

**ALCOHOLIC BEVERAGE AND CANNABIS BOARD  
ALCOHOLIC BEVERAGE AND CANNABIS ADMINISTRATION**

**NOTICE OF EMERGENCY AND PROPOSED RULEMAKING**

The Alcoholic Beverage and Cannabis 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 amendments to Subtitle C (Medical Marijuana) of Title 22 (Health) of the District of Columbia Municipal Regulations (DCMR).

On January 9, 2024, the Council of the District of Columbia (Council) passed legislation which amended the District of Columbia's Medical Cannabis Program (Program) to address signage and other advertising issues. *See* Medical Cannabis Program Enforcement Emergency Amendment Act of 2024, effective January 25, 2024 (D.C. Act 25-371; D.C. Official Code § 7-1671.01, *et seq.*).

Based upon the emergency legislation enacted by the Council, the Board enacts the following emergency and proposed rulemaking that is required for several reasons, including (1) ensuring that the existing regulations comply with current law; (2) clarifying how medical cannabis facilities may post signage and be advertised; (3) to establish advertising and signage guidelines as unlicensed operators transition to the legal medical cannabis market; (4) the need to avoid public nuisances; and (5) increase awareness that medical cannabis to be used as medicine and treatment by qualifying patients. The Board further notes that it relied in significant part upon Title 25 of the D.C. Official Code related to alcohol for guidance, including D.C. Official Code §§ 25-763 and 25-765.

On January 31, 2024, the Board, by a vote of three (3) to zero (0), enacted these emergency rules effective immediately, on that date. The emergency rules will expire one hundred twenty (120) days from the date of adoption, or on Thursday, May 30, 2024, unless superseded. The Board will also be holding a public hearing on these proposed rules on March 6, 2024, at 10:30 a.m.

The Board also gives notice of its intent to adopt these proposed rules, in final, in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*, and upon completion of the thirty (30) day review period, excluding Saturdays, Sundays, legal holidays, and days of Council recess. *See* D.C. Official Code § 7-1671.13(b). The proposed rules will also be submitted to the Council for review. The proposed rules shall be deemed approved at the conclusion of the thirty (30) day review period unless the Council does not approve or disapproves the proposed rulemaking in whole or in part. *See id.*

**Subtitle C, MEDICAL MARIJUANA, of Title 22, HEALTH, of the District of Columbia Municipal Regulations, is amended as follows:**

**Chapter 58, ADVERTISING, is amended as follows:**

**Section 5800, SIGN ADVERTISING, is amended to read as follows:**

- 5800.1 Exterior signs advertising medical cannabis, which have a total cumulative area in the aggregate in excess of 10 square feet, shall be prohibited. The 10 square feet limit in this subsection shall not apply to signage on the exterior of the building containing a licensed establishment's trade name.
- 5800.2 Signs or advertising indicating that there is medical cannabis on the property, excluding an applicant's trade name, shall only be displayed in the interior window of a licensed establishment if the total area covered by the advertisements does not exceed 25% of the window space. Advertisements relating to the prices of medical cannabis shall not be displayed in the window of a licensed establishment.
- 5800.3 Advertisements relating to medical cannabis or indicating that there is medical cannabis on the property shall not be displayed on the exterior of any window or on the exterior or interior of any door.
- 5800.4 No sign advertising medical cannabis on the exterior of, or visible from the exterior of, any licensed establishment or elsewhere in the District shall be illuminated at any time when the sale of medical cannabis at the licensed premises is prohibited.
- 5800.5 A sign advertising medical cannabis on the exterior of, or visible from the exterior of, any licensed establishment, which is illuminated with intermittent flashes of light shall be prohibited.
- 5800.6 A sign which does not conform to this section shall be removed.

**Section 5801, PROHIBITED STATEMENTS, is amended to read as follows:**

**A new subsection 5801.4 is added to read as follows:**

- 5801.4 No licensed or unlicensed cannabis business shall represent that goods or services provided by the business or that the business itself is compliant with the *Legalization of Possession of Minimal Amounts of Marijuana for Personal Use Initiative of 2014*, effective February 26, 2015 (D.C. Law 20-153; D.C. Official Code § passim).

Copies of the proposed rulemaking can be obtained by contacting Martha Jenkins, General Counsel, Alcoholic Beverage and Cannabis Administration, 2000 14th Street, N.W., Suite 400, Washington, D.C. 20009. Persons with questions concerning the rulemaking should contact Martha Jenkins at 202-442-4456 or email [martha.jenkins@dc.gov](mailto:martha.jenkins@dc.gov). All persons desiring to comment on the proposed rulemaking must submit their written comments, no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*, Martha Jenkins, General Counsel, Alcoholic Beverage and Cannabis Administration, at 2000 14<sup>th</sup> Street, N.W., 4<sup>th</sup> Floor,

Washington, D.C. 20009 or [martha.jenkins@dc.gov](mailto:martha.jenkins@dc.gov).