

COUNCIL OF THE DISTRICT OF COLUMBIA
1350 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Memorandum

To: Members of the Council
From: Nyasha Smith, Secretary to the Council
Date: September 23, 2013
Subject: Referral of Proposed Legislation

Notice is given that the attached proposed legislation was introduced in the Committee of the Whole on Tuesday, September 17, 2013. Copies are available in Room 10, the Legislative Services Division.

TITLE: "Marijuana Legalization and Regulation Act of 2013", B20-0466

INTRODUCED BY: Councilmember Grosso

The Chairman is referring this legislation sequentially to the following committees for the sections specified:

1. Committee on Judiciary and Public Safety for the entire bill
2. Business, Consumer and Regulatory Affairs for sections 6, 7 & 8 only
3. Committee on Finance and Revenue for section 9 only

Attachment

cc: General Counsel
Budget Director
Legislative Services


Councilmember David Grosso

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A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Councilmember David Grosso introduced the following bill, which was referred to the Committee on _____.

To legalize the possession, consumption, display, purchasing, or transporting of marijuana, useable marijuana, and marijuana-infused products for personal use, not in public, for persons over the age of 21; to establish that possession, consumption, display, purchasing, or transporting of marijuana, useable marijuana, and marijuana-infused products shall not constitute a civil or criminal offense under District law or be a basis for seizure or forfeiture of assets under District laws, for persons under the age of 21; to amend the District of Columbia Uniform Controlled Substances Act of 1981 to decriminalize certain amounts of marijuana, useable marijuana, and marijuana-infused products for personal use; to amend the Drug Paraphernalia Act of 1982 to strike certain paraphernalia related to marijuana use from the provision; to amend Title 25 of the District of Columbia Official Code to establish the licensing and regulation infrastructure for the production and sale of marijuana, useable marijuana, and marijuana-infused products in the District of Columbia; to establish a dedicated marijuana fund, which shall consist of all marijuana excise taxes, license fees, penalties, forfeitures, and all other monies, income, or revenue received by the Alcoholic Beverage Regulation Administration from marijuana-related activities; to establish a tax on the gross receipts of marijuana sales in the District of Columbia; to repeal the Legalization of Marijuana for Medical Treatment Amendment Act of 2010 maintaining each regulation, standard, rule, notice, order and guidance promulgated or issued by the Mayor in effect prior to September 1, 2013 and the rights of any person holding a license pursuant to that legislation; and to amend Title 18 of D.C. Municipal Regulation to adjust allowances of THC concentration while operating a motor vehicle.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Marijuana Legalization and Regulation Act of 2013”.

Sec. 2. Definitions.

1 For the purposes of this act, the term:

2 (1) "Lot" means a definite quantity of marijuana, useable marijuana, or marijuana-
3 infused product identified by a lot number, every portion or package of which is uniform within
4 recognized tolerances for factors that appear in the labeling.

5 (2) "Lot number" shall identify the licensee by business or trade name and the District of
6 Columbia business identifier number, and the date of harvest or processing for each lot of
7 marijuana, useable marijuana, or marijuana-infused product.

8 (3) "Manufacture" means the production, preparation, propagation, compounding,
9 conversion, or processing of a controlled substance, either directly or indirectly or by extraction
10 from substances of natural origin, or independently by means of chemical synthesis, or by a
11 combination of extraction and chemical synthesis, and includes any packaging or repackaging of
12 the substance or labeling or relabeling of its container. The term does not include the preparation,
13 compounding, packaging, repackaging, labeling, or relabeling of a controlled substance by a
14 practitioner in the course of a practitioner's professional practice, or by a practitioner for the
15 purpose of research, teaching, or chemical analysis and not for sale.

16 (4) "Marijuana" means all parts of the plant Cannabis, whether growing or not, with a
17 THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin
18 extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture,
19 or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the
20 plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other
21 compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the
22 resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable
23 of germination.

24 (5) "Marijuana-infused products" means products that contain marijuana or marijuana
25 extracts and are intended for human use.

1 (6) "Remuneration" means anything of value, including money, real property, tangible
2 and intangible personal property, contract rights, choses in action, services, and any rights of use
3 or employment promises or agreements connected therewith.

4 (7) "THC concentration" means percent of delta-9 tetrahydrocannabinol content per dry
5 weigh of any part of the plant Cannabis, or per volume or weight of marijuana product.

6 (8) "Useable marijuana" means dried marijuana flowers. The term "useable marijuana"
7 does not include marijuana-infused products."

8 Sec. 3. (a) Notwithstanding any other law, for an individual who is at least 21 years of
9 age, the following acts shall not constitute a civil or criminal offense under District law or be a
10 basis for seizure or forfeiture of assets under District laws:

11 (1) Possessing, displaying, purchasing, or transporting 2 ounces or less of dried
12 marijuana and marijuana infused products, or 5 grams or less of hashish;

13 (2) Consumption of marijuana, provided that nothing in this section shall permit
14 consumption that is conducted in public;

15 (3) Possessing, growing, processing or transporting no more than 6 marijuana
16 plants, and possession of the marijuana produced by the plants on the premises where the plants
17 were grown, provided that the growing takes places in an enclosed, locked space and is not
18 conducted publicly;

19 (4) Possessing, displaying, purchasing, or transporting marijuana paraphernalia;

20 (5) Transfer without remuneration of up to 2 ounces or less of dried marijuana to
21 an individual who is at least 21 years of age;

22 (6) Assisting another individual who is at least 21 years of age in any of the acts
23 described in this subsection.

24 (b)(1) For an individual who has not reached 21 years of age, the acts described in
25 subsection (a) of this section shall not constitute a civil or criminal offense under District law or
26 be a basis for seizure or forfeiture of assets under District laws, but shall constitute a civil
27 infraction.

1 (2) An individual who has not reached 21 years of age and who commits an act
2 described in subsection (a) of this section shall be subject to a drug-education program unless a
3 court enters a written finding that a drug-education program is unnecessary or unavailable, but
4 not to any other form of criminal or civil punishment or disqualification, including disciplinary
5 action by a public school, unless the possession, consumption, transfer, purchase, or cultivation
6 takes place on school grounds.

7 (c)(1) The drug education program must meet the criteria set forth in paragraph (2) of this
8 subsection, must be made available to the child without cost, and must be completed within one
9 year of the offender's parents or legal guardian being given notice of the offense and available
10 drug education programs pursuant to paragraph (3) of this subsection unless the court enters a
11 written finding that a drug education program is unnecessary or unavailable.

12 (2) The drug-education program must provide at least 4 hours of group discussion
13 or instruction based on science and evidence-based principles and practices specific to the use
14 and abuse of marijuana, alcohol and other controlled substances.

15 (3) A copy of the notice of offense delivered to child under the provisions of this
16 section shall be mailed or delivered to at least one of that child's parents having custody of the
17 child or legal guardian, at the last known address.

18 (4) If the child fails to complete the drug-education program within one year of
19 notice, the court shall issue an order requiring the child to complete eight hours of community
20 service. If the child fails to complete the service, he or she may be assessed a fine of \$100.

21 (d) Nothing in this section shall provide a defense to:

22 (1) Claims of negligence or professional malpractice relating to performance of
23 acts while under the influence of marijuana or marijuana-infused products;

24 (2) Charges of operating or being in physical control of a vehicle while under the
25 influence of an intoxication drug (§ 50-2201.05(b)(1)(A)(i)(II)); or

26 (3) Operating or being in physical control of any vessel or watercraft under the
27 influence of an intoxicating drug (§ 25-1004(a)(3)).

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2 Sec. 4. The District of Columbia Uniform Controlled Substances Act of 1981, effective
3 August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-901.02 *et seq.*), is amended as follows:

4 (a) Section 208 (D.C. Official Code § 48-902.08) is amended as follows:

5 (1) Subparagraph (a)(6) is amended to read as follows:

6 "(a)(6) Cannabis only when it relates to:

7 1. Driving or boating under the influence of drugs pursuant to D.C.
8 Official Code § 50-2206.01; and

9 2. The possession of marijuana, hashish, or paraphernalia shall not be
10 subject to seizure or forfeiture, result in civil or criminal penalty or disqualification if:

11 a. Processing or producing marijuana plants on the premises where
12 the grower or seller is properly licensed:

13 i. Marijuana-infused products in either liquid or solid form;

14 ii. Possession, cultivation, or processing of up to 6 marijuana
15 plants (3 flowering "mature" plants and 3 non-flowering "immature" plants); and

16 iii. Marijuana plants that are in the process of drying or "curing"
17 do not apply toward the number of living plants if the plants have been uprooted or are not
18 planted in soil or a hydroponic system.

19 3. Personal possession of marijuana

20 i. Up to two ounces of usable marijuana, or

21 ii. Up to five grams of hashish, or

22 iii. Up to sixteen ounces of marijuana-infused product in solid
23 form and seventy-two ounces of marijuana-infused product in liquid form, and

24 iv. Paraphernalia, including growing equipment, scales, water
25 pipes, and other utensils used for the administration of marijuana into the body and the
26 cultivation of marijuana for personal use or licensed sale."

1 (b) Section 206 (D.C. Official Code § 48-902.06) is amended as follows:

2 (1) Subparagraph (1)(F) is amended to read as follows:

3 "(1)(F) Hashish only as it relates to D.C. Official Code § 50-2206.01 for
4 the purpose of defining controlled substances as they relate only to driving under the influence of
5 drugs."

6 (c) Section 401 (D.C. Official Code § 48-904.01) is amended as follows:

7 (1) Subparagraph (a)(2)(B) is amended to read as follows:

8 "(B) Any other controlled substance classified in Schedule I, II, or III,
9 except for a narcotic or abusive drug, is guilty of a crime and upon conviction may be
10 imprisoned for not more than 5 years, fined not more than \$50,000, or both; except that upon
11 conviction of manufacturing, distributing, or possessing with intent to distribute 1/2 pound or
12 less of marijuana, a person who has not previously been convicted of manufacturing, distributing
13 or possessing with intent to distribute a controlled substance or attempting to manufacture,
14 distribute, or possess with intent to distribute a controlled substance may be imprisoned for not
15 more than 180 days or fined not more than \$1000 or both;".

16 (2) Subsection (d) is amended to read as follows:

17 "(d)(1) It is unlawful for any person knowingly or intentionally to possess a controlled
18 substance unless the substance was obtained directly from, or pursuant to, a valid prescription or
19 order of a practitioner while acting in the course of his or her professional practice, or except as
20 otherwise authorized by this chapter. Except as provided in paragraph (2) of this subsection, any
21 person who violates this subsection is guilty of a misdemeanor and upon conviction may be
22 imprisoned for not more than 180 days, fined not more than \$1,000, or both.

23 "(2) Any person who violates this subsection by knowingly or intentionally
24 possessing the abusive drug phencyclidine in liquid form is guilty of a felony and, upon
25 conviction, may be imprisoned for not more than 3 years, fined not more than \$3,000, or both."

26 (4) Subsection (g) is amended by striking the phrase "marijuana, or depressant or
27 stimulant drugs" and inserting the phrase "or depressant or stimulant drugs" in its place.

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Sec. 5. The Drug Paraphernalia Act of 1982, effective September 17, 1983 (D.C Law 4-419; D.C. Official Code § 48-1101 *et seq.*), is amended as follows:

(a) Section 2(3) (D.C. Official Code § 48-1101(3)) is amended as follows:

(1) Subparagraph (G) is repealed.

(2) Subparagraph (L) is amended as follows:

(A) Strike the phrase "Cannabis, cocaine, hashish, hashish oil, or any other controlled substance" and insert the phrase "cocaine or any other controlled substance" in its place

Sec. 6. Title 25 of the District of Columbia Official Code is amended as follows:

(a) Section 25-102 is amended by adding a new subsection (f) to read as follows:

"(f) No person shall sell marijuana or marijuana-infused products in the District without first without having first obtained an appropriate license as required by this title."

(b) Section 25-104(b) is amended by striking the phrase "except for a temporary license issued under § 25-115" and inserting the phrase "except for a temporary license issued under § 25-115 and a marijuana license issued under § 25-125" in its place.

(c) Section 25-104(c) is amended to read as follows:

"A license to sell alcoholic beverages or marijuana or marijuana-infused products in the District can be granted only by the Board upon completion of the application and review process as contained in this title."

(d) A new section 25-125 is added to read as follows:

"§ 25-125. Marijuana licenses.

"(a) A marijuana producer's license shall authorize the licensee to: (1) produce marijuana for sale at wholesale to another licensee under this title for resale; and (2) process, package, and label useable marijuana and marijuana-infused products for sale at wholesale to marijuana retailers licensed under this chapter. The production, processing, packaging, possession, delivery, distribution, and sale of marijuana, useable marijuana, and marijuana-infused products in

1 accordance with the provisions of this act and the rules adopted to implement and enforce it, by a
2 validly licensed marijuana processor, shall not be a criminal or civil offense under District of
3 Columbia law. A separate application shall be filed for location for which a marijuana producer
4 intends to produce marijuana. The application fee for the marijuana producer's license shall be
5 \$350.

6 "(b) An off-premises marijuana retailer's license shall authorize the licensee to sell
7 useable marijuana, marijuana, and marijuana-infused products at retail in retail outlets, regulated
8 by the District of Columbia Alcohol Beverage Control Board and subject to annual review, in the
9 same container and/or packaging in which it was received by the licensee. The license shall not
10 authorize the licensee to sell to other licensees for resale. The possession, delivery, distribution,
11 and sale of marijuana, useable marijuana, and marijuana-infused products in accordance with the
12 provisions of this act and the rules adopted to implement and enforce it, by a validly licensed off-
13 premises marijuana retailer, shall not be a criminal or civil offense under District of Columbia
14 law. A separate application shall be filed for location for which a marijuana retailer intends to
15 sell marijuana. The application fee for the off-premises marijuana retailer's license shall be \$350.

16 "(c) A license issued under this section shall be valid for a term of one year and may be
17 renewed upon completion of the procedures set forth in this title and payment of the required
18 fees."

19 (e) Section 25-206(g) is amended as follows:

20 (1) Redesignate the existing text as paragraph (1).

21 (2) Adding a new paragraph (2) to read as follows:

22 "(2) No member or employee of the Board, directly or indirectly, individually, or
23 as a member of a partnership, association, or limited liability company, or a shareholder in a
24 corporation, shall have any interest, in the producing, processing, or sale of marijuana, useable
25 marijuana, or marijuana-infused products, or derive any profit or commission from any person
26 license under this act to produce or sell marijuana, useable marijuana, or marijuana-infused
27 products; provided, that a Board member or employee may purchase, transport, or keep in his or

1 her possession marijuana or marijuana-infused products for his or her personal use or the use of
2 the members of his or her family or guests.".

3 (f) Section 25-301 is amended by adding a new subsection (a-1) to read as follows:

4 "(a-1) Before issuing, transferring to a new owner, or renewing a marijuana license, the
5 Board shall determine that the applicant meets all of the following criteria:

6 "(1) The applicant is generally fit for the responsibilities of licensure.

7 "(2) The applicant is at least 21 years of age.

8 "(3) The applicant has been a resident of the District of Columbia for at least 6
9 months before applying to receive a license.

10 "(4) The applicant has not been convicted of any violent felony in the 10 years
11 before filing the application.

12 "(5) The applicant has not been convicted of any misdemeanor, excluding non-
13 violent simple possession of marijuana, bearing on fitness for licensure in the 5 years before
14 filing the application.

15 "(6) The applicant is the true and actual owner of the establishment for which the
16 license is sought, and he or she intends to carry on the business for himself or herself and not as
17 the agent of any other individual, partnership, association, limited liability company, or
18 corporation not identified in the application.

19 "(7) The licensed establishment will be managed by the applicant in person or by
20 a Board-licensed manager possessing the same qualifications required of the licensee.

21 "(8) The applicant has complied with all the requirements of this title and
22 regulations issued under this title.".

23 (g) Section 25-303(a) is amended by adding a new paragraph (4) to read as follows:

24 "(4) No licensee under a marijuana retailer's license shall hold an interest a
25 marijuana producer's license.".

26 (h) A new section 25-512 is added to read as follows:

27 "§ 25-512. Minimum fee for marijuana licenses.

1 "(a) The minimum annual fees for a marijuana producer or retailer license shall be as
2 follows:

3 "License Class	Cost/Year
4 "Producer	\$6,000
5 "Retailer	\$2,000

6 "(b) The minimum fee for transfer of a license to a new owner shall be \$150."

7 Sec. 7. Rulemaking. For the purpose of carrying into effect the provisions of this act
8 according to their true intent or of supplying any deficiency therein, ABRA may adopt rules
9 which are not inconsistent with the spirit of this act as are deemed necessary or advisable.

10 (a) ABRA, subject to provisions of this act, shall adopt rules within 180 days of the
11 effective date of this act that establish the procedures and criteria necessary to implement the
12 following:

13 (1) Determining, in consultation with the Office of Planning, the maximum
14 number of retail outlets that may be licensed in the District, taking into consideration:

15 (A) Population distribution and future growth;

16 (B) Security and safety issues;

17 (C) The provision of adequate access to license sources of useable
18 marijuana, and marijuana-infused products to discourage purchases from the illegal market;

19 (2) Determining via proper research and assessment the maximum quantity of
20 marijuana, useable marijuana, and marijuana-infused products a marijuana producer may have
21 on the premises of a licensed location at any time without violating District law;

22 (3) Determining the maximum quantity of useable marijuana and marijuana-
23 infused products a marijuana retailer may have on the premises of a licensed retail location at
24 any time without violating District law;

25 (4) In making determinations required by subsection (2) and (3) of this section,
26 ABRA shall take into consideration:

27 (A) Security and safety issues;

1 (B) The provision of adequate access to license sources of useable
2 marijuana, and marijuana-infused products to discourage purchases from the illegal market;

3 (C) Economies of scale, and their impact on licensees' ability to both
4 comply with regulatory requirements and undercut illegal market prices

5 (5) Determining the nature, form, and capacity of all containers to be used by
6 licensees to contain marijuana, useable marijuana, and marijuana-infused products, and their
7 labeling requirements, to include but not be limited to:

8 (A) The business or trade name and the District of Columbia business
9 identifier number of the licensees that grew, processed, and sold the marijuana, useable
10 marijuana, or marijuana-infused product;

11 (B) Lot numbers of the marijuana, useable marijuana, or marijuana-
12 infused product;

13 (C) THC concentration of the marijuana, useable marijuana, or marijuana-
14 infused product;

15 (D) Medically and scientifically accurate information about the health and
16 safety risks posed by marijuana use;

17 (6) Establishing classes of marijuana, useable marijuana, and marijuana-infused
18 products according to grade, condition, cannabinoid profile, THC concentration, or other
19 qualitative measurements deemed appropriate by ABRA;

20 (7) Establishing reasonable time, place, and manner restrictions for selling
21 marijuana, useable marijuana, and marijuana-infused products;

22 (8) Establishing reasonable time, place, and manner restrictions and requirements
23 regarding advertising of marijuana, useable marijuana, and marijuana-infused projects that are
24 not inconsistent with the provisions of this act, taking into consideration:

25 (A) Minimizing exposure of people under twenty-one years of age to the
26 advertising; and

1 (B) The inclusion of medically and scientifically accurate information
2 about the health and safety risks posed by marijuana use in the advertising;

3 (9) Specifying and regulating the time and periods when, and the manner,
4 methods, and means by which, licensees shall transport and deliver marijuana, useable
5 marijuana, and marijuana-infused products within the District of Columbia;

6 (10) Establishing inspection requirements for locations used by marijuana
7 producers and retailers to ensure proper conditions of sanitation;

8 (11) Specifying procedures for identifying, seizing, confiscating, destroying, and
9 donating to law enforcement for training purposes all marijuana, useable marijuana, and
10 marijuana-infused products produced, processed, packaged, labeled, or offered for sale in this
11 District of Columbia that do not conform in all aspects to the standards prescribed by this act or
12 the rules of the ABRA.

13 (12) Establishing the process and qualifications for licensing managers for
14 marijuana production or retail establishments.

15 (13) Determining the process, qualifications, and requirements for on-premises
16 retail licenses for the sale of marijuana and marijuana-infused products in certain Board-licensed
17 establishments;

18 (14) Determining the books and records to be created and maintained by
19 licensees, the reports to be made to ABRA, and the inspection of books and records;

20 (15) Establishing security requirements for retail outlets and premises where
21 marijuana is produced or processed, and safety protocols for licensees and their employees.

22
23 (b) ABRA may adopt rules regarding the following:

24 (1) The equipment and management of retail outlets and premises where
25 marijuana is produced or processed, and inspection of the retail outlets and premises;

26 (2) Methods of producing, processing, and packaging marijuana, useable
27 marijuana, and marijuana-infused products; conditions of sanitation; and standards of

1 ingredients, quality, and identity of marijuana, useable marijuana, and marijuana-infused
2 products produced, processed, packaged, or sold by licensees;

3 (3) Screening, hiring, training, and supervising employees of licensees;

4 (4) Retail hours of operation;

5 (5) The amount of marijuana, useable marijuana, marijuana seeds, or marijuana-
6 infused products that an individual may purchase at any one visit to a licensed retailer;

7 (6) The manner of giving and serving notices required by this act or rules adopted
8 to implement or enforce it;

9 (7) Identification, seizure, confiscation, destruction, or donation to law
10 enforcement for training purposes of all marijuana, useable marijuana, and marijuana-infused
11 products produced, processed, sold, or offered for sale within the District which does not
12 conform in all respects to the standards prescribed by this act or the rules adopted to implement
13 and enforce it.

14 Sec. 8. Dedicated Marijuana Fund.

15 (a) There shall be a fund, known as the dedicated marijuana fund, which shall consist of
16 all marijuana excise taxes, license fees, penalties, forfeitures, and all other monies, income, or
17 revenue received by the Alcoholic Beverage Regulation Administration from marijuana-related
18 activities.

19 (b) All monies received by ABRA or any employee thereof from marijuana-related
20 activities shall be deposited each day and credit to the dedicated marijuana fund.

21 (c) All monies deposited in this fund in excess of what is necessary for ABRA to carry
22 out its marijuana regulation duties shall be disbursed every three months by ABRA to the
23 following:

24 (1) The Youth Court of the District of Columbia to operate a unique pre-petition
25 diversion program for first-time, non-violent juvenile offenders in the District of Columbia;

26 (2) The Metropolitan Police Department for the purpose of officer education and
27 training, and equipment/technology purchase and maintenance;

1 (3) The Office of Teen Programs and the Youth Camps of the DC Department of
2 Parks and Recreation (DPR);

3 (4) The Department of Corrections to establish and enhance education and
4 workforce development programs; and

5 (5) The DC Department of Behavioral Health for implementation and
6 maintenance of programs and practices aimed at the prevention or reduction of maladaptive
7 substance use, substance-use disorder, substance abuse or substance dependence among middle
8 school and high school age students, whether as an explicit goal of a given program or practice
9 or as a consistently corresponding effect of its implementation.

10 Sec. 9. Section 47-2002(a)(7) of the District of Columbia Official Code is amended to
11 read as follows:

12 "(7)(A) The rate of tax shall be 6% of the gross receipts from the sale of or
13 charges for marijuana or marijuana infused products produced explicitly for medicinal purposes.

14 "(B) The rate of tax shall be 15% of gross receipts from the sale of or
15 charges for marijuana or marijuana infused products produced for all other purposes.

16 "(C) The proceeds of the tax collected under subparagraph (A) of this
17 paragraph shall be deposited in the Healthy DC and Health Care Expansion Fund established by
18 [§ 31-3514.02].

19 "(D) The proceeds of the tax collected under subparagraph (B) of this
20 paragraph shall be deposited in a dedicated fund established in section 8 of this Act.

21 Sec. 10. Medical Marijuana repeal.

22 (a) Effective January 1, 2015, the Legalization of Marijuana for Medical Treatment
23 Amendment Act of 2010, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code ss. 7-
24 1671.01 *et seq.*), is repealed.

25 (b) Each regulation, standard, rule, notice, order and guidance promulgated or issued by
26 the Mayor pursuant to the Legalization of Marijuana for Medical Treatment Amendment Act of
27 2010, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code ss. 7-1671.01 *et seq.*), as in

1 effect before September 1, 2013, shall remain in effect according to its terms, except to the
2 extent otherwise provided under this act, inconsistent with any provision of this act, or revised by
3 the Mayor.

4 (c) Any person holding a license pursuant to the Legalization of Marijuana for Medical
5 Treatment Amendment Act of 2010, effective July 27, 2010 (D.C. Law 18-210; D.C. Official
6 Code ss. 7-1671.01 *et seq.*), shall maintain all rights under the license for the duration of the
7 license.

8 Sec. 11. Driving under the influence.

9 Title 18 DCMR § 1034 Proof of Operating a Motor Vehicle under the Influence of
10 Intoxicating Liquor is amended to read as follows:

11 (a) Title 18 DCMR § 1034 header is amended to read, "Proof of Operating a Motor
12 Vehicle under the Influence of Intoxicating Liquor or Cannabis, Marijuana, or Marijuana
13 infused products".

14 (b) Amend § 1034.1 to read as follows, "The standards of competent proof, based upon a
15 chemical test, set forth in this section shall be used to determine the condition of an operator of a
16 motor vehicle with respect to the effect of alcohol and THC concentration of the operator at the
17 time of the operation of a motor vehicle within the District. These presumptions shall be
18 rebuttable.

19 (c) Amend § 1034.2 to read as follows, "If at the time of testing, the operator's alcohol
20 concentration was 0.05 grams or less per 100 milliliters of blood or per 210 liters of breath or
21 0.06 grams or less per 100 milliliters of urine or the THC concentration of the driver's blood is
22 4.99 or less, this evidence shall establish a presumption that the operator was not, at the time,
23 under the influence of intoxicating liquor or THC.

24 (d) Amend § 1034.3 to read as follows, "If at the time of testing, the operator's alcohol
25 concentration was more than 0.05 grams per 100 milliliters of blood or per 210 liters of breath or
26 more than 0.06 grams per 100 milliliters of urine, but less than 0.08 grams per 100 milliliters of
27 blood or per 210 liters of breath or less than 0.10 grams per 100 milliliters of urine or the THC

1 concentration of the driver's blood is 5.00 or more , this evidence shall not establish a
2 presumption that the operator was or was not, at the time, under the influence of intoxicating
3 liquor or THC concentration, but it may be considered with other competent evidence in
4 determining whether the operator was under the influence of intoxicating liquor or THC
5 concentration."

6 Sec. 12. Fiscal impact statement.

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

10 Sec. 13. Effective date.

11 This act shall take effect following approval by the Mayor (or in the event of veto by the
12 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as
13 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
14 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
15 Columbia Register.