including disciplinary  
22 action by a public school, unless the possession, consumption, transfer, purchase, or cultivation  
23 takes place on school grounds.

1 (c)(1) The drug education program required by subsection (b)(2) of this section shall  
2 meet the criteria set forth in paragraph (2) of this subsection, be made available to the minor  
3 without cost, and be completed within one year of the offender's parents or legal guardian being  
4 given notice of the offense and available drug education programs pursuant to paragraph (3) of  
5 this subsection unless the court enters a written finding that a drug education program is  
6 unnecessary or unavailable.

7 (2) The drug-education program shall provide at least 4 hours of group discussion  
8 or instruction based on science and evidence-based principles and practices specific to the use  
9 and abuse of marijuana, alcohol and other controlled substances.

10 (3) A copy of the notice of offense delivered to the minor under the provisions of  
11 this section shall be mailed or delivered to at least one of the minor's parents having custody or  
12 legal guardian, at the last known address.

13 (4) If the child fails to complete the drug-education program within one year of  
14 notice, the court shall issue an order requiring the child to complete eight hours of community  
15 service. If the child fails to complete the service, he or she may be assessed a fine of \$100.

16 (d) Nothing in this section shall provide a defense to:

17 (1) Claims of negligence or professional malpractice relating to performance of  
18 acts while under the influence of marijuana or marijuana-infused products;

19 (2) Charges of operating or being in physical control of a vehicle while under the  
20 influence of an intoxicating drug (§ 50-2201.05(b)(1)(A)(i)(II)); or

21 (3) Operating or being in physical control of any vessel or watercraft under the  
22 influence of an intoxicating drug (§ 25-1004(a)(3)).

1 (4) All local education agencies shall adopt appropriate policies and rules that  
2 prohibit the use of all tobacco products and all retail marijuana or retail marijuana products  
3 authorized by this act, on school property by students, teachers, staff, and visitors and that  
4 provide for the enforcement of these policies.

5 Sec. 4. The District of Columbia Uniform Controlled Substances Act of 1981, effective  
6 August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-901.02 *et seq.*), is amended as follows:

7 (a) Section 208 (D.C. Official Code § 48-902.08) is amended as follows:

8 (1) Subparagraph (a)(6) is amended to read as follows:

9 "(a)(6) Cannabis only when it relates to:

10 (1) Driving or boating under the influence of drugs pursuant to D.C.  
11 Official Code § 50-2206.01; and

12 (2) The possession of marijuana, hashish, or paraphernalia shall not be  
13 subject to seizure or forfeiture, result in civil or criminal penalty or disqualification if:

14 (A) Processing or producing marijuana plants on the premises where  
15 the grower or seller is properly licensed:

16 (i) Marijuana-infused products in either liquid or solid form;  
17 (ii) Possession, cultivation, or processing of up to 6 marijuana  
18 plants (3 flowering "mature" plants and 3 non-flowering "immature" plants); and

19 (iii) Marijuana plants that are in the process of drying or "curing"  
20 do not apply toward the number of living plants if the plants have been uprooted or are not  
21 planted in soil or a hydroponic system.

22 (3) Personal possession of marijuana

23 (i) Up to 2 ounces of usable marijuana, or

1 (ii) Up to 5 grams of hashish, or  
2 (iii) Up to 16 ounces of marijuana-infused product in solid  
3 form and seventy-two ounces of marijuana-infused product in liquid form, and

4 (iv) Paraphernalia, including growing equipment, scales, water  
5 pipes, and other utensils used for the administration of marijuana into the body and the  
6 cultivation of marijuana for personal use or licensed sale."

7 (b) Section 206 (D.C. Official Code § 48-902.06) is amended as follows:

8 (1) Subparagraph (1)(F) is amended to read as follows:

9 "(1)(F) Hashish only as it relates to D.C. Official Code § 50-2206.01 for  
10 the purpose of defining controlled substances as they relate only to driving under the influence of  
11 drugs."

12 (c) Section 401 (D.C. Official Code § 48-904.01) is amended as follows:

13 (1) Subparagraph (a)(2)(B) is amended to read as follows:

14 "(B) Any other controlled substance classified in Schedule I, II, or III,  
15 except for a narcotic or abusive drug, is guilty of a crime and upon conviction may be  
16 imprisoned for not more than 5 years, fined not more than \$50,000, or both; except that upon  
17 conviction of manufacturing, distributing, or possessing with intent to distribute 1/2 pound or  
18 less of marijuana, a person who has not previously been convicted of manufacturing, distributing  
19 or possessing with intent to distribute a controlled substance or attempting to manufacture,  
20 distribute, or possess with intent to distribute a controlled substance may be imprisoned for not  
21 more than 180 days or fined not more than \$1000 or both;".

22 (2) Subsection (d) is amended to read as follows:

1           "(d)(1) It is unlawful for any person knowingly or intentionally to possess a controlled  
2 substance unless the substance was obtained directly from, or pursuant to, a valid prescription or  
3 order of a practitioner while acting in the course of his or her professional practice, or except as  
4 otherwise authorized by this chapter. Except as provided in paragraph (2) of this subsection, any  
5 person who violates this subsection is guilty of a misdemeanor and upon conviction may be  
6 imprisoned for not more than 180 days, fined not more than \$1,000, or both.

7           "(2) Any person who violates this subsection by knowingly or intentionally  
8 possessing the abusive drug phencyclidine in liquid form is guilty of a felony and, upon  
9 conviction, may be imprisoned for not more than 3 years, fined not more than \$3,000, or both."

10           (4) Subsection (g) is amended by striking the phrase "marijuana, or depressant or  
11 stimulant drugs" and inserting the phrase "or depressant or stimulant drugs" in its place.

12           Sec. 5. The Drug Paraphernalia Act of 1982, effective September 17, 1983 (D.C Law 4-  
13 419; D.C. Official Code § 48-1101 *et seq.*), is amended as follows:

14           (a) Section 2(3) (D.C. Official Code § 48-1101(3)) is amended as follows:

15                   (1) Subparagraph (G) is repealed.

16                   (2) Subparagraph (L) is amended as follows:

17                           (A) Strike the phrase "Cannabis, cocaine, hashish, hashish oil, or any other  
18 controlled substance" and insert the phrase "cocaine or any other controlled substance" in its  
19 place

20           Sec. 6. Title 25 of the District of Columbia Official Code is amended as follows:

21           (a) A new section 25-1025 is added to read as follows:

22                   "§ 25-105. Sale of retail marijuana or retail marijuana products without a license  
23 prohibited



1           "(a) No person shall sell retail marijuana or retail marijuana-infused products in the  
2 District without having first obtained an appropriate license as required by this title.

3           "(b) No retail marijuana cultivator or retail marijuana products manufacturer located  
4 within the District shall offer any retail marijuana or retail marijuana products for sale to, or  
5 solicit orders for the sale of any retail marijuana or retail marijuana products from, any person  
6 not licensed under this title, irrespective of whether the sale is to be made inside or outside of the  
7 District.

8           "(c) No licensee or person shall ship, import, export or cause to be shipped or imported  
9 into or exported outside of the District any retail marijuana or retail marijuana products."

10          "(d) No retail marijuana store licensee shall purchase, sell, or offer for sale any retail  
11 marijuana or retail marijuana products obtained from any person not licensed under this title."

12          (b) Section 25-104(c) is amended to read as follows:

13          "A license to sell alcoholic beverages, retail marijuana or retail marijuana-infused  
14 products in the District can be granted only by the Board upon completion of the application and  
15 review process as contained in this title."

16          (d) A new subchapter III is added to read as follows:

17          "SUBCHAPTER III. CLASSIFICATION OF RETAIL MARIJUANA LICENSES

18          "§ 25-130. General Provisions.

19          "(a) For the purpose of regulating the cultivation, manufacture, distribution, sale, and  
20 testing of retail marijuana and retail marijuana products, the Board in its discretion, upon receipt  
21 of an application in the prescribed form, may issue and grant to the applicant a license from any  
22 of the following classes:

23                 (1) Retail marijuana cultivation facility license;

1 (2) Retail marijuana products manufacturing license;

2 (3) Retail marijuana store license;

3 (4) Retail marijuana testing facility license;

4 (5) Occupational licenses and registrations for owners, managers, operators,  
5 employees, contractors, and other support staff employed by, working in, or having access to  
6 restricted areas of licensed premises, as determined by the Board.

7 "(b) A dual medical marijuana dispensary and retail marijuana store shall maintain  
8 separate licensed premises, including entrances and exits, inventory, point of sale operations, and  
9 record keeping.

10 "(c) A license issued under this section shall be valid for a term of three years and may be  
11 renewed upon completion of the procedures set forth by the Board and payment of the required  
12 fees.

13 "(d) The Board may revoke or elect not to renew any license if it determines that the  
14 licensed premises have been inactive or abandoned without good cause, for at least six months.

15 "(e) The Board shall require a complete disclosure of all persons having a direct or  
16 indirect financial interest, and the extent of such interest, in each license issued under this  
17 subchapter.

18 "(f) All employees or contractors of facilities licensed under this subchapter shall be 21  
19 years of age or older.

20 "(g) The Board shall have the authority to alter license and application fees established by  
21 the act and create additional licenses, permits, endorsements and application fees subject to  
22 Council approval in accordance with D.C. Code § 25-211(b).

23 "§ 25-131. Retail marijuana cultivation facility license requirements.

1           "(a) A retail marijuana cultivation facility license shall authorize the licensee to cultivate  
2 retail marijuana for sale and distribution to licensed retail marijuana stores, retail marijuana  
3 products manufacturing licensees, or other retail marijuana cultivation facilities.

4           "(b) A retail marijuana cultivation facility shall remit any applicable excise tax due in  
5 accordance with section 9 of this act based on the average wholesale prices set by the Board in  
6 consultation with the Office of the Chief Financial Officer.

7           "(c) A retail marijuana cultivation facility shall track the marijuana it cultivates from seed  
8 or immature plant to wholesale purchase. Prior to delivery of any sold retail marijuana the retail  
9 marijuana cultivation facility shall provide evidence that it paid any applicable excise tax on  
10 retail marijuana due pursuant to section 9 of this act.

11           "(d) A retail marijuana cultivation facility may provide, except as required by section 7  
12 subsection (8) of this act, a sample of its products to a facility that has a marijuana testing facility  
13 license from the Board for testing and research purposes. A retail marijuana cultivation facility  
14 shall maintain a record for five years of what was provided to the testing facility, the identity of  
15 the testing facility, and the testing results. The Board may approve alternative methods for a  
16 retail marijuana cultivation facility to test its products until one or more testing facilities in the  
17 District of Columbia become operational.

18           "(e) Retail marijuana or retail marijuana-infused products may not be consumed on the  
19 premises of a retail marijuana cultivation facility.

20           "(f)(1) The minimum application fee for the retail marijuana cultivation facility license  
21 shall be \$5,000.

22           "(2) The application fee for a person who is currently operating in good standing  
23 as a registered medical marijuana cultivation center pursuant to the Legalization of Marijuana for

1 Medical Treatment Amendment Act of 2010, effective July 27, 2010 (D.C. Law 18-210; D.C.  
2 Official Code ss. 7-1671.01 *et seq.*), shall be \$500. This subsection (f)(2) is repealed, effective  
3 December 31, 2015.

4 "(g) If a retail marijuana cultivation facility licensee intends to manufacture retail  
5 marijuana products, a separate application shall be filed. A person may operate a licensed  
6 marijuana cultivation facility and licensed retail marijuana products manufacturing facility in the  
7 same location.

8 "(h) A retail marijuana cultivation facility license shall not be leased or subcontracted in  
9 part or in whole.

10 "§ 25-132. Retail marijuana products manufacturing license requirements.

11 "(a) A retail marijuana products manufacturing license shall authorize the licensee to  
12 manufacture retail marijuana or marijuana-infused products.

13 "(b) A retail marijuana products manufacturing licensee may cultivate its own retail  
14 marijuana if it obtains a retail marijuana cultivation facility license, or it may purchase retail  
15 marijuana from a licensed retail marijuana cultivation facility. A retail marijuana products  
16 manufacturer shall track all of its retail marijuana from the point when it is either transferred  
17 from its retail marijuana cultivation facility or the point when it is delivered to the retail  
18 marijuana products manufacturer from a licensed retail marijuana cultivation facility to the point  
19 of transfer to a licensed retail marijuana store.

20 "(c) A retail marijuana products manufacturer shall not accept any retail marijuana  
21 purchased from a retail marijuana cultivation facility unless the retail marijuana products  
22 manufacturer is provided with evidence that any applicable excise tax due pursuant to section 9  
23 of this act, was paid.

1           "(d) In addition to any rules regarding retail marijuana products manufacturing  
2 promulgated by the Board pursuant to this title, a licensed retail marijuana manufacturer shall  
3 adhere to the following:

4                   "(1) Retail marijuana-infused products shall be prepared on a licensed premises  
5 that is used exclusively for the manufacture and preparation of retail marijuana or retail  
6 marijuana products and using equipment that is used exclusively for the manufacture and  
7 preparation of retail marijuana products.

8                   "(1)(a) A retail marijuana products manufacturing licensee may share the same  
9 premises as a medical marijuana-infused products manufacturing licensee so long as a virtual or  
10 physical separation of the inventory is maintained pursuant to any rules promulgated by the  
11 Board;

12                   "(2) All licensed premises on which retail marijuana products are manufactured  
13 shall meet the sanitary standards for retail marijuana product preparation promulgated pursuant  
14 to section 7(b)(7) of this act;

15                   "(3) The retail marijuana product shall be sealed, packaged, and conspicuously  
16 labeled in compliance with this act and any rules promulgated pursuant to this act by the Board;

17                   "(4) Retail marijuana or retail marijuana products may not be consumed on the  
18 premises of a retail marijuana products manufacturing facility;

19                   "(5) A retail marijuana products manufacturer may provide, except as required by  
20 section 7 subsection (8) of this act, a sample of its products to a facility that has a marijuana  
21 testing facility license from the Board for testing and research purposes. The Board may approve  
22 alternative methods for a retail marijuana products manufacturer to test its products until one or  
23 more testing facilities in the District of Columbia become operational. A retail marijuana

1 products manufacturer shall maintain a record for five years of what was provided to the testing  
2 facility, the identity of the testing facility, and the testing results;

3           "(6) An edible retail marijuana product may list its ingredients and compatibility  
4 with dietary practices; and

5           "(7) All retail marijuana products that require refrigeration to prevent spoilage  
6 must be stored and transported in a refrigerated environment.

7           "(e) A retail marijuana products manufacturer shall not:

8           "(1) Add any marijuana to a food product where the manufacturer of the food  
9 product holds a trademark to the food product's name; except that a manufacturer may use a  
10 trademarked food product if the manufacturer uses the product as a component or as part of a  
11 recipe and where the marijuana product manufacturer does not state or advertise to the consumer  
12 that the final retail marijuana product contains trademarked food product;

13           "(2) Intentionally or knowingly label or package a retail marijuana product in a  
14 manner that would cause a reasonable consumer confusion as to whether the retail marijuana  
15 product was a trademarked food product;

16           "(3) Label or package a product in a manner that violates any federal trademark  
17 law or regulation; or

18           "(4) Label or package a product in a manner that markets to minors.

19           "(f) The minimum application fee for the retail marijuana products manufacturing license  
20 shall be \$5,000.

21           "(g) A retail marijuana products manufacturing license shall not be leased or  
22 subcontracted in part or in whole.

23           "§ 25-133. Retail marijuana store license requirements.

1           "(a) A retail marijuana store license shall authorize the licensee to sell retail marijuana  
2 and retail marijuana-infused products for off-premises consumption at a retail marijuana store. A  
3 retail marijuana store license shall be issued only to an establishment located inside of a physical  
4 building.

5           "(b) A retail marijuana store licensee shall transact with a retail marijuana products  
6 manufacturing licensee for the purchase of retail marijuana products which may occur upon  
7 either licensee's licensed premises.

8           "(c) A retail marijuana store shall purchase retail marijuana from a licensed retail  
9 marijuana cultivation facility. A transaction between a retail marijuana store and a retail  
10 marijuana cultivation facility license for the purchase of retail marijuana may occur upon either  
11 licensee's licensed premises

12           "(d) A retail marijuana store shall not accept any retail marijuana purchased for a retail  
13 marijuana cultivation facility unless the retail marijuana store is provided with evidence that any  
14 applicable excise tax due pursuant to section 9 of this act, was paid.

15           "(e) A retail marijuana store shall track all of its retail marijuana and retail marijuana  
16 products from the point that they are transferred from a retail marijuana cultivation facility or  
17 retail marijuana products manufacturer to the point of sale.

18           "(f) Prior to initiating a sale, the employee of the retail marijuana store making the sale  
19 shall verify that the purchaser has a valid identification card showing the purchaser is twenty-one  
20 years of age or older. A retail marijuana store or its agent or employee shall take steps reasonably  
21 necessary to ascertain whether any person to whom the licensee sells retail marijuana or retail  
22 marijuana products if of legal age. Any person who supplies a valid identification document  
23 showing his or her age to be twenty-one years of age or older shall be of legal age.

1           "(g) A retail marijuana store shall not sell more than a quarter of an ounce of retail  
2 marijuana or its equivalent in retail marijuana products during a single transaction to a person  
3 who does not have a valid identification card showing that the person is a resident of the District  
4 of Columbia. A retail marijuana store shall not sell more than two ounces of retail marijuana or  
5 its equivalent in retail marijuana products during a single transaction to a District of Columbia  
6 resident.

7           "(h) All retail marijuana and retail marijuana products sold at a licensed retail marijuana  
8 store shall be packaged and labeled as required by the Board.

9           "(i) A licensed retail marijuana store may only sell retail marijuana, retail marijuana  
10 products, marijuana accessories, non-consumable products such as apparel, and marijuana  
11 related products such as childproof packaging containers.

12           "(j) A licensed retail marijuana store shall not:

13                   "(1) Sell or give away any consumable product, including but not limited to  
14 cigarettes, e-cigarettes or alcohol, or edible product that does not contain marijuana, including  
15 but not limited to sodas, candies, or baked goods;

16                   "(2) Sell any retail marijuana or retail marijuana products that contain nicotine or  
17 alcohol.

18                   "(3) Sell retail marijuana or retail marijuana products over the internet or other  
19 technology unless the person is required to pick-up the retail marijuana or retail marijuana  
20 products in the retail marijuana store's licensed premises..

21                   "(4) Deliver retail marijuana or retail marijuana products to a person not  
22 physically present in the retail marijuana store's licensed premises.



1           "(k) A retail marijuana store may provide, except as required by section 7 subsection (8)  
2 of this act, a sample of its products to a facility that has a marijuana testing facility license from  
3 the Board for testing and research purposes. A retail marijuana retail store shall maintain a record  
4 for five years of what was provided to the testing facility, the identity of the testing facility, and  
5 the testing results.

6           "(l) Retail marijuana or retail marijuana products may not be consumed on the premises  
7 of a retail marijuana store.

8           "(m) The minimum application fee for the retail marijuana store license shall be \$5,000.

9           "(n) A retail marijuana store license shall not be leased or subcontracted in part or in  
10 whole.

11           "(o) A retail marijuana store license shall be subject to the public comment and notice  
12 requirements set forth in D.C. Code §§ 25-421 and 25-423 prior to issuance.

13           "§ 25-134. Retail marijuana testing facility requirements.

14           "(a) A retail marijuana testing facility license shall authorize the licensee to perform  
15 testing and research on retail marijuana. The facility may develop and test retail marijuana  
16 products.

17           "(b) The Board shall promulgate rules pursuant to its authority in section (7)(b)(11) of  
18 this act related to acceptable testing and research practices, including but not limited to testing,  
19 standards, quality control analysis, equipment certification and calibration, and chemical  
20 identification and other substances used in bona fide research methods.

21           "(c) A person who has an interest in a retail marijuana testing facility license for testing  
22 purposes obtained through this title shall not have any interest in a licensed medical marijuana  
23 dispensary, a licensed medical marijuana cultivation center, a licensed retail marijuana

1 cultivation facility, a licensed retail marijuana products manufacturer, or a licensed retail  
2 marijuana store. A person who has an interest in a licensed medical marijuana dispensary, a  
3 licensed medical marijuana cultivation center, a licensed retail marijuana cultivation facility, a  
4 licensed retail marijuana products manufacturer, or a licensed retail marijuana store shall not  
5 have an interest in a facility that has a retail marijuana testing facility license.

6 "(d) The minimum application fee for the retail marijuana testing facility license shall be  
7 \$5,000.

8 "(e) A retail marijuana testing facility license shall not be leased or subcontracted in part  
9 or in whole."

10 (e) Section 25-206(g) is amended as follows:

11 (1) Redesignate the existing text as paragraph (1).

12 (2) Adding a new paragraph (2) to read as follows:

13 "(2) No member or employee of the Board, directly or indirectly, individually, or  
14 as a member of a partnership, association, or limited liability company, or a shareholder in a  
15 corporation, shall have any interest, in the cultivation, products manufacturing, or sale of retail  
16 marijuana or retail marijuana-infused products, or derive any profit or commission from any  
17 person licensed under this act to cultivate, produce retail marijuana or marijuana-infused  
18 products or sell retail marijuana or retail marijuana-infused products; provided, that a Board  
19 member or employee may purchase, transport, or keep in his or her possession retail marijuana  
20 or retail marijuana-infused products for his or her personal use or the use of the members of his  
21 or her family or guests."

22 (f) Section 25-212 is amended as follows:

23 (1) Redesignate the existing text as paragraph (a).

1 (2) Adding a new paragraph (b) to read as follows:

2 "(b) The new licensee orientation class established by ABRA for retail marijuana  
3 licenses shall be mandatory for all new retail marijuana licensees."

4 (g) Section 25-301 is amended by adding a new subsection (a-12) to read as follows:

5 "(a-2) Before issuing, transferring to a new owner, or renewing a retail marijuana license,  
6 the Board shall determine that the applicant meets all of the following criteria:

7 "(1) The applicant is generally fit for the responsibilities of licensure.

8 "(2) The applicant is at least 21 years of age.

9 "(3) The applicant has been a resident of the District of Columbia for at least six  
10 months before applying to receive a license.

11 "(4) The applicant has not been convicted of any felony in the 10 years before  
12 filing the application.

13 "(5) The applicant has not been convicted of any misdemeanor, excluding non-  
14 violent simple possession of marijuana, bearing on fitness for licensure in the 5 years before  
15 filing the application.

16 "(6) The applicant is the true and actual owner of the establishment for which the  
17 license is sought, and he or she intends to carry on the business for himself or herself and not as  
18 the agent of any other individual, partnership, association, limited liability company, or  
19 corporation not identified in the application.

20 "(7) The licensed establishment will be managed by the applicant in person or by  
21 a Board-licensed manager possessing the same qualifications required of the licensee.

22 "(8) The licensed establishment will not be located or operated on federal  
23 property.

1           "(89) The applicant has submitted an adequate security plan and has complied  
2 with all the requirements of this title and regulations issued under this title."

3           (h) Section 25-303(a) is amended by adding a new paragraphs (4) and (5) to read as  
4 follows:

5           "(4) No licensee under a retail marijuana store's license shall hold an interest in a  
6 retail marijuana cultivation facility license, a retail marijuana products manufacturer license, or  
7 a retail marijuana testing facility license.

8           "(5) No licensee under a retail marijuana cultivation facility license or a retail  
9 marijuana products manufacturer license shall hold an interest in a retail marijuana store license  
10 or retail marijuana testing facility license."

11           (i) A new section 25-512 is added to read as follows:

12           "§ 25-512. Minimum annual fee for retail marijuana licenses.

13           "(a) The minimum annual fees for a retail marijuana cultivation facility license; retail  
14 marijuana products manufacturing license; retail marijuana store license; and retail marijuana  
15 testing facility license shall be as follows:

16	"License Class	Cost/Year
17	"Retail Marijuana Cultivation Facility	\$5,000
18	"Retail Marijuana Products Manufacturing	\$5,000
19	"Retail Marijuana Store	\$7,500
20	"Retail Marijuana Testing Facility	\$5,000

21           (j) A new section 25-786 is added to read as follows:

22           "§ 25-786. Sale of retail marijuana to minors or intoxicated persons prohibited.

1           "(a) The sale or delivery of retail marijuana or retail marijuana infused products to the  
2 following persons is prohibited:

3                   "(1) A person under 21 years of age, either for the person's own use or for the use  
4 of any other person;

5                   "(2) An intoxicated person, or any person who appears to be intoxicated; or

6                   "(3) A person of notoriously intemperate habits.

7           "(b) A licensee or other person shall not, at a licensed establishment, give, serve, deliver,  
8 or in any manner dispense retail marijuana or retail marijuana-infused product to a person under  
9 21 years of age.

10           "(c) A licensee shall not be liable to any person for damages claimed to arise from refusal  
11 to sell retail marijuana or retail marijuana-infused product in its establishment under the  
12 authority of this section.

13           "(d) Upon finding that a licensee has violated subsections (a) or (b) of this section in the  
14 preceding 2 years:

15                   "(1) Upon the 1st violation, the Board shall fine the licensee not less than \$2,000,  
16 and not more than \$3,000, and suspend the licensee for 5 consecutive days; provided, that the 5-  
17 day suspension may be stayed by the Board for one year.

18                   "(2) Upon the 2nd violation, the Board shall fine the licensee not less than \$3,000,  
19 and not more than \$5,000, and suspend the licensee for 10 consecutive days; provided, that the  
20 Board may stay up to 6 days of the 10-day suspension for one year;

21                   "(3) Upon the 3rd violation, the Board shall fine the licensee not less than \$5,000,  
22 and not more than \$10,000, and suspend the licensee for 15 consecutive days, or revoke the  
23 license; provided, that the Board may stay up to 5 days of the 15-day suspension for one year;

1                   "(4) Upon the 4th violation, the Board may revoke the license; and

2                   "(5) The Board may revoke the license of a licensed establishment that has 5 or  
3 more violation of this section within a 5-year period. "

4                   (k) A new section 25-833 is added to read as follows:

5                   "§ 25-833. Civil penalties for retail marijuana

6                   "(a) Within 90 days after the effective date of the act, ABRA shall submit proposed  
7 regulations setting forth a schedule of civil penalties ("schedule") for violations of Title 25  
8 related to retail marijuana to the Council for a 60-day period of review, including Saturdays,  
9 Sundays, holidays, and periods of Council recess. If the Council does not approve, in whole or in  
10 part, the proposed regulations by resolution within the 60-day review period, the regulations  
11 shall be deemed disapproved.

12                   "(b) The schedule shall be prepared in accordance with the following provisions:

13                   "(1) The schedule shall contain 2 tiers that reflect the severity of the violation for  
14 which the penalty is imposed:

15                   "(A) The primary tier shall apply to more severe violations, including  
16 service to minors or violation of hours of sale of retail marijuana; and

17                   "(B) The secondary tier shall apply to less severe violations, including  
18 failure to post required signs.

19                   "(2) A subsequent violation in the same tier, whether a violation of the same  
20 provision or different one, shall be treated as a repeat violation for the purposes of imposing an  
21 increased penalty; provided, that all secondary tier infractions cited by ABRA investigators or  
22 Metropolitan Police Department Officers, during a single investigation or inspection on a single

1 day, shall be deemed to be one secondary tier violation for the purposes of determining repeat  
2 violations under this section.

3           “(3) The schedule of civil penalties shall also include a comprehensive warning  
4 and violation structure, which shall include recommendations on which violations of the act or  
5 regulations shall require a warning for a first-time violation prior to penalty.

6           “(c) The minimum penalties for violations shall follow in accordance with section § 25-  
7 830 of the D.C. Code.

8           “(1) There shall be no warning for a first time violation of § 25-786. ”.

9           (l) Section 25-1002 subsection (a) is amended to read as follows:

10           “(a) No person who is under 21 years of age shall purchase, attempt to purchase, possess,  
11 or consume an alcoholic beverage, retail marijuana, or a retail marijuana-infused product in the  
12 District, except as provided under subchapter IX of Chapter 7. ”. This subsection shall not apply  
13 to a person under 21 years of age who is acting under the direction of ABRA for the purpose of  
14 investigating possible violations of laws that prohibit the sale of retail marijuana or retail  
15 marijuana-infused product to persons who are under 21 years of age.

16           (m) Section 25-1002 subsection (b)(1) and (b)(2) is amended to read as follows;

17           “(b)(1) No person shall falsely represent his or her age, or possess or present as proof of  
18 age an identification document which is in any way fraudulent, for the purpose of purchasing,  
19 possessing or consuming an alcoholic beverage, retail marijuana, or a retail marijuana-infused  
20 product in the District.

21           “(2) No person shall present a fraudulent identification document for the purpose of  
22 entering an establishment possessing an on-premises retailer’s license, an Arena C/X license, a

1 temporary license, a retail marijuana cultivators license, a retail marijuana products manufacturer  
2 license, or a retail marijuana store license. "

3 Sec. 7. Duties of ABRA regarding marijuana regulation.

4 (a) The Alcoholic Beverage Regulation Administration ("ABRA") shall implement and  
5 maintain a secure, electronic seed-to-sale tracking and reporting system, that tracks retail  
6 marijuana from either seed or immature plant stage until the sale of the marijuana product to a  
7 customer at a retail marijuana store, to ensure that no marijuana grown or processed by a  
8 licensed retail marijuana establishment is sold or otherwise transferred except by a retail  
9 marijuana store. The system shall be web-based and accessible by ABRA, the Office of the Chief  
10 Financial Officer, law enforcement and licensees. ABRA may charge licensees an annual fee to  
11 maintain the cost of the system.

12 (b) ABRA, subject to provisions of this act, shall adopt rules within 180 days of the  
13 effective date of this act to establish the procedures and criteria necessary to implement the  
14 following:

15 (1) Determining, in consultation with the Office of Planning, the maximum  
16 number of retail outlets that may be licensed in the District, taking into consideration:

17 (A) Population distribution and future growth;

18 (B) Security and safety issues;

19 (C) The provision of adequate access to license sources of useable  
20 marijuana, and marijuana-infused products to discourage purchases from the illegal market;

21 (2) Labeling requirements for retail marijuana and retail marijuana products sold  
22 by a retail marijuana store license, to include but not be limited to:

23 (A) The license number of the retail marijuana cultivation facility;



- 1 (B) The license number of the retail marijuana store;
- 2 (C) The batch numbers of the retail marijuana;
- 3 (D) THC potency of the marijuana, useable marijuana, or marijuana-
- 4 infused product and the potency of other cannabinoids or other chemicals;
- 5 (E) Amount of THC per serving and the number of servings per package
- 6 for marijuana products;
- 7 (F) A net weight statement;
- 8 (G) A list of ingredients and possible allergens for retail marijuana-infused
- 9 or edible marijuana products;
- 10 (H) A nutritional fact panel for edible marijuana products;
- 11 (I) A recommend use by or expiration date for retail marijuana products;
- 12 (J) Medically and scientifically accurate ~~information~~ statement about the
- 13 health and safety risks posed by marijuana use;
- 14 (K) A universal symbol indicating the package contains marijuana;
- 15 (3) Establishing reasonable time, place, and manner restrictions for selling
- 16 marijuana, useable marijuana, and marijuana-infused products;
- 17 (4) Establishing reasonable time, place, and manner restrictions and requirements
- 18 regarding signage, marketing, and advertising of marijuana, useable marijuana, and marijuana-
- 19 infused products, taking into consideration:
- 20 (A) Minimizing exposure of people under twenty-one years of age to the
- 21 advertising;-and

1 (B) The inclusion of medically and scientifically accurate information  
2 about the health and safety risks posed by marijuana use in the advertising, merchandising and  
3 packaging;

4 (5) Specifying and regulating the time and periods when, and the manner,  
5 methods, and means by which, licensees shall transport and deliver marijuana, useable  
6 marijuana, and marijuana-infused products within the District of Columbia;

7 (6) Inspection requirements for locations used by marijuana cultivation,  
8 manufacture and retail establishments to ensure proper conditions of sanitation;

9 (7) Sanitary requirements for retail marijuana establishments, including but not  
10 limited to sanitary requirements for the preparation of retail marijuana products;

11 (8) Health and safety regulation and standards for the manufacture of retail  
12 marijuana products and the cultivation of retail marijuana;

13 (9) Limitation of the display of retail marijuana and retail marijuana products;

14 (10) Regulation of the storage of, warehouses for, and transportation of retail  
15 marijuana and retail marijuana products;

16 (11)(A) Establishing an independent testing and certification program for  
17 marijuana and marijuana products, within an implementation time frame established by ABRA,  
18 requiring licensees to test marijuana to ensure at a minimum that products sold for human  
19 consumption do not contain contaminants that are injurious to health and ensure correct labeling;

20 (B) ABRA shall determine the protocols and the frequency of marijuana  
21 testing by licensees;

22 (C) Testing shall include, but not be limited to, analysis for residual

1 solvents, poisons, or toxins; harmful chemicals; dangerous molds or mildew; filth; and harmful  
2 microbials such as E. Coli or salmonella and pesticides;

3 (D) In the event that test results indicate the presence of quantities of any  
4 substance determined to be injurious to health, such products shall be immediately quarantined  
5 and immediate notification to ABRA shall be made. The contaminated product shall be  
6 documented and properly destroyed;

7 (E) Testing shall also verify THC potency representations for correct  
8 labeling;

9 (F) ABRA shall determine an acceptable variance for potency  
10 representation and procedures to address potency misrepresentations; and

11 (G) The Department of Health shall provide to ABRA standards for  
12 licensing laboratories pursuant to the requirements outlined in subsection (12)(A) for marijuana  
13 and marijuana products;

14 (12) Procedures for identifying, seizing, confiscating, destroying, and donating to  
15 law enforcement for training purposes all marijuana, useable marijuana, and marijuana-infused  
16 products produced, processed, packaged, labeled, or offered for sale in this District of Columbia  
17 that do not conform in all aspects to the standards prescribed by this act or the rules of the  
18 ABRA.

19 (13) Establishing the process and qualifications for licensing and/or registering  
20 owners, managers, operators, employees, contractors, and other support staff employed by,  
21 working in, or having access to restricted areas of licensed premises of retail marijuana  
22 cultivation facilities, retail marijuana products manufacturing facilities, retail marijuana stores,  
23 and retail marijuana testing facilities.

1 (14) Determining the books and records to be created and maintained by  
2 licensees, the reports to be made to ABRA, and the inspection of books and records;

3 (15) Establishing security requirements for any premises licensed pursuant to this  
4 act, including at minimum lighting, physical security, video, and alarm requirements;

5 (16) In conjunction with the Office of the Chief Financial Officer, the reporting  
6 and transmittal of monthly sales tax payments by retail marijuana stores and any applicable  
7 excise tax payments by retail marijuana cultivation facilities to the Office of the Chief Financial  
8 Officer;

9 (17) Authorization for the Office of the Chief Financial Officer to have access to  
10 licensing information to ensure sales, excise, and income tax payment and the effective  
11 administration of section 9 of this act;

12 (18) Determining the process and procedure for renewal of the  
13 retail marijuana cultivation facility license, the retail marijuana products manufacturing license;  
14 the retail marijuana store license; the retail marijuana testing facility license; and any licenses  
15 and/or registration ABRA requires for owners, managers, operators, employees, contractors, and  
16 other support staff employed by, working in, or having access to restricted areas of licensed  
17 premises;

18 (19) Establishing procedures and a schedule of penalties for enforcement  
19 proceedings to occur before the Board and for issuing and appealing  
20 citations for violations of the act and regulations promulgated pursuant to this act ;

21 (20) Establishing rules concerning dual medical marijuana dispensary and retail  
22 marijuana store, in which the dispensary sells medical marijuana to persons under the age of  
23 twenty-one years of age or older; and

1 (21) Establishing procedures concerning the conversion of medical marijuana  
2 cultivation centers and medical marijuana dispensary licenses to retail marijuana licenses  
3 permitted under the act.

4 (c) For the purpose of carrying into effect the provisions of this act according to their true  
5 intent or of supplying any deficiency therein, ABRA may adopt rules which are not inconsistent  
6 with the spirit of this act as are deemed necessary or advisable, including but not limited to the  
7 following:

8 (1) The equipment and management of retail outlets and premises where  
9 marijuana is produced or processed, and inspection of the retail outlets and premises; and

10 (2) The manner of giving and serving notices required by this act or rules adopted  
11 to implement or enforce it;

12 (3) Establishing rules concerning hearing processes and procedures for filing  
13 protests, enforcement proceedings, and other hearing types;

14 (4) Establishing procedures for an inactive marijuana retail license to be placed in  
15 safekeeping with the Board; and

16 (5) Any other regulation deemed necessary to administer the marijuana program  
17 or otherwise promote the health, safety, and welfare of the public.

18 (d) On or before January 15, 2016, and on or before October 1 each year thereafter,  
19 ABRA in conjunction with the Office of the Chief Financial Officer shall submit a report to the  
20 Council and the Mayor on:

21 (1) The number of licenses issued including by license category;

22 (2) An overview of the retail marijuana and retail marijuana products markets;  
23 including but not limited to actual and anticipated market demand and market supply;

1 (3) Detailing the amount of revenue generated by medical and retail marijuana,  
2 including applicable application and license fees, fines, excise taxes, sales taxes, and other fees;

3 (4) Detailing the expenses incurred by ABRA;

4 (5) The number of applications for conversion from medical marijuana licensees  
5 to retail marijuana establishments; and

6 (6) The enforcement measures taken against licensees licensed pursuant to this act  
7 for violations of the act and regulations promulgated pursuant to this act.

8 Sec. 8. Marijuana Monies.

9 (a) There shall be a non-lapsing fund, known as the dedicated marijuana fund, which  
10 shall consist of all retail marijuana excise taxes, and retail marijuana sale taxes.

11 (b) All retail marijuana license fees, fines, penalties, forfeitures, and all other monies,  
12 income, or revenue received by ABRA from retail marijuana regulation activities shall be  
13 deposited and credited to a non-lapsing fund known as the ABRA retail marijuana administrative  
14 and enforcement operations fund. All fees deposited into the ABRA retail marijuana  
15 administrative and enforcement operations fund shall not revert to the General Fund of the  
16 District of Columbia at the end of any fiscal year or any other time, but shall be continually  
17 available for the uses and purposes set forth in this subsection, subject to authorization by  
18 Congress in an appropriations act. The funds in the ABRA retail marijuana administrative and  
19 enforcement operations fund shall be used to fund the expenses of ABRA in the discharge of its  
20 administrative and regulatory duties.

21 (c) The Mayor shall submit to the Council, as part of the annual budget, a budget for  
22 ABRA to implement the act and a request for an appropriation for expenditures from the ABRA  
23 retail marijuana administrative and enforcement operations fund. The estimate shall include

1 expenditures for salaries, fringe benefits, overhead charges, training, supplies, technical,  
2 professional, and any and all other services necessary to discharge the duties and responsibilities  
3 of ABRA under the act.

4 (d) Beginning in fiscal year 2017, and each fiscal year thereafter all monies deposited in  
5 the dedicated marijuana fund shall be disbursed every three months by the D.C. Treasurer to the  
6 following:

7 (1) The first \$350,000 shall be disbursed to the Office of the Attorney  
8 General for the purpose of funding the Youth Court of the District of Columbia to operate a  
9 unique pre-petition diversion program for first-time, non-violent juvenile offenders in the District  
10 of Columbia; and

11 (2) The next \$500,000 shall be disbursed to the DC Department of  
12 Behavioral Health for implementation and maintenance of programs and practices aimed at the  
13 prevention or reduction of maladaptive substance use, substance-use disorder, substance abuse or  
14 substance dependence among middle school and high school age students, whether as an explicit  
15 goal of a given program or practice or as a consistently corresponding effect of its  
16 implementation.

17 (3) Any amount in excess received and collected shall be transferred to the  
18 general fund.

19 Sec. 9. Retail Marijuana Taxation.

20 (a) Section 47-2002(a)(7) of the District of Columbia Official Code is amended to add a  
21 new subsection (8) to read as follows:

22 "(8) The rate of tax shall be 10% of the gross receipts from the sale of or charges  
23 for retail marijuana or retail marijuana products.

1                   "(B) The proceeds of the tax collected under subparagraph (A) of this  
2 paragraph shall be deposited in a dedicated fund established in section 8 of this Act."

3           (b)(1) There shall be levied, collected, and paid, in addition to the sales tax imposed  
4 pursuant to subsection (a) of this section, a tax on the first sale or transfer of unprocessed retail  
5 marijuana by a retail marijuana cultivation facility, at a rate of 15% of the average market rate of  
6 the unprocessed retail marijuana. The tax shall be imposed at the time when the retail marijuana  
7 cultivation facility first sells or transfers unprocessed retail marijuana from the retail marijuana  
8 cultivation facility to a retail marijuana product manufacturing facility, a retail marijuana store,  
9 or another retail marijuana cultivation facility.

10           (2) The proceeds of the tax collected under this paragraph shall be deposited in a  
11 dedicated fund established in section 8 of this Act.

12           (3) Every retail marijuana cultivation facility shall file a return with the Office of  
13 the Chief Financial Officer in the form and manner prescribed by the Office of the Chief  
14 Financial Officer.

15           (4) Every retail marijuana cultivation facility shall keep at each licensed place of  
16 business complete and accurate electronic record for that place of business that include the  
17 following:

18                   (A) Itemized invoices of all retail marijuana grown, held, shipped, or other  
19 transported or sold to retail marijuana product manufacturing facilities, retail marijuana stores, or  
20 other retail marijuana cultivation facilities in the District;

21                   (B) The names and addresses of retail marijuana product manufacturing  
22 facilities, retail marijuana stores, or other retail marijuana cultivation facilities to which  
23 unprocessed retail marijuana is sold or transferred;



1 (C) Itemized invoices of all unprocessed retail marijuana transferred to  
2 retail marijuana stores owned or controlled by the owners of the retail marijuana cultivation  
3 facility; and

4 (C) The inventory of all unprocessed retail marijuana on hand.

5 (5) Every retail marijuana store shall keep at its place of business complete and  
6 accurate records to show that all retail marijuana received by the retail marijuana store was  
7 purchased from a retail marijuana cultivation facility. The retail marijuana store shall provide a  
8 copy of such records to the Office of the Chief Financial Officer is so requested.

9 (c) The tax imposed pursuant to subsection (b) of this section shall not be levied on the  
10 sale or transfer of unprocessed marijuana by a marijuana cultivation facility to a medical  
11 marijuana dispensary.

12 (d) The Office of the Chief Financial Officer may require retail marijuana cultivation  
13 facilities and retail marijuana stores to file tax returns and remit payments due pursuant to  
14 subsection (a) and (b) of this section electronically. The Office of Chief Financial Officer shall  
15 promulgate rules governing electronic payment and filing.

16 Sec. 10. Medical Marijuana.

17 (a) Each regulation, standard, rule, notice, order and guidance promulgated or issued by  
18 the Mayor pursuant to the Legalization of Marijuana for Medical Treatment Amendment Act of  
19 2010, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code ss. 7-1671.01 *et seq.*), shall  
20 remain in effect according to its terms, except to the extent otherwise provided under this act,  
21 inconsistent with any provision of this act, or revised by the Mayor.

22 (b) Any person holding a license pursuant to the Legalization of Marijuana for Medical  
23 Treatment Amendment Act of 2010, effective July 27, 2010 (D.C. Law 18-210; D.C. Official

1 Code ss. 7-1671.01 *et seq.*), shall maintain all rights under the license for the duration of the  
2 license.

3 Sec. 11. Driving under the influence.

4 (a) Section § 50-1901 of the Comprehensive Anti-Drunk Driving Amendment Act of  
5 1991 (D.C. Law 9-96; D.C. Official Code § 50-1901 *et seq*) is amended to read as follows:

6 "(18) "Specimen" means that quantity of a person's blood, breath, oral fluid or urine  
7 necessary to conduct chemical testing to determine alcohol or drug content. A single specimen  
8 may be comprised of multiple breaths into a breath test instrument if such is necessary to  
9 complete a valid breath test, or a single blood draw or single urine or oral fluid sample regardless  
10 of how many times the blood or urine or oral fluid sample is tested. As used in this paragraph,  
11 "oral fluid" means all secretions from a person's oral cavity."

12 (b) Section § 50-1903(a) is amended to read as follows:

13 "(a) Only a medical professional acting at the request of a law enforcement officer may  
14 withdraw blood, subject to the provisions of this chapter, for the purpose of determining the  
15 alcohol or drug content thereof. This limitation shall not apply to the taking of breath or urine or  
16 oral fluid specimens."

17 (c) Section § 50-1904.01 is amended to read as follows:

18 "(a) When a law enforcement officer has reasonable grounds to believe that a person  
19 was operating or in physical control of a vehicle within the District while intoxicated or while the  
20 person's ability to operate a vehicle is impaired by the consumption of alcohol or a drug or a  
21 combination thereof, the law enforcement officer may, without making an arrest or issuing a  
22 violation notice, request that the person submit to a preliminary breath test or oral fluid, to be  
23 administered by the law enforcement officer, who shall use a device which the Mayor has

1 approved by rule for that purpose.

2 "(b) Before administering the test, the law enforcement officer shall advise the person to  
3 be tested that the preliminary breath test or oral fluid test is voluntary and that the results of the  
4 test will be used to aid in the law enforcement officer's decision whether to arrest the person.

5 "(c) The results of the preliminary breath test or oral fluid test shall be used by the law  
6 enforcement officer to aid in the decision whether to arrest the person, and the results of the test  
7 shall not be used as evidence by the District in any prosecutions and shall not be admissible in  
8 any judicial proceeding except in any judicial or other proceeding in which the validity of the  
9 arrest or the conduct of the law enforcement officer is an issue."

10 (d) Section § 50-1904.02(a)(1) is amended to read as follows:

11 "(1) Except as provided in paragraph (2) of this subsection, be deemed to have given his  
12 or her consent, subject to the provisions of this chapter, to submitting 2 specimens for chemical  
13 testing of the person's blood, breath, oral fluid or urine, for the purpose of determining alcohol or  
14 drug content; and "

15 (e) Section § 50-1904.02 subsection (a)(2) and (b) is amended to read as follows:

16 "(a)(2) Submit 2 specimens for chemical testing of his or her blood, breath, oral fluid or  
17 urine for the purpose of determining alcohol or drug content when he or she is involved in a  
18 collision in the District.

19 "(b) When a person is required to submit specimens for chemical testing pursuant to  
20 subsection (a) of this section, a law enforcement officer shall elect which types of specimens will  
21 be collected from the person and the law enforcement officer or a medical professional shall  
22 collect the specimen subject to the restriction in § 50-1903(a); provided, that the person may  
23 object to a particular type of specimen collection for chemical testing on valid religious or

1 medical grounds. If a person objects to blood collection on valid religious or medical grounds,  
2 that person shall only be required to submit breath, oral fluid or urine specimens for collection."

3 (f) Section § 50-1905(d) is amended to read as follows:

4 "(d)(1) If a person under arrest refuses to submit specimens for chemical testing as  
5 provided in § 50-1904.02(a) and the person was involved in a collision that resulted in a  
6 fatality, except as provided in paragraph (2) of this subsection, a law enforcement officer may  
7 employ whatever means are reasonable to collect blood or oral fluid specimens from the person  
8 if the law enforcement officer has reasonable grounds to believe that the person was intoxicated  
9 or under the influence of alcohol or of any drug or any combination thereof.

10 "(2) If a person required to submit blood testing under paragraph (1) of this  
11 subsection objects on valid religious or medical grounds, that person shall not be required to  
12 submit blood specimens but the law enforcement officer may employ whatever means are  
13 reasonable to collect breath, oral fluid or urine specimens from the person if the law enforcement  
14 officer has reasonable grounds to believe that the person was intoxicated or under the influence  
15 of alcohol or of any drug or any combination thereof. "

16 (g) Section § 50-1909 is amended to read as follows:

17 "§ 50-1909. Preliminary breath or oral fluid test.

18 "(a) When a law enforcement officer has reasonable grounds to believe that a person is or  
19 has been operating or in physical control of a watercraft within the District while intoxicated or  
20 while the person's ability to operate a watercraft is impaired by the consumption of alcohol or a  
21 drug or a combination thereof, the law enforcement officer may, without making an arrest or  
22 issuing a violation notice, request that the person submit to a preliminary breath test or oral fluid

1 test, to be administered by the law enforcement officer, who shall use a device which the Mayor  
2 has approved by rule for that purpose.

3 "(b) Before administering the test, the law enforcement officer shall advise the person to  
4 be tested that the test is voluntary and that the results of the test will be used to aid in the law  
5 enforcement officer's decision whether to arrest the person.

6 "(c) The results of the preliminary breath test or oral fluid test shall be used by the law  
7 enforcement officer to aid in the decision whether to arrest the person, and the results of the test  
8 shall not be used as evidence by the District in any prosecutions and shall not be admissible in  
9 any judicial proceeding except in any judicial or other proceeding in which the validity of the  
10 arrest or the conduct of the law enforcement officer is an issue."

11 (h) Section § 50-1910 is amended to read as follows:

12 "(a) Except as provided in subsection (b) of this section, any person who operates or who  
13 is in physical control of any watercraft within the District and a law enforcement officer has  
14 reasonable grounds to believe that the person is operating or in physical control of a watercraft  
15 while intoxicated or while the person's ability to operate a watercraft is impaired by the  
16 consumption of alcohol or a drug or a combination thereof, after arrest shall:

17 "(1) Except as provided in paragraph (2) of this subsection, be deemed to have  
18 given his or her consent, subject to the provisions of this chapter, to submitting 2 specimens for  
19 chemical testing of the person's blood, breath, oral fluid or urine, for the purpose of determining  
20 alcohol or drug content; and

21 "(2) Submit 2 specimens for chemical testing of his or her blood, breath, oral fluid  
22 or urine for the purpose of determining alcohol or drug content when he or she is involved in a  
23 collision in the District.

1           "(b) When a person is required to submit specimens for chemical testing pursuant to  
2 subsection (a) of this section, a law enforcement officer shall elect which types of specimens will  
3 be collected from the person and the law enforcement officer or a medical professional shall  
4 collect the specimen subject to the restriction in § 50-1903(a); provided, that the person may  
5 object to a particular type of specimen collection for chemical testing on valid religious or  
6 medical grounds. If a person objects to blood collection on valid religious or medical grounds,  
7 that person shall only be required to submit breath, oral fluid or urine specimens for collection."

8           (i) Section § 50-1911(d) is amended to read as follows:

9           "(d)(1) If a person under arrest refuses to submit specimens for chemical testing as  
10 provided in § 50-1910(a), and the person was involved in a collision that resulted in a fatality,  
11 except as provided in paragraph (2) of this subsection, a law enforcement officer may employ  
12 whatever means are reasonable to collect blood or oral fluid specimens from the person if the law  
13 enforcement officer has reasonable grounds to believe that the person was intoxicated or was  
14 under the influence of alcohol or of any drug or any combination thereof.

15           "(2) If a person required to submit to blood collection under paragraph (1) of this  
16 subsection objects on valid religious or medical grounds, that person shall not be required to  
17 submit blood specimens but the law enforcement officer may employ whatever means are  
18 reasonable to collect breath or urine or oral fluid specimens from the person if the law  
19 enforcement officer has reasonable grounds to believe that the person was intoxicated or was  
20 under the influence of alcohol or of any drug or any combination thereof. "

21           (j) Section § 50-2206.01(18) of the District of Columbia Traffic Act, 1925 (D.C. Law 91-  
22 358; D.C. Official Code § 50-2206 *et seq*) is amended to read as follows:

23           "(18) "Specimen" means that quantity of a person's blood, breath, oral fluid or urine

1 necessary to conduct chemical testing to determine alcohol or drug content. A single specimen  
2 may be comprised of multiple breaths into a breath test instrument if necessary to complete a  
3 valid breath test, or a single blood draw or single urine or oral fluid sample regardless of how  
4 many times the blood or urine or oral fluid sample is tested. As used in this paragraph, "oral  
5 fluid" means all secretions from a person's oral cavity. "

6 Sec. 12. Freedom of Information Act exemption.

7 Records of the electronic seed-to-sale tracking and reporting system, that tracks retail  
8 marijuana from either seed or immature plant stage until the sale of the marijuana product to a  
9 customer at a retail marijuana store implemented and maintained by the Alcohol Beverage  
10 Regulation Administration pursuant to section 7 of this act shall not be made available as a  
11 public record under section 202 of the Freedom of Information Act of 1976, effective March 25,  
12 1977 (D.C. 398 Law 1-96; D.C. Official Code § 2-532).

13 Sec. 13. Severability and Enforceability of Contract Pertaining to Marijuana

14 If any provision of this act, or the application thereof to any person or circumstance, is  
15 found by a court invalid, such determination shall not affect other provisions or applications of  
16 this act which can given effect without the invalid provision or application, and to that end the  
17 provisions of this act are severable. All Contracts pertaining to the production, processing, and  
18 or sale of marijuana that are otherwise legally valid shall not be void or voidable.

19 Sec. 14. Fiscal impact statement.

20 The Council adopts the fiscal impact statement in the committee report as the fiscal  
21 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,  
22 approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

23 Sec. 15. Effective date.

1           This act shall take effect following approval by the Mayor (or in the event of veto by the  
2 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as  
3 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
4 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
5 Columbia Register.