

WASHINGTON, DC ~ EMERGENCY AND THIRD PROPOSED RULEMAKING

General Provisions

Possession limits: 2 oz of dried medical marijuana (or the equivalent of two oz of dried medical marijuana when sold in any other form) at any time (pg. 9). However, another section (5709.1) says that a dispensary shall not provide a qualified patient or caregiver more than two oz of dried medical marijuana either at one time or within a 30 day period (pg. 73)

Must be a bona fide resident of the District in order to qualify for a patient registration ID card (pg. 10)

Caregivers must be at least 18 years old and can never have been convicted of possession or sale of a controlled substance unless it occurred after the effective date of this act and was related to possession of marijuana as authorized under this Act (pg. 14)

No personal cultivation (pg. 15)

All registration cards (patients, caregivers, managers, etc.) are valid for one year before they must be renewed (pg. 16)

The qualifying patient's address is not included on his or her registry ID card (pg. 16)

The Department will keep a confidential record of all recommending physicians for the purpose of monitoring compliance with the Act. This record will not be subject to requests under FOIA (pg. 21)

The Department will have an educational program for physicians regarding the uses and effects of medical marijuana and the District's medical marijuana program (pg. 21)

Qualifying patients and caregivers whose income is equal to or less than 200% of the federal poverty level shall pay 25% of the listed registration fee (pg. 27)

Dispensary/Cultivation Provisions

Qualifying patients shall designate one dispensary where he or she will receive medical marijuana. This designation will be noted on the patient's registration card (pg. 6)

The use of medical marijuana at a dispensary is prohibited (pg. 8)

The Mayor shall provide all ANCs in the affected ward with 30 days for public comment once every three years on an application for a dispensary or cultivation center's third renewal (pg. 30)

There will be no more than five dispensaries and 10 cultivation centers in DC (pg. 36)

A person who has been convicted of any felony or of a misdemeanor for a drug-related offense before filing for an application cannot receive a registration or permit for a dispensary or cultivation center (pg. 39)

To apply for a cultivation center or dispensary registration, a prospective applicant must first submit a Letter of Intent. If no such letter is submitted in the open application period, the applicant may not submit a formal application for a new cultivation center or dispensary (pg. 39-40)

A five member panel shall be convened to score applications for dispensary and cultivation center registrations. These will be selected by the Director and will include: one representative from the Department of Health, one from the Metropolitan Police Department, one from the Office of the Attorney General, one from the Department of Consumer and Regulatory Affairs, and either one consumer representative or one patient advocate (pg. 41)

Applications for a dispensary or a cultivation center are scored by the panel on different categories (pg. 42-43)

An applicant for a dispensary or cultivation center shall advise the Department in his or her application as to the source of funding for the dispensary or cultivation center (pg. 51)

The holder of a cultivation center registration shall not be permitted to register for more than one medical marijuana dispensary (pg. 56)

The fee for processing an application which has been denied, withdrawn, or not selected will be 50% of the application fee (pg. 58)

A registered medical marijuana dispensary may operate and sell medical marijuana on any day between 7am and 9pm. However, the Department may further limit the hours of operation for a cultivation center or dispensary on a case by case basis (pg. 60)

Dispensaries must obtain transport permits from the Department. Each separate vehicle must have its own permit (pg 70)

Dispensaries may only purchase or receive medical marijuana from cultivation centers that are located within the District of Columbia (pg. 71)

Cultivation centers may only sell to dispensaries and the marijuana they sell must be from plants grown in DC (pg. 71)

Cultivation centers may possess and cultivate up to 95 living marijuana plants at any time (pg. 72)

Must be at least 21 to work at a dispensary or cultivation center (pg. 72)

Dispensaries are not permitted to hold educational seminars, classes, or discussions regarding medical marijuana for physicians (pg. 73)

Every six months, dispensaries and cultivation centers shall submit a report to the Department covering several different aspects of their business (pg. 76-77)

Every six months, registered dispensaries shall be required to devote two percent of their gross revenue from medical marijuana sales to the sliding scale registration program which will assist in providing medical marijuana to eligible qualifying patients who are unable to afford it (pg. 78)

If the Department determines that a cultivation center or dispensary is presenting an imminent danger to the health and safety of the public, the Department may summarily suspend or restrict the registration of the center or dispensary without a hearing (pg. 89)

The Chief of Police may request the suspension or revocation of a cultivation center or dispensary registration if he or she determines that there is a correlation between increased incidents of crime within 1,000 feet of the establishment and the operation of the establishment (pg. 90)

Causes for Concern

No room for free market enterprise if each patient must be tied to only one dispensary and unable to shop around for his or her needs or the best deals.

A person who has been convicted of a misdemeanor drug offense is barred from registering for a cultivation center or dispensary.

The fifth member of the selection board can be "either one consumer representative or one patient advocate."

In the selection process, the knowledge of DC's medical marijuana law is only worth 10 points at the most on an application while things like security (50) and Inventory (20) are worth far more.

Dispensaries are not permitted to hold educational seminars, classes, or discussions regarding medical marijuana for physicians.

The possession amount is inconsistent. In the first mention, it says a patient or caregiver may have no more than 2 oz of dried marijuana or its equivalent at any one time. Many chapters later in the text it says that a patient may have no more than 2 oz of dried marijuana either at one time or every 30 days. Is it at any time or every 30 days?

What is the standard for proving a cultivation center or dispensary poses an imminent danger to the health and safety of the public?

ASA's Conclusion and Recommendations

Patients must be allowed to shop around at different dispensaries and not be tied to only one.

Patients' voices must be heard so there must be at least one patient advocate on the selection board.

Knowledge of DC's medical marijuana law should be worth more points on the application form. It is beneficial to all concerned to have those who are the most familiar with and knowledgeable of the law to be involved with running dispensaries and cultivation centers.

Why can dispensaries not hold educational seminars/classes/discussions for physicians? As long as they don't charge, this may be the best possible resource out there for physicians to learn about medical marijuana and patients who use it.

The references to patient/caregiver possession must be consistent – it must be clear whether the possession limit is for at any one time or every 30 days.