ENROLLED ORIGINAL

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Codification District of Columbia Official Code

2001 Edition

2010 Fall Supp.

West Group Publisher

To amend the Legalization of Marijuana for Medical Treatment Initiative of 1999 to define key terms, to clarify who is permitted to cultivate, possess, dispense, or use medical marijuana, to require a written recommendation from one's physician, to restrict the use of medical marijuana, to protect physicians from sanctions for recommending medical marijuana, to establish a medical marijuana program, to establish requirements for dispensaries and cultivation centers, to authorize the Board of Medicine to audit physician recommendations and to discipline physicians who act outside of the law, to set out penalties for violating this act, to prohibit the public use of medical marijuana, to establish a Medical Marijuana Advisory Committee, to require fees collected to be applied toward administering this act, to establish liability provisions, to clarify that this act does not require any public or private insurance to cover medical marijuana, and to authorize the Mayor to issue rules; and to amend the District of Columbia Health Occupations Revision Act of 1985, the Health Clarifications Act of 2001, the District of Columbia Uniform Controlled Substances Act of 1981, and the Drug Paraphernalia Act of 1982 to make conforming amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Legalization of Marijuana for Medical Treatment Amendment Act of 2010".

Sec. 2. The Legalization of Marijuana for Medical Treatment Initiative of 1999, effective February 25, 2010 (D.C. Law 13-315; 57 DCR 3360), is amended to read as follows:

"Sec. 2. Definitions.

"For the purposes of this act, the term:

"(1) "Administer" or "administration" means the direct introduction of medical marijuana, whether by inhalation, ingestion, or any other means, into the body of a person.

"(2) "Bona fide physician-patient relationship" means a relationship between a physician and patient in which the physician:

"(A) Has completed a full assessment of the patient's medical history and current medical condition, including a personal physical examination; and

"(B) Has responsibility for the ongoing care and treatment of the patient.

"(3) "Caregiver" means a person who:

"(A) Is designated by a qualifying patient as the person authorized, on the qualifying patient's behalf, to possess, obtain from a dispensary, dispense, and assist in the administration of medical marijuana;

"(B) Is registered with the Department as the qualifying patient's caregiver;

"(C) Is not currently serving as the caregiver for another qualifying patient; and

"(D) Is at least 18 years of age.

"(4) "Controlled Substances Act" means the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-901.02 *et seq.*).

"(5) "Cultivation center" means a facility operated by an organization or business registered with the Mayor pursuant to section 6 from or at which medical marijuana is cultivated, possessed, manufactured, and distributed in the form of medical marijuana, and paraphernalia is possessed and distributed to dispensaries.

"(6) "Department" means the Department of Health.

"(7) "Dispensary" means a facility operated by an organization or business registered with the Mayor pursuant to section 6 from or at which medical marijuana is possessed and dispensed and paraphernalia is possessed and distributed to a qualifying patient or a caregiver.

"(8) "Dispense" means to distribute medical marijuana to a qualifying patient or caregiver pursuant to this act and the rules issued pursuant to section 14.

"(9) "Distribute" means the actual, constructive, or attempted transfer from one person to another.

"(10) "Manufacture" means the production, preparation, propagation, compounding, conversion, or processing of marijuana, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or re-labeling of its container.

"(11) "Marijuana" shall have the same meaning as provided in section 102(3)(A) of the Controlled Substances Act.

"(12) "Medical marijuana" means marijuana cultivated, manufactured, possessed, distributed, dispensed, obtained, or administered in accordance with this act and the rules issued pursuant to section 14.

"(13) "Minor" means any person under 18 years of age, but does not include an emancipated minor.

"(14) "Paraphernalia" means:

"(A) Objects used, intended for use, or designed for use in preparing, storing, ingesting, inhaling, or otherwise introducing medical marijuana into the human body; and

"(B) Kits, objects, devices, or equipment used, intended for use, or designed for use in planting, propagating, manufacturing, cultivating, growing, harvesting, processing, or preparing medical marijuana.

"(15) "Physician" means an individual who is licensed and in good standing to practice medicine or osteopathy under District law.

"(16) "Program" means the medical marijuana program established by section 6.

"(17) "Qualifying medical condition" means:

"(A) Human immunodeficiency virus;

"(B) Acquired immune deficiency syndrome;

"(C) Glaucoma;

"(D) Conditions characterized by severe and persistent muscle spasms, such as multiple sclerosis;

"(E) Cancer; or

"(F) Any other condition, as determined by rulemaking, that is:

"(i) Chronic or long-lasting;

"(ii) Debilitating or interferes with the basic functions of life; and

"(iii) A serious medical condition for which the use of medical marijuana is beneficial:

"(I) That cannot be effectively treated by any ordinary medical or surgical measure; or

"(II) For which there is scientific evidence that the use of medical marijuana is likely to be significantly less addictive than the ordinary medical treatment for that condition.

"(18) "Qualifying medical treatment" means:

"(A) Chemotherapy;

"(B) The use of azidothymidine or protease inhibitors;

"(C) Radiotherapy; or

"(D) Any other treatment, as determined by rulemaking, whose side effects require treatment through the administration of medical marijuana in the same manner as a qualifying medical condition.

"(19) "Qualifying patient" means a resident of the District who has a qualifying medical condition or is undergoing a qualifying medical treatment.

"(20) "Residence" means a dwelling or dwelling unit in which a person lives in a particular locality with the intent to make it a fixed and permanent home.

"Sec. 3. Use of medical marijuana.

"(a) Notwithstanding any other District law, a qualifying patient may possess and administer medical marijuana, and possess and use paraphernalia, in accordance with this act and the rules issued pursuant to section 14.

"(b) Notwithstanding any other District law, a caregiver may possess and dispense medical marijuana to a qualifying patient, and possess and use paraphernalia, for the sole purpose of assisting in the administration of medical marijuana to a qualifying patient in accordance with this act and the rules issued pursuant to section 14.

"(c) A qualifying patient may possess and administer medical marijuana, and possess and use paraphernalia, only for treatment of a qualifying medical condition or the side effects of a qualifying medical treatment and only after having:

"(1) Obtained a signed, written recommendation from a physician in accordance with section 5; and

"(2) Registered with the Mayor pursuant to section 6.

"(d) A qualifying patient or caregiver shall only possess, administer, or dispense medical marijuana, or possess or use paraphernalia, obtained from a dispensary registered with the Mayor pursuant to section 6.

"(e) A qualifying patient who is a minor may possess and administer medical marijuana only if the parent or legal guardian of the minor has signed a written statement affirming that the parent or legal guardian:

"(1) Understands the qualifying medical condition or qualifying medical treatment of the minor;

"(2) Understands the potential benefits and potential adverse effects of the use of medical marijuana, generally, and, specifically, in the case of the minor;

"(3) Consents to the use of medical marijuana for the treatment of the minor's qualifying medical condition or treatment of the side effects of the minor's qualifying medical treatment; and

"(4) Consents to, or designates another adult to, serve as the caregiver for the qualifying patient and the caregiver controls the acquisition, possession, dosage, and frequency of use of medical marijuana by the qualifying patient.

"Sec. 4. Restrictions on use of medical marijuana.

"(a) The maximum amount of medical marijuana that any qualifying patient or caregiver may possess at any moment is 2 ounces of dried medical marijuana; provided, that the Mayor, through rulemaking, may increase the quantity of dried medical marijuana that may be possessed up to 4 ounces; and shall promulgate through rulemaking limits on medical marijuana of a form, other than dried.

"(b)(1) Medical marijuana shall not be administered by or to a qualifying patient anywhere other than the qualifying patient's residence, if permitted, or at a medical treatment facility when receiving medical care for a qualifying medical condition, if permitted by the facility.

"(2) A qualifying patient or caregiver shall not administer medical marijuana at a dispensary or cultivation center.

"(3) Notwithstanding paragraph (1) of this subsection, a qualifying patient shall not use medical marijuana if exposure to the medical marijuana or the medical marijuana smoke would adversely affect the health, safety, or welfare of a minor.

"(c) A qualifying patient or caregiver shall transport medical marijuana in a labeled container or sealed package in a manner and method established by rulemaking.

"(d) Nothing in this act permits a person to:

"(1) Undertake any task under the influence of medical marijuana when doing so would constitute negligence or professional malpractice; or

"(2) Operate, navigate, or be in actual physical control of any motor vehicle, aircraft, or motorboat while under the influence of medical marijuana.

"(e) The use of medical marijuana as authorized by this act and the rules issued pursuant to section 14 does not create a defense to any crime and does not negate the mens rea element for any crime except to the extent of the voluntary-intoxication defense recognized in District of Columbia law.

"(f) Notwithstanding any other law, a person or entity may provide information about the existence or operations of a cultivation center or dispensary to another person pursuant to this law.

"(g) A qualified patient, caregiver, or an employee of a cultivation center or a dispensary who is stopped by the police upon reasonable suspicion or probable cause that the stopped individual is in possession of marijuana may not be further detained or arrested on this basis alone if the police determine that he or she is in compliance with this act and the rules issued pursuant to section 14.

"Sec. 5. Recommending physician; protections.

"(a) A physician may recommend the use of medical marijuana to a qualifying patient if the physician:

"(1) Is in a bona fide physician-patient relationship with the qualifying patient; and

"(2) Makes the recommendation based upon the physician's assessment of the qualifying patient's medical history, current medical condition, and a review of other approved medications and treatments that might provide the qualifying patient with relief from a qualifying medical condition or the side effects of a qualifying medical treatment.

"(b)(1) A physician's recommendation that a qualifying patient may use medical marijuana shall be signed by the physician and include:

"(A) The physician's medical license number; and

"(B) A statement that the use of medical marijuana is necessary for the treatment of a qualifying medical condition or the side effects of a qualifying medical treatment.

"(2) A physician's recommendation shall be valid only if it is written on a form prescribed by the Mayor.

"(c) Except as provided in section 8, a physician shall not be subject to any penalty, including arrest, prosecution, or disciplinary proceeding, or denial of any right or privilege, for advising a qualifying patient about the use of medical marijuana or recommending the use of medical marijuana to a qualifying patient pursuant to this act and the rules issued pursuant to section 14.

"(d) A physician recommending the use of medical marijuana by a qualifying patient shall not have a professional office located at a dispensary or cultivation center or receive financial compensation from a dispensary or cultivation center, or a director, officer, member, incorporator, agent, or employee of a dispensary or cultivation center.

"Sec. 6. Medical marijuana program.

"There is established a medical marijuana program, which shall regulate the manufacture, cultivation, distribution, dispensing, purchase, delivery, sale, possession, and administration of medical marijuana and the manufacture, possession, purchase, sale, and use of paraphernalia. The Program shall be administered by the Mayor and shall:

"(1)(A) Require the registration with the Department of all:

"(i) Qualifying patients; and

"(ii) Caregivers; and

"(B) As part of the registration process, require a qualifying patient to:

"(i) Designate the dispensary from which the qualifying patient will receive medical marijuana; provided, that the qualifying patient may change the designation with 14 days written notice to the Department; and

"(ii) Provide a copy of the physician's recommendation for the qualifying patient's use of medical marijuana;

"(2) Require the registration of all:

"(A) Dispensaries;

"(B) Cultivation centers; and

"(C) Directors, officers, members, incorporators, agents, and employees of dispensaries and cultivation centers;

"(3) Issue nontransferable registration identification cards that expire annually to registered persons and entities, which may be presented to and used by law enforcement to confirm whether a person or entity is authorized to administer, cultivate, dispense, distribute, or possess medical marijuana, or manufacture, possess, or distribute paraphernalia;

"(4) Require all dispensaries and cultivation centers to:

"(A) Maintain true, complete, and current records of the following:

"(i) The name, address, home telephone number, and date of birth of each employee;

"(ii) A record of each transaction, including:

"(I) The quantity of medical marijuana distributed or dispensed;

"(II) The consideration given for the medical marijuana; and

"(III) The recipient of the medical marijuana;

"(iii) The quantity of medical marijuana at the dispensary or cultivation center;

"(iv) The disposal method used for any medical marijuana that was cultivated or acquired but not sold, including evidence of the disposal of the medical marijuana; and

"(v) Any other information required by the Mayor;

"(B) Notify the Chief of the Metropolitan Police Department in writing and immediately of the loss, theft, or destruction of any medical marijuana;

"(5) Require all dispensaries to maintain true, complete, and current records of:

"(A) The name and address of the qualifying patient authorized to obtain the distribution or dispensing of medical marijuana; and

"(B) The name and address of the caregiver who receives the medical marijuana;

"(6) Develop educational materials about potential harmful drug interactions that could occur from using medical marijuana concurrently with other medical treatments and the importance of informing health care providers and pharmacists of the use of medical marijuana to help avoid harmful drug interactions;

"(7) Revoke or suspend the registration of any person or entity if the Mayor determines that the person or entity has violated a provision of this act or the rules issued pursuant to section 14;

"(8) Conduct announced and unannounced inspections of dispensaries and cultivation centers;

"(9) Establish sliding-scale registration and annual renewal fees for all persons and entities required to register pursuant to this act; provided, that the registration and annual renewal fees for dispensaries and cultivation centers and for the directors, officers, members, incorporators, agents, and employees of dispensaries and cultivation centers shall be sufficient to offset the costs of administering this act;

"(10) Establish a system to provide for the safe and affordable dispensing of medical marijuana to qualifying patients who are unable to afford a sufficient supply of medical marijuana based upon the qualifying patient's income and existing financial resources that:

"(A) Allows qualifying patients to apply to the Mayor to be eligible to purchase medical marijuana on a sliding scale from dispensaries; and

"(B) Requires each dispensary to devote a percentage of its gross revenue, as determined by the Mayor, to providing medical marijuana on the sliding scale to qualifying patients determined eligible pursuant to subparagraph (A) of this paragraph;

"(11) Submit to the Council an annual report that does not disclose any identifying information about qualifying patients, caregivers, or physicians, but that includes:

"(A) The number of applications filed for a registration identification card;

"(B) The number of qualifying patients and caregivers registered;

"(C) The qualifying medical condition or qualifying medical treatment for each qualifying patient;

"(D) The number of registration identification cards suspended and the number revoked; and

"(E) The number of physicians providing written recommendations for qualifying patients;

"(12) Establish standards by which applicants for dispensary and cultivation center registration will be evaluated to determine which applicants will be accepted for registration and renewal of registration, which shall include the following factors:

"(A) Knowledge of District and federal law relating to marijuana;

"(B) Suitability of the proposed facility;

"(C) A proposed staffing plan;

"(D) A security plan that has been assessed by the Metropolitan Police Department;

"(E) A cultivation plan; and

"(F) A product safety and labeling plan;

"(13)(A) Provide notice through the mail to all Advisory Neighborhood Commissions in the affected ward at least 30 days prior to approval of a location for a dispensary or cultivation center; and

"(B) Accord great weight to input provided by the Advisory Neighborhood Commission regarding the proposed location of a dispensary or cultivation center when approving or rejecting an application for registration; and

"(14) Require caregivers and qualifying patients to notify the Department immediately and in writing of the loss, theft, or destruction of a registration identification card.

"Sec. 7. Dispensaries and cultivation centers.

"(a) Notwithstanding any other District law, a dispensary may possess medical marijuana for the purpose of dispensing the medical marijuana to a qualifying patient or caregiver and may manufacture, purchase, possess, distribute, and use paraphernalia, in accordance with this act and the rules issued pursuant to section 14.

"(b) Notwithstanding any other District law, a cultivation center may cultivate and possess medical marijuana for the purpose of distribution to a dispensary and may manufacture, purchase, possess, and use paraphernalia in accordance with this act and the rules issued pursuant to section 14.

"(c) A dispensary may dispense medical marijuana and distribute paraphernalia to a qualifying patient or the qualifying patient's caregiver, and a qualifying patient or the qualifying patient's caregiver may obtain medical marijuana and paraphernalia from a dispensary, only if the qualifying patient is registered to receive medical marijuana from that dispensary.

"(d)(1) Each dispensary and cultivation center shall be registered with the Mayor prior to manufacturing, cultivating, dispensing, possessing, or distributing medical marijuana, or manufacturing, possessing, using, or distributing paraphernalia.

"(2) No more than 5 dispensaries shall be registered to operate in the District; provided, that the Mayor may increase the number to as many as 8 by rulemaking to ensure that qualifying patients have adequate access to medical marijuana.

"(3) The number of cultivation centers that may be registered to operate in the District shall be determined by rulemaking.

"(e)(1) A dispensary may not dispense more than 2 ounces of medical marijuana in a 30-day period to a qualifying patient, either directly or through the qualifying patient's caregiver; provided, that the Mayor, through rulemaking, may increase the quantity of medical marijuana that may be dispensed to up to 4 ounces.

"(2) A cultivation center shall not possess more than 95 living marijuana plants at any time.

"(3) It shall be unlawful for a dispensary to dispense or possess more than the quantity of medical marijuana needed to support the number of qualifying patients or caregivers registered to receive medical marijuana at that dispensary, as determined by the Mayor pursuant to rules issued under section 14; provided, that the Mayor may allow a dispensary to possess a higher quantity of medical marijuana in anticipation of additional qualifying patients or caregivers registering.

"(f) No marijuana or paraphernalia at a dispensary or a cultivation center shall be visible from any public or other property.

"(g) A dispensary or cultivation center shall not locate within any residential district or within 300 feet of a preschool, primary or secondary school, or recreation center.

"(h) Each dispensary and cultivation center shall:

"(1) Be either a for-profit or nonprofit corporation incorporated within the District;

"(2) Implement a security plan to prevent the theft or diversion of medical marijuana, including maintaining all medical marijuana in a secure, locked room that is accessible only by authorized persons; and

"(3) Ensure that all of its employees receive training on compliance with District law, medical marijuana use, security, and theft prevention.

"(i) Each dispensary shall regularly distribute to all qualifying patients and caregivers the educational materials regarding potential harmful drug interactions developed as part of the Program.

"(j) No director, officer, member, incorporator, agent, or employee of a dispensary or cultivation center who has access to the medical marijuana at the dispensary or cultivation center shall have:

"(1) A felony conviction; or

"(2) A misdemeanor conviction for a drug-related offense.

"(k) A person found to have violated any provision in this act shall not be a director, officer, member, incorporator, agent, or employee of a dispensary or cultivation center, and the registration identification card of the person shall be immediately revoked and the registration of the dispensary or cultivation center shall be suspended until the person is no longer a director, officer, member, incorporator, agent, or employee of the dispensary or cultivation center.

"Sec. 8. Board of Medicine review of medical marijuana physician recommendations.

"(a) The Board of Medicine shall have the authority to review and audit the written physician recommendations submitted to the Department as part of the registration process and shall have the authority to discipline physicians who act outside of the scope of this act.

"(b) The Board of Medicine shall audit the recommendations submitted by any physician who provides more than 250 recommendations in any 12-month period to patients for the use of medical marijuana.

"(c) Submitting a false statement regarding a qualifying patient's eligibility to participate in the Program on the form developed pursuant to section 5(b)(2) shall be grounds for the revocation, suspension, or denial of a license to practice medicine or osteopathy, or the imposition of a civil fine pursuant to section 514(c) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1205.14(c)), or both.

"Sec. 9. Penalties.

"(a) Any person who manufactures, cultivates, possesses, administers, dispenses, distributes, or uses marijuana, or manufactures, possesses, distributes, or uses paraphernalia, in a manner not authorized by this act or the rules issued pursuant to section 14 shall be subject to criminal prosecution and sanction under the Controlled Substances Act and the Drug Paraphernalia Act of 1982, effective September 17, 1982 (D.C. Law 4-149; D.C. Official Code § 48-1101 *et seq.*).

"(b) Any person who makes a fraudulent representation to a law enforcement official of

any fact or circumstance relating to the person's manufacture, cultivation, possession, administration, dispensing, distribution, or use of medical marijuana, or manufacture, possession, distrubution, or use of paraphernalia, to avoid arrest or prosecution shall be subject to a criminal fine not to exceed $1,000. The imposition of the fine shall be in addition to any other penalties that may otherwise apply for the making of a false statement or for the manufacture, cultivation, possession, administration, dispensing, distribution, or use of marijuana, or the manufacture, possession, distribution, or use of paraphernalia.

"(c) It shall be an affirmative defense to a criminal charge of possession or distribution of marijuana, or possession with intent to distribute marijuana, that the person charged with the offense is a person who:

"(1) Was in possession of medical marijuana only inside the qualifying patient's residence or a medical treatment facility;

"(2) Only administered or assisted in administering the medical marijuana to the qualifying patient and only within the qualifying patient's residence or at a permitted medical treatment facility;

"(3) Assisted the qualifying patient only when the caregiver was not reasonably available to provide assistance; and

"(4) Is 18 years of age or older.

"(d) Civil fines, penalties, and fees may be imposed as sanctions for any infraction of the provisions of this act, or any rules issued under section 14, pursuant to the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*)("Civil Infractions Act"). Adjudication of any infraction of this act shall be pursuant to the Civil Infractions Act.

"Sec. 10. Medical Marijuana Advisory Committee.

"(a) The Mayor shall establish a Medical Marijuana Advisory Committee ("Committee"), which shall monitor:

"(1) Best practices in other states that allow the use of medical marijuana;

"(2) Scientific research on the medical use of marijuana; and

"(3) The effectiveness of the District's medical marijuana program.

"(b) No later than January 1, 2012, the Committee shall submit a report to the Mayor and the Council recommending:

"(1) Whether the District of Columbia should allow qualifying patients and caregivers to cultivate medical marijuana;

"(2) How to implement and regulate cultivation of medical marijuana by qualifying patients and caregivers; and

"(3) Any other comments the Committee believes to be important.

"Sec. 11. Fees.

"(a) The Mayor is authorized to establish, by rulemaking, fees for the registration of caregivers, cultivation centers, dispensaries, and qualifying patients and for the inspection and

audit of cultivation centers and dispensaries.

"(b) Any of the fees collected pursuant to this act shall be applied first toward the cost of administering this act.

"Sec. 12. Liability.

"(a) No liability shall be imposed by virtue of this act upon any duly authorized District officer engaged in the enforcement of any law relating to controlled substances.

"(b) The District shall not be held liable for any deleterious outcomes from the use of medical marijuana, including the acts or omissions of any qualifying patient attributed to the use of medical marijuana.

"Sec. 13. Public and private insurance.

"Nothing in this act shall require a governmental, private, or any other health insurance provider or health care service plan to be liable for any claim for reimbursement for the use of medical marijuana.

"Sec. 14. Rules.

"(a) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this act, including rules to:

"(1) Adopt manufacturing practices that cultivation centers and dispensaries shall be required to comply with to ensure that medical marijuana sold by cultivation centers and dispensaries is of pharmaceutical grade;

"(2) Ensure that the labeling on medical marijuana sold by cultivation centers and dispensaries provides sufficient information for qualifying patients to be able to make informed choices;

"(3) Ensure that each cultivation center and dispensary has appropriate signage and outdoor lighting and an appropriate security system, security plan, and theft prevention plan;

"(4) Limit the hours during which dispensaries and cultivation centers may operate;

"(5) Determine, for the purpose of ensuring that qualifying patients have adequate access to medical marijuana, the number of cultivation centers that may operate in the District, based on the number of qualifying patients expected to register in the first year of the Program's operation; provided, that the Mayor may adjust this number through rulemaking based on:

"(A) The number of registered qualifying patients; and

"(B) The number of qualifying patients expected to register in the subsequent 180 days;

"(6) Determine the amount of any registration fee for any dispensary or cultivation center; and

"(7) Determine the forms of medical marijuana that dispensaries and cultivation centers shall be permitted to dispense or distribute.

"(b) The Mayor shall submit the proposed rules to the Council for a 30-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution, within this 30-day review period, the proposed rules shall be deemed approved.".

Sec. 3. Conforming amendments.

(a) Section 203 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1202.03), is amended by adding a new subsection (a-2) to read as follows: **Amend § 3-1202.03**

"(a-2) Pursuant to section 8 of the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective February 25, 2010 (D.C. Law 13-315; 57 DCR 3360) ("Initiative"), the Board shall review and audit written recommendations for the use of medical marijuana issued by physicians pursuant to section 5 of the Initiative and shall have the authority to discipline any physician who has acted outside the scope of the physician's authority under the Initiative.".

(b) Section 4902 of the Health Clarifications Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 7-731), is amended by adding a new subsection (d) to read as follows: **Amend § 7-731**

"(d) Notwithstanding any provision in this section or any other District law, the Mayor may regulate the manufacture, cultivation, distribution, dispensing, possession, and administration of medical marijuana as authorized in the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective February 25, 2010 (D.C. Law 13-315; 57 DCR 3360).".

(c) Section 401 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), is amended as follows: **Amend § 48-904.01**

(1) Subsection (a)(1) is amended by striking the phrase "Except as authorized by this act," and inserting the phrase "Except as authorized by this act or the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective February 25, 2010 (D.C. Law 13-315; 57 DCR 3360), " in its place.

(2) Subsection (d) is amended by striking the phrase "except as otherwise authorized by this act" and inserting the phrase "except as otherwise authorized by this act or the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective February 25, 2010 (D.C. Law 13-315; 57 DCR 3360) " in its place.

(d) 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: **Amend § 48-1103**

(1) Subsection (a) is amended by striking the phrase "It is unlawful" and inserting the phrase "Except as authorized by the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective February 25, 2010 (D.C. Law 13-315; 57 DCR 3360), it is unlawful" in its place.

(2) Subsection (b) is amended by striking the phrase "It is unlawful" and inserting the phrase "Except as authorized by the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective February 25, 2010 (D.C. Law 13-315; 57 DCR 3360) , it is unlawful" in its place.

(3) Subsection (e) is amended as follows:

(A) Paragraph (1) is amended by striking the phrase "Except as provided in paragraphs (2) and (3) of this subsection," and inserting the phrase "Except as provided in paragraphs (2), (3), and (4) of this subsection," in its place.

(B) A new paragraph (4) is added to read as follows:

"(4) A cultivation center or dispensary may sell cigarette rolling papers in accordance with the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective February 25, 2010 (D.C. Law 13-315; 57 DCR 3360) .".

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

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

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Chairman
Council of the District of Columbia

_____

Mayor
District of Columbia