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A BILL

24-113

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA



To amend the Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010 to deposit \$100,000 in revenue from fines issued to unlicensed establishments and commercial property owners allowing unlicensed establishments to operate; to amend Legalization of Marijuana for Medical Treatment Initiative of 1999 to allow qualifying patients to self-certify, to establish a process for unlicensed establishments to obtain a medical cannabis business license, to create new license categories and endorsements, and to promote social equity in the medical cannabis market in the District; to amend D.C. Official Code § 47–2844 to create a civil enforcement mechanism for businesses and commercial property owners distributing or selling cannabis without a license; to amend Title 25 of the District of Columbia Official Code to make conforming definitional changes; to amend The Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia to make conforming definitional changes; and to amend Chapter 18 and Chapter 20 of Title 47 to make conforming definitional changes, amendments to the law regulating the medical cannabis sales tax, and adding a local tax deduction for licensed medical cannabis businesses.

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

Sec. 2. Section 106b(b) of the Attorney General for the District of Columbia Clarification and Elected Term Amendment Act of 2010, effective October 22, 2015 (D.C. Law 21-36; D.C. Official Code § 1-301.86b(b)), is amended as follows:

(a) Paragraph (2) is amended by striking the phrase “; and” and inserting a semicolon in its place.

34 (b) Paragraph (3) is amended by striking the period and inserting the phrase “; and” in its
35 place.

36 (c) New paragraphs (4) and (5) are added to read as follows:

37 “(4) The first \$100,000 in fines imposed and collected pursuant to section 5 of the
38 Medical Cannabis Amendment Act of 2022, as approved by the Committee of the Whole on
39 December 6, 2022 (Committee print of Bill 24-113); and

40 “(5) The first \$100,000 in fines imposed and collected pursuant to D.C. Official
41 Code § 47-2844(a-2)(1B).”.

42 Sec. 3. The Legalization of Marijuana for Medical Treatment Initiative of 1999, effective
43 February 25, 2010 (D.C. Law 13-315; D.C. Official Code § 7-1671.01 *et seq.*), is amended as
44 follows:

45 (a) Section 2 (D.C. Official Code § 7-1671.01) is amended as follows:

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

47 “(1) “ABC Board” means the Alcoholic Beverage and Cannabis Board
48 established by D.C. Official Code § 25-201.”

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

50 “(1A) “ABCA” means the Alcoholic Beverage and Cannabis Administration
51 established by D.C. Official Code § 25-202.”

52 (3) Paragraph (1C) is amended by striking the phrase “of medical marijuana” and
53 inserting the phrase “of medical cannabis” in its place.

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

55 “(2A) “Cannabis” shall have the same meaning as provided in section 102(3) of
56 the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981
57 (D.C. Law 4-29; D.C. Official Code § 48-901.02(3)).”.

58 (5) Paragraph (3) is amended to read as follows:

59 “(3) “Caregiver” means a person at least 18 years of age who is designated by a
60 qualifying patient as the person authorized, on the qualifying patient’s behalf, to possess, obtain
61 from a licensed retailer, internet retailer or courier, dispense, administer, and assist in the
62 administration of medical cannabis.”.

63 (6) A new paragraph (4A) is added to read as follows:

64 “(4A) “Courier” means a platform or business that:

65 “(A) Is licensed to conduct business in the District;

66 “(B) Has a contractual relationship with a holder of a medical cannabis
67 retailer license or internet retailer license to provide delivery services or facilitate the sale of
68 medical cannabis or medical cannabis products for deliveries in the District to qualifying patients
69 or caregivers through the use of the internet, a mobile application, or a similar technology
70 platform; and

71 “(C) Uses its own employees or independent contractors.”.

72 (7) Paragraph (5) is amended as follows:

73 (A) Strike the phrase “ABRA” and insert the phrase “ABCA” in its place.

74 (B) Strike the phrase “medical marijuana” both times it appears and insert
75 the phrase “medical cannabis” in its place.

76 (8) Paragraph (7) is repealed.

77 (9) Paragraph (8) is amended by striking the phrase “medical marijuana” and
78 inserting the phrase “medical cannabis” in its place.

79 (10) Paragraphs (9A), (9B), and (9C) are added to read as follows:

80 “(9A) “DSLBD” means the Department of Small and Local Business
81 Development.

82 “(9B) “Economically disadvantaged individual” shall have the same meaning as
83 provided in section 2302(7) of the Small and Certified Business Enterprise Development and
84 Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-
85 218.02(7)).

86 “(9C) “Internet retailer” means a platform or business that is licensed to conduct
87 business in the District, provides delivery services, and facilitates the sale of medical cannabis or
88 medical cannabis products for deliveries to qualifying patients or caregivers through the use of
89 the internet, a mobile application, or similar technology platform; and that does not have a
90 physical location that is open to the public.”.

91 (11) Paragraph (10) is amended by striking the phrase “of marijuana” and
92 inserting the phrase “of cannabis” in its place.

93 (12) Paragraph (11) is repealed.

94 (13) A new paragraph (11A) is added to read as follows:

95 “(11A) “Manufacturer” means a facility operated by an organization or business
96 licensed with ABCA pursuant to section 6 to:

97 “(A) Process medical cannabis from cultivation centers into medical
98 cannabis concentrates and medical cannabis-infused products;

99 “(B) Package and label medical cannabis concentrates and medical
100 cannabis-infused products for dispensing at licensed retailers and internet retailers; and

101 “(C) Sell medical cannabis concentrates and medical cannabis-infused
102 products at wholesale to licensed retailers and internet retailers.”.

103 (14) Paragraph (12) is amended by striking the phrase ““Medical marijuana”
104 means marijuana” and inserting the phrase ““Medical cannabis” means cannabis” in its place.

105 (15) Paragraph (12A) is redesignated as paragraph (12B).

106 (16) A new paragraph (12A) is added to read as follows:

107 “(12A) “Medical cannabis certified business enterprise” means a business
108 enterprise that operates a cultivation center, retailer, internet retailer, courier, manufacturer, or
109 testing laboratory that:

110 (A) Is certified by DSLBD as an equity impact enterprise, as that term is
111 defined in section 2302(8A) of the Small and Certified Business Enterprise Development and
112 Assistance Act of 2005, effective October 20, 2005 (D.C. Law 16-33; D.C. Official Code § 2-
113 218.02(8A)), (“CBE Act”) and rules issued pursuant to the CBE Act;

114 “(B) Demonstrates to the satisfaction of DSLBD that more than 50% of
115 the employees of the business enterprise are residents of the District; and

116 “(C) Submits a form to ABCA attesting under the penalty of perjury that
117 the annual personal net income of each owner of the enterprise applying for a cultivation center,
118 retailer, internet retailer, cultivator, courier, manufacturer, or testing laboratory license does not
119 exceed \$349,999.”.

120 (17) The newly redesignated paragraph (12B) is amended to read as follows:

121 “(12B) “Medical cannabis product” means a product derived from or composed of
122 medical cannabis, in part or in whole.”.

123 (18) A new paragraph (13B) is added to read as follows:

124 “(13B) “Non-resident cardholder” means a non-District resident who:

125 “(A) Is not enrolled in another jurisdiction’s medical cannabis program;

126 and

127 “(B) Has submitted documentation required by ABCA for a temporary 30-
128 day registration identification card and received confirmation from ABCA of their registration.”.

129 (19) Paragraph (14) is amended as follows:

130 (A) Subparagraph (A) is amended by striking the phrase “medical
131 marijuana into” and inserting the phrase “medical cannabis into” in its place.

132 (B) Subparagraph (B) is amended by striking the phrase “medical
133 marijuana.” and inserting the phrase “medical cannabis.” in its place.

134 (20) A new paragraph (14A) is added to read as follows:

135 “(14A) “Pesticide” includes:

136 “(A) Any substance or mixture of substances intended to prevent, destroy,
137 control, repel, or mitigate any insect, rodent, snail, slug, fungus, weed, and any other form of
138 plant or animal life or virus, except a virus on or in a living person or other animal which is
139 normally considered to be a pest;

140 “(B) Any substance or mixture of substances intended to be used as a plant
141 regulator, defoliant, or desiccant; and

142 “(C) Any spray adjuvant.”.

143 (21) Paragraph (16) is amended by striking the phrase “medical marijuana
144 program” and inserting the phrase “medical cannabis program” in its place.

145 (22) Paragraph (17) is amended to read as follows:

146 “(17) “Qualifying medical or dental condition” means any condition for which
147 treatment with medical cannabis would be beneficial, as determined by an authorized
148 practitioner.”.

149 (23) Paragraph (18)(D) is amended by striking the phrase “of medical marijuana”
150 and inserting the phrase “of medical cannabis” in its place.

151 (24) Paragraph (19) is amended as follows:

152 (A) Strike the phrase “ABRA” and insert the phrase “ABCA” in its place.

153 (B) Strike the phrase “medical marijuana” both times it appears and insert
154 the phrase “medical cannabis” in its place.

155 (25) Paragraph (19A) is amended by striking the phrase “of medical marijuana”
156 and inserting the phrase “of medical cannabis” in its place.

157 (26) New paragraphs (20A), (20B), (20C), and (20D) are added to read as
158 follows:

159 “(20A) “Retailer” means a facility operated by an organization or business
160 licensed with ABCA pursuant to section 6 from or at which medical cannabis is possessed and
161 dispensed, and paraphernalia is possessed and distributed to a qualifying patient or a caregiver.

162 “(20B) “Returning citizen” means a District resident who was arrested, convicted,
163 or incarcerated for a cannabis or drug-related offense.

164 “(20C) “Social equity applicant” means an applicant for licensure with ABCA
165 pursuant to section 7 who satisfies two or more of the following criteria:

166 “(A) The applicant has at least one owner who is a District resident,
167 individually or collectively owns at least 50% of the business, and is a returning citizen;

168 “(B) The applicant has at least one owner who is a District resident,
169 individually or collectively owns at least 50% of the business, and is married to or in a civil
170 union, has a child, or is the child of a person or has a non-parent legal guardian who is or has
171 been incarcerated in the District or in any other jurisdiction for a cannabis or drug-related
172 offense; or

173 “(C) The applicant has at least one owner who is a District resident,
174 individually or collectively owns at least 50% of the business and has an income that does not
175 exceed 150% of the median family income as set forth by the United States Department of
176 Housing and Urban Development, adjusted for household size, at the time the applicant submits
177 the application.

178 “(20D) “Straw ownership” means nominal ownership without the attendant
179 benefits and risks of genuine ownership, where a person, often for a fee, allows themselves to be
180 named on documents or purports in writing to be an owner, in whole or in part, for the purpose
181 of satisfying a government regulatory requirement.”.

182 (27) Paragraph (21) is amended to read as follows:

183 “(21) “Testing laboratory” means an entity that is not owned or operated by a
184 director, officer, member, incorporator, agent, or employee of a cultivation center, manufacturer,
185 retailer, internet retailer, courier, or other license category established by rulemaking and is
186 licensed by ABCA to test medical cannabis and medical cannabis products that are to be sold
187 pursuant to this act.”.

188 (28) A new paragraph (22) is added to read as follows:

189 “(22) “Unlicensed establishment” means a sole proprietorship, partnership, or
190 other business entity that:

191 “(A) Sells, exchanges as part of a commercial transaction, or delivers
192 cannabis and cannabis products;

193 “(B) Operates at or delivers from a specific location in the District; and
194 “(C) Is not licensed by ABCA as a cultivation center, retailer, internet
195 retailer, manufacturer, courier or testing laboratory.”.

196 (b) Section 3 (D.C. Official Code § 7-1671.02) is amended as follows:

197 (1) The section heading is amended by striking the phrase “of medical marijuana”
198 and inserting the phrase “of medical cannabis” in its place.

199 (2) Subsection (a) is amended to read as follows:

200 “(a) Notwithstanding any other District law, a qualifying patient may purchase, possess,
201 use, and administer medical cannabis, and purchase, possess, and use paraphernalia, in
202 accordance with this act and the rules issued pursuant to section 14.”.

203 (3) Subsection (b) is amended to read as follows:

204 “(b) Notwithstanding any other District law, a caregiver may obtain, possess, dispense,
205 administer, and assist in the administration of medical cannabis to a qualifying patient, and
206 obtain, possess, and use paraphernalia, for the sole purpose of assisting in the administration of
207 medical cannabis to a qualifying patient in accordance with this act and the rules issued pursuant
208 to section 14.”.

209 (4) A new subsection (b-1) is added to read as follows:

210 “(b-1) When registering pursuant to section 6, a caregiver shall not be required to submit
211 a criminal background check to ABCA.”.

212 (5) Subsection (c) is amended to read as follows:

213 “(c) A qualifying patient may purchase, possess, and administer medical cannabis, and
214 purchase, possess, and use paraphernalia, only for the treatment of a qualifying medical or dental
215 condition or the side effects of a qualifying medical treatment, and only after having:

216 “(1)(A) Obtained a signed, written recommendation from an authorized
217 practitioner within the last 2 years in accordance with section 5, except for individuals 21 years
218 of age and older who shall be permitted to self-certify on a form provided by ABCA that they are
219 utilizing cannabis for medical purposes as part of the registration process; and

220 “(B) Registered with ABCA pursuant to section 6; or

221 “(2) Enrolled in another jurisdiction’s medical cannabis program.”.

222 (6) New subsections (c-1) and (c-2) are added to read as follows:

223 “(c-1) When a qualifying patient's or caregiver's registration identification card has
224 expired or will expire at any time between March 1, 2020, and March 31, 2023, and the
225 qualifying patient or caregiver has not submitted an application for a new registration
226 identification card, the qualifying patient or caregiver may continue to obtain, purchase, possess,
227 dispense, use, administer, and assist in the administration of, respectively, medical cannabis in
228 accordance with this act and the rules issued pursuant to section 14 until March 31, 2023. On or
229 after April 1, 2023, the qualifying patient or caregiver shall possess a valid registration
230 identification card to continue to obtain, purchase, possess, dispense, use, administer, and assist
231 in the administration of, respectively, medical cannabis.

232 “(c-2) Notwithstanding the requirements of subsection (c) of this section, the ABC Board
233 may, by rule, establish alternative or additional processes and procedures for qualifying patients
234 to:

235 (1) Register in the medical cannabis program; or

236 (2) Obtain temporary or permanent approval to purchase medical cannabis from a
237 retailer or internet retailer within one business day.”.

238 (7) Subsection (d) is amended to read as follows:

239 “(d) A qualifying patient or caregiver shall only obtain, purchase, possess, dispense, use,
240 administer, or assist in the administration of medical cannabis, or obtain, purchase, possess, or
241 use paraphernalia obtained from a retailer or internet retailer licensed with ABCA pursuant to
242 section 6.”.

243 (8) Subsection (e) is amended to read as follows:

244 “(e)(1) A qualifying patient who is a minor may purchase, possess, use, and administer
245 medical cannabis, and purchase, possess, and use paraphernalia, only after having received a
246 recommendation from an authorized practitioner and registered with ABCA.

247 “(2) A signed, written statement from the minor qualifying patient’s parent or
248 legal guardian shall be submitted when registering with ABCA, which affirms that the parent or
249 legal guardian:

250 “(A) Understands the qualifying medical or dental condition or qualifying
251 medical or dental treatment of the minor;

252 “(B) Understands the potential benefits and adverse effects of the use of
253 medical cannabis, generally, and specifically, in the case of the minor;

254 “(C) Consents to the use of medical cannabis for the minor’s qualifying
255 medical or dental condition or qualifying medical or dental treatment; and

256 “(D) Consents to, or designates another adult to, serve as the caregiver for
257 the qualifying patient, and that the caregiver controls the acquisition, possession, dosage, and
258 frequency of use of medical cannabis by the qualifying patient.”.

259 (c) Section 4 (D.C. Official Code § 7-1671.03) is amended as follows:

260 (1) The section heading is amended by striking the phrase “of medical marijuana”
261 and inserting the phrase “of medical cannabis” in its place.

262 (2) Subsection (a) is amended to read as follows:

263 “(a)(1) The maximum amount of dried medical cannabis that any qualifying patient or
264 caregiver may possess at any moment is 8 ounces.

265 (2) The Mayor shall promulgate through rulemaking limits on the amount of
266 medical cannabis in forms other than dried medical cannabis that any qualifying patient or
267 caregiver may possess at any one moment.”.

268 (3) Subsection (b) is amended to read as follows:

269 “(b) Medical cannabis shall only be administered by or to a qualifying patient at:

270 “(1) A qualifying patient’s residence, if permitted;

271 “(2) The residence of an individual who has given permission to the qualifying
272 patient to administer medical cannabis at the individual’s residence, if permitted;

273 “(3) A medical treatment facility, when the qualifying patient is receiving medical
274 care for a qualifying medical or dental condition or a qualifying medical or dental treatment, if
275 permitted by the medical treatment facility;

276 “(4) A safe use treatment facility licensed by ABCA pursuant to section 7c; or

277 “(5) A school in which the qualifying patient is enrolled, if the school has a policy
278 in place for allowing the administration of medication at school; provided, that the medical
279 cannabis shall be in non-smokable form.”.

280 (4) Subsection (c) is amended by striking the phrase “medical marijuana in” and
281 inserting the phrase “medical cannabis in” in its place.

282 (5) Subsection (d) is amended as follows:

283 (A) Paragraph (1) is amended by striking the phrase “of medical
284 marijuana” and inserting the phrase “of medical cannabis” in its place.

285 (B) Paragraph (2) is amended by striking the phrase “of medical
286 marijuana” and inserting the phrase “of medical cannabis” in its place.

287 (6) Subsection (e) is amended by striking the phrase “of medical marijuana” and
288 inserting the phrase “of medical cannabis” in its place.

289 (7) Subsection (f) is amended by striking the phrase “dispensary, cultivation
290 center, or testing laboratory” and inserting the phrase “cultivation center, manufacturer, retailer,
291 internet retailer, courier, or testing laboratory” in its place.

292 (8) Subsection (g) is amended to read as follows:

293 “(g) A qualifying patient, caregiver, or an employee of a cultivation center, manufacturer,
294 retailer, internet retailer, courier, testing laboratory, or other holder of a license in a license
295 category established by this act or by rulemaking pursuant to this act who is stopped by the
296 police upon reasonable suspicion or probable cause that the stopped individual is in possession of
297 cannabis may not be further detained or arrested on this basis alone if the police determine that
298 the individual is in compliance with this act and the rules issued pursuant to section 14.”.

299 (d) Section 5 (D.C. Official Code § 7-1671.04) is amended to read as follows:

300 “Sec. 5. Recommending authorized practitioner; protections.

301 “(a) A qualifying patient may receive a recommendation from an authorized practitioner
302 to use medical cannabis for a qualifying medical or dental condition or a qualifying medical or
303 dental treatment.

304 “(b) An authorized practitioner may recommend the use of medical cannabis to a
305 qualifying patient, on a form provided by ABCA, if the authorized practitioner makes the
306 recommendation based on an assessment of the qualifying patient’s current medical or dental
307 condition.

308 “(c) An authorized practitioner shall not be subject to any penalty, including arrest,
309 prosecution, or disciplinary proceeding, or denial of any right or privilege, for advising a
310 qualifying patient about the use of medical cannabis or recommending the use of medical
311 cannabis to a qualifying patient pursuant to this act and any rules issued pursuant to section 14.

312 “(d) An authorized practitioner recommending the use of medical cannabis to a
313 qualifying patient shall not have a professional office located at a retailer, internet retailer,
314 cultivation center, manufacturer, or testing laboratory or receive financial compensation from a
315 cultivation center, manufacturer, or testing laboratory, or a director, officer, member,
316 incorporator, agent, or employee of a retailer, internet retailer, cultivation center, courier,
317 manufacturer, or testing laboratory.”.

318 (e) Section 6 (D.C. Official Code § 7-1671.05) is amended to read as follows:

319 “Sec. 6. Medical cannabis program.

320 “(a) There is established a medical cannabis program, which shall regulate the
321 cultivation, manufacture, distribution, dispensing, purchase, delivery, sale, possession,
322 administration, and testing of medical cannabis and the manufacture, distribution, purchase, sale,
323 possession, and use of paraphernalia.

324 “(b) The Program shall:

325 “(1) Require the registration with ABCA of all:

326 “(A) Qualifying patients, except qualifying patients enrolled in another
327 jurisdiction's medical cannabis program pursuant to section 3(c)(2), and the caregivers of
328 qualifying patients; and

329 “(B) Non-resident cardholders;

330 “(2) Require the licensing with ABCA of all cultivation centers, manufacturers,
331 retailers, internet retailers, couriers, and testing laboratories, including all directors, officers,
332 members, incorporators, agents, and employees of those facilities;

333 “(3) Create a self-certification form that may be used by qualifying patients ages
334 21 and older as part of the registration process, which shall contain the following statement:

335 “‘I, by attestation with my signature, under the penalty of perjury, affirm
336 that I will use cannabis purchased from a DC dispensary only for the treatment of a qualifying
337 medical or dental condition or for the side effects of a qualifying or medical treatment. I
338 understand my rights and obligations as set forth by the Medical Cannabis Program and agree to
339 these requirements.’”;

340 “(4)(A) As part of the registration process, permit a non-resident qualifying
341 patient visiting the District of Columbia to apply to ABCA to receive a temporary non-resident
342 registration identification card, which shall be valid for 30 days; and

343 “(B) After the expiration of a temporary non-resident registration
344 identification card, permit a non-resident qualifying patient to apply to ABCA to be issued
345 another 30-day temporary non-resident identification card.

346 “(5) Issue nontransferable registration identification cards to persons and entities
347 registered pursuant to paragraph (1) of this subsection; provided, that:

348 “(A) With respect to registration identification cards issued to persons and
349 entities registered pursuant to paragraph (1)(A) and (C) of this subsection, such cards expire
350 every 2 years:

351 “(B) Such cards may be presented to and used by law enforcement to
352 confirm whether a person or entity is authorized to cultivate, manufacture, distribute, dispense,
353 deliver, sell, possess, test, or administer medical cannabis or medical cannabis products, or
354 manufacture, possess, deliver, purchase, sell, distribute, or use paraphernalia; and

355 “(C) The ABC Board may, by rule, establish license and registration
356 periods and fees under the section that are valid for one year, two years, or three years.

357 “(6) Require all cultivation centers, manufacturers, retailers, internet retailers,
358 couriers, and testing laboratories to:

359 “(A) Maintain true, complete, and real-time electronic records of the
360 following:

361 “(i) The name, address, home telephone number, and date of birth
362 of each employee;

363 “(ii) Each transaction conducted by the facility, including:

364 “(I) The quantity of medical cannabis tested, processed,
365 distributed, delivered, or dispensed;

366 “(II) The consideration given for the medical cannabis, if
367 any; and

368 “(III) The recipient of the medical cannabis;

369 “(iii) The quantity of medical cannabis or medical cannabis
370 products at the cultivation center, manufacturer, retailer, internet retailer, or testing laboratory;

371 “(iv) The disposal method used for any medical cannabis that was
372 cultivated, processed, or acquired but did not meet the requirements for sale established by the
373 ABC Board through rulemaking pursuant to section 14 or that was not sold for any other reason,
374 including evidence of the disposal of the medical cannabis; and

375 “(v) Any other information required by ABCA; and

376 “(B) Notify ABCA and the Chief of the Metropolitan Police Department
377 in writing and within 24 hours of the loss, theft, or destruction of any medical cannabis;

378 “(7) Require all retailers and internet retailers to maintain true, complete, and real-
379 time electronic records of the name and address of the qualifying patient or caregiver authorized
380 to obtain medical cannabis;

381 “(8) Upon the licensing of at least one testing laboratory pursuant to paragraph (2)
382 of this subsection, require that cultivation centers segregate all harvested medical cannabis into
383 batches before manufacturing any medical cannabis products, or packaging dried medical
384 cannabis for sale to a manufacturer, retailer, or internet retailer, and hold the harvested medical
385 cannabis from sale until:

386 “(A) The medical cannabis has been tested by a testing laboratory;
387 “(B) The cultivation center has received the information required pursuant
388 to paragraph (9) of this subsection; and
389 “(C) The cultivation center has determined that the medical cannabis
390 meets the requirements for sale established by the ABC Board through rulemaking;
391 “(9) Require testing laboratories to provide cultivation centers with the following
392 information after testing harvested medical cannabis samples:
393 “(A) The concentration of tetrahydrocannabinol and cannabidiol in the
394 testing material;
395 “(B) Whether the tested material is organic or inorganic;
396 “(C) The presence and concentration of fertilizers or other nutrients;
397 “(D) The presence of mold, mildew, or pests;
398 “(E) Whether the medical cannabis samples contain mycotoxin, pesticides,
399 or heavy metals above a threshold determined by the ABC Board through rulemaking; and
400 “(F) Any other information that the ABC Board may require through
401 rulemaking;
402 “(10) Upon licensing of at least one testing laboratory pursuant to paragraph (2)
403 of this section, require that manufacturers segregate all processed medical cannabis products into
404 batches, and hold the processed medical cannabis products from sale until:

405 “(A) The medical cannabis products have been tested by a testing
406 laboratory;

407 “(B) The manufacturer has received the information required pursuant to
408 paragraph (11) of this subsection; and

409 “(C) The manufacturer has determined that the medical cannabis products
410 meet the requirements for sale established by the ABC Board through rulemaking;

411 “(11) Require testing laboratories to provide manufacturers with the following
412 information after testing medical cannabis product samples:

413 “(A) The concentration of tetrahydrocannabinol and cannabidiol in the
414 testing material;

415 “(B) Whether the tested material is organic or inorganic;

416 “(C) The presence and concentration of fertilizers or other nutrients;

417 “(D) Whether the medical cannabis product samples contain mycotoxin or
418 residual solvents above a threshold determined by the ABC Board through rulemaking; and

419 “(E) Any other information that the ABC Board may require through
420 rulemaking;

421 “(12) Develop educational materials about:

422 “(A) The potential adverse drug interactions that could occur from using
423 medical cannabis concurrently with other medical treatments;

424 “(B) Harm reduction strategies for qualifying patients who use medical
425 cannabis; and

426 “(C) The importance of informing health care providers and pharmacists
427 of the use of medical cannabis to help avoid adverse drug interactions;

428 “(13) Revoke or suspend the registration or license of any person or entity if the
429 ABC Board determines that the person or entity has violated a provision of this act or the rules
430 issued pursuant to section 14;

431 “(14) Conduct announced and unannounced inspections of cultivation centers,
432 manufacturers, retailers, internet retailers, couriers, and testing laboratories;

433 “(15) Establish sliding-scale registration and annual renewal fees for all persons
434 and entities required to register or obtain a license pursuant to this act; provided, that the
435 licensing and annual renewal fees for cultivation centers, manufacturers, retailers, internet
436 retailers, couriers, and testing laboratories and for the directors, officers, members, incorporators,
437 agents, and employees of cultivation centers, manufacturers, retailers, internet retailers, couriers,
438 and testing laboratories be sufficient to offset the cost of administering this act;

439 “(16) Establish a system to provide for the safe and affordable dispensing of
440 medical cannabis to qualifying patients who are unable to afford a sufficient supply of medical
441 cannabis based upon the qualifying patient’s income and existing financial resources that:

442 “(A) Allows qualifying patients to apply to the ABC Board to be eligible
443 to purchase medical cannabis from retailers and internet retailers at prices set on a sliding scale
444 based upon the qualifying patient’s income and existing financial resources; and

445 “(B) Requires each retailer and internet retailer to provide medical
446 cannabis at prices set on the sliding scale described in subparagraph (A) of this paragraph, as
447 determined by ABC Board, to qualifying patients determined eligible pursuant to subparagraph
448 (A) of this paragraph;

449 “(17) Establish standards by which applicants for cultivation center,
450 manufacturer, retailer, internet retailer, courier, or testing laboratory license are evaluated for
451 licensing or license renewal, which may include the following factors:

452 “(A) Knowledge of District and federal law relating to cannabis and rules
453 issued pursuant to section 14;

454 “(B) A security plan that has been assessed by the Metropolitan Police
455 Department; and

456 “(C) A cultivation plan;

457 “(18)(A) Provide electronic notice to the Councilmember and all Advisory
458 Neighborhood Commissions in the affected ward at least 45 calendar days prior to the approval
459 of a location for a cultivation center, manufacturer, retailer, or internet retailer; and

460 “(B) Accord great weight to input provided by the Advisory
461 Neighborhood Commission regarding the proposed location of a cultivation center,

462 manufacturer, retailer, or internet retailer when approving or rejecting an application for a
463 license;

464 “(C) Establish procedures by which Advisory Neighborhood Commissions
465 can protest new and renewal applications for a cultivation center, manufacturer, retailer, or
466 internet retailer when approving or rejecting an application for a license; and

467 “(D) Establish procedures for Advisory Neighborhood Commissions to
468 enter into a settlement agreement for a cultivation center, manufacturer, retailer, or internet
469 retailer.

470 “(19) Require caregivers and qualifying patients to notify ABCA within 48 hours
471 and in writing of the loss, theft, or destruction of a registration identification card; and

472 “(20) Submit to the Council an annual report that includes:

473 “(A) The number of qualifying patients participating in the medical
474 cannabis program;

475 “(B) The number of qualifying patients and caregivers registered;

476 “(C) The number of registration identification cards suspended and
477 revoked;

478 “(D) The number of authorized practitioners providing written
479 recommendations for qualifying patients;

480 “(E) The number and location of cultivation centers, manufacturers,
481 retailers, internet retailers, and testing laboratories;

482 “(F) The amount of cannabis harvested by cultivation centers;

483 “(G) The dollar amount of medical cannabis or medical cannabis products
484 sold by cultivation centers, manufacturers, retailers, and internet retailers; and

485 “(H) The number and types of violations of this act and any applicable
486 rules, taken against licensed cultivation centers, manufacturers, retailers, internet retailers,
487 couriers, and testing laboratories.”.’

488 (f) A new section 6a (D.C. Official Code § 7–1671.05a) is added to read as follows:

489 “Section 6a. Courier license.

490 “(a) A courier license shall be required for a third party to deliver medical cannabis,
491 medical cannabis concentrates, medical cannabis-infused products, or medical cannabis
492 paraphernalia on behalf of a licensed medical cannabis retailer or internet retailer to a qualifying
493 patient or caregiver.

494 “(b) A medical cannabis retailer or internet retailer licensed under this act may utilize the
495 services of a courier license holder by means of the telephone, Internet, mobile application, or
496 other electronic means to facilitate the transport of medical cannabis, medical cannabis
497 concentrates, medical cannabis-infused products or medical cannabis paraphernalia.

498 “(c) The holder of a courier license shall be permitted to deliver medical cannabis directly
499 to a qualifying patient or the qualifying patient's caregiver, on behalf of a retailer or internet
500 retailer, at residential and commercial building addresses located in the District that are not on
501 District government or Federal property or on public or private school grounds, with the

502 exception of deliveries to individuals at colleges and universities who are 21 years of age or
503 older. For purposes of this section, a public or private park shall not be considered either a
504 residential or commercial building address.

505 “(d) A holder of a courier license shall:

506 “(1) Deliver only to the qualifying patient or the qualifying patient’s caregiver at a
507 District of Columbia address provided by the patient or caregiver and shall not “drop off” the
508 product without verifying the identity and age of the recipient;

509 “(2) Travel only through the District of Columbia and not any surrounding
510 jurisdiction to make deliveries;

511 “(3) Abide by rules and standards as may be established by the ABC Board
512 through rulemaking concerning the frequency of deliveries to a single patient or caregiver in a
513 day, week, or month;

514 “(4) Abide by the rules posted by any landlord or property owner with respect to
515 prohibitions on cannabis deliveries on its property;

516 “(5) Abide by the rules and standards as may be established by the ABC Board
517 concerning making overnight storage of any product if necessary;

518 “(6) Use its employees or independent contractor to deliver medical cannabis or
519 medical cannabis products; and

520 “(7) Not be permitted to offer curbside pick-up at a retailer, internet retailer, or its
521 ABC Board-approved location to qualifying patients and caregivers.

522 “(e)(1) At the time of the order, a holder of a courier license shall require the qualifying
523 patient or the qualifying patient’s caregiver to provide information necessary to verify that the
524 qualifying patient or the patient’s caregiver is qualified to purchase and receive a delivery of
525 medical cannabis or medical cannabis products in accordance with this chapter and regulations
526 issued in accordance with section 14.

527 “(2) Prior to transferring possession of the order to a qualifying patient or to a
528 qualifying patient’s caregiver, the holder of a courier license shall inspect the person’s
529 government-issued identification card and valid ABCA registration issued pursuant to this
530 chapter to verify the possession of a valid registration and that the information provided at the
531 time the order was placed matches the information listed on the government issued identification
532 card and ABCA registration.

533 “(3) Failure of the courier license holder to check information in accordance with
534 paragraphs (1) and (2) of this subsection may result in the ABC Board issuing a fine against the
535 courier or suspending or revoking its license in accordance with this chapter or regulations issued
536 in accordance with section 14.

537 “(f) A holder of a courier license shall maintain, in each vehicle used for deliveries of
538 medical cannabis or medical cannabis products, a secure, locked storage compartment for
539 purposes of transporting and securing cash used as payment and the medical cannabis or medical
540 cannabis products. The licensee shall not store cash and medical cannabis or medical cannabis
541 products in the same storage compartments.

542 “(g)(1) A holder of a courier license shall abide by rules concerning the operation and
543 number of vehicles allowed, as set forth in regulations issued by the ABC Board pursuant to
544 section 14.

545 “(2) A courier vehicle shall contain a Global Positioning System (GPS) device for
546 identifying the geographic location of the courier vehicle. The device shall be either permanently
547 or temporarily affixed to the courier vehicle while the courier vehicle is in operation, and the
548 device shall remain active and in the possession of the delivery employee at all times during the
549 delivery.

550 “(3) A courier vehicle shall not bear any markings, images, words, or phrases that
551 would indicate the vehicle is used to deliver medical cannabis, including the name of the courier
552 or cannabis-related related images.

553 “(h) Applicants for the courier license shall complete an application proscribed by the
554 ABC Board by regulations issued pursuant to section 14.

555 “(i) The minimum initial application fee for a courier license shall be \$1,000. The license
556 shall be valid for 3 years with a minimum annual license fee of \$2,000.

557 “(j) Notwithstanding the requirements of this section, the ABC Board may, by rule,
558 modify the delivery requirements that the holder of a courier license is required to follow.”.

559 (g) Section 7 (D.C. Official Code § 7-1671.06) is amended to read as follows:

560 “Sec. 7. Cultivation centers, manufacturers, retailers, internet retailers, and testing
561 laboratories.

562 “(a) Notwithstanding any other District law, and in accordance with this act and any rules
563 issued pursuant to section 14:

564 “(1) A cultivation center may cultivate and possess medical cannabis for the
565 purpose of distribution to a manufacturer, retailer, or internet retailer, and may manufacture,
566 possess, purchase, and use medical cannabis products and paraphernalia;

567 “(2) A manufacturer may possess medical cannabis for the purposes of
568 manufacturing medical cannabis products and distribution to a retailer or internet retailer, and
569 may manufacture, possess, purchase, and use paraphernalia;

570 “(3) A retailer may possess medical cannabis and medical cannabis products for
571 the purpose of dispensing to a qualifying patient or caregiver, and may manufacture, possess,
572 distribute, purchase, and use paraphernalia;

573 “(4) An internet retailer shall not have a physical location that is open to the
574 public and shall be permitted to dispense and distribute medical cannabis, medical cannabis
575 products, and paraphernalia through delivery to any qualifying patient or the qualifying patient’s
576 caregiver in the District of Columbia in accordance with this chapter and rules issued pursuant to
577 section 14; provided, that the holder of an internet retailer license shall not be permitted to offer
578 curbside pickup at its ABC Board-approved location.

579 “(5) A testing laboratory may possess medical cannabis for the purpose of testing
580 its contents; and

581 “(6) A qualifying patient, caregiver, or non-resident cardholder may only obtain
582 medical cannabis and paraphernalia from a licensed retailer or internet retailer.

583 “(b) Each cultivation center, manufacturer, retailer, internet retailer, courier, and testing
584 laboratory shall be licensed with ABCA prior to cultivating, manufacturing, distributing,
585 dispensing, delivering, selling, possessing, or testing medical cannabis or medical cannabis
586 products, or manufacturing, possessing, purchasing, selling, or distributing paraphernalia.

587 “(b-1) A cultivation center, manufacturer, retailer, or internet retailer shall ensure that the
588 packaging is significantly difficult for children under 5 years of age to open and packaging or
589 labeling on medical cannabis or medical cannabis-infused products shall not:

590 “(1) Contain any content, image, or other labeling that specifically targets
591 individuals under the age of 21, including, cartoon characters or similar images, on the product,
592 packaging, or a container holding medical cannabis;

593 “(2) Resemble packaging that is appealing to children, including cartoon
594 characters or similar images, on the packaging or a container holding medical cannabis or
595 medical cannabis-infused products; or

596 “(3) Use the word candy or candies.”.

597 “(c) A cultivation center licensed with ABCA as of the effective date of the Medical
598 Cannabis Amendment Act of 2022, as approved by the Committee of the Whole on December 6,
599 2022 (Committee print of Bill 24-113), shall automatically receive a manufacturer’s license,
600 provided that the annual fee is paid.

601 “(d)(1) Before issuing, transferring to a new owner, or renewing a license, the ABC
602 Board shall determine that the applicant is not disqualified because of a conflicting interest in
603 another medical cannabis license, as follows:

604 “(A) No licensee holding a testing laboratory license shall hold a
605 cultivation center, manufacturer, retailer, internet retailer, or courier license.

606 “(B) No licensee holding a retailer, internet retailer, cultivation center,
607 testing laboratory or manufacturer license shall hold a courier license.

608 “(C) No licensee shall hold more than two cultivation center licenses.

609 “(D) The combined number of retailer and internet retailer licenses held
610 by a licensee shall not exceed three.

611 “(E) There shall be no limit on the number of manufacturer licenses that a
612 licensee may hold.

613 “(F) No licensee holding a cultivation center license shall hold more than
614 one retailer or internet retailer license.

615 “(2) The ABC Board may modify, by rule, the number of licenses that a licensee
616 may hold for one or more of the license categories listed in paragraph (1) of this subsection.

617 “(e) The ABC Board may approve the holder of a cultivation center or manufacturers
618 license that also owns, or has a valid lease for, real property adjacent to its existing cultivation
619 center or manufacturing facility, to physically expand the licensed cultivation center or

620 manufacturing facility into that adjacent real property for the purpose of increasing production of
621 medical cannabis or medical cannabis products.

622 “(f) An applicant seeking to qualify as a:

623 “(1) Social equity applicant shall submit an affidavit with the application for a
624 cultivation center, manufacturer, retailer, internet retailer, courier, or testing laboratory license
625 attesting to:

626 “(A) The number of owners who meet the criteria for a social equity
627 applicant pursuant to section 2(20C);

628 “(B) The ownership interests, incomes, and net worth of any owners;

629 “(C) The location of all managerial employees in the principal office;

630 “(D) The residency of owners, employees, and contractors; and

631 “(E) The locations of the assets and the percentages of the assets in each
632 location;

633 “(2) Medical cannabis certified business enterprise applicant shall submit an
634 affidavit with the application for a cultivation center, manufacturer, retailer, internet retailer,
635 courier, or testing laboratory license attesting to:

636 “(A) The number of owners who are economically disadvantaged
637 individuals or individuals who have been subjected to racial or ethnic prejudice or bias because
638 of their identities as members of a group without regard to their individual qualities;

639 “(B) The ownership interests, incomes, and net worth of any owners;

640 “(C) The location of all managerial employees in the principal office;

641 “(D) The residency of owners, employees, and contractors; and

642 “(E) The locations of the assets and the percentages of the assets in each

643 location.

644 “(g) At least 50% of all new retailer, internet retailer, courier, and manufacturer licenses
645 issued after the effective date of the Medical Cannabis Amendment Act of 2022, as approved by
646 the Committee of the Whole on December 6, 2022 (Committee print of Bill 24-113), shall be set
647 aside for social equity applicants, provided that this set aside shall not apply to cultivation
648 centers who receive a manufacturer’s license pursuant to subsection (c) of this section.

649 “(h)(1) The Board shall issue rules within 180 days following the effective date of the
650 Medical Cannabis Amendment Act of 2022, as approved by the Committee of the Whole on
651 December 6, 2022 (Committee print of Bill 24-113), to establish processes and procedures for
652 requesting, reviewing, and implementing a cap or moratorium on the issuance of retailer or
653 internet retailer licenses in a Ward, ANC, or Single Member District of an ANC.

654 “(2) After one year following the effective date of the Medical Cannabis
655 Amendment Act of 2022, as approved by the Committee of the Whole on December 6, 2022
656 (Committee print of Bill 24-113), the ABC Board may, by rulemaking, limit the number of
657 retailers and internet retailers in a Ward, ANC, or Single Member District of an ANC.

658 “(3) The ABC Board shall analyze and consider supply and demand when
659 determining whether to institute a cap or moratorium pursuant to this subsection.

660 “(i)(1) Straw ownership for the purposes of meeting the ownership requirements of social
661 equity applicants and medical cannabis certified business enterprises is prohibited for both
662 District residents and out-of-state residents.

663 “(2) A person or business who is found to have willfully asserted straw ownership
664 shall have the person’s or business’s license or registration revoked and be subject to a civil
665 penalty of not more than \$30,000.

666 “(j)(1) The ABC Board shall be authorized to issue a one-year conditional license for a
667 cultivation center, retailer, internet retailer, manufacturer, or courier that does not currently have
668 a proposed location.

669 “(2) Under the conditional license, the applicant shall have one year from the date
670 of ABC Board approval to submit to ABCA:

671 “(A) A lease or similar documentation;

672 “(B) A security plan;

673 “(C) A certificate of occupancy for the proposed location;

674 “(D) Any remaining licensing or endorsement fees owed to ABCA; and

675 “(E) Any other documentation requested by the ABC Board.

676 “(3) An applicant shall not be permitted to operate a medical cannabis business
677 under a conditional license. A conditional license that does not meet the terms of this subsection
678 or is not operating after a period of one year shall be canceled by the ABC Board.

679 “(k) A one-year conditional license approved by the ABC Board to a shall not be
680 permitted to be transferred to a new owner.

681 “(l) For new social equity applicants, ABCA shall waive up to 75% of any nonrefundable
682 license fees, including any nonrefundable application fees and annual or renewal license fees
683 associated with receiving a medical cannabis facility license to operate for the first 3 years. This
684 paragraph shall not apply to fees associated with any endorsements requested by the Applicant.

685 “(m)(1) Cultivation center, manufacturer, retailer, internet retailer, courier, and testing
686 laboratory license fees shall be paid annually by credit card, debit card, cashier’s check, money
687 order, or certified check made payable to the D.C. Treasurer. The fee for the first year shall be
688 paid within 60 calendar days of ABC Board approval but prior to license issuance, and the
689 renewal fee shall be paid on or before the anniversary date of issuance of the registration. All
690 payments are due at the time the applications are filed and are non-refundable.

691 “(2) The ABC Board shall, by rules issued pursuant to section 14, establish the
692 initial application and renewal fees for cultivation center, manufacturer, retailer, internet retailer,
693 courier, and testing laboratory licenses. The Board may revise these fees as deemed necessary.

694 “(3) A cultivation center, manufacturer, retailer, internet retailer, courier, and
695 testing laboratory license shall be valid for 3 years unless:

696 “(A) Suspended or revoked; or

697 “(B) The license takes effect on a date in between the dates established by
698 the ABC Board for the regular license period of each license, in which case the license shall be
699 valid only until the end of the license period.

700 “(4)(A) The ABC Board may impose a late fee upon an applicant for a cultivation
701 center, manufacturer, retailer, internet retailer, courier, or testing laboratory that fails to timely
702 renew their license. The late fee shall be \$50 for each business day after the due date of payment.
703 The total amount of the late fee to be paid shall not exceed the annual cost of the license.

704 “(B) The ABC Board may suspend a previously approved license until the
705 renewal fee is paid. A cultivation center, manufacturer, retailer, internet retailer, courier, or
706 testing laboratory that has not timely renewed its license shall not be permitted to operate with an
707 expired license.

708 “(5) The ABC Board may suspend a license where the payment was made by the
709 applicant with a check returned unpaid, invalid credit card, or any other form of payment that is
710 denied by an intermediary institution. The applicant, in addition to any late fees imposed by the
711 ABC Board pursuant to paragraph (4) of this subsection, shall also be charged a \$100 returned
712 check/denied payment fee.

713 “(n) A retailer or internet retailer may not dispense more than 8 ounces of medical
714 cannabis in a 30-day period to a qualifying patient, either directly or through the qualifying
715 patient's caregiver; except, that the Mayor, through rulemaking, may place alternate limits on the
716 amount medical cannabis that may be dispensed in forms other than dried medical cannabis.

717 “(o) No medical cannabis or paraphernalia at a cultivation center, manufacturer, retailer,
718 internet retailer, or testing laboratory shall be visible from any public or other property.

719 “(p) A cultivation center, manufacturer, retailer, internet retailer, or testing laboratory
720 shall not locate within any residential district or within 300 feet of a preschool, primary or
721 secondary school, or recreation center.

722 “(q) A cultivation center, manufacturer, retailer, internet retailer, courier, or testing
723 laboratory may be permitted to change ownership or controlling interest upon approval from the
724 ABC Board. A license approved by the ABC Board for a social equity applicant or an
725 unlicensed establishment shall not be permitted to be transferred to a new owner until 3 years
726 after the issuance of the permanent license, except to a social equity applicant. After 3 years,
727 should the license transfer to neither a medical cannabis certified business enterprise nor a social
728 equity applicant, the new owner shall be required to repay any grants or loans provided by the
729 District to the medical cannabis certified business enterprise or social equity applicant and pay
730 ABCA any waived licensing and application fees.

731 “(r) Each cultivation center, manufacturer, retailer, internet retailer, courier, and testing
732 laboratory shall:

733 “(1) Be either a for-profit or nonprofit corporation incorporated within the
734 District;

735 “(2) Implement a security plan to prevent the theft or diversion of medical
736 cannabis, including maintaining all medical cannabis in a secure, locked room that is accessible
737 only by authorized persons; and

738 “(3) Ensure that all its employees receive training on compliance with District
739 law, medical cannabis use, security, and theft prevention.

740 “(s) Each retailer or internet retailer shall regularly distribute to all qualifying patients
741 and caregivers the educational materials developed as part of the Program.

742 “(t)(1) A criminal background check shall not be required to be submitted to ABCA with
743 an employee, agent, or manager as part of the employee’s, agent’s, or manager’s application.

744 “(2) Except with respect to evaluating the applications of social equity applicants
745 and returning citizens, the ABC Board shall not:

746 “(A) Inquire into or consider:

747 “(i) A director, officer, member, or incorporator’s criminal
748 conviction until after the applicant is found by ABCA to be otherwise qualified;

749 “(ii) A criminal conviction that has been sealed, expunged,
750 vacated, or pardoned, including a criminal conviction that has been set aside pursuant to the
751 Youth Rehabilitation Amendment Act of 1985, effective December 7, 1985 (D.C. Law 6-69;
752 D.C. Official Code § 24-901 *et seq.*);

753 “(iii) A juvenile adjudication; or

754 “(iv) Non-conviction information, including information related to
755 a deferred sentencing agreement, participation in a diversion program, or an arrest that did not
756 result in a criminal conviction; or

757 “(B) Consider a criminal conviction of an offense of a director, officer,
758 member, incorporator of a cultivation center, manufacturer, retailer, internet retailer, courier, or
759 testing laboratory that is not directly related to the position of employment sought or to the
760 specific business for which the license is sought.

761 “(2) Pursuant to paragraph (1)(B) of this subsection, ABCA shall determine
762 whether a criminal conviction of an offense of a director, officer, member, or incorporator of a
763 cultivation center, manufacturer, retailer, internet retailer, or testing laboratory is directly related
764 to the position of employment sought or to the specific business for which the license is sought,
765 by considering the following factors:

766 “(A) Whether the elements of the offense are directly related, by clear and
767 convincing evidence, to the license sought;

768 “(B) Any evidence produced by the director, officer, member, or
769 incorporator concerning their rehabilitation and fitness, including:

770 “(i) Evidence as to whether the director, officer, member,
771 incorporator has recidivated;

772 “(ii) Evidence demonstrating compliance with any terms and
773 conditions of probation, supervised release, or parole;

774 “(iii) The length of time that has elapsed since the offense was
775 committed;

776 “(iv) The age at which the offense was committed;

777 “(v) Any circumstances related to the offense, including mitigating
778 circumstances;

779 “(vi) Evidence of work history, particularly any training or work
780 experience related to the license sought; and

781 “(vii) Letters of reference; and

782 “(C) The District’s interest in promoting opportunities for business
783 ownership and employment for returning citizens and individuals with criminal records.

784 “(3) Before acting on a determination made pursuant to paragraph (2) of this
785 subsection, the ABC Board shall notify the director, officer, member, or incorporator, in writing,
786 of the following information:

787 “(A) The criminal conviction that forms the basis for the action and the
788 ABC Board’s reasoning for determining the offense is directly related to the license sought;

789 “(B) A copy of any criminal history records on which the ABC Board

790 relies; “(C) A statement that the director, officer, member, or incorporator may
791 provide evidence of inaccuracies within the criminal history records;

792 “(D) A description of additional information that the director, officer,
793 member, incorporator may provide to demonstrate their rehabilitation and fitness; and

794 “(E) Information about any applicable hearing procedures.

795 “(4)(A) After receiving notice pursuant to paragraph (3) of this subsection, the
796 director, officer, member, or incorporator, shall have 45 business days to issue a response to the
797 ABC Board.

798 “(B) The ABC Board shall respond no later than 45 business days after
799 receipt of a response pursuant to subparagraph (A) of this paragraph.

800 “(5) The Board may establish by rulemaking a list of criminal conviction offenses
801 that are directly related to the operation of a cultivation center, manufacturer, retailer, internet
802 retailer, courier, or testing laboratory for purposes of implementing this subsection.

803 “(u) The ABC Board may fine, suspend, or revoke the license or registration of a person
804 or business found to have violated any provision in this act or rules issued under the act. The
805 Board may also issue a written warning to a licensed or registered person or business for a
806 violation of the act or rules issued under the act to the extent permitted by regulations issued
807 under this act.

808 (h) New sections 7a (D.C. Official Code § 7–1671.06a), 7b (D.C. Official Code § 7–
809 1671.06b), 7c (D.C. Official Code § 7–1671.06c), 7d (D.C. Official Code § 7–1671.06d), 7e
810 (D.C. Official Code § 7–1671.06e), and 7f (D.C. Official Code § 7–1671.06f) are added to read
811 as follows:

812 “Sec. 7a. Unlicensed establishments transition.

813 “(a)(1) No later than 30 calendar days after the effective date of the Medical Cannabis
814 Amendment Act of 2022, as approved by the Committee of the Whole on December 6, 2022
815 (Committee print of Bill 24-113), ABCA shall make additional retailer and internet retailer
816 licenses available to unlicensed establishments for a 60-calendar day open application period.

817 “(2) To be eligible to apply for a retailer license during the 60-calendar day open
818 application period, an unlicensed establishment shall demonstrate to the satisfaction of ABCA
819 that the unlicensed establishment:

820 “(A) Is not located:

821 “(i) Within a residential district;

822 “(ii) Within 300 feet of a preschool, primary or secondary school,
823 or recreation center; or

824 “(iii) Within 400 feet of an existing retailer;

825 “(B) Has a valid, active business license issued on or before April 5, 2022;

826 “(C) Has a valid certificate of occupancy issued on or before April 5,
827 2022;

828 “(D) Has been in operation since April 5, 2022 at the latest; and

829 “(E) Can demonstrate that business taxes were paid to the District of

830 Columbia for each year following the issuance of a certificate of occupancy.

831 “(3) To be eligible to apply for an internet retailer license during the 60-calendar
832 day open application period, an unlicensed establishment shall demonstrate to the satisfaction of
833 ABCA that the unlicensed establishment:

834 “(A) Is not open to the public and not located:

835 “(i) Within a residential district; or

836 “(ii) Within 300 feet of a preschool, primary or secondary school,
837 or recreation center;

838 “(B) Has a valid, active business license issued on or before April 5, 2022;

839 “(C) Has a valid certificate of occupancy issued on or before April 5,
840 2022;

841 “(D) Has been in operation since April 5, 2022, at the latest; and

842 “(E) Can demonstrate that business taxes were paid to the District of
843 Columbia for each year following the issuance of a certificate of occupancy.

844 “(4) An unlicensed establishment may not relocate its business location to an
845 address different from the address provided in the application for purposes of complying with the
846 location requirements of this section.

847 “(5) In determining whether a retailer application filed by an unlicensed
848 establishment is eligible to be approved, the ABC Board shall ensure that the retailer application
849 will not be located within 400 feet of a previously submitted retailer application filed by another
850 applicant during the 60-calendar day open application period. Consistent with this paragraph,

851 ABCA shall proceed forward with the application filed by the unlicensed establishment that is
852 first in time.

853 “(6) Straw ownership for purposes of meeting the ownership requirement in
854 paragraph (2)(E) of this subsection is prohibited. A person or business who is found to have
855 willfully asserted straw ownership shall have the person’s or business’s license revoked and be
856 subject to a civil penalty of not more than \$30,000.

857 “(7) At least half of all licenses issued to unlicensed establishments shall be
858 issued to social equity applicants.

859 “(8) Unregistered establishments shall not apply for a conditional license in order
860 to meet the requirements of this subsection during the 60-calendar day open application period.

861 “(b) ABCA shall post a list of unlicensed establishments that applied for a retailer or
862 internet retailer license during the 60-calendar day open application period to its website. ABCA
863 shall also provide a copy of the list to the Director of the Department of Licensing and Consumer
864 Protection.

865 “(c) The ABC Board shall provide notice of complete and eligible retailer and internet
866 retailer license applications received from unlicensed establishments to the Councilmember and
867 all Advisory Neighborhood Commissions in the affected ward for a 45-calendar day public
868 comment period. The Board shall hold a contested case protest hearing within 120 days of
869 receiving a timely protest from an affected Advisory Neighborhood Commission.

870 “(d) The grounds for a protest filed by an affected Advisory Neighborhood Commission
871 shall relate to the impact of the unlicensed establishment on:

872 “(1) Peace, order, and quiet of the relevant area;

873 “(2) Residential parking needs and vehicular and pedestrian safety; and

874 “(3) Real property values.

875 “Sec. 7b. Unlicensed establishment compliance.

876 “(a) Unlicensed establishments that submit a complete application with ABCA during the
877 60-calendar day open application period for a retailer or internet retailer shall not be subject to
878 compliance with this act while their retailer or internet retailer application is pending review with
879 the ABC Board; provided, that nothing in this subsection shall prohibit ABCA from issuing
880 cease and desist orders to an applicant if he or she is found to be selling cannabis products that
881 may be especially appealing to children or is using packaging or advertisements that might be
882 especially appealing to children.

883 “(b)(1) A decision by the ABC Board to approve a retailer or internet retailer license for
884 an unlicensed establishment shall be made in writing at least 15 days prior to the issuance of the
885 license. The notice shall state that the unlicensed establishment shall cease any unlicensed
886 activity immediately.

887 “(2) A decision by the ABC Board to deny an unlicensed establishment’s
888 application for a retailer or internet retailer license shall be made in writing to the applicant and
889 shall state the reasons for the denial. As part of its written denial, the ABC Board shall notify the

890 unlicensed establishment that it must close within 30 days after receipt of the denial or be subject
891 to penalties pursuant to D.C. Official Code § 47-2844(a-2)(1B).

892 “(c) The ABC Board may deny an unlicensed establishment’s application for a retailer or
893 internet retailer license that does not provide the ABC Board with requested written
894 documentation within 15 calendar days of the ABC Board’s request.

895 “(d) An unlicensed establishment that is issued a retailer or internet retailer license shall
896 be required to open within 120 days of being issued the retailer or internet retailer license. The
897 Board shall cancel a retailer or internet retailer license issued to an unlicensed establishment that
898 does not open within 120 days.

899 “Sec. 7c. Safe-use treatment facility endorsement.

900 “(a) The holder of a retailer license shall be eligible to apply to the ABC Board for a safe-
901 use treatment facility endorsement. The holder of an internet retailer license shall not be eligible
902 for a safe use treatment facility endorsement. The holder of a safe-use treatment facility
903 endorsement shall be permitted to:

904 “(1) Sell medical cannabis, medical cannabis products, and paraphernalia at the
905 retailer to qualifying patients and caregivers to be administered on the premises by or to the
906 qualifying patient at the time of purchase within designated consumption areas that are separated
907 from the remainder of the premises by a secure door and have a separate ventilation system;

908 “(2) Allow a qualifying patient or the qualifying patient’s caregiver to remove
909 from the premises unused medical cannabis, medical cannabis products, or paraphernalia that has

910 been purchased from the retailer or internet retailer in accordance with the requirements and
911 limits set forth in this act; provided, that the removed items are packaged in accordance with
912 regulations issued pursuant to section 14;

913 “(3) Offer or sell food that does not contain cannabis in the safe-use treatment
914 facility; and

915 “(4) Offer recorded or background music in the safe-use treatment facility.

916 “(b) A retailer with a safe-use treatment facility endorsement shall:

917 “(1) Install security cameras that are operable and able to record for a minimum of
918 30 days;

919 “(2) Display conspicuous warning labels that are visible to the qualifying patient
920 and the qualifying patient’s caregiver concerning administering medical cannabis and medical
921 cannabis products;

922 “(3) Destroy all unadministered medical cannabis left abandoned or unclaimed in
923 the safe-use treatment facility area; and

924 “(4) Package and label all medical cannabis or medical cannabis products
925 purchased to be administered on the premises of the safe-use treatment facility in accordance
926 with regulations issued pursuant to section 14.

927 “(c) A retailer’s safe-use treatment facility area shall have the following characteristics:

928 “(1) The area where medical cannabis is to be administered on-site by qualifying
929 patients shall be isolated from the other areas of the retailer, separated by walls and a secure
930 door, and shall have access only from the retailer;

931 “(2) A smoke-free area for employees to monitor the safe-use treatment facility
932 area; and

933 “(3) A ventilation system that directs air from the safe-use treatment facility area
934 to the outside of the building through a pollution control unit or odor control unit that, at a
935 minimum, eliminates all detectable odor, smoke, and by-products of combustion so as to prevent
936 any and all public nuisances.

937 “(d) A retailer with a safe-use treatment facility endorsement shall not:

938 “(1) Allow a person to consume alcohol, tobacco, or tobacco products in the safe-
939 use treatment facility;

940 “(2) Allow any member of the public other than a qualifying patient or the
941 qualifying patient’s caregiver to enter the safe-use treatment facility;

942 “(3) Allow a person to bring into or administer in the safe-use treatment facility
943 any medical cannabis or medical cannabis products that were not purchased at the retailer unless
944 otherwise permitted by the ABC Board by rulemaking;

945 “(4) Sell, offer to sell, or provide medical cannabis, medical cannabis products, or
946 paraphernalia in excess of the quantity limits set forth in this act or regulations issued pursuant to
947 section 14;

948 “(5) Encourage or permit an organized game or contest on the premises that
949 involves consuming cannabis or cannabis products or the awarding of cannabis or cannabis
950 products; or

951 “(6) Advertise or promote, in any way, either on or off the premises, a practice
952 prohibited under this section.

953 “(e) An applicant for a safe-use treatment facility endorsement shall:

954 “(1) Complete an application on a form the ABC Board prescribes by regulations
955 issued pursuant to section 14;

956 “(2) Include with the application a ventilation proposal, which shall include
957 information to address the following:

958 “(A) Air change for the designated consumption space;

959 “(B) Air change for common areas inside the retailer;

960 “(C) Filter type and odor control measures for the designated consumption
961 space;

962 “(D) Location of air intakes and exhaust outlets;

963 “(E) Whether the designated consumption space area shares space with
964 employee work areas; and

965 “(F) Any other information deemed necessary through rulemaking.

966 “(f) The minimum initial application fee for the safe-use treatment facility endorsement
967 shall be \$1,000. The endorsement shall be valid for 3 years, with a minimum annual fee of
968 \$2,000.

969 “Sec. 7d. Education tasting endorsement.

970 “(a) The holder of a retailer license shall be eligible to apply to the ABC Board for an
971 education tasting endorsement. The holder of an education tasting endorsement shall be
972 permitted to offer cooking and how-to classes and demonstrations, and tastings for educational
973 purposes to qualifying patients and caregivers on-site. Activities offered by a retailer under an
974 education tasting endorsement shall be permitted to occur on the premises of the retailer; except,
975 that educational activities that include the smoking of medical cannabis by qualifying patients
976 shall only occur in an ABC Board-approved safe-use treatment facility. The holder of an internet
977 retailer license shall not be eligible for an education tasting endorsement.

978 “(b) A retailer with an education tasting endorsement shall:

979 “(1) Display in the licensed area conspicuous warning labels that are visible to the
980 qualifying patient and the qualifying patient's caregiver concerning the consumption of medical
981 cannabis and medical cannabis products;

982 “(2) Destroy all unconsumed medical cannabis remaining from the educational
983 activity, except as permitted under paragraph (4) of this subsection;

984 “(3) Ensure that containers of medical cannabis to be used for educational
985 activities are labeled as such and may not be sold; and

986 “(4) Be permitted to allow a qualifying patient or caregiver to leave the premises
987 with medical cannabis that was made available or offered as part of the educational activity in
988 accordance with the requirements and limits set forth in this act; provided, that it is packaged in
989 accordance with regulations issued pursuant to section 14.

990 “(c) A retailer with an education tasting endorsement shall not:

991 “(1) Allow a person to consume alcohol, tobacco, or tobacco products on the
992 premises;

993 “(2) Advertise or promote, in any way, either on or off the premises, a practice
994 prohibited under this section; or

995 “(3) Make unsubstantiated medical claims about cannabis or cannabis products.

996 “(d) The holder of an education tasting endorsement may offer educational activities on
997 the licensed premises between the hours of 7:00 a.m. and 9:00 p.m., 7 days per week; provided,
998 that the ABC Board may alter these hours through rulemaking.

999 “(e) The ABC Board shall establish, by regulation, permitted medical cannabis tasting or
1000 consumption limits for educational activities.

1001 “(f) An applicant for an education tasting endorsement shall complete an application on a
1002 form the ABC Board prescribes by regulations issued pursuant to section 14.

1003 “(g) The minimum initial application fee for an education tasting endorsement shall be
1004 \$130. The endorsement shall be valid for 3 years, with a minimum annual fee of \$130.

1005 “Sec. 7e. Retailer delivery endorsement and internet retailer deliveries.

1006 “(a) The holder of a retailer license shall be eligible to apply to the ABC Board for a
1007 delivery endorsement. The holder of a delivery endorsement shall be permitted to offer curbside
1008 pickup and deliver medical cannabis directly to a qualifying patient or the qualifying patient's
1009 caregiver at residential and commercial building addresses located in the District that are not on
1010 District government or Federal property or public or private school grounds. For purposes of this
1011 section, a public or private park shall not be considered to be either a residential or commercial
1012 building address.

1013 “(b) The holder of an internet retailer license shall not be required to obtain a delivery
1014 endorsement to be permitted to deliver medical cannabis directly to a qualifying patient or the
1015 qualifying patient's caregiver at residential and commercial building addresses located in the
1016 District that are not on District government or Federal property or public or private school
1017 grounds. The holder of an internet retailer license shall not be permitted to offer curbside pickup
1018 at its ABC Board Board-approved location to qualifying patients and caregivers.

1019 “(c) A retailer with a retailer delivery endorsement or an internet retailer shall:

1020 “(1) Only receive and accept an order by electronic or other means from a
1021 qualifying patient or the qualifying patient’s caregiver;

1022 “(2) Only deliver to the qualifying patient or the qualifying patient’s caregiver at
1023 the District address provided by the patient or caregiver and not “drop off” the product without
1024 verifying the identity of the recipient;

1025 “(3) Only travel through the District and not any surrounding jurisdictions to
1026 make deliveries;

1027 “(4) Abide by rules and standards as may be established by the ABC Board
1028 pursuant to section 14 concerning:

1029 “(A) The frequency of deliveries to a single qualifying patient or caregiver
1030 in a day, week, or month;

1031 “(B) Overnight storage of any medical cannabis or medical cannabis
1032 products; and

1033 “(C) The operation and number of delivery vehicles allowed;

1034 “(5) Abide by the rules posted by any landlord or property owner with respect to
1035 prohibitions on cannabis deliveries on its property;

1036 “(6) Use its employees or a licensed courier to deliver medical cannabis or
1037 medical cannabis products;

1038 “(7) At the time of an order, require the qualifying patient or the qualifying
1039 patient's caregiver to provide information necessary to verify that the qualifying patient or the
1040 qualifying patient's caregiver is qualified to purchase and receive a delivery of medical cannabis
1041 or medical cannabis products in accordance with this act and regulations issued pursuant to
1042 section 14;

1043 “(8)(A) Prior to transferring possession of the order to a qualifying patient 21
1044 years of age or older or the qualifying patient’s caregiver, inspect the qualifying patient’s or

1045 qualifying patient’s caregiver’s valid government-issued identification card and valid ABCA
1046 registration to verify their age and that the information provided at the time the order was placed
1047 matches information listed on the government-issued identification card and ABCA registration;

1048 “(B) Prior to transferring possession of the order to a qualifying patient
1049 under age 21 or to the qualifying patient’s caregiver, inspect the qualifying patient or caregiver’s
1050 government-issued identification card and ABCA registration to verify the possession of a valid
1051 registration and that the information provided at the time the order was placed matches the
1052 information listed on the government-issued identification and ABCA registration;

1053 “(C) The retailer’s or internet retailer’s failure to check the required
1054 information in subparagraphs (A) and (B) of this paragraph may result in the ABC Board issuing
1055 a fine against the retailer or internet retailer or suspending or revoking its license in accordance
1056 with this act or regulations issued pursuant to section 14;

1057 “(9) Maintain, in each vehicle used for deliveries of medical cannabis or medical
1058 cannabis products, a secure, locked storage compartment for purposes of transporting and
1059 securing cash used as payment and the medical cannabis or medical cannabis products. The
1060 retailer shall not store cash and medical cannabis or medical cannabis products in the same
1061 storage compartments;

1062 “(10) Only use delivery vehicles that:

1063 “(A) Contain a Global Positioning System (GPS) device for identifying
1064 the geographic location of the delivery vehicle, which shall be either permanently or temporarily

1065 affixed to the delivery vehicle while the delivery vehicle is in operation and remain active and in
1066 the possession of the delivery employee at all times during the delivery; and

1067 “(B) Do not bear any markings, images, words, or phrases that would
1068 indicate the delivery vehicle is used to deliver medical cannabis, including the name of the
1069 retailer or internet retailer, or any cannabis-related related images; and

1070 “(11) Be permitted to dispense medical cannabis or medical cannabis products
1071 through curbside pickup or at-the-door pickup to a qualifying patient or caregiver if the retailer:

1072 “(A) Implements a process to verify age and validate the ABCA
1073 registration of the patient or caregiver;

1074 “(B) Implements procedures to ensure that curbside pickup or at-the-door
1075 pickup is completed quickly and efficiently; and

1076 “(C) Implements a mechanism or recordkeeping process for qualifying
1077 patients or caregivers to document receipt of curbside pickup or at-the-door pickup.

1078 “(c) The holder of the retailer delivery endorsement may offer curbside pickup or deliver
1079 medical cannabis during the hours of 9:00 a.m. to 9:00 p.m., 7 days per week, provided that the
1080 ABC Board may alter these hours through rulemaking.

1081 “(d) Applicants for the retailer delivery endorsement shall complete an application
1082 prescribed by the Board by regulations issued pursuant to section 14.

1083 “(e) The minimum initial application fee for the endorsement shall be \$300. The
1084 endorsement shall be valid for 3 years with a minimum annual license fee of \$300.”.

1085 “Sec. 7f. Summer garden endorsement.

1086 “(a) The holder of both a retailer license and a safe use treatment facility endorsement
1087 shall obtain a summer garden endorsement from the ABC Board to be eligible to conduct
1088 operations in a summer garden, which may include the sale, service, and consumption of medical
1089 cannabis on outdoor private space.

1090 “(b) The holder of a summer garden endorsement may be authorized to conduct business
1091 operations in the summer garden only between the hours of 8:00 a.m. and 12:00 a.m., 7 days a
1092 week.

1093 “(c) The minimum initial application fee for the endorsement shall be \$300. The
1094 endorsement shall be valid for 3 years with a minimum annual license fee of \$300.”.

1095 (i) Section 8 (D.C. Official Code § 7-1671.07) is repealed.

1096 (j) Section 9 (D.C. Official Code § 7-1671.08) is amended as follows:

1097 (1) Subsection (a) is amended by striking the phrase “uses marijuana” and
1098 inserting the phrase “uses cannabis” in its place.

1099 (2) Subsection (b) is amended to read as follows:

1100 “(b) Any person who makes a fraudulent representation to a law enforcement official of
1101 any fact or circumstance relating to the person’s manufacture, cultivation, possession,
1102 administration, dispensing, distribution, or use of medical cannabis, or manufacture, possession,
1103 distribution, or use of paraphernalia, to avoid arrest or prosecution shall be subject to a criminal
1104 fine not to exceed \$1,000. The imposition of the fine shall be in addition to any other penalties

1105 that may otherwise apply for the making of a false statement or for the manufacture, cultivation,
1106 possession, administration, dispensing, distribution, or use of cannabis, or the manufacture,
1107 possession, distribution, or use of paraphernalia.”.

1108 (3) Subsection (c) is amended as follows:

1109 (A) The lead-in language is amended by striking the word “marijuana”
1110 both times it appears and inserting the word “cannabis” in its place.

1111 (B) Paragraph (1) is amended by striking the phrase “of medical
1112 marijuana” and inserting the phrase “of medical cannabis” in its place.

1113 (C) Paragraph (2) is amended by striking the phrase “the medical
1114 marijuana” and inserting the phrase “the medical cannabis” in its place.

1115 (4) Subsection (d) is amended to read as follows:

1116 “(d) The ABC Board may impose and adjudicate civil fines for violations of this title and
1117 rules issued in accordance with section 14 committed by licensed cultivation centers,
1118 manufacturers, retailers, internet retailers, testing laboratories, and couriers.”.

1119 (5) A new subsection (e) is added to read as follows:

1120 “(e) Within 180 days after the applicability date of the Medical Cannabis Amendment
1121 Act of 2022, as approved by the Committee of the Whole on December 6, 2022 (Committee print
1122 of Bill 24-113), the ABC Board shall submit proposed regulations to the Council, setting forth a
1123 schedule of civil penalties, fines, and fees for violations of this act, for a 90-day period of review,
1124 including Saturdays, Sundays, holidays, and periods of Council recess. If the Council does not

1125 approve, in whole or in part, the proposed regulations within the 90-day review period, the
1126 regulations shall be deemed approved. The schedule shall replace all civil penalties, except as
1127 expressly provided in this act.”.

1128 (k) Section 9a (D.C. Official Code § 7-1671.08a) is amended as follows:

1129 (1) Subsection (a) is amended by striking the phrase “ABRA” and inserting the
1130 phrase “ABCA” in its place.

1131 (3) Subsection (c) is amended as follows:

1132 (A) Strike the phrase “ABRA” and insert the phrase “ABCA” in its place.

1133 (B) Strike the phrase “medical marijuana” and insert the phrase “medical
1134 cannabis” in its place.

1135 (m) Section 9b (D.C. Official Code § 7-1671.08b) is amended as follows:

1136 (1) Subsection (b) is amended to read as follows:

1137 “(b) Revenue from the following sources shall be deposited into the Fund:

1138 “(1) All revenue in excess of the amount budgeted in the Fiscal Year 2023 budget
1139 for Fiscal Years 2024, 2025, and 2026 collected pursuant to D.C. Official Code § 47-2002(a)(7);

1140 “(2) Beginning October 1, 2026, all revenue collected pursuant to D.C. Official
1141 Code § 47-2002(a)(7);

1142 “(3) Any amount above \$100,000 in fines imposed and collected pursuant to section
1143 5; and

1144 “(4) Any amount above \$100,000 in fines imposed and collected pursuant to section
1145 5 and D.C. Official Code § 47-2844(a-2)(1B).

1146 (2) Subsection (c) is amended to read as follows:

1147 “(c) Money in the Fund shall be used to:

1148 “(1) Administer the medical cannabis certified business enterprise program; and

1149 “(2) Provide equity, grants, and loans to assist social equity applicants and
1150 medical cannabis certified business enterprises in gaining entry to, and successfully operating in,
1151 the Program.”.

1152 (n) A new section 9c (D.C. Official Code § 7-1671.08c) is added to read as follows:

1153 “Sec. 9c. Equity, grants, and loans to social equity applicants and medical cannabis
1154 certified business enterprises.

1155 “(a) The DSLBD shall establish grant and loan programs for the purposes of providing
1156 financial assistance and technical assistance to social equity applicants and medical cannabis
1157 certified business enterprises.

1158 “(b) The DSLBD shall have the authority to:

1159 “(1) Provide equity, grants, and loans from monies in the Medical Cannabis
1160 Social Equity Fund established in section 9b to assist social equity applicants and medical
1161 cannabis certified business enterprises in gaining entry to, and successfully operating in, the
1162 Program;

1163 “(2) Enter into agreements that set forth the terms and conditions of the financial
1164 assistance, accept funds or grants, and cooperate with private entities to carry out the purposes of
1165 this section;

1166 “(3) Fix, determine, charge, and collect any premiums, fees, charges, costs, and
1167 expenses, including application fees, commitment fees, program fees, financing charges, or
1168 publication fees in connection with its activities under this section;

1169 “(4) Provide staff, administration, and related support required to administer this
1170 section;

1171 “(5) Establish application, notification, contract, and other forms, procedures, or
1172 rules; and

1173 “(6) Utilize vendors or contractors to carry out the purposes of this section.

1174 “(c) Grants made pursuant to this section shall be awarded competitively.

1175 “(d)(1) Loans made pursuant to this section shall be in such principal amount and form
1176 and contain such terms and provisions with respect to security, insurance, reporting, delinquency,
1177 charges, default remedies, and other matters DSLBD shall determine appropriate to protect the
1178 public interest.

1179 “(2) All funds received from repayment of loans shall be deposited into the
1180 Medical Cannabis Social Equity Fund established pursuant to section 9b.

1181 “(e) No later than one year after establishing any equity, grant, or loan program pursuant
1182 to this section, and annually thereafter, DSLBD shall submit a report to the Mayor and Council
1183 on the outcomes of that program. The report shall include the following information:

1184 “(1) The number of persons or businesses receiving financial assistance under this
1185 section;

1186 “(2) The amount of financial assistance awarded in the aggregate, in addition to
1187 the number and amount of loans made that are outstanding and the number and amount of grants
1188 awarded;

1189 “(3) The names of the for-profit and non-profit vendors, partners, consultants, and
1190 advisors engaged by DSLBD to implement this section;

1191 “(4) The location of the project engaged in by the person or business; and

1192 “(5) If applicable, the economic benefits created due to this financial assistance,
1193 such as jobs created.”.

1194 (o) Section 10 (D.C. Official Code § 7-1671.09) is amended as follows:

1195 (1) The section heading is amended by striking the phrase “Medical Marijuana
1196 Advisory” and inserting the phrase “Medical Cannabis Advisory” in its place.

1197 (2) Subsection (a) is amended by striking the phrase “Medical Marijuana
1198 Advisory” and inserting the phrase “Medical Cannabis Advisory” in its place.

1199 (B) Paragraph (1) is amended by striking the phrase “of medical marijuana” and
1200 inserting the phrase “of medical cannabis” in its place.

1201 (C) Paragraph (2) is amended by striking the phrase “of marijuana” and inserting
1202 the phrase “of cannabis” in its place.

1203 (D) Paragraph (3) is amended to read as follows:

1204 “(3) The Program’s effectiveness.”.

1205 (3) Subsection (b) is repealed.

1206 (p) Section 11(a) (D.C. Official Code § 7-1671.10(a)) is amended to read as follows:

1207 “(a) ABCA is authorized to establish, by rulemaking, fees for the licensing of cultivation
1208 centers, manufacturers, retailers, internet retailers, couriers, and testing laboratories, and for the
1209 inspection and audit of cultivation centers, manufacturers, retailers, internet retailers, couriers,
1210 and testing laboratories.”.

1211 (q) Section 12(b) (D.C. Official Code § 7-1671.11(b)) is amended by striking the phrase
1212 “medical marijuana” both times it appears and inserting the phrase “medical cannabis” in its
1213 place.

1214 (r) Section 13 (D.C. Official Code § 7-1671.12) is amended by striking the phrase “of
1215 medical marijuana” and inserting the phrase “of medical cannabis” in its place.

1216 (s) Section 14 (D.C. Official Code § 7-1671.13) is amended as follows:

1217 (1) Subsection (a) is amended as follows:

1218 (A) Paragraph (1) is amended to read as follows:

1219 “(1) Adopt manufacturing practices with which cultivation centers,
1220 manufacturers, retailers, and internet retailers shall be required to comply to ensure that medical

1221 cannabis sold by cultivation centers, manufacturers, retailers, and internet retailers is appropriate
1222 for medical use;”.

1223 (B) Paragraph (2) is amended by striking the phrase “medical marijuana
1224 sold by cultivation centers and dispensaries” and inserting the phrase “medical cannabis sold by
1225 cultivation centers, manufacturers, retailers, and internet retailers” in its place.

1226 (C) Paragraph (3) is amended by striking the phrase “cultivation center,
1227 dispensary, and testing laboratory” and inserting the phrase “cultivation center, manufacturer,
1228 retailer, internet retailer, courier, and testing laboratory” in its place.

1229 (D) Paragraph (4) is amended by striking the phrase “dispensaries,
1230 cultivation enters, and testing laboratories” and inserting “cultivation centers, manufacturers,
1231 retailers, internet retailers, couriers, and testing laboratories” in its place.

1232 (E) Paragraph (5) is amended to read as follows:

1233 “(5) Determine, for the purpose of ensuring that qualifying patients have adequate
1234 access to medical cannabis, the number of cultivation centers, manufacturers, retailers, internet
1235 retailers, and testing laboratories that may operate in the District;”.

1236 (F) Paragraph (6) is amended to read as follows:

1237 “(6) Determine the amount of any licensing fee for a cultivation center,
1238 manufacturer, retailer, internet retailer, courier, or testing laboratory;”.

1239 (G) Paragraph (7) is amended to read as follows:

1240 “(7) Determine the forms of medical cannabis that cultivation centers,
1241 manufacturers, retailers, and internet retailers shall be permitted to dispense or distribute;”.

1242 (H) Paragraph (8) is amended to read as follows:

1243 “(8) Determine the process for permitting a cultivation center, manufacturer,
1244 retailer, internet retailer, courier, or testing laboratory to change location or change ownership or
1245 controlling interest pursuant to section 7(q);”.

1246 (I) New paragraphs (9) and (10) are added to read as follows:

1247 “(9) Determine which provisions of a settlement agreement reached between a
1248 cultivation center, manufacturer, retailer, or internet retailer and an affected ANC are enforceable
1249 and which provisions are unenforceable by the ABC Board.

1250 “(10) Adopt processes and procedures for holding protest and enforcement
1251 hearings before the ABC Board.”.

1252 (2) Subsection (a-1) is amended to read as follows:

1253 “(a-1) Pursuant to the transfer of functions of the Department of Health to ABCA by D.C.
1254 Official Code § 25-204.02, the Mayor shall issue rules in accordance with subsection (b) of this
1255 section, which rules shall allow licensed retailers, internet retailers, and couriers to provide
1256 medical cannabis to qualifying patients through delivery, curbside pickup, and at-the-door
1257 options.”.

1258 (3) A new subsection (a-2) is added to read as follows:

1259 “(a-2) The Mayor may issue rules creating additional license categories, including
1260 a transporter license, tiered cultivation center licenses, different types of manufacturer licenses,
1261 and a shared facility license to allow licensees to share existing space and equipment.”.

1262 (t) A new Section 15 (D.C. Official Code § 7-1671.14) is added to read as follows:

1263 “Sec. 15. Cease and desist orders.

1264 “(a) If the ABC Board or the Mayor, after investigation but before a hearing, has cause to
1265 believe that a person is violating any provision of this act and the violation has caused or may
1266 cause, immediate and irreparable harm to the public, the ABC Board or the Mayor may issue an
1267 order requiring the alleged violator to cease and desist immediately from the violation. The
1268 order shall be served by certified mail or hand-delivered to the licensee.

1269 “(b)(1) The alleged violator may, within 15 days after the service of the order, submit a
1270 written request to the ABC Board to hold a hearing on the alleged violation.

1271 “(2) Upon receipt of a timely request, the ABC Board shall conduct a hearing in
1272 accordance with the procedures set forth in the District of Columbia Administrative Procedure
1273 Act, approved October 21, 1968 (82 Stat. 1203; D.C. Official Code § 2-501 *et seq.*) and issue a
1274 decision within 90 days after the hearing.

1275 “(c)(1) The alleged violator may, within 10 days after the service of an order, submit a
1276 written request to the ABC Board for an expedited hearing on the alleged violation.

1277 “(2) Upon receipt of a timely request for an expedited hearing, the ABC Board
1278 shall conduct a hearing within 10 days after the date of receiving the request and shall deliver to

1279 the alleged violator at their last known address a written notice of the hearing by any means
1280 guaranteed to be received at least 5 days before the hearing date.

1281 “(3) The ABC Board shall issue a decision within 30 days after an expedited
1282 hearing.

1283 “(d) If a request for a hearing is not timely made under subsection (b) or (c) of this
1284 section, the order of the ABC Board or the Mayor shall be final.

1285 “(e) If, after a hearing, the ABC Board determines that the alleged violator is not in
1286 violation of this act, the ABC Board shall revoke the order.

1287 “(f) If a person fails to comply with a lawful order of the ABC Board or the Mayor under
1288 this section, the ABC Board may petition the Superior Court of the District of Columbia for an
1289 order compelling compliance or take any other action authorized by this subchapter.”.

1290 Sec. 4. Section 4902a(a) of the Department of Health Functions Clarification Act of
1291 2001, effective April 11, 2019 (D.C. Law 22-291; D.C. Official Code § 7-731.01(a)), is amended
1292 by adding a new paragraph (4) that reads as follows:

1293 “(4)(A) The Department shall include questions related to the use of cannabis,
1294 including the use of cannabis for medical purposes, in its BRFSS questionnaire.

1295 “(B) The Department may develop its own questions related to cannabis
1296 use but shall give preference to any module or questions approved by the U.S. Centers for
1297 Disease Control and Prevention.”.

1298 Sec. 5. Penalties for commercial property owners of illegal cannabis businesses.

1299 (a)(1) After the Alcoholic Beverage and Cannabis Administration makes final
1300 determinations for the licensure of unlicensed establishments pursuant to §§ 7-1671.06a and 7-
1301 1671.06b, for the first violation of D.C. Official Code § 47-2844(a-2)(1B), the Mayor shall send
1302 a notice to the commercial property owner where the illegal activity occurred stating:

1303 (A) The nature of illegal activity documented on the premises;

1304 (B) The specific action or actions being taken against the licensee
1305 operating on the premises; and

1306 (C) That the commercial property owner may be subject to civil penalties
1307 for any subsequent illegal activity under D.C. Official Code § 47-2844(a-2)(1B) pursuant to
1308 subsection (c) of this section.

1309 (2) Notices issued pursuant to this subsection shall be provided to the Alcoholic
1310 Beverage and Cannabis Administration, the Director of the Department of Licensing and
1311 Consumer Protection, and the Office of the Attorney General.

1312 (b) For any subsequent violation of D.C. Official Code § 47-2844(a-2)(1B):

1313 (1) The Mayor shall issue a fine in the amount of up to \$10,000 to the commercial
1314 property owner; and

1315 (2)(A) The Mayor shall require the commercial property owner to submit a
1316 remediation plan within 14 days after the notice of a fine under paragraph (1) of this subsection
1317 to the Director of the Department of Licensing and Consumer Protection that contains the

1318 commercial property owner’s plan to prevent any future violations of D.C. Official Code § 47-
1319 2844(a-2)(1B).

1320 (B) If the commercial property owner fails to submit a remediation plan in
1321 accordance with subparagraph (A) of this paragraph, or if the Mayor, in consultation with the
1322 Director of the Department of Licensing and Consumer Protection, rejects the commercial
1323 property owner’s remediation plan, the Mayor may issue additional fines or revoke the
1324 commercial property owners’ licenses.

1325 (c)(1) A commercial property owner has the right to request a hearing with the Office of
1326 Administrative Hearings within 3 business days after service of notice of any actions taken under
1327 subsection (b) of this section.

1328 (2) If a commercial property owner timely requests a hearing pursuant to this
1329 subsection, the Office of Administrative Hearings shall hold a hearing before an administrative
1330 law judge within 3 business days after receiving the request.

1331 (3) The administrative law judge shall issue an opinion no later than 30 calendar
1332 days after the hearing.

1333 (d) Revenue collected from fines imposed pursuant to this section shall be deposited as
1334 follows:

1335 (i) The first \$100,000 shall be deposited into the Litigation
1336 Support Fund established pursuant to § 1-301.86b; and

1337 “(ii) Any revenue collected from fines after the first \$100,000 shall
1338 be deposited into the Medical Cannabis Social Equity Fund established pursuant to § 7–
1339 1671.08b.

1340 (e) For purposes of this paragraph, the term:

1341 (1) “Business days” means days in which the Office of Administrative Hearings is
1342 open for business.

1343 (2) “Cannabis” shall have the same meaning as provided in D.C. Official Code §
1344 48-901.02(3).

1345 Sec. 6. Title 25 of the D.C. Official Code is amended as follows:

1346 (a) Strike the phrase “ABRA” wherever it appears and insert the phrase “ABCA” in its
1347 place.

1348 (b) Strike the phrase “Alcoholic Beverage Regulation Administration” wherever it
1349 appears and insert the phrase “Alcoholic Beverage and Cannabis Administration” in its place.

1350 (c) Strike the phrase “Alcoholic Beverage Control Board” wherever it appears and insert
1351 the phrase “Alcoholic Beverage and Cannabis Board” in its place.

1352 (d) D.C. Official Code § 25-101 is amended to read as follows:

1353 (1) Paragraph (1) is amended to read as follows:

1354 “(1) “ABCA” means the Alcoholic Beverage and Cannabis Administration
1355 established by § 25-202.”.

1356 (2) Paragraph (2) is amended to read as follows:

1357 “(2) “ABCA Fund” means the Alcoholic Beverage and Cannabis Administration
1358 Fund established by §25-210.”.

1359 (3) Paragraph (11) is amended to read as follows:

1360 “(11) “Board” means the Alcoholic Beverage and Cannabis Board established by
1361 § 25-201.”.

1362 Sec. 7. The Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for
1363 Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3-172;
1364 D.C. Official Code § 36-601.01 *et seq.*) is amended as follows:

1365 (a) Strike the phrase “ABRA” wherever it appears and insert the phrase “ABCA” in its
1366 place.

1367 (b) Section 401 (D.C. Official Code § 36-641.01) is amended as follows:

1368 (1) Paragraph (1) is amended to read as follows:

1369 “(1) “ABC Board” means the Alcoholic Beverage and Cannabis Board,
1370 established by D.C. Official Code § 25-201.”.

1371 (2) Paragraph (2) is amended to read as follows:

1372 “(2) “ABCA” means the Alcoholic Beverage and Cannabis Administration,
1373 established by D.C. Official Code § 25-202.”.

1374 Sec. 8. Title 47 of the District of Columbia Official Code is amended as follows:

1375 (a) Section 47-1801.04 is amended by adding a new paragraph (31A) to read as follows:

1376 “(31A) “Licensed medical cannabis business” shall mean a cultivation center,
1377 manufacturer, retailer, internet retailer, courier, or testing laboratory licensed with ABCA
1378 pursuant to § 7-1671.06(b).”.

1379 (b) Section 47-1803.03(a) is amended as follows:

1380 (1) Paragraph (1) is amended to read as follows:

1381 “(1) Expenses. — All the ordinary and necessary expenses paid or incurred during
1382 the taxable year in carrying on any trade or business (except as otherwise provided herein);
1383 traveling expenses while away from home in the pursuit of a trade or business; and rentals or
1384 other payments required to be made as a condition to the continued use or possession, for
1385 purposes of the trade or business, of property to which the taxpayer has not taken or is not taking
1386 title or in which he has no equity. Any business expenses allowed under this paragraph shall be
1387 subject to the same limitations as provided for in the Internal Revenue Code of 1986; provided,
1388 that a licensed medical cannabis business shall be allowed to, for the purposes of District income
1389 taxes, claim any tax deduction or credit that is prohibited for purposes of filing federal income
1390 taxes under § 280E of the Internal Revenue Code of 1986.”.

1391 (2) Paragraph (4) is amended as follows:

1392 (A) A new subparagraph (C) is added to read as follows:

1393 “(C) A licensed retailer or internet retailer of medical cannabis shall be
1394 allowed, for the purposes of District taxes to deduct lost gross income occurring as a result of
1395 reduced fee patient sales, pursuant to D.C. Official Code § 7-1671.05(b)(16)(B), to the extent the

1396 lost amount exceeds 12% of the licensed retailer’s or internet retailer’s total sales to qualifying
1397 patients in a calendar year. A licensed retailer or internet retailer shall not be permitted to claim
1398 more than a 20% loss on any reduced fee patient sales transactions that exceed 12% of the
1399 retailer’s or internet retailer’s total medical cannabis sales to qualifying patients.”.

1400 (c) Section 47-2002(a)(7) is amended to read as follows:

1401 “(7)(A) The rate of tax shall be 6% of the gross receipts from the sale of or
1402 charges for medical cannabis, as defined in § 7-1671.01(12), except for sales or charges
1403 occurring during “4/20 Medical Cannabis Sales Tax Holiday Week”, which shall be the period of
1404 April 15 through April 24 each calendar year.

1405 “(B)(i) The proceeds of the tax collected under subparagraph (A) of this
1406 paragraph shall be deposited in the Healthy DC and Health Care Expansion Fund established by
1407 § 31-3514.02 through September 30, 2026; except, that all revenue above the amount certified in
1408 the approved Fiscal Year 2023 budget for Fiscal Years 2023, 2024, 2025, and 2026 shall be
1409 deposited in the Medical Cannabis Social Equity Fund established pursuant to § 7–1671.08b.

1410 “(ii) Beginning October 1, 2026, all proceeds of the tax collected
1411 under subparagraph (A) of this paragraph shall be deposited in the Medical Cannabis Social
1412 Equity Fund established pursuant to § 7–1671.08b.”.

1413 (d) Section 47-2844(a-2) of the District of Columbia Official Code is amended by adding
1414 a new paragraph (1B) to read as follows:

1415 “(1B) The Mayor may, after the Alcoholic Beverage and Cannabis Administration
1416 reviews, and approves or denies, licenses for unlicensed establishments pursuant to §§ 7–
1417 1671.06a and 7–1671.06b, in addition to the provisions of subsection (a-1) of this section and
1418 paragraph (1) of this subsection, and notwithstanding § 2-1801.04(a)(1), take the following
1419 actions against, or impose the following requirements upon, any licensee, or agent of a licensee,
1420 that knowingly engages or attempts to engage in the purchase, sale, exchange, or any other form
1421 of commercial transaction involving cannabis that is not purchased, sold, or exchanged in
1422 accordance with Chapter 16B of Title 7 or § 48-904.01:

1423 “(A) For the first violation of this paragraph, the Mayor:

1424 “(i) May issue a:

1425 “(I) Fine in the amount of up to \$10,000; and

1426 “(II) Notice to revoke all licenses issued to the licensee

1427 pursuant to this chapter, with notices issued pursuant to this sub-subparagraph provided to the

1428 Alcoholic Beverage and Cannabis Administration; and

1429 “(ii)(I) After a determination made in accordance with § 2-

1430 1801.06(a), shall seal the licensee’s premises, or a portion of the premises, for up to 96 hours

1431 without a prior hearing, with notice of the sealing given to the Alcoholic Beverage and Cannabis

1432 Administration, the Director of the Department of Licensing and Consumer Protection, and the

1433 Office of the Attorney General.

1434 “(II) Within 14 days after a licensee’s premises is sealed
1435 pursuant to sub-sub-subparagraph (I) of this sub-subparagraph, the Mayor shall require the
1436 licensee to submit a remediation plan to the Director of the Department of Licensing and
1437 Consumer Protection that contains the licensee’s plan to prevent any future recurrence of
1438 purchasing, selling, exchanging, or otherwise transacting any cannabis that is not purchased,
1439 sold, or exchanged in accordance with Chapter 16B of Title 7 or § 48-904.01, and an
1440 acknowledgment that a subsequent occurrence of engaging in prohibited activities may result in
1441 the revocation of all licenses issued to the licensee pursuant to this chapter.

1442 “(III) If the licensee fails to submit a remediation plan in
1443 accordance with this sub-subparagraph, or if the Mayor, in consultation with the Director of the
1444 Department of Licensing and Consumer Protection, rejects the licensee’s remediation plan, the
1445 Mayor shall notify the licensee of the defects in any rejected remediation plan and the Mayor's
1446 intent to revoke all licenses issued to the licensee pursuant to this chapter.

1447 “(IV) If the licensee cures the defects in a rejected
1448 remediation plan, the Mayor may suspend any action to revoke the license of the licensee issued
1449 pursuant to this chapter.

1450 “(B) For any subsequent violation of this paragraph, the Mayor:

1451 “(i) May issue a fine in the amount of up to \$20,000; and

1452 “(ii) After a determination made in accordance with § 2-
1453 1801.06(a), shall seal the licensee's premises, or a portion of the premises, for up to 30 days
1454 without a prior hearing.

1455 “(C) At the time of the sealing of the premises, or a portion of the
1456 premises, pursuant to subparagraph (A)(ii)(I) or (B)(ii) of this paragraph, the Director of the
1457 Department of Licensing and Consumer Protection shall post at the premises and serve on the
1458 licensee a written notice and order stating:

1459 “(i) The specific action or actions being taken;

1460 “(ii) The factual and legal bases for the action or actions;

1461 “(iii) The right, within 3 business days after service of notice of the
1462 sealing of the premises, to request a hearing with the Office of Administrative Hearings;

1463 “(iv) The right to a hearing before an administrative law judge,
1464 within 3 business days after a timely request being received by the Office of Administrative
1465 Hearings; and

1466 “(v) That it shall be unlawful for any person, with the exception of
1467 emergency services personnel, to enter the sealed premises for any purpose without written
1468 permission by the Director of the Department of Licensing and Consumer Protection.

1469 “(D)(i) If a licensee’s premises, or a portion of the premises, is sealed
1470 pursuant to subparagraph (A)(ii)(I) or (B)(ii) of this paragraph, a licensee shall have the right to
1471 request a hearing with the Office of Administrative Hearings within 3 business days of service of

1472 notice of the sealing of the premises under subparagraph (C) of this paragraph. If a licensee
1473 timely requests a hearing, the Office of Administrative Hearings shall hold a hearing before an
1474 administrative law judge within 3 business days after receiving the request.

1475 “(ii) The administrative law judge shall issue an opinion no later
1476 than 30 calendar days after the hearing.

1477 “(E) A licensee shall pay a fine issued pursuant to subparagraph (A)(i)(I)
1478 or (B)(i) of this paragraph within 20 calendar days after an opinion is issued by an administrative
1479 law judge with the Office of Administrative Hearings. If the licensee fails to pay the fine within
1480 the specified time period, the Mayor may seal the premises until the fine is paid.

1481 “(F) Revenue collected from fines imposed pursuant to this paragraph
1482 shall be deposited as follows:

1483 “(i) The first \$100,000 shall be deposited into the Litigation
1484 Support Fund established pursuant to § 1-301.86b; and

1485 “(ii) Any revenue collected from fines after the first \$100,000 shall
1486 be deposited into the Medical Cannabis Social Equity Fund established pursuant to § 7-
1487 1671.08b.

1488 “(G) For purposes of this paragraph, the term:

1489 “(i) “Business days” means days in which the Office of
1490 Administrative Hearings is open for business.

1491 “(ii) “Cannabis” shall have the same meaning as provided in § 48-
1492 901.02(3).”.

1493 Sec. 9. Applicability.

1494 (a) Sections 3(n), 4, 5 and 8 of this act shall apply upon the date of inclusion of their
1495 fiscal effect in an approved budget and financial plan.

1496 (b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in
1497 an approved budget and financial plan, and provide notice to the Budget Director of the Council
1498 of the certification.

1499 (c)(1) The Budget Director shall cause the notice of the certification to be published in
1500 the District of Columbia Register.

1501 (2) The date of publication of the notice of the certification shall not affect the
1502 applicability of this act.

1503 Sec. 10. Fiscal impact statement.

1504 The Council adopts the fiscal impact statement in the committee report as the fiscal
1505 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
1506 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

1507 Sec. 11. Effective date.

1508 This act shall take effect following approval by the Mayor (or in the event of veto by the
1509 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
1510 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENGROSSED ORIGINAL

1511 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
1512 Columbia Register.