

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION  
ALCOHOLIC BEVERAGE CONTROL BOARD**

**NOTICE OF EMERGENCY RULEMAKING**

The Alcoholic Beverage Control Board (Board), pursuant to Section 14 of the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-1671.13 (2018 Repl.)); and Mayor's Order 2020- 099, dated September 30, 2020; hereby gives notice of the adoption, on an emergency basis, of the following amendments to Chapter 54 (Registration Application) of Subtitle C (Medical Marijuana) of Title 22 (Health) of the District of Columbia Municipal Regulations (DCMR).

The purpose of this rulemaking is to allow an applicant for employment with a cultivation center, dispensary, or testing laboratory as a manager, agent or employee to obtain a temporary registration card for forty five (45) days to allow them to work during the public health emergency and public emergency while undergoing a criminal background check. The emergency rulemaking would allow a registration applicant as a manager, agent or employee of a cultivation center, dispensary or testing laboratory to sign a self-attestation as a part of their application attesting that they have not been found guilty of a disqualifying felony conviction pursuant to D.C. Official Code § 7-1671.06(j).

In response to the Coronavirus pandemic, Mayor Bowser issued Mayor's Order 2020-045, dated March 11, 2020, declaring a public health and public emergency. The public health and public emergencies have been extended several times since the Mayor issued the initial Mayor's Order due to the ongoing Coronavirus pandemic. *See* Mayor's Order 2020-050, dated March 20, 2020, and Mayor's Order 2020-079, dated July 22, 2020.

The ongoing pandemic has added a strain on services, including the processing of criminal background checks. The delay in processing these requests has made it difficult for applicants for employment with cultivation centers, dispensaries, and testing laboratories to begin working. Notwithstanding the pandemic, the demand for medical cannabis has been consistent or possibly risen. In order to keep up with orders from qualifying patients and caregivers, cultivation centers, and dispensaries are hiring. Yet, the delay in processing criminal background checks has resulted in a delay in the processing of registration cards. To address the issue, the Board is implementing a temporary process to allow applicants registering as managers, agents or employees who have submitted a complete application to work for 45 days while undergoing a criminal background check.

For these reasons, the Board finds that immediate action is needed for the preservation of the health, safety, and welfare of District residents. Thus, on October 1, 2020, the Board adopts these emergency rules by a vote of six (6) to zero (0). The emergency rulemaking became effective on that date. The emergency rulemaking will expire one hundred twenty (120) days from the date of adoption (October 1, 2020) or forty-five (45) days after the public health emergency declared by Mayor's Order 2020-079, dated July 22, 2020, or any substantially similar subsequent Mayor's Order is declared, whichever occurs first.

**Chapter 54, REGISTRATION APPLICATIONS, of Title 22-C DCMR, MEDICAL MARIJUANA, is amended as follows:**

**Section 5408, DIRECTOR, OFFICER, MEMBER, INCORPORATOR, AND AGENT REGISTRATION REQUIREMENTS, is amended as follows:**

**New subsections 5408.3 and 5408.4 are added to read as follows:**

5408.3 During the pendency of the public health emergency and public emergency issued by the Mayor in response to the COVID-19 Pandemic, an owner of a licensed cultivation center, dispensary, or testing laboratory may request that the Board issue a temporary registration card to an agent valid for forty five (45) days provided, that the following information is provided:

- (a) A completed facility employment application for the prospective agent;
- (b) A written statement from the cultivation center, dispensary, or testing laboratory attesting that the agent has been selected to work at their facility; and
- (c) A signed attestation from the prospective agent confirming that he or she:
  - (1) Has not been convicted of a felony or misdemeanor drug-related offense before filing the application; and
  - (2) Has not previously had their authority to participate in the Medical Marijuana Program previously revoked by DC Health or the Board.

5408.4 The temporary registration card issued pursuant to § 5419.1 shall expire after forty-five (45) days or upon approval or denial of the agent's registration application.

**Section 5410, MANAGER'S REGISTRATION REQUIREMENTS, is amended as follows:**

**New Subsections 5104.3 and 5104.4 are added to read as follows:**

5410.3 During the pendency of the public health emergency and public emergency issued by the Mayor in response to the COVID-19 pandemic, an owner of a licensed cultivation center, dispensary, or testing laboratory may request that the Board issue a temporary registration card to a manager valid for forty-five (45) days, provided, that the following information is provided:

- (a) A completed facility employment application for the prospective manager;

- (b) A written statement from the cultivation center, dispensary or testing laboratory attesting that the manager has been selected to work at their facility;
- (c) A signed attestation from the prospective manager confirming that he or she:
  - (1) Has not been convicted of a felony or misdemeanor drug-related offense before filing the application; and
  - (2) Has not previously had their authority to participate in the Medical Marijuana Program revoked by DC Health or the Board.

5410.4 The temporary registration card issued pursuant to § 5410.3 shall expire after forty-five (45) days or upon approval or denial of the manager's registration application.

**A new Section 5419, EMPLOYEE REGISTRATION REQUIREMENTS, is added to read as follows:**

**New subsections 5419.1 and 5419.2 are added to read as follows:**

- 5419.1 During the pendency of the public health emergency and public emergency issued by the Mayor in response to the COVID-19 pandemic, an owner of a licensed cultivation center, dispensary, or testing laboratory may request that the Board issue a temporary registration card to an employee valid for forty five (45) days provided, that the following information is provided:
- (a) A completed facility employment application for the prospective employee;
  - (b) A written statement from the cultivation center, dispensary, or testing laboratory attesting that the employee has been selected to work at their facility; and
  - (c) A signed attestation from the prospective employee confirming that he or she:
    - (1) Has not been convicted of a felony or misdemeanor drug-related offense before filing the application; and
    - (2) Has not previously had their authority to participate in the Medical Marijuana Program revoked by DC Health or the Board.

5419.2 The temporary registration card issued pursuant to § 5419.1 shall expire after forty-five (45) days or upon approval or denial of the employee's registration application.