

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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 of 1999 to provide certain medical marijuana cultivation center applicants with the ability to relocate to another election Ward.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Medical Marijuana Cultivation Center Relocation Congressional Review Emergency Declaration Resolution of 2017”.

Sec. 2. (a) The Council passed the Medical Marijuana Cultivation Center Amendment Act of 2013, effective December 13, 2013 (D.C. Law 20-59; 60 DCR 15484) (“Act”), which amended the Legalization of Marijuana for Medical Treatment Initiative of 1999 to limit the number of medical marijuana cultivation centers and dispensaries that may locate in any election ward to 6.

(b) In 2015, four cultivation centers applied for the last available license in Ward 5, handing in their applications on the same day with the understanding that the applications would be processed, and the final registration awarded, on a first-come, first-serve basis. Instead, the Department of Health awarded the license based on other criteria.

26 (c) The District of Columbia Office of Administrative Hearings recently determined that
27 the Department of Health’s process in ascertaining which cultivation center would be awarded
28 the final registration for Ward 5 was arbitrary, capricious, or was otherwise not in accordance
29 with the law.

30 (d) Currently, applicants cannot modify the proposed cultivation center location on their
31 applications subsequent to submission of that application. By allowing the affected applicants to
32 modify the location listed on their pending application with the Department of Health, a new
33 location for their cultivation center, in a different election ward, may be selected without
34 forfeiting the “active” status of their application.

35 (e) This emergency legislation will permit cultivation centers applicants who were unable
36 to secure the final license in Ward 5 due to an unclear process to change the location on their
37 application and keep their “active” status as they continue to find a suitable location elsewhere
38 within the District of Columbia.

39 (f) This legislation shall not result in the registration of more than 6 cultivation centers to
40 operate within a single election ward established by the Council in section 4 of the Redistricting
41 Procedure Act of 1981, effective March 16, 1982 (D.C. Law 4-87; D.C. Official Code § 1-
42 1041.03).

43 (g) B22-0282, the “Medical Marijuana Cultivation Center Relocation Emergency
44 Amendment Act of 2017” expires on September 3, 2017 and B22-283, the “Medical Marijuana
45 Cultivation Center Relocation Temporary Amendment Act of 2017”, was enacted on June 30,
46 2017. This congressional review emergency is necessary to fill the gap.

47 Sec. 3. The Council of the District of Columbia determines that the circumstances
48 enumerated in section 2 constitute emergency circumstances making it necessary that the

49 Medical Marijuana Cultivation Center Relocation Emergency Amendment Act of 2016 be
50 adopted after a single reading.

51 Sec. 4. This resolution shall take effect immediately.