

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, the Drug Paraphernalia Act of 1982 to permit persons testing personal use quantities of a controlled substance to use, or possess with the intent to use, testing equipment or other objects used, intended for use, or designed for use in identifying or analyzing the strength, effectiveness, or purity of a controlled substance, and to permit community-based organizations to deliver or sell, or possess with intent to deliver or sell, testing equipment or other objects used, intended for use, or designed for use for that same purpose.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Controlled Substance Testing Emergency Amendment Act of 2018”.

Sec. 2. Section 4 of the Drug Paraphernalia Act of 1982, effective September 17, 1982 (D.C. Law 4-149; D.C. Official Code § 48-1103), is amended as follows:

(a) Subsection (a) is amended by adding a new paragraph (1A) to read as follows:

“(1A)(A) Notwithstanding paragraph (1) of this subsection, it shall not be unlawful for a person to use, or possess with the intent to use, the materials described in section 2(3)(D) for the purpose of testing personal use quantities of a controlled substance.

“(B) For the purposes of this paragraph, the term “personal use quantities” means possession of a controlled substance in circumstances where there is no other evidence of an intent to distribute, or to facilitate the manufacturing, compounding, processing, delivering, importing, or exporting of any controlled substance.”.

(b) Subsection (b) is amended by adding a new paragraph (1A) to read as follows:

“(1A) Notwithstanding paragraph (1) of this subsection, it shall not be unlawful for a community-based organization, as that term is defined in section 4(a)(1) of An Act To relieve physicians of liability for negligent medical treatment at the scene of an accident in the District of Columbia, effective February 18, 2017 (D.C. Law 21-186; D.C. Official Code § 7-404(a)(1)), to deliver or sell, or possess with intent to deliver or sell, the materials described in section 2(3)(D).”.

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48 Sec. 3. Fiscal impact statement.

49 The Council adopts the fiscal impact statement of the Budget Director as the
50 fiscal impact statement required by section 4a of the General Legislative Procedures Act
51 of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

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53 Sec. 4. Effective date.

54 (a) This act shall take effect following approval by the Mayor (or in the event of
55 veto by the Mayor, action by the Council to override the veto), a 30-day period of
56 congressional review as provided in section 602(c)(1) of the District of Columbia Home
57 Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-
58 206.02(c)(1)), and publication in the District of Columbia Register.

59 (b) This act shall expire after 90 days of its having taken effect.

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