

**DISTRICT OF COLUMBIA  
ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION  
MEDICAL CANNABIS PROGRAM**

**PUBLIC NOTICE**

**Notice of Open Application Period for Unlicensed Establishments for Retailer,  
Internet Retailer, and Cultivation Center Licenses**

The Alcoholic Beverage and Cannabis Board (Board) hereby gives notice of an open application period for unlicensed establishments for retailer, internet retailer, and cultivation center licenses, and sets forth the process for the submission of applications to the Board.

Specifically, Title 22-C of the District of Columbia Municipal Regulations require the Board, at the start of each open application period, to publish a Notice in the *D.C. Register* setting forth the process for the submission of available applications. The notice shall provide the address for submission and the process of obtaining application materials from the Board. This information shall also be provided on the Alcoholic Beverage and Cannabis Administration's (ABCA) website.

DC Law 24-0332, the Medical Cannabis Amendment Act of 2022 (Act), effective March 22, 2023, requires in relevant part that at least 50% of all retailer, internet retailer, and cultivation center licenses issued to unlicensed establishments during the open application period be issued to social equity applicants. To satisfy this requirement, retailer, internet retailer and cultivation center applications submitted by standard applicants will be considered by the Board during the open application period on a first-come basis based upon the order that the applications are received by the Board.

An application filed by an unlicensed establishment for a retailer, internet retailer, or cultivation center license must have a physical location. Unlicensed establishments are not permitted to apply for a one-year conditional license during the open application period.

The Board provides the following information regarding the application process for the open application period:

1. The first day for an unlicensed establishment applicant to file a retailer, internet retailer, or cultivation center license application with the Board shall be 9:00 a.m. EST on Wednesday, November 1, 2023. The last day for an unlicensed establishment applicant to file a retailer, internet retailer, or cultivation center license application with the Board is 4 p.m., on Monday, January 29, 2024.
2. Applications shall be submitted during the open application period in hard copy to the ABCA Medical Cannabis Program, 2000 14<sup>th</sup> Street, NW, Suite 400 South, Washington, DC 20009, or uploaded electronically as instructed on the application. It is your responsibility to submit in a manner to ensure confirmation of delivery with a date and time stamp.

3. Application forms and instructions will be available no later than Friday, May 12, 2023 on the ABCA website at <http://abca.dc.gov>. If you have trouble accessing the application, please contact [abca.cannabislicensing@dc.gov](mailto:abca.cannabislicensing@dc.gov). A list of the applicable application fees to be submitted with the application is currently available on the ABCA website. **All application fees are nonrefundable.**
4. Each applicant is strongly encouraged to read the regulations adopted by the Board on April 12, 2023, carefully before submitting an application. You will not be allowed to change the location on your application after the open application period has ended.
5. **PLEASE READ CAREFULLY:** Please note prior to filing your application the following:
  - a. A location for a retailer, internet retailer, or cultivation center cannot be located within any residential district or within 300 feet of a preschool, primary or secondary school, or a recreation center.
  - b. The 300 foot restriction does not apply where the main entrance to the preschool, primary or secondary school, or recreation center, or the nearest property line of the school or recreation center, is actually on or occupies ground zoned commercial or industrial according to the official atlases of the Zoning Commission of the District of Columbia.
  - c. An applicant for a retailer license cannot be located within 400 feet of an existing retailer or a previously submitted retailer application filed by another applicant during the open application period.
  - d. In the event that two or more applications filed during the open application period are for locations within 400 feet of each other, ABCA shall proceed forward with the application that is first in time. If that application is subsequently denied, ABCA shall proceed forward with the application that is second in time, third in time, et cetera, until an application is approved.
  - e. An unlicensed establishment applicant for a retailer, internet retailer, or cultivation center may relocate its operations to a compliant location prior to the filing of an application with ABCA but shall not relocate its business to an address different from the address provided in the application.
  - f. An applicant for a cultivation center license may not already hold or have an ownership interest in more than one cultivation center license.
  - g. An applicant for an internet retailer license may not already hold or have an ownership interest in a cultivation center.

- h. An applicant for a retailer or internet retailer license may not already hold or have an ownership interest in a combined number of three retailer and internet retailer licenses.
- i. To qualify for a retailer, internet retailer, or cultivation center license, an unlicensed establishment applicant must: (1) have a valid, active business license issued on or before December 31, 2022, (2) have a valid certificate of occupancy issued prior to the date on which the application is submitted, (3) have been in operation as an unlicensed cannabis business since December 31, 2022 at the latest, and (4) demonstrate that business taxes were paid to the District of Columbia for each year following the issuance of a certificate of occupancy or business license, if applicable.
- j. To qualify for a cultivation center license, an unlicensed establishment must also demonstrate that the facility at which cultivation will take place is suitable for the cultivation of cannabis, including being sufficient in size, power allocation, air exchange and air flow.
- k. A separate application is required for each license type requested as well as for each unlicensed establishment location that was in operation since December 31, 2022.
- l. An application for a retailer, internet retailer, or cultivation center license that is accepted by the Board will be required to undergo a 45-day public comment period with notice given to all Advisory Neighborhood Commissions (ANC's) in the affected ward.
- m. In the event that a filed protest by an affected ANC remains unresolved, the Board will hold a contested case protest hearing within 120 days of receiving a timely ANC protest.

Applicants must **e-mail** all written questions or requests for clarification regarding this announcement or the application process to [abca.cannabislicensing@dc.gov](mailto:abca.cannabislicensing@dc.gov) with “MC Application Question” in the subject line. Questions and responses will be posted on ABCA’s website: [www.abca.dc.gov](http://www.abca.dc.gov). Questions will not be answered on an individual basis. Furthermore, ABCA may decide not to answer a question and the agency is not obligated to answer all questions. Applicants should also monitor ABCA’s website for questions or responses and other information about the program. **Phone inquiries will not be accepted.**

Finally, all applicants should be advised that federal law makes cannabis a controlled substance and has placed cannabis in Schedule I of the Controlled Substance Act. Growing, distributing, and possessing cannabis in any capacity, other than as a part of a federally authorized research program, is a violation of federal laws. The District of Columbia’s law authorizing the District’s medical cannabis program will not excuse any person from any violation of the federal laws governing cannabis or authorize any licensee to violate federal laws. Therefore, participation in the program is at your own risk.