

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD**

NOTICE OF FOURTH EMERGENCY RULEMAKING

The Alcoholic Beverage Control 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 the following amendments to Chapter 13 (Fees) of Subtitle C (Medical Marijuana) of Title 22 (Health) of the District of Columbia Municipal Regulations (DCMR).

On November 2, 2021, the Council of the District of Columbia approved the Medical Marijuana Patient Access Emergency Amendment Act of 2021 (emergency bill), which was signed by Mayor Muriel Bowser on November 5, 2021. *See* Medical Marijuana Patient Access Emergency Amendment Act of 2021, effective November 5, 2021 (Act 24-206). The emergency bill was adopted in part to address costs associated with the medical cannabis registration process that make it difficult for some patients to purchase medical cannabis legally, driving some patients to the illicit market. Given the urgency of the current situation, the emergency bill included several provisions intended to lower barriers to patient access to medical cannabis in the District. Among its provisions, the emergency bill initially authorized until January 31, 2022 the issuance of two (2)-year registration cards to qualifying patients and caregivers to attract and retain qualifying patients and their caregivers in the legal medical cannabis market.

On November 10, 2021, the Board adopted emergency rules in response to the Council’s approval of the emergency bill. The emergency rules served to further lower barriers to patient access to legal medical cannabis in the District by providing the newly created two (2)-year registration card at no cost until January 31, 2022, to qualifying patients and caregivers during the statutory timeframe that the two (2)-year registration card is in effect. The Board’s initial emergency rulemaking expired on January 31, 2022.

On February 1, 2022, the Council adopted Bill 24-629, the Medical Marijuana Patient Access Extension Emergency Amendment Act of 2022, with an effective date of January 31, 2022. The Bill authorized the issuance of two (2)-year registration cards to qualifying patients and caregivers until September 30, 2022. Bill 24-629 also declared a medical cannabis sales tax holiday week intended to retain and bring patients back to the medical cannabis program. The sales tax holiday runs for the period of Friday, April 15, 2022 through Sunday, April 24, 2022.

In response to Bill 24-629, the Board adopted The Medical Marijuana Patient Registration Fees Notice of Second Emergency Rulemaking on February 2, 2022. The Board extended the availability of the no-cost two-year patient registration cards by adopting a Third Emergency Rulemaking on April 20, 2022. Those rules are set to expire on August 18, 2022.

On June 28, 2022, the Council adopted Bill 24-886, the Medical Marijuana Self-Certification Emergency Amendment Act of 2022, with an effective date of July 6, 2022. The Bill allows

individuals 21 years of age and older to self-certify that they are utilizing cannabis for medical purposes as part of the patient registration process.

In response to Bill 24-886, the Board now desires to maintain the emergency rules in order to further encourage patient access and to increase participation in the medical cannabis program. The emergency rules also serve to continue to make registration cards available at no cost for an additional one hundred twenty (120) days while emergency and temporary legislation authorizing the issuance of two (2)-year registration cards remains in effect.

Thus, on August 10, 2022, the Board adopted The Medical Marijuana Patient Registration Fees Notice of Fourth Emergency Rulemaking by a vote of five (5) to zero (0). These emergency rules shall remain in effect for one hundred twenty (120) days, expiring on December 8, 2022, unless superseded. These emergency rules shall supersede The Medical Marijuana Patient Registration Fees Notice of Third Emergency Rulemaking.

Chapter 13, FEES, of Title 22-C DCMR, MEDICAL MARIJUANA, is amended as follows:

Section 1300, REGISTRATION, RENEWAL, AND REPLACEMENT FEES, is amended by amending Subsections 1300.1 and 1300.2 and adding new subsections 1300.7 and 1300.8 to read as follows:

1300.1 The registration, renewal and replacement fees are as follows:

- (a) Initial registration fee for a qualifying patient \$00.00;
- (b) Initial registration fee for a caregiver \$00.00;
- (c) Renewal fee for a qualifying patient \$00.00;
- (d) Renewal fee for a caregiver \$00.00; and
- (e) Replacement card fee \$90.00

1300.2 The initial registration fees for a qualifying patient or caregiver whose income is equal to or less than two hundred percent (200%) of the federal poverty level shall be twenty-five percent (25%) of the published standard qualifying patient or caregiver registration fee, and are set forth as follows:

- (a) Initial registration fee for a qualifying patient \$00.00;
- (b) Initial registration fee for a caregiver \$00.00;
- (c) Renewal fee for a qualifying patient \$00.00;
- (d) Renewal fee for a caregiver \$00.00; and

(e) Replacement card fee \$20.00

1300.7 An initial or renewal application for a qualifying patient or caregiver filed by December 8, 2022, shall be entitled to pay the fees set forth in § 1300.1 and 1300.2.

1300.8 An existing qualifying patient or caregiver with an active paid registration shall be permitted by December 8, 2022, to request either in writing, including by email or in-person, a new two (2)-year registration card at no additional cost.