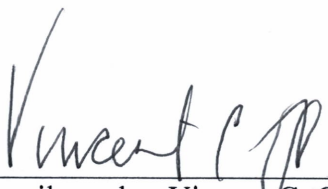



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3 Councilmember Vincent C. Gray


Councilmember David Grosso

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6 Councilmember Brianne K. Nadeau

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9 A BILL
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14 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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18 To amend the Legalization of Marijuana for Medical Treatment Initiative of 1998 to authorize
19 the dispensation of medical marijuana to and use by qualifying patients over the age of 21
20 at safe-use facilities, to allow qualifying patients, upon application to the Mayor for a
21 medical marijuana registration identification card, to immediately purchase medical
22 marijuana on a provisional basis, subject to the approval or rejection of a registration
23 application, to eliminate the limit on the number of marijuana plants that cultivation
24 centers are permitted to grow, and to allow for the delivery of medical marijuana to
25 qualified patients.

26 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
27 act may be cited as the “Medical Marijuana Patient Health and Accessibility Improvement
28 Amendment Act of 2018”.

29 Sec. 2. The Legalization of Marijuana for Medical Treatment Initiative of 1998, effective
30 February 25, 2010 (D.C. Law 13-315; D.C. Official Code § 7-1671.01 *et seq.*), is amended as
31 follows:

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

33 (1) Paragraph (2) is repealed.

34 (2) Paragraph (5) is amended by striking the phrase “dispensaries” and inserting
35 the phrase “dispensaries and safe-use treatment facilities” in its place.

36 (3) Paragraph (5A) is redesignated as Paragraph (5B).
37 (4) A new paragraph (5A) is added to read as follows:
38 “(5A) “Deliver” means to transport and distribute medical marijuana to a
39 qualifying patient or caregiver at the patient or qualifying caregiver’s residence.”
40 (5) Paragraph (7) is amended by striking the phrase “possessed and dispensed”
41 and inserting the phrase “possessed, dispensed, and delivered” in its place.
42 (6) A new paragraph (20A) is added to read as follows:
43 “(20A)(A) “Safe-use treatment facility” means a facility operated by an
44 organization or business registered with the Mayor pursuant to section 6 at which a qualifying
45 patient can purchase and administer medical marijuana for on-site use only; provided, that a safe-
46 use facility shall be a fully detached structure, unless it solely shares a wall with a marijuana
47 cultivation center, testing laboratory, or dispensary.”
48 (b) Section 3 (D.C. Official Code § 7-1671.02) is amended by adding a new subsection
49 (c-1) to read as follows:
50 “(c-1) Notwithstanding subsection (c) of this section, qualifying patients, except
51 qualifying patients enrolled in another jurisdiction’s medical marijuana program pursuant to
52 subsection (c)(2) of this section, shall, upon submission of their first application for registration
53 pursuant to section 6, be considered provisionally approved, and may use the application as proof
54 of the registration required pursuant to subsection (c)(1)(B) of this section until the Department
55 issues a registration identification card or a notice of denial.”
56 (c) Section 4 (D.C. Official Code § 7-1671.03) is amended as follows:

57 (1) Subsection (b)(1) is amended by striking the phrase "if permitted by the facility" and inserting the phrase "if permitted by the facility, or at a safe-use treatment facility" in its place.

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59 in its place.

60 (2) Subsection (f) is amended by striking the phrase "or testing laboratory" and inserting the phrase "testing laboratory, or safe-use treatment facility" in its place.

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62 (3) Subsection (g) is amended by striking the phrase "or testing laboratory" and inserting the phrase "testing laboratory, or safe-use treatment facility" in its place.

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

65 (1) Subsection (a)(1) is amended by striking the phrase "patient; and" and inserting the phrase "patient, including a professional relationship established solely to assess whether the patient qualifies for the use of medical marijuana; and" in its place.

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68 (2) Subsection (d) is repealed.

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

70 (1) Paragraph (2) is amended as follows:

71 (A) Subparagraph (B-i) is amended by striking the word "and";

72 (B) A new subparagraph (B-ii) is added to read as follows:

73 "(B-ii) Safe-use treatment facilities; and";

74 (C) Subparagraph (C) is amended by striking the phrase "and testing laboratories" and inserting the phrase "testing laboratories, and safe-use treatment facilities" in its place.

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77 (2) Paragraph (3) is amended by striking the word "paraphernalia;" and inserting the phrase "paraphernalia; provided, that upon submission of an application for a registration identification card, qualifying patients shall be considered provisionally approved, and may use

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80 the application for a registration identification card as proof of registration until the Department
81 issues a registration identification card or a notice of denial;" in its place.
82 (3) Paragraph (4) is amended as follows:
83 (A) The lead-in language is amended by striking the phrase "and testing
84 laboratories" and inserting the phrase "testing laboratories, and safe-use treatment facilities" in
85 its place.
86 (B) Sub-sub-paragraph (A)(iii) is amended by striking the phrase "or
87 testing laboratory" and inserting the phrase "testing laboratory, or safe-use treatment facilities"
88 in its place.
89 (4) Paragraph (8) is amended by striking the phrase "dispensaries and cultivation
90 centers" and inserting the phrase "dispensaries, cultivation centers, and safe-use treatment
91 facilities" in its place.
92 (5) Paragraph (9) is amended by striking the phrase "and testing laboratories"
93 wherever it appears and inserting the phrase "testing laboratories, and safe-use treatment
94 facilities" in its place.
95 (6) Paragraph (12) is amended by striking the phrase "and testing laboratory" and
96 inserting the phrase "testing laboratory, and safe-use treatment facility" in its place.
97 (7) Paragraph (13) is amended by striking the phrase "or testing laboratory" both
98 times it appears and inserting the phrase "testing laboratory, or safe-use treatment facility" in its
99 place.
100 (f) Section 7 (D.C. Official Code § 7-1671.06) is amended as follows:

101 (1) The section heading is amended by striking the phrase "Dispensaries and
102 cultivation centers" and inserting the phrase "Dispensaries, cultivation centers, and safe-use
103 treatment facilities" in its place.

104 (2) Subsection (a) is amended by striking the phrase "dispensing the medical
105 marijuana" and inserting the phrase "dispensing or delivering the medical marijuana" in its place.

106 (3) Subsection (b) is amended as follows:

107 (A) Strike the phrase "and possess" and insert the phrase "possess, and
108 transport" in its place;

109 (B) Strike the phrase "a dispensary" and inserting the phrase "a dispensary
110 and testing at a testing laboratory" in its place;

111 (4) A new subsection (b-2) is added to read as follows:

112 "(b-2) Notwithstanding any other District law, a safe-use facility may possess medical
113 marijuana for the purpose of dispensing the medical marijuana to a qualifying patient over 21
114 years of age for on-site use only, in accordance with this chapter and the rules issued pursuant to
115 section 14.":

116 (5) Subsection (c) is repealed.

117 (6) Subsection (d) is amended as follows:

118 (A) Paragraph (1) is amended by striking the phrase "and testing
119 laboratory" and inserting the phrase "testing laboratory, and safe-use facility" in its place.

120 (B) Paragraph (3) is amended by adding new subparagraphs (C) and (D) to
121 read as follows:

122 "(C) Any applicant that submitted an application on July 19, 2015, for a
123 registration to operate a cultivation center shall be allowed to modify the location of the

124 cultivation center on its application without negatively affecting the current status of the
125 application.”;
126 “(D) A registered cultivation center may open a second location within the
127 District for the purposes of production.”;
128 (C) A new paragraph (6) is added to read as follows:
129 “(6)(A) The number of safe-use treatment facilities that may be registered to
130 operate in the District shall be determined by rulemaking; provided, that no more than 4 safe-use
131 treatment facilities may be registered to operate within an election ward established by the
132 Council in section 4 of the Redistricting Procedure Act of 1981, effective March 16, 1982 (D.C.
133 Law 4-87; D.C. Official Code § 1-1041.03).
134 (7) Subsection (e)(2) is repealed.
135 (8) Subsection (g) is amended by striking the phrase “or testing laboratory” and
136 inserting the phrase “testing laboratory, or safe-use treatment facility” in its place.
137 (9) Subsection (g-2) is amended to read as follows:
138 “(g-2) A dispensary, cultivation center, testing laboratory, or safe-use treatment facility
139 may be permitted to relocate to within an election ward or to another election ward upon
140 approval from the Mayor; provided, that such a relocation conforms with the limits pursuant to
141 subsection (d).”;
142 (10) Subsection (g-3) is amended by striking the phrase “or testing laboratory”
143 and inserting the phrase “testing laboratory, or safe-use treatment facility” in its place.
144 (11) A new subsection (g-4) is added to read as follows:
145 “(g-4) A safe-use treatment facility shall not be located within 3,000 feet of
146 another safe-use treatment facility.”

147 (12) Subsection (h) is amended by striking the phrase "and testing laboratory" and
 148 inserting the phrase "testing laboratory, and safe-use treatment facility" in its place.

149 (13) Subsection (j) is amended as follows:

150 (A) Strike the phrase "or testing laboratory" both times it appears and
 151 insert the phrase "testing laboratory, or safe-use treatment facility" in its place.

152 (B) Strike the phrase "shall have a felony conviction" and insert the phrase
 153 "shall have been convicted of a felony in the preceding 5 years" in its place.

154 (14) Subsection (k) is amended by striking the phrase "or testing laboratory"
 155 wherever it appears and inserting the phrase "testing laboratory, or safe-use treatment facility" in
 156 its place.

157 (g) Section 9(c) (D.C. Official Code § 7-1671.08(c)) is amended as follows:

158 (1) Paragraph (1) is amended by striking the phrase "residence or a medical
 159 treatment facility" and inserting the phrase "residence, medical treatment facility, or safe-use
 160 treatment facility" in its place.

161 (2) Paragraph (2) is amended by striking the phrase "residence or at a permitted
 162 medical treatment facility" and inserting the phrase "residence, permitted medical treatment
 163 facility, or safe-use treatment facility" in its place.

164 (h) Section 11(a) (D.C. Official Code § 7-1671.10(a)) is amended by striking the phrase
 165 "testing laboratories, and" and inserting the phrase "testing laboratories, safe-use treatment
 166 facilities, and" in its place.

167 (i) Section 12(a) (D.C. Official Code § 7-1671.13(a)) is amended as follows:

168 (1) Paragraph (1) is amended by striking the phrase "and dispensaries" wherever
 169 it appears and inserting the phrase "dispensaries, and safe-use treatment facilities" in its place.

170 (2) Paragraph (2) is amended by striking the phrase "and dispensaries" and
inserting the phrase "dispensaries, and safe-use treatment facilities" in its place.

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172 (3) Paragraph (3) is amended by striking the phrase "and testing laboratory" and
inserting the phrase "testing laboratory, and safe-use treatment facility" in its place.

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174 (4) Paragraph (4) is amended by striking the phrase "and testing laboratories" and
inserting the phrase "testing laboratories, and safe-use treatment facilities" in its place.

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176 (5) Paragraph (5) is amended by striking the phrase "or testing laboratory" and
inserting the phrase "testing laboratory or safe-use treatment facility" in its place.

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178 (6) Paragraph (7) is amended by striking the phrase "and cultivation centers" and
inserting the phrase "cultivation centers, and safe-use treatment facilities" in its place.

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180 (7) Paragraph (8) is amended by striking the phrase "or testing laboratory" and
inserting the phrase "testing laboratory, or safe-use treatment facility" in its place.

181

182 Sec. 3. Fiscal impact statement.

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

186 Sec. 4. Effective date.

187 This act shall take effect following approval by the Mayor (or in the event of veto by the
188 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
189 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
190 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
191 Columbia Register.