

LICENSE APPLICATION OVERVIEW FOR SOCIAL EQUITY APPLICANTS

February 6, 2024



PRESENTER



Anna Ray

Cannabis Licensing Program Specialist

Anna.Ray2@dc.gov | (202) 442.6958

Host: Leslie Malone, Public Affairs Specialist

Leslie.malone@dc.gov | (202) 442.6954

AGENDA

- Agency and Program Overview
- Open Application Period Schedule
- Eligibility and Site Considerations
- Application Overview and Security Plan
- Public Comment Period and Protests
- What to Expect after Submission
- Q&A

AGENCY AND PROGRAM OVERVIEW



AGENCY, PROGRAM OVERVIEW

- The **Alcoholic Beverage and Cannabis Administration (ABCA)** is an independent agency within DC Government charged with supporting the public's health, safety, and welfare through the control and regulation of the sale and distribution of alcohol and medical cannabis. ABCA operates under the authority of the **Alcoholic Beverage and Cannabis (ABC) Board**.
- DC's medical cannabis program permits persons with a valid medical cannabis patient registration issued by ABCA or a US state or territory extended reciprocity to purchase cannabis from a licensed Retailer for medical purposes. Patients may purchase up to 8-ounces within a 30-day rolling period.
- ABCA is responsible for issuing patient and caregiver registrations and medical cannabis business licenses, tracking medical cannabis products from seed to sale, and enforcing DC alcohol and medical cannabis laws and regulations.

OPEN APPLICATION PERIOD



OPEN APPLICATION PERIOD

START/END DATES	LICENSE TYPES	ELIGIBILITY
April 13, 2023- May 1, 2024	Manufacturer	Licensed Cultivation Centers
May 1, 2023- May 1, 2024	Cultivation Center, Manufacturer, Retailer	Licensed Operators—All
May 1, 2023- June 30, 2023	Courier, Cultivation Center, Manufacturer	Social Equity Applicants
August 29, 2023- October 30, 2023	Courier, Cultivation Center, Manufacturer	Standard and Social Equity Applicants
November 1, 2023- January 29, 2024	Cultivation Center, Internet Retailer, and Retailer	Unlicensed Operators
March 1, 2024- April 30, 2024	Internet Retailer, Retailer	Social Equity Applicants
July 1, 2024- August 29, 2024	Internet Retailer, Retailer	Non-Social Equity Applicants

OPEN APPLICATION PERIOD

Two (2) medical cannabis business license types are available during the upcoming open application period. They include:

1. **Internet Retailer**—Permits businesses that do not have a physical location open to the public to sell medical cannabis and paraphernalia online and by mobile application for delivery to eligible patients.
2. **Retailer**—Permits the dispensing of medical cannabis and medical cannabis products to eligible patients and caregivers. (*RENAMED, PREVIOUSLY DISPENSARY*)

Licenses are valid for up to three (3) years. Licenses of the same type expire on the same date.

At least 50% of all new medical cannabis business license types, except Testing Laboratories, are required to be set aside for social equity applicants.

OPEN APPLICATION PERIOD

Applicants must meet at least two (2) of the below criteria to be considered a social equity applicant.

Applicants must have at least one owner who is a DC resident, individually or collectively owns at least 50% of the business, and is/has:

1. A returning citizen.
2. Married to or in a civil union, has a child, or is the child of a person or has a non-parent legal guardian, or a **grandparent or a sibling** who is or has been **arrested, convicted**, or incarcerated in DC or in any other jurisdiction for a cannabis or drug-related offense.
 - [The Medical Cannabis Clarification and Non-Resident Patient Access Emergency Amendment Act of 2023](#) that took effect on July 31, 2023 expanded eligibility to include grandparents and siblings and now also considers arrests and convictions of qualifying family members.
3. An income that does not exceed 150% of the median family income as set forth by US HUD, adjusted for household size, at the time of application submission.

OPEN APPLICATION PERIOD

A Conditional License Application may be submitted by social equity applicants for Retailer and Internet Retailer medical cannabis business license types that do not currently have a proposed location.

If approved, restrictions apply, including being unable to distribute, purchase, possess, cultivate, manufacture, or sell medical cannabis or medical cannabis products.

Conditional license holders have one (1) year from the date of Board Approval to provide the required documentation, including but not limited to, a lease, Certificate of Occupancy, security plan, and a permanent license application.

OPEN APPLICATION PERIOD

Filing and annual license fees apply for all available license and endorsement applications.

Social equity applicants are entitled to a 75% fee reduction on application and licensing fees for the first three (3) years. The fee reduction does not apply to endorsement application and license fees. There is no application fee for a Testing Laboratory.

Fees are non-refundable.

Application and fee schedules are available at abca.dc.gov.

ELIGIBILITY, SITE CONSIDERATIONS



ELIGIBILITY, SITE CONSIDERATIONS

Applicants may not have had any felony conviction for a crime of violence, a gun offense, tax evasion, fraud, or credit card fraud within the three (3) years preceding the date the application is filed unless the applicant demonstrates rehabilitation and fitness for licensure in accordance with D.C. Official Code § 7-1671.06.

ELIGIBILITY, SITE CONSIDERATIONS

A medical cannabis business, except for a Courier license, shall not locate within three hundred feet (300 ft.) of a preschool, primary or secondary school, or recreation center.

An applicant for a Retailer license cannot be located within 400 feet of an existing Retailer or a previously submitted Retailer application.

APPLICATION OVERVIEW



APPLICATION INSTRUCTIONS

- Checklists and instructions are provided in the [application](#) and on ABCA's [website](#).
- To apply for a license, the minimum documents that need to be filed are below:
 - Medical Cannabis License Application
 - Trade Name Registration Certificate – [Department of Licensing and Consumer Protection](#) (DLCP)
 - Certificate of Good Standing for the Corporation – [DLCP](#)
 - Clean Hands Certification for the Business and All Owners – [Office of Tax and Revenue](#)

Continued onto next slide.

APPLICATION INSTRUCTIONS

- To apply for a license, the minimum documents that need to be filed are below (*continued*):
 - Certified surveyor's report or detailed Geographic Information System (GIS) map detailing proximity of proposed location to schools or recreation centers
 - Social Equity Applicant Attestation Statement (if applying as a Social Equity Applicant)
 - Medical Cannabis Certified Business Enterprise (CBE) Declaration Form
 - Annual Personal Net Income Attestation Form (if applying as a Medical Cannabis CBE)
 - Certification as a Medical Cannabis CBE from the Department of Small & Local Business Development (DSLBD) (if applying as a Medical Cannabis CBE)
 - Current, valid lease or deed
 - Non-refundable application fee
 - A valid zoning certificate or certificate of occupancy.
 - Clean Hands Certificate from the Office of Tax and Revenue for individuals holding ownership and the entity.

APPLICATION INSTRUCTIONS

- Common mistakes made by applicants for medical cannabis licenses include:
 - Not notarizing the application
 - Submitting an incomplete application
 - Filling out the application incorrectly
 - Applying for medical cannabis facility type not available during the open period.
- Applications may be submitted online (*recommended*), in-person, drop box, or by emailing ABCA.CannabisLicensing@dc.gov.
- Applications received by any amount of time after 4:00 p.m. on Monday, April 30, 2024 will be rejected.
- For technical assistance and/or scheduling an appointment with a licensing specialist, email ABCA.CannabisLicensing@dc.gov.

PUBLIC COMMENT, PROTESTS



PUBLIC COMMENT, PROTESTS

- Applications, excluding Testing Laboratories and Courier license applications, are subject to a 45-calendar day public comment period with notice given to the Councilmember and all ANCs in the affected ward or within 600 feet of where one establishment is or will be located. Conditional license applications are not subject to a public comment period until their permanent license application is submitted.
- Protests may only be submitted by an ANC located in the Ward or an ANC within 600 feet of where the business is located or is requesting to operate in.
- Applicants and ANCs may enter into Settlement Agreements but they must be approved by the ABC Board to be enforceable.

PUBLIC COMMENT, PROTESTS

- Resolutions submitted by an ANC must address concerns or support regarding the proposed location, including but not limited to:
 - The effect of the establishment on real property values
 - The effect of the establishment on peace, order, and quiet of the relevant area
 - The effect of the establishment upon residential parking needs and vehicular and pedestrian safety
- The ABC Board is required to hold a contested case protest hearing within 120 days of receiving a timely protest from an affected ANC.
- An ANC or an applicant can request the Public Comment Period be extended by 30 days by request to the ABC Board.

WHAT TO EXPECT



AFTER SUBMISSION – NEXT STEPS

Once an application is submitted, a licensing specialist is assigned. Licensing specialists verify Social Equity Applicant or CBE status (*if selected*) and that all required documents are submitted and valid.

Complete applications are submitted to the ABC Board within 30 days for review. If a permanent license application is accepted, fees are invoiced and placards initiating a 45-day public comment period are issued.

Applicants whose applications are determined to be incomplete must be responsive to ABCA communications and actively attempt to provide the missing documentation and/or correct identified problems within 30 days. Applications whose applicants prove to be unresponsive will be denied and be returned.

REVIEW PERIOD

- If the ABC Board denies a license application, the decision will be made in writing to the applicant stating the reasons for denial.
- The applicant may submit a written appeal to the Board within 15 calendar days to reconsider the denial decision, including any relevant documentation or evidence that contests the denial.
 - The Board is required to hold a hearing and render a decision within 30 days of receiving a written appeal request from a denied applicant.
- An establishment that is issued a retailer or internet retailer license by the ABC Board is required to open within 120 days of license issuance.

Q&A

ADDITIONAL QUESTIONS?

Contact ABCA.cannabislicensing@dc.gov

Or call us at (202) 442-4423

