

Vincent C. Gray

Councilmember Vincent C. Gray

1
2
3
4
5 AN ACT
6
7
8

9 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
10
11
12

13
14 To amend, on an emergency basis, the Drug Paraphernalia Act of 1982 to permit persons testing
15 personal use quantities of a controlled substance to use, or possess with the intent to use,
16 testing equipment or other objects used, intended for use, or designed for use in
17 identifying or analyzing the strength, effectiveness, or purity of a controlled substance,
18 and to permit community-based organizations to deliver or sell, or possess with intent to
19 deliver or sell, testing equipment or other objects used, intended for use, or designed for
20 use for that same purpose.
21

22 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
23 act may be cited as the "Controlled Substance Testing Emergency Amendment Act of 2018".

24 Sec. 2. Section 4 of the Drug Paraphernalia Act of 1982, effective September 17, 1982
25 (D.C. Law 4-149; D.C. Official Code § 48-1103), is amended as follows:

26 (a) Subsection (a) is amended by adding a new paragraph (1A) to read as follows:

27 "(1A)(A) Notwithstanding paragraph (1) of this subsection, it shall not be
28 unlawful for a person to use, or possess with the intent to use, the materials described in section
29 2(3)(D) for the purpose of testing personal use quantities of a controlled substance.

30 "(B) For the purposes of this paragraph, the term "personal use quantities"
31 means possession of a controlled substance in circumstances where there is no other evidence of
32 an intent to distribute, or to facilitate the manufacturing, compounding, processing, delivering,
33 importing, or exporting of any controlled substance."

34 (b) Subsection (b) is amended by adding a new paragraph (1A) to read as follows:

35 “(1A) Notwithstanding paragraph (1) of this subsection, it shall not be unlawful
36 for a community-based organization, as that term is defined in section 4(a)(1) of An Act To
37 relieve physicians of liability for negligent medical treatment at the scene of an accident in the
38 District of Columbia, effective February 18, 2017 (D.C. Law 21-186; D.C. Official Code § 7-
39 404(a)(1)), to deliver or sell, or possess with intent to deliver or sell, the materials described in
40 section 2(3)(D).”.

41 Sec. 3. Applicability

42 This act shall apply as of November 8, 2018.

43 Sec. 4. Fiscal impact statement.

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

47 Sec. 5. Effective date.

48 (a) This act shall take effect following approval by the Mayor (or in the event of veto by
49 the Mayor, action by the Council to override the veto), a 30-day period of congressional review
50 as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
51 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
52 Columbia Register.

53 (b) This act shall expire after 90 days of its having taken effect.

54