



2018 NOV -1 PM 4:19
OFFICE OF THE
SECRETARY

MURIEL BOWSER
MAYOR

NOV 1 2018

The Honorable Phil Mendelson
Chairman, Council of the District of Columbia
John A. Wilson Building
1350 Pennsylvania Avenue, N.W., Suite 504
Washington, D.C. 20004

Dear Chairman Mendelson:

Enclosed for consideration by the Council, is the "Medical Marijuana Ingestible Items Rulemaking Approval Resolution of 2018."

This resolution would approve proposed rulemaking to amend Section 5608 (Ingestible Items) of Chapter 56, (General Operating Requirements) of Title 22-C (Medical Marijuana) of the District of Columbia Municipal Regulations (DCMR). This rulemaking is necessary to implement requirements for the production and sale of chocolate medical marijuana-infused product cultivated and sold in the District's Medical Marijuana Program and to strengthen the existing regulations pertaining to the production and sale of ingestible medical marijuana products.


I urge the Council to take prompt and favorable action on the enclosed legislation.

Sincerely,

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

Muriel Bowser
Mayor

MB/cmw


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 to govern the registration, regulation, and operation of medical marijuana testing laboratories in the District of Columbia.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that this resolution may be cited as the “Medical Marijuana Ingestible Items Rulemaking Approval Resolution of 2018.”

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 adding amending § 5608 of Chapter 56 of Title 22-C of the District of Columbia Municipal Regulations to implement requirements for the production and sale of chocolate medical marijuana-infused product cultivated and sold in the District’s Medical Marijuana Program and to strengthen the existing regulations pertaining to the production and sale of ingestible medical marijuana products.

Sec. 3. Fiscal impact.

The Council adopts the fiscal impact statement in the committee report of the Chief Financial Officer as the fiscal impact statement required by section 4a of the

1 General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038;
2 D.C. Official Code § 1-301.47a).

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

6 Sec. 5. This resolution shall take effect immediately.

DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health, pursuant to Sections 6 and 14 of the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code §§ 7-1671.05 & 7-1671.13 (2012 Repl. & 2018 Supp.)), and Mayor's Order 2011-71, dated April 13, 2011, hereby gives notice of her intent to adopt the following amendments to Section 5608 (Ingestible Items) of Chapter 56 (General Operating Requirements) of Subtitle C (Medical Marijuana) of Title 22 (Health) of District of Columbia Municipal Regulations (DCMR) in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*, and upon Council's approval of the rulemaking by resolution. If the Council does not disapprove of the rulemaking during the thirty (30) day period of review, the rulemaking shall be deemed approved.

The purpose of this proposed rulemaking is to amend the current regulations for ingestible items to implement requirements for the production and sale of chocolate medical marijuana-infused product cultivated and sold in the District's Medical Marijuana Program.

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

Section 5608, INGESTIBLE ITEMS, is amended as follows:

Subsection 5608.1 is amended to read as follows:

- 5608.1 A cultivation center engaged in the production of any medical marijuana or of any product containing medical marijuana distributed by a dispensary in an edible form, or other form which is intended to enter the body of a patient, shall:
- (a) Prepare the product at a cultivation center facility that meets all requirements of a retail food establishment, including any Department licensing and certification requirements;
 - (b) Comply with all District of Columbia health regulations relating to the production, preparation, and sale of prepared food items in accordance with Title 25 DCMR Subtitle A (Food and Food Operations); and
 - (c) Submit a Hazard Analysis and Critical Control Points (HACCP) plan to the Department for each food product it will produce, and receive written approval of the HACCP plan or written approval from the Department that a HACCP plan is not necessary before producing any ingestible products.

Subsection 5608.5 is amended to read as follows:

- 5608.5 A cultivation center shall not process or transfer a marijuana item:
- (a) That by its shape, design or flavor is likely to appeal to minors, including but not limited to:
 - (1) Products that are modeled after non-cannabis products primarily consumed by and marketed to children; or
 - (2) Products in the shape of an animal, vehicle, person or character;
 - (b) That is made by applying cannabinoid concentrates or extracts to commercially available candy or snack food items;
 - (c) That contains dimethyl sulfoxide (DMSO); or
 - (d) That contains more than 10mg of THC per serving.

A new subsection 5608.6 is added to read as follows:

- 5608.6 Chocolate marijuana-infused products shall comply with the following requirements:
- (a) Each serving size piece shall be individually wrapped;
 - (b) Each serving size piece shall be affixed with a stamp or the imprinted letters “THC;”
 - (c) Each serving size piece shall contain a maximum of 10 mg of THC; and
 - (d) The packaging and labeling of the product shall be in only black and white.

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., 6th 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. the address listed above, or by contacting Angli Black, Paralegal Specialist, at Angli.Black@dc.gov, (202) 442-5977.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General



ATTORNEY GENERAL
KARL A. RACINE

Legal Counsel Division

MEMORANDUM

TO: Alana Intriери
Executive Director
Office of Policy and Legislative Affairs

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

DATE: October 18, 2018

SUBJECT: Legal Sufficiency Review of Approval Resolution, the "Medical Marijuana Ingestible Items Rulemaking Approval Resolution of 2018"
(AR-18-559)

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

A handwritten signature in cursive script, appearing to read "Janet M. Robins", is written over a horizontal line.

Janet M. Robins