

**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 13 (Fees) of Subtitle C (Medical Marijuana) of Title 22 (Health) of the District of Columbia Municipal Regulations (DCMR).

On November 2, 2021, the Council of the District of Columbia approved the Medical Marijuana Patient Access Emergency Amendment Act of 2021 (emergency bill), which was signed by Mayor Muriel Bowser on November 5, 2021. *See* Medical Marijuana Patient Access Emergency Amendment Act of 2021, effective November 5, 2021 (Act 24-206). The emergency bill was adopted in relevant part to address costs associated with the medical cannabis registration process that make it difficult for some patients to possess medical cannabis legally, driving some patients to the illicit market. Given the urgency of the current situation, the emergency bill includes several provisions intended to lower barriers to patient access to medical cannabis in the District. Among its provisions, the emergency Bill authorizes the issuance of two (2)-year registration cards to qualifying patients and caregivers to attract and keep qualifying patients and their caregivers in the legal medical cannabis market.

The purpose of this rulemaking is to further lower barriers to patient access to legal medical cannabis in the District by providing the newly created two-year registration card at no cost to qualifying patients and caregivers during the statutory timeframe that the two-year registration card is in effect. The emergency rules will increase patient access to possessing medical cannabis legally by lowering costs associated with the medical cannabis registration process.

This emergency rulemaking is necessary to protect the health, safety, and welfare of the District’s residents by reducing the likelihood of qualifying patients and their caregivers being driven to the illicit market.

On November 10, 2021, the Board adopts these emergency rules by a vote of five (5) to zero (0). The emergency rulemaking became effective immediately on that date. The emergency rulemaking will expire on Monday, January 31, 2022.

Chapter 13, FEES, of Title 22-C DCMR, MEDICAL MARIJUANA, is amended as follows:

Section 1300, REGISTRATION, RENEWAL, AND REPLACEMENT FEES, is amended by amending Subsections 1300.1 and 1300.2 and adding new subsections 1300.7 and 1300.8 to read as follows:

1300.1 The registration, renewal and replacement fees are as follows:

- (a) Initial registration fee for a qualifying patient \$00.00;
- (b) Initial registration fee for a caregiver \$00.00;
- (c) Renewal fee for a qualifying patient \$00.00;
- (d) Renewal fee for a caregiver \$00.00; and
- (e) Replacement card fee \$90.00

1300.2 The initial registration fees for a qualifying patient or caregiver whose income is equal to or less than two hundred percent (200%) of the federal poverty level shall be twenty-five percent (25%) of the published standard qualifying patient or caregiver registration fee, and are set forth as follows:

- (a) Initial registration fee for a qualifying patient \$00.00;
- (b) Initial registration fee for a caregiver \$00.00;
- (c) Renewal fee for a qualifying patient \$00.00;
- (d) Renewal fee for a caregiver \$00.00; and
- (e) Replacement card fee \$20.00

1300.7 An initial or renewal application for a qualifying patient or caregiver filed by Monday, January 31, 2022, shall be entitled to pay the fees set forth in § 1300.1 and 1300.2.

1300.8 An existing qualifying patient or caregiver with an active paid registration shall be permitted by Monday, January 31, 2022, to request either in writing, including by email, or in-person, a new two (2)-year registration card.