



2017 MAR 31 AM 9:28
OFFICE OF THE
SECRETARY

MURIEL BOWSER
MAYOR

APR - 3 2017

The Honorable Phil Mendelson
Chairman, Council of the District of Columbia
John A. Wilson Building
1350 Pennsylvania, NW, Suite 504
Washington, DC 20004

2017 APR - 3 AM 9:31
OFFICE OF THE
SECRETARY

Dear Chairman Mendelson:

Enclosed for Council consideration is the "Restrictions on the Use of Butane and Other Explosive Gases by Qualified Patients, Caregivers, and Cultivation Centers Rulemaking Approval Resolution of 2017."

This resolution would approve the proposed rulemaking restricting the use of butane and explosive gases by qualified patients, caregivers, and cultivate centers within the District's medical marijuana program. The purpose of this rulemaking is to ban the use of butane by qualifying patients and caregivers, the use of which poses a risk to the health, safety, and welfare of District residents. This rulemaking will also require cultivation centers to obtain written approval from the Director before engaging in the use of butane and other explosive gases when extracting or separating resin or tetrahydrocannabinol from marijuana.

I urge the Council to take prompt and favorable consideration of this resolution.

Sincerely,

A handwritten signature in black ink, appearing to read "Muriel Bowser".

Muriel Bowser



Chairman Phil Mendelson
at the request of the Mayor

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Chairman Phil Mendelson, at the request of the Mayor, introduced the following resolution, which was referred to the Committee on _____.

To approve proposed rules adopted by the Department of Health to ban the use of butane by qualifying patients and caregivers, the use of which poses a risk to the health, safety, and welfare of District residents; and to require cultivation centers to obtain written approval from the Director of the Department of Health before engaging in the use of butane and other explosive gases extract or separate resin or tetrahydrocannabinol (“THC”) from marijuana or to produce or process any form of marijuana concentrates or marijuana-infused product.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that this resolution may be cited as the “Restrictions on the Use of Butane and Other Explosive Gases by Qualified Patients, Caregivers, and Cultivation Centers Rulemaking Approval Resolution of 2017.”

Sec. 2. Pursuant to section 14(b) of the Legalization of Marijuana for Medical Treatment Initiative of 1999 (Act), effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code §§ 7-1671.13(b)), the Council approves the proposed rulemaking adopted by the Department of Health amending Title 22-C, Sections 300 and 5620 of the District of Columbia Municipal Regulations to ban qualifying patients and caregivers from extracting or separating resin or tetrahydrocannabinol (“THC”) from marijuana with

1 butane or other explosive gases, the use of which poses a risk to the health, safety, and
2 welfare of District residents; and to require cultivation centers to obtain written approval
3 from the Director of the Department of Health before engaging in the use of butane and
4 other explosive gases extract or separate resin or THC from marijuana or to produce or
5 process any form of marijuana concentrates or marijuana-infused product.

6 **Sec. 3. Fiscal impact.**

7 The Council adopts the fiscal impact statement in the committee report as the
8 fiscal impact statement required by section 602(c)(3) of the District of Columbia Home
9 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
10 206.02(c)(3)).

11 **Sec. 4.** The Council shall transmit a copy of this resolution, upon its adoption, to
12 the Mayor, the Director of the Department of Health, and the Administrator of the Office
13 of Documents and Administrative Issuances.

14 **Sec. 5.** This resolution shall take effect immediately.

DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health, pursuant to Section 14 of the Legalization of Marijuana for Medical Treatment Amendment Act of 2010, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-1671.13 (2012 Repl.)), and Mayor's Order 2011-71, dated April 13, 2011, hereby gives notice of her intent to adopt the following amendments to Subtitle C (Medical Marijuana) of Title 22 (Public Health and Medicine) of the District of Columbia Municipal Regulations.

The purpose of this rulemaking is to ban the use of butane by qualifying patients and caregivers, the use of which poses a risk to the health, safety, and welfare of District residents. This rulemaking will also require cultivation centers to obtain written approval from the Director before engaging in the use of butane and other explosive gases when extracting or separating resin or tetrahydrocannabinol from marijuana.

The Director also gives notice of the intent to take final rulemaking action to adopt these rules in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*, and upon completion of the thirty (30) day Council period of review if the Council does not act earlier to adopt a resolution approving the rules.

Chapter 3, USE OF MEDICAL MARIJUANA, of Title 22-C, MEDICAL MARIJUANA, is amended as follows:

Section 300, USE BY QUALIFYING PATIENT, TRANSPORTATION BY CAREGIVER, AND LIMITATIONS ON MEDICAL MARIJUANA, is amended as follows:

A new subsection 300.15 is added to read as follows:

300.15 No qualifying patient or caregiver shall use butane or other explosive gases to extract or separate resin from marijuana, or tetrahydrocannabinol from marijuana, or in any other manner.

Chapter 56, GENERAL OPERATING REQUIREMENTS, of Title 22-C, MEDICAL MARIJUANA, is amended as follows:

Section 5620, MANUFACTURING STANDARDS, is amended as follows:

New subsections 5620.4 and 5620.5 are added to read as follows:

5620.4 A cultivation center shall obtain written approval from the Director before engaging in the use of butane or other explosive gases to extract or separate resin or tetrahydrocannabinol from marijuana or to produce or process any form of marijuana concentrates or marijuana-infused product.

5620.5 In reviewing a request for the use of butane or other explosive gases, the Director may consult with subject matter experts in the field, the Department of Fire and Emergency Medical Services, and the Department of Energy and Environment as to the safety

and sufficiency of the cultivation center's proposal.

All persons desiring to comment on the subject matter of this proposed rulemaking action shall submit written comments, not later than thirty (30) days after the date of publication of this notice in the *D.C. Register*, to Phillip Husband, General Counsel, Department of Health, Office of the General Counsel, 899 North Capitol Street, N.E., 5th Floor, Washington, D.C. 20002. Copies of the proposed rules may be obtained between the hours of 8:00 a.m. and 4:00 p.m. at the address listed above, or by contacting Angli Black, Administrative Assistant, at Angli.Black@dc.gov, (202) 442-5977.


Government of the District of Columbia
Office of the Chief Financial Officer



Jeffrey S. DeWitt
Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Jeffrey S. DeWitt
Chief Financial Officer 

DATE: January 26, 2017

SUBJECT: Fiscal Impact Statement – Restrictions on the Use of Butane and Other Explosive Gases by Qualified Patients, Caregivers, and Cultivation Centers Rulemaking Approval Resolution of 2017

REFERENCE: Proposed Resolution sent to the Office of Revenue Analysis on January 26, 2017

Conclusion

Funds are sufficient in the fiscal year 2017 through fiscal year 2020 budget and financial plan to implement the resolution.

Background

The resolution approves¹ rules² from the Department of Health (DOH) that ban the use of butane by medical marijuana patients and caregivers. The rules also require medical marijuana cultivation centers to get written approval from the director of DOH before using butane and other explosive gases to create marijuana products.

Financial Plan Impact

Funds are sufficient in the fiscal year 2017 through fiscal year 2020 budget and financial plan to implement the resolution. DOH can regulate the use of butane by cultivation centers without additional resources.

¹ Pursuant to section 14(b) of the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code §§ 7-1671.13(b)).

² Amending Title 22-C, Sections 300 and 5620 of the District of Columbia Municipal Regulations.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General



ATTORNEY GENERAL
KARL A. RACINE

Legal Counsel Division

MEMORANDUM

TO: Lolita S. Alston
Director
Office of Legislative Support

FROM: Janet M. Robins
Deputy Attorney General
Legal Counsel Division

DATE: March 8, 2017

SUBJECT: Legal Sufficiency Review of Resolution, the "Restrictions on the Use of Butane and Other Explosive Gases by Qualified Patients, Caregivers, and Cultivation Centers Rulemaking Approval Resolution of 2017"
(AE-16-712)

This is to Certify that this Office has reviewed the above-referenced draft legislation and found it to be legally sufficient. If you have any questions in this regard, please do not hesitate to call me at 724-5524.


Janet M. Robins