

THE DISTRICT

CANABIS UPDATE | WARDS 1 & 2

THE Ward 1

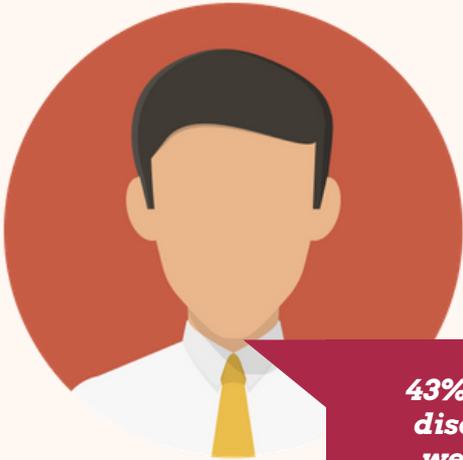
»»»»»»»»»»»»»»»» Update ««««««««««««««««



Past 30 days in Ward 1
Youth use averaged 5.3
days



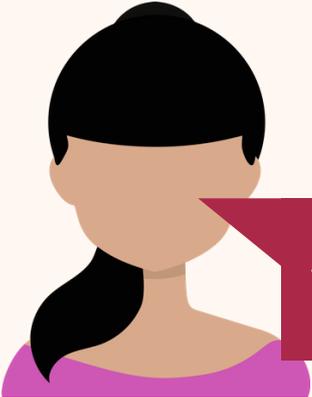
40% of youth perceive a risk from smoking biweekly



43% of youth strongly disapprove using MJ weekly or bi-weekly



51% of youth say its easy to acquire



53% of youth report a high chance of getting caught

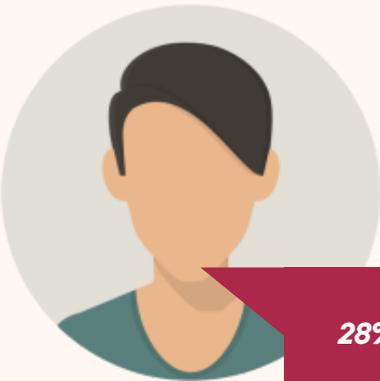
"Data." DC Prevention WARD 1, The Center for Drug Abuse Research (CDAR) and NAADPC , 17 Sept. 2017, dcpventionward1.org/data/.

THE Ward 2

»»»»»»»»»»»»»»»» Update ««««««««««««««««



Past 30 days in Ward 2
Youth average 11.7 days



*28% perceive risk from
smoking biweekly*



*60% report its easy to
acquire*



*54% report a high chance
of getting caught*

Set in stone

Legal Landscape of Marijuana and DC



The law's restriction on consuming marijuana in public places has brought out advocates for Marijuana Private Clubs. Proponents for such clubs have argued in favor of a place to smoke and consume marijuana legally, asserting that recreational marijuana should be treated similarly to the consumption of alcohol. They also argue that the law inadvertently promotes pot smoking in private homes, potentially around children, and discriminates against those who live in federal public housing, as marijuana possession remains illegal there.

In order to prevent the formation of unregulated marijuana-sharing organizations, Mayor Bowser sent legislation to the Council in January 2016 prohibiting the use of marijuana at nightclubs, private clubs, and virtually any other business registered by the District. However, in light of proponents' concerns regarding the lack of a safe space to consume marijuana, Mayor Bowser established the Marijuana Private Club Task Force in April 2016, charging its members to convene for 120 days, and make recommendations as to whether marijuana private clubs should be permitted in the District of Columbia. If so, the Task Force was also asked to propose a regulatory structure for such clubs that would best serve to protect the health, safety and well-being of the residents and visitors of the District.

Who's in Charge

Limitations on Marijuana Legislation



On December 3, 2014, the District's Board of Elections certified the results of the election for Initiative 71. Thirteen days later, Congress passed Section 809 of the Financial Services and General Government Appropriations Act, 2015, which is often referred to as "the Rider." The Rider prohibited the District from using federal or local funds to enact measures legalizing or reducing the penalties for the use, possession, or sale of recreational marijuana. Because Initiative 71 was enacted prior to the Rider becoming law, the Attorney General has determined that the Rider's provisions do not invalidate Initiative 71.

The Rider does, however, prohibit the District from, among other things, passing new legislation that would create a comprehensive scheme for licensing and regulating the cultivation, manufacture, retail sale, and taxation of recreational marijuana. The OAG concluded the Rider prohibits the Council or its staff from conducting a hearing on any such bills. The Rider referred only to funds appropriated in fiscal year 2015. However, Congress passed another rider that imposed the same limitations on the use of funds appropriated in fiscal year 2016. See Memo from the Office of the Attorney General Re Legality of Hearings on Bill 21-23, the Marijuana Legalization and regulation Act of 2015.

Under Deliberation

Recent and Pending Marijuana Legislation

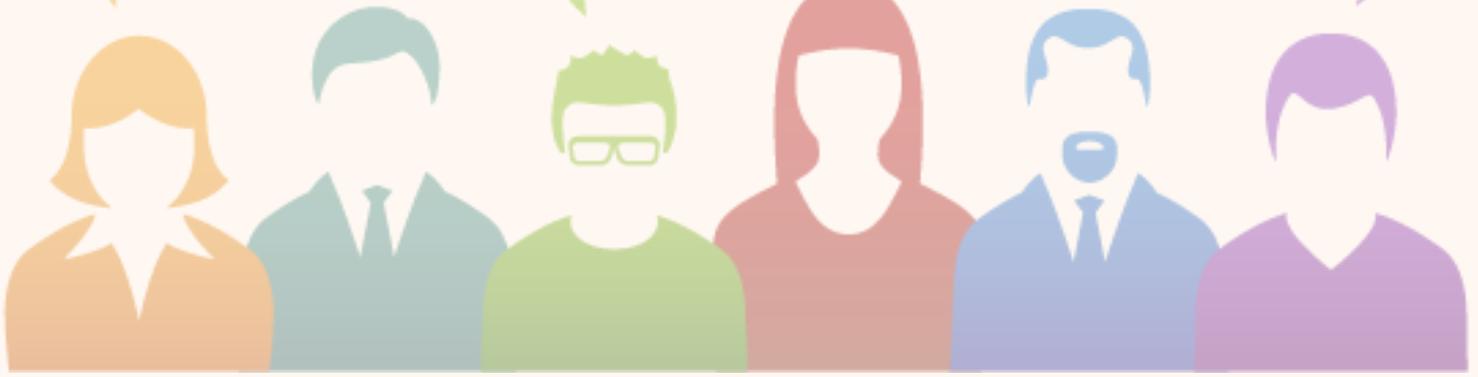


Legislation has been recently enacted to allow cultivation centers in the District to expand from their existing centers into adjacent empty spaces to allow an increase in plant count from 500 to 1,000 plants and to allow certain cultivation centers to relocate within the same electoral ward. Additionally, legislation is pending to allow patients registered with another jurisdiction's medical marijuana program to acquire medical marijuana in the District of Columbia and to remove the limitation on the number of plants that each cultivation center may grow.

This legislation could result in major changes to the Medical Marijuana Program. There is additional pending legislation to give the Department of Health the authority to establish independent testing laboratories, that are not owned or operated by any officers or employees of a cultivation center or dispensary, to test medical marijuana and medical marijuana derived products to include testing results for the concentration of THC and cannabidiol, the presence and identification of molds and fungus, and other information as required by the Department.

What's Happening in the Nation

DCRA's role in Marijuana Legislation



DCRA's role has been to assist District government agencies, such as the Department of Health and the MPD, with any type of regulatory investigations and enforcement actions relating to business activities involving marijuana use. Since the inception of Initiative 71, DCRA has investigated numerous business entities and individuals that were operating in gray areas. Examples of the gray areas are: i. A business entity created as a delivery service that allowed customers to purchase fresh pressed juices and as a "gift" with their purchase, they received marijuana. ii. Operation of an illegal nightclub/event space with the stated purpose of marijuana advocacy. During the event, public consumption of marijuana occurred. iii. "Cannabis Happy Hour" events. A licensed club allowing the public consumption of marijuana on its premises sponsored and/or organized by a third party marijuana advocacy group.

Unlicensed outdoor marijuana special event publicized as an advocacy event to support the legalization of marijuana. In order to have a successful private club allowance for marijuana consumption or transfer (not for money), regulations must be clear and concise to avoid the gray areas discussed above. The gray areas above demonstrate creativity, in the application and interpretation of, i. Distribution of marijuana; ii. Sales of marijuana; iii. Donations used to support the legalization and the public consumption of marijuana; iv. The definition of public vs. private memberships and its impact on public consumption; and v. Unauthorized public consumption.



What's Happening in the Nation

Marijuana Task Force

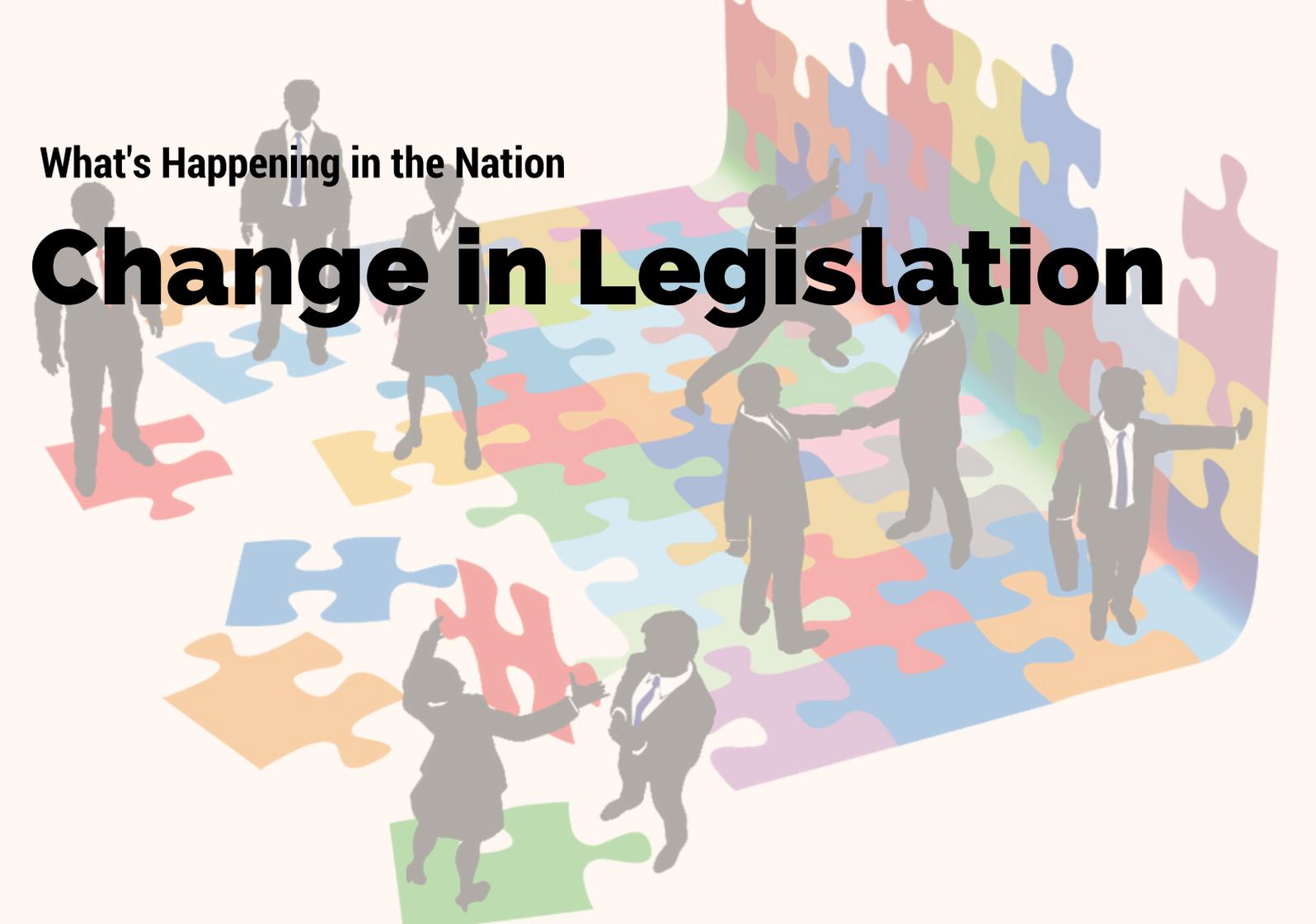
The Charge of the Marijuana Private Club Task Force¹ as outlined in Mayor's Order 2016-032 follows:

“The Task Force shall provide a report making recommendations regarding the potential licensing and operation of venues at which marijuana may be consumed that are within the lawful parameters for the possession, use, and transfer of marijuana set forth in section 401(a) (l) of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-904.01(a) (1)).” “If the Task Force recommends future protocols authorizing the licensing and operation of such venues, the report shall include recommendations regarding effective ways to regulate those venues to ensure the health and safety of staff members, and invitees and the health and safety of the nearby public and the general public, including recommendations regarding the following specific topics:

1. Hours of operation;
2. Occupancy limits;
3. Whether food or beverages (alcoholic and non-alcoholic) may be sold at the venue;
4. The District agencies that should be involved in regulating the venues;
5. Security plans;
6. The amount of marijuana an individual shall be permitted to possess at the venue;
7. Whether a venue can store marijuana for a member or invitee of a venue;
8. Penalties for violating the regulations;
9. Licensing, including the requirements for licensure, such as proof of compliance with all applicable District laws, and the application procedure, and fee structure;
10. Cost of membership or admission;
11. Limits on the location and number of venues allowed to operate in the District; and
12. How all District residents can utilize the benefits of the Legalization of Possession of Minimal Amounts of Marijuana for Personal Use Initiative of 2014, effective February 26, 2015 (D.C. Law 20-153; 62 DCR 880).

What's Happening in the Nation

Change in Legislation



Councilmembers Nadeau and Todd were appointed to the Task Force through R21-471, the “Marijuana Private Club Task Force Brianne Nadeau and Brandon Todd Appointment Resolution of 2016,” introduced on March 15, 2016 and effective May 3, 2016. The Task Force itself was established pursuant to Section 2 of the Marijuana Possession Decriminalization Clarification Temporary Amendment Act of 2016 and Mayor’s Order 2016-032.

On April 19, 2016, Councilmember Nadeau convened a town hall to discuss B21- 107, the “Marijuana Decriminalization Clarification Amendment Act of 2015”. The bill clarifies that private clubs, or any places to which the public is invited, are prohibited from offering marijuana to patrons. Further, the bill prohibits marijuana consumption in private clubs as well as public spaces. It also authorizes the Mayor to revoke any license, Certificate of Occupancy, or permit held by an entity that knowingly permits a violation. It should be noted that a public hearing on the bill previously took place in December 2015, but with new developments, Councilmembers Nadeau and Todd felt it important to engage the community further.

Legalization in Alaska



Public consumption is illegal. It is punishable by a fine of up to \$100.00.¹² Though Alaska's law expressly made it unlawful to consume marijuana in public,¹³ it did not define the term "in public." Therefore, the state filed emergency regulations on February 24, 2015, to define "in public" as, "a place to which the public or a substantial group of persons has access and includes highways, transportation facilities, schools, places of amusement, businesses, parks, playgrounds, prisons, and hallways, lobbies, and other portions of apartment houses and hotels not constituting rooms or apartments designed for actual residence."

However, Alaska subsequently amended the law to allow consumption of marijuana and marijuana products purchased on the premises in designated areas on premises of a licensed marijuana retailer. This provision became effective February 21, 2016. The regulations do not permit a retail marijuana store to give a customer alcoholic beverages, whether free or for compensation, or free marijuana or marijuana products, including samples.¹⁵ Presently, no consumption endorsements have been issued. Therefore, at present, it continues to be a violation to consume marijuana in a public place, including unlicensed, unregulated marijuana smoking clubs

Legalization in Colorado



State law prohibits public consumption.¹⁷ Licensees (which are any person/business entity licensed pursuant to the Retail Code) are prohibited from allowing consumption of marijuana or marijuana products on their premises.¹⁸ Further, under Colorado's Clean Indoor Air Act, marijuana smoking isn't allowed anywhere that cigarette smoking is also banned and there is not a cigar bar-style exemption.¹⁹ However, at the local level, some jurisdictions, such as Pueblo County, Colorado, have undertaken efforts to allow the operation of private marijuana clubs. The Pueblo County commissioners approved changes to the county's marijuana laws regarding private marijuana clubs. These rules allow consumption of marijuana on premises open to the public if the premise:

- Is limited to persons age twenty-one and older;
- Is clearly marked as a place where marijuana is being consumed;
- Complies with the Colorado Clean Indoor Air and the Pueblo County Smoke Free Air Acts;

- No alcohol is served on the premises unless the premise is properly licensed under a permitted category;
- The consumption of marijuana is not done openly and publicly; and
- The premise otherwise complies with the provisions of the Pueblo County Zoning Code²⁰.

Denver has proposed “The Responsible Use Denver Initiative Ordinance”, that would provide an exception to the term “public place.” The provision would allow “any portion of a premise where the consumption of marijuana is permitted in a Private Marijuana Social Club or in a premises or property that is hosting a Special Event...” not to be considered a public place. If passed, this change would make smoking clubs legal in Denver, but would still not permit them

Legalization in Oregon



Public consumption is banned. Oregon law does not allow for on-site consumption of marijuana at dispensaries. The legislature recently passed House Bill 2546, effective as of January 2016, which amended Oregon's Clear Air Act to prohibit a person from smoking, aerosolizing or vaporizing an inhalant or from carrying a lighted smoking instrument in a public place or place of employment. House Bill 2546 further prohibits this conduct within ten (10) feet of the entrance, exit, windows, and ventilation intakes of a public place or place of employment. House Bill 2546 defines a "public place" as an enclosed area open to the public and defines "inhalant" to include a cannabinoid or any other substance that is inhaled for the purpose of delivering cannabinoids into a person's respiratory system.

A civil penalty of up to \$500.00 per day for each violation may be imposed for violating this law. House Bill 2546, however, exempts medical marijuana use in a medical facility. Additionally, House Bill 2546 allows the owner of a hotel to designate up to 25% of the sleeping rooms as rooms in which the smoking, aerosolizing or vaporizing of inhalants is permitted. It is unclear whether private clubs can still operate if they only allow customers to consume marijuana in edible form. However, at present, edibles are not available for retail sale in Oregon

Legalization in Washington



Public consumption is illegal. Washington's law, which resulted from Initiative Measure No. 502, states, "It is unlawful to open a package containing marijuana, useable marijuana, marijuana-infused products, or marijuana concentrates, or consume marijuana, useable marijuana, marijuana-infused products, or marijuana concentrates, in view of the general public or in a public place."

Though Initiative Measure No. 502 did not define "public place," this term is defined in the state code as, "that portion of any building or vehicle used by and open to the public, regardless of whether the building or vehicle is owned in whole or in part by private persons or entities, the state of Washington, or other public entity, and regardless of whether a fee is charged for admission, and includes a presumptively reasonable minimum distance of twenty-five feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited. A public place does not include a private residence unless the private residence is used to provide licensed child care, foster care, adult care, or other similar social service care on the premises."

Washington state law specifically prohibits a person from conducting or maintaining a marijuana club. The law states, "It is unlawful for any person to conduct or maintain a marijuana club by himself or herself or by associating with others, or in any manner aid, assist, or abet in conducting or maintaining a club."³⁰ However, new legislation to amend this law, Senate Bill 6375, was proposed in January 2016. Senate Bill 6375 would allow cities, towns, and counties to license and regulate marijuana use locations within their jurisdictions where consumption of marijuana would be permitted. If enacted, this bill would prohibit the entry of persons under 21 from these locations. Efforts are underway in Seattle to propose legislation to license and regulate "marijuana use lounges." These lounges would permit customers to vaporize or eat marijuana, be open to customers 21 and older with mandatory ID checks, prohibit alcohol, and have minimum ventilation requirements. However, since state law does not allow consumption of marijuana where it is sold, customers would have to bring their own marijuana to the lounges. If enacted, the lounges could charge an entrance fee, and sell food and nonalcoholic beverages.