

A RESOLUTION

23-635

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

December 15, 2020

To declare the existence of an emergency, due to congressional review, with respect to the need to amend the Legalization of Marijuana for Medical Treatment Initiative of 1999 to remove the limit on the number of plants that a cultivation center may grow.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Medical Marijuana Plant Count Elimination Congressional Review Emergency Declaration Resolution of 2020”.

Sec. 2. (a) The Legalization of Marijuana for Medical Treatment Initiative of 1999, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-1671.01 *et seq.*) (“Medical Marijuana Act”), established a medical marijuana program in the District. Pursuant to the Medical Marijuana Act, the Department of Health can register qualifying patients to receive access to medical marijuana without fear of government sanction, to the extent possible without a change in federal laws.

(b) Since passage of the Medical Marijuana Act, the Council and Executive have endeavored to improve access to medical marijuana for patients with the enactment of multiple bills and regulations including the Medical Marijuana Expansion Amendment Act of 2014, the Medical Marijuana Omnibus Amendment Act of 2016, the Medical Marijuana Certified Business Enterprise Preference Emergency Amendment Act of 2018, and most recently, the Student Medical Marijuana Patient Fairness Emergency Amendment Act of 2019.

(c) Current law limits the number of plants that a cultivation center may grow (“plant count limit”) to 1,000. This plant count limit was originally 95; the Council raised the limit to 500 plants in 2014, and to 1,000 in 2016, before eliminating it temporarily beginning in 2019 through emergency and temporary legislation, which will expire on January 1, 2021.

(d) The rationale for the plant count limit was to protect the medical marijuana program from interference by the federal government, but federal budget language now prohibits the Department of Justice from interfering with state or territorial medical marijuana programs, including in the District.

(e) As a result, there is no longer a reason to maintain an arbitrary plant count limit rather than allow cultivation centers to grow what is required to meet the market need.

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(f) To meet the needs of patients who seek specific strains of medical marijuana or who do not consume medical marijuana by smoking, a greater quantity of medical marijuana is required for the development and provision of unique strains and for production of tinctures, oils, edibles, and other products.

(g) The plant count limit unnecessarily creates a shortage of these products and limits the variety of strains available to patients.

(h) This lack of product puts District of Columbia cultivators and dispensaries at a disadvantage in competition with both the underground market as well as neighboring states with larger medical marijuana programs.

(i) Therefore, there exists an immediate need to amend existing law to remove the arbitrary limit on the number of plants that a marijuana cultivation center may grow.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Medical Marijuana Plant Count Elimination Congressional Review Emergency Amendment Act of 2020 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.