**ENROLLED ORIGINAL**

AN ACT

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To prohibit employers from firing, failing to hire, or taking other personnel actions against an individual for use of cannabis, participation in the District's or another state's medical cannabis program, or failure to pass an employer-required or requested cannabis drug test unless the position is designated safety sensitive or for other enumerated reasons and to authorize enforcement of Title I by the Office of Human Rights and the Attorney General and through a private right of action; to amend the District of Columbia Human Rights Act to clarify that employers must treat a medical cannabis program patient's use of medical cannabis to treat a disability in the same manner as it would treat the legal use of a controlled substance; to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to make conforming amendments; to amend the Department of Corrections Employee Mandatory Drug and Alcohol Testing Act of 1996 to make conforming amendments; and to delay applicability of certain provisions until at least one year after the Mayor's approval.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Cannabis Employment Protections Amendment Act of 2022".

**TITLE I. EMPLOYMENT PROTECTIONS FOR CANNABIS USE**

Sec. 101. Definitions

(1) "Cannabis" means marijuana.

(2) "District government" means the government of the District of Columbia, including:

(A) Any department, agency, or instrumentality of the government of the District;

(B) Any independent agency of the District established under Part F of Title IV of the District of Columbia Home Rule Act, approved December 24, 1973 (69 Stat. 699; D.C. Official Code § 1–204.91 *et seq.*);

(C) Any agency, board, or commission established by the Mayor or the Council and any other agency, public authority, or public benefit corporation that has the

authority to receive monies directly or indirectly from the District (other than monies received from the sale of goods, the provision of services, or the loaning of funds to the District); and

(D) The Council.

(3) "Employee" means any individual employed by or seeking employment from an employer and includes unpaid interns.

(4) "Employer" means any person who, for compensation, employs an individual, except for the employer's parent, spouse, or child engaged in work in and about the employer's household, and any person acting in the interest of such employer, directly or indirectly. The term includes public employers, including the District government. The term does not include the District of Columbia court system and the federal government.

(5) "Marijuana" shall have the same meaning as provided in section 102(3)(A) of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-901.02(3)(A)).

(6) "Medical cannabis program" means the District's medical marijuana program established pursuant to section 6 of the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-1671.05).

(7) "Medical cannabis program patient" means an individual who is actively registered in the District's medical cannabis program or in the medical marijuana program or medical cannabis program of the employee's jurisdiction of residence.

(8) "Safety sensitive" means an employment position, as designated by the employer, in which it is reasonably foreseeable that if the employee performs the position's routine duties or tasks while under the influence of drugs or alcohol, the person would likely cause actual, immediate, and serious bodily injury or loss of life to self or others, which may include positions that require or involve:

(A) The provision of security services, such as police, special police, and security officers, or the custodianship, handling, or use of weapons, including firearms;

(B) Regular or frequent operation of a motor vehicle, heavy or dangerous equipment, or heavy or dangerous machinery;

(C) Regular or frequent work on an active construction site or occupational safety training;

(D) Regular or frequent work on or near power or gas utility lines;

(E) Regular or frequent handling of hazardous materials as defined in section 3 of the District of Columbia Hazardous Materials Transportation and Motor Carrier Safety Act of 1988, effective March 16, 1989 (D.C. Law 7-190; D.C. Official Code § 8-1402);

(F) The supervision of, or the provision of routine care for, an individual or individuals who are unable to care for themselves and who reside in an institutional or custodial environment; or

(G) The administration of medications, the performance or supervision of surgeries, or the provision of other medical treatment requiring professional credentials.

(9) "Use of cannabis" means an individual's legal consumption of marijuana under section 401(a) of the District of Columbia Uniform Controlled Substances Act of 1981 effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-904.01(a)), or the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-1671.01 *et seq*).

Sec. 102. Employment protections.

(a) An employer may not refuse to hire, terminate from employment, suspend, fail to promote, demote, or penalize an individual based upon:

(1) The individual's use of cannabis;

(2) The individual's status as a medical cannabis program patient; or

(3) The presence of cannabinoid metabolites in the individual's bodily fluids in an employer-required or requested drug test without additional factors indicating impairment pursuant to subsection (b)(4) of this section.

(b) Notwithstanding subsection (a), an employer shall not be in violation of this section when the employer takes action related to the use of cannabis based on any of the following:

(1) The employee is in a position designated as safety sensitive.

(2) The employer's actions are required by federal statute, federal regulations, or a federal contract or funding agreement.

(3) The employee used, consumed, possessed, stored, delivered, transferred, displayed, transported, sold, purchased, or grew cannabis at the employee's place of employment, while performing work for the employer, or during the employee's hours of work, unless otherwise permitted pursuant to section 211(b-1) of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1402.11(b-1)) ("section 211(b-1) of the HRA"), or section 2062 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective April 27, 2021 (D.C. Law 23-276; D.C. Official Code § 1-620.62) ("section 2062 of the CMPA").

(4) Notwithstanding section 211(b-1) of the HRA or section 2062 of the CMPA, the employee is impaired by the use of cannabis, meaning the employee manifests specific articulable symptoms while working, or during the employee's hours of work, that substantially decrease or lessen the employee's performance of the duties or tasks of the employee's job position, or such specific articulable symptoms interfere with an employer's obligation to provide a safe and healthy workplace as required by District or federal occupational safety and health law.

Sec. 103. Rules of construction.

Nothing in this title shall be construed to:

(1) Require an employer to permit or accommodate the use, consumption, possession, storage, delivery, transfer, display, transportation, sale, purchase, or growing of

cannabis at the employee's place of employment while performing work for the employer, or during the employee's hours of work unless otherwise required pursuant to section 211(b-1) of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1402.11(b-1)) ("section 211(b-1) of the HRA"), or section 2062 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective April 27, 2021 (D.C. Law 23-276; D.C. Official Code § 1-620.62) ("section 2062 of the CMPA");

(2) Prohibit an employer from adopting a reasonable drug-free workplace or employment policy that:

(A) Requires post-accident or reasonable suspicion drug testing of employees for cannabis or other drugs or drug testing of employees in safety sensitive positions;

(B) Is necessary to comply with federal law, including Chapter 81 of Title 41 of the United States Code (41 U.S.C. § 8101 *et seq.*), or a federal contract or funding agreement, if applicable to the employer;

(C) Prohibits the use, consumption, possession, storage, delivery, transfer, display, transportation, sale, purchase, or growing of cannabis at the employee's place of employment while performing work for the employer or during the employee's hours of work, unless otherwise permitted pursuant to section 211(b-1) of the HRA or section 2062 of the CMPA; or

(D) Prohibits employees from being impaired at the employee's place of employment while performing work for the employer or during the employee's hours of work, as described in section 102(b)(4);

(3) Create or eliminate any common law or statutory cause of action for any person against an employer for injury, loss, or liability to a third party

(4) Eliminate any common law or statutory cause of action otherwise available under District law; or

(5) Create a safe harbor for an employer or to provide immunity for the employer from suit.

Sec. 104. Notice of rights under the law.

(a) Employers shall provide notice to employees of employees' rights under this title, whether the employer has designated the employee's position as safety sensitive, and the protocols for any testing for alcohol or drugs that the employer performs:

(1) Within 60 days after the applicability date of this subsection and on an annual basis thereafter to all incumbent employees; and

(2) Upon hire of a new employee.

(b) Within 45 days after the applicability date of this subsection, the Office of Human Rights shall publish a template for the notice required pursuant to subsection (a) of this section.

Sec. 105. Filing a complaint with the Office of Human Rights.

(a) An employee claiming employer noncompliance with section 102 may file an administrative complaint with the Office of Human Rights ("OHR") within one year after the alleged act of noncompliance.

(b) The administrative complaint adjudication procedure shall include:

(1) Intake – Upon receipt of a complaint, OHR shall review the complaint for jurisdiction and whether it states a claim under section 102. If OHR determines that it has jurisdiction and the complaint states a claim, OHR shall docket the complaint for mediation.

(2) Mediation – All complaints over which OHR determines it has jurisdiction and that state a claim under section 102 shall be scheduled for mediation within 45 days after the docketing of the complaint. All parties shall participate in mediation in good faith.

(3) Request for Information – Once a case is docketed, OHR may request information from both parties, including a response to the complaint from the respondent and a rebuttal statement from the complainant.

(4)(A) Fact-Finding Hearing – If the complaint is not resolved through mediation or settlement conference, within 20 days after the most recent unsuccessful resolution attempt, OHR shall serve a notice on the parties scheduling a public fact-finding hearing before a hearing examiner.

(B) The fact-finding hearing shall be conducted in accordance with procedures promulgated under Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*).

(C) Following the fact-finding hearing, the hearing examiner shall submit a proposed decision and order accompanied by findings of fact and conclusions of law to the Director.

(5) Final determination and order – The Director of OHR, or the Director's designee, shall issue a final determination and order based on the recommendations or proposed decision or order of the hearing examiner, which shall advise the parties of their rights under paragraph (6) of this subsection. The Director's final determination and order may modify or reject the proposed decision of the hearing examiner or remand for more information.

(6) Appeals and judicial review – The non-prevailing party on a particular issue may:

(A) Within 15 days after issuance of the final determination and order, request that the Director of OHR reconsider or reopen the case; or

(B) Seek judicial review of the final determination and order by a court of competent jurisdiction pursuant to section 110 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1209; D.C. Official Code § 2-510).

(c) At any time before the final determination, the Director of OHR may hold a settlement conference to attempt to resolve the complaint, and the parties shall participate in good faith.

(d) If the Director of OHR finds that an employer violated section 102, the Director may order the employer to do any of the following:

(1) Pay civil penalties as follows, of which half shall be awarded to the complainant, and half shall be deposited into the General Fund of the District of Columbia:

(A) For employers that employ 1 to 30 employees, a fine of up to $1,000 per violation;

(B) For employers that employ 31 to 99 employees, a fine of up to $2,500 per violation; and

(C) For employers that employ 100 or more employees, a fine of up to $5,000 per violation.

(2) Pay double the civil penalty described in paragraph (1) of this subsection if the Director finds that the employer violated section 102 more than once in the previous year.

(3) Pay the complainant lost wages.

(4) Undergo training and provide other equitable relief necessary to:

(A) Undo any adverse employment action taken against the complainant in violation of section 102; and

(B) Place the complainant in the posture or position the complainant would have enjoyed had the employer not violated section 102.

(5) Pay reasonable attorney's fees.

(e) If the Director of OHR has not issued a final determination and order after 365 days after the employee filed a complaint with OHR, and the employee withdraws the complaint from OHR before the Director issues a final determination and order, the employee shall be deemed to have exhausted administrative remedies and may pursue a private cause of action consistent with section 106.

Sec. 106. Private cause of action.

(a) An employee claiming employer noncompliance with section 102 may bring a private cause of action in a court of competent jurisdiction against an employer within one year after the unlawful act; provided that:

(1) If the employee is not a medical cannabis program patient, the employee must first be deemed to have exhausted administrative remedies as provided in section 105(b); and

(2) If the employee is a medical cannabis program patient, the employee:

(A) Does not have an administrative complaint alleging the same unlawful acts pending before the Office of Human Rights; or

(B) Has not received a final determination from the Office of Human Rights on an administrative complaint alleging the same unlawful acts.

(b) The statute of limitations for an employee's private cause of action arising under section 102 shall be tolled during the time that an employee's complaint is pending before the Office of Human Rights.

(c) Upon a finding that an employer violated section 102, a court may order any relief it deems appropriate, including the following:

(1) Civil penalties in amounts not greater than the penalties provided under section 105(d)(1) and (2), of which half shall be awarded to the complainant, and half shall be deposited into the General Fund of the District of Columbia;

(2) Payment of lost wages;

(3) Payment of compensatory damages;

(4) Equitable relief as may be appropriate; and

(5) Payment of reasonable attorneys' fees and costs.

Sec. 107. Enforcement by the Attorney General.

(a)(1) The Attorney General may receive complaints and conduct investigations for the purposes of enforcing this title; provided, that any complaints and investigations shall be limited to non-governmental employers.

(2) In the course of conducting an investigation, the Attorney General shall have the power to administer oaths and examine witnesses under oath, issue subpoenas, compel the attendance of witnesses, compel the production of papers, books, accounts, records, payrolls, documents, and testimony, and to take depositions and affidavits in any investigation or proceeding conducted to enforce this title.

(3) The Attorney General's investigation pursuant to paragraph (1) of this subsection shall not constitute the filing of a legal claim nor toll the time for complainants to file a complaint with the Office of Human Rights or a private cause of action in a court of competent jurisdiction, as applicable.

(4) A person to whom a subpoena or notice of deposition has been issued pursuant to paragraph (2) of this subsection shall have the opportunity to move to quash or modify the subpoena or object to the notice of deposition in the Superior Court of the District of Columbia. In case of failure of a person to comply with any subpoena lawfully issued under this section, or on the refusal of a witness to testify to any matter regarding which he or she may be lawfully interrogated, it shall be the duty of the Superior Court of the District of Columbia, or any judge thereof, upon application by the Attorney General, to compel obedience by attachment proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from the Court or a refusal to testify therein.

(b) The Attorney General, acting in the public interest, including the need to deter future violations, may enforce this title by commencing a civil action in the name of the District of Columbia in a court of competent jurisdiction on behalf of the District.

(c) Upon prevailing in an action initiated pursuant to this section, the Attorney General shall be entitled to any combination of the following:

(1) Civil penalties in amounts not greater than the penalties provided under section 105(d)(1) and (2), of which half shall be awarded to any aggrieved employee and half shall be deposited into the General Fund of the District of Columbia;

(2) The payment of restitution for lost wages, for the benefit of aggrieved employees;

(3) Equitable relief as may be appropriate; and

(4) Reasonable attorneys' fees and costs, including fees and costs for any action brought by the Attorney General under subsection (b) of this section;

(d)(1) The Office of Human Rights ("OHR") may refer matters to the Office of the Attorney General, which may investigate and bring a civil suit in pursuit of the public interest, and such referral shall not be construed to violate any confidentiality provisions of OHR's investigation.

(2)(A) No later than 180 days after the effective date of this act, OHR and the Attorney General shall enter into, and may update as considered necessary, a memorandum of agreement ("MOA") that addresses subjects such as referrals, information sharing, confidentiality, and other complaint-handling processes.

(B) No provision of this title shall be construed to limit the information sharing between OHR and the Attorney General that the MOA may authorize, but such information sharing shall conform to any confidentiality requirements in other federal or District law.

Sec. 108. Rulemaking authority.

(a) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement this title. Rules issued by the Mayor shall not be applicable to the Council. The absence of rulemaking shall not delay the enforcement of this title.

(b) Proposed rules promulgated pursuant to subsection (a) of this section shall be submitted to Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 45-day period, the proposed rules shall be deemed to be approved.

**TITLE II. MEDICAL CANNABIS AND DISABILITIES**

Sec. 201. Section 211 of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1402.11), is amended by adding a new subsection (b-1) to read as follows:

"(b-1)(1) Except as provided in paragraph (2) of this subsection, for the purposes of subsection (a) of this section, an employer, employment agency, or labor organization shall treat a qualifying patient's use of medical marijuana to treat a disability in the same manner as it would

treat the legal use of a controlled substance prescribed by or taken under the supervision of a licensed health care professional.

"(2) Paragraph (1) of this subsection shall not apply if it would require an employer, employment agency, or labor organization to:

"(A) Commit a violation of a federal statute, regulation, contract, or funding agreement;

"(B) Permit an employee to use medical marijuana while the employee is in or assigned to a safety sensitive position; or

"(C) Permit the use of medical marijuana in a smokable form at a location the employer, employment agency, or labor organization owns, uses, or controls.

"(3) For the purposes of this subsection the term:

"(A) "Authorized practitioner" shall have the same meaning as provided in section 2(1E) of the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-1671.01(1E)).

"(B) "Controlled substance" shall have the same meaning as provided in section 102(6) of the Controlled Substances Act, approved October 27, 1970 (84 Stat. 1242; 21 U.S.C. § 802(6)).

"(C) "Medical marijuana" shall have the same meaning as provided in section 2(12) of the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-1671.01(12)).

"(D) "Qualifying patient" means an individual who:

"(i) Is actively registered in the District's medical marijuana program established pursuant to section 6 of the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-1671.05), and has received a recommendation to use medical marijuana from an authorized practitioner in accordance with section 5 of the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-1671.04); or

"(ii) Is registered in the medical marijuana program or medical cannabis program of the employee's jurisdiction of residence and has received a recommendation to use medical marijuana from a licensed medical provider.

"(E) "Safety sensitive" shall have the same meaning as provided in section 101(8) of the Cannabis Employment Protections Amendment Act of 2022, passed on 2nd reading on June 7, 2022 (Enrolled version of Bill 24-109).

**TITLE III. CONFORMING AMENDMENTS**

Sec. 301. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is amended as follows:

(a) Section 301 (D.C. Official Code § 1-603.01) is amended as follows:

(1) Paragraph (14B) is amended to read as follows:

"(14B) The term "qualifying patient" shall have the same meaning as provided in section 211(b-1)(3)(D) of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1402.11).".

(2) Paragraph (15B) is amended to read as follows:

"(15B) The term "safety sensitive" shall have the same meaning as provided in section 101(8) of the Cannabis Employment Protections Amendment Act of 2022, passed on 2nd reading on June 7, 2022 (Enrolled version of Bill 24-109).".

(b) Section 2051(b) (D.C. Official Code § 1-620.11(b)) is amended by striking the phrase "shall treat qualifying patients in compliance with title XX-E" and inserting the phrase "shall treat employees in compliance with the requirements of Title XX-E, section 102 of the Cannabis Employment Protections Amendment Act of 2022, passed on 2nd reading on June 7, 2022 (Enrolled version of Bill 24-109), and section 211(b-1) of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1402.11(b-1))" in its place.

(c) Section 2025(d) (D.C. Official Code § 1-620.25(d)) is amended by striking the phrase "for employees who are qualifying patients" and inserting the phrase ", section 102 of the Cannabis Employment Protections Amendment Act of 2022, passed on 2nd reading on June 7, 2022 (Enrolled version of Bill 24-109), and section 211(b-1) of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1402.11(b-1))" in its place.

(d) Section 2032(g) (D.C. Official Code § 1-620.32(g)) is amended to read as follows:

"(g) Notwithstanding section 2035(a), District agencies shall comply with the requirements of Title XX-E, section 102 of the Cannabis Employment Protections Amendment Act of 2022, passed on 2nd reading on June 7, 2022 (Enrolled version of Bill 24-109), and section 211(b-1) of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1402.11(b-1)).".

(e) Section 2061 (D. C. Official Code §1-620.61) is amended by adding a new paragraph (2A) to read as follows:

"(2A) "Medical marijuana" shall have the same meaning as provided in section 2(12) of the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-1671.02(12)).

(f) Section 2062 (D.C. Official Code § 1-620.62) is amended as follows:

(1) Subsection (a) is repealed.

(2) Subsection (b) is repealed.

(3) Subsection (c)(3) is repealed.

(4) Subsection (d) is amended as follows:

(A) Paragraph (1) is amended to read as follows:

"(1) Use, consume, possess, store, deliver, transfer, display, transport, sell, purchase, or grow marijuana at the employee's place of employment, while performing work for the agency, or during the employee's hours of work; or".

(B) Paragraph (2) is amended to read as follows:

"(2) Be impaired by the use of cannabis, meaning the employee manifests specific articulable symptoms while working or during the employee's hours of work that substantially decrease or lessen the employee's performance of the duties or tasks of the employee's job position, or such specific articulable symptoms interfere with an employer's obligation to provide a safe and healthy workplace as required by District or federal occupational safety and health law.

(5) A new subsection (d-1) is added to read as follows:

"(d-1)(1) Nothing in this section may be interpreted to derogate or abridge the rights afforded under section 211(b-1) of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1402.11(b-1)), to a qualifying patient who uses medical marijuana to treat a disability.

"(2) An employee's election to pursue relief available under this act for a violation of subsection (b) of this section shall not prejudice the employee's right to pursue relief in other venues for violations of other District or federal laws.

"(3) A reasonable accommodation or interactive process provided under subsection (c) of this section may be combined with a reasonable accommodation or interactive process provided pursuant to other District or federal law.".

Sec. 302. Section 3(d) of the Department of Corrections Employee Mandatory Drug and Alcohol Testing Act of 1996, effective September 20, 1996 (D.C. Law 11-158; D.C. Official Code § 24-211.22(d)), is amended to read as follows:

"(d) Notwithstanding any other provision of this act, the Department shall comply with the requirements of Title XX-E of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective April 27, 2021 (D.C. Law 23-276; D.C. Official Code § 1-620.61 *et seq.*), section 102 of the Cannabis Employment Protections Amendment Act of 2022, passed on 2nd reading on June 7, 2022 (Enrolled version of Bill 24-109), and section 211(b-1) of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1402.11(b-1)).".

**TITLE IV. APPLICABILITY; FISCAL IMPACT STATEMENT; EFFECTIVE DATE**

Sec. 401. Applicability.

(a)(1) Sections 104(b) and 108 shall apply upon inclusion of their fiscal effect in an approved budget and financial plan.

(2) Sections 102, 103, 104(a), 105, 106, 107, Title II, and Title III shall apply upon the date of inclusion of their fiscal effect in an approved budget and financial plan or 365 days after the Mayor approves this act, whichever is later.

(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect of the sections and titles listed in subsection (a) of this section in an approved budget and financial plan, and provide notice to the Budget Director of the Council of the certification.

(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

(2) The date of publication of the notice of the certification shall not affect the applicability of the sections and titles listed in subsection (a) of this section.

Sec. 402. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report 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. 403. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by Mayor, action by the Council to override veto), a 60-day period of congressional review as provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1–206.02(c)(2)), and publication in the District of Columbia Register.

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Chairman
Council of the District of Columbia

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Mayor
District of Columbia