

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

**NOTICE OF SIXTH 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 (Public Health and Medicine) 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 Mayor Muriel Bowser signed on November 5, 2021. *See* Medical Marijuana Patient Access Emergency Amendment Act of 2021, effective November 5, 2021 (D.C. Act 24-206; 68 DCR 12188); see also the Medical Marijuana Patient Access Temporary Amendment Act, effective February 24, 2022 (D.C. Law 24-78; 69 DCR 2022). 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. The emergency bill also included several provisions intended to lower barriers to patient access to medical cannabis in the District, such as authorizing 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 the Medical Marijuana Patient Registration Fees Notice of Emergency Rulemaking in response to the Council’s emergency action. The emergency rules (1) established no cost for the registration, renewal, and replacement fees; and (2) created a 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. Although the initial emergency rules were not published in the D.C. *Register*, the emergency rules were posted to the Alcoholic Beverage Regulation Administration’s website November 10, 2021. The Board’s initial emergency rulemaking expired on January 31, 2022.

The Council has since taken additional subsequent emergency action. *See* Medical Marijuana Patient Access Extension Emergency Amendment Act of 2022, effective February 11, 2022 (D.C. Act 24-323; 69 DCR 1268); Medical Marijuana Patient Access Extension Temporary Amendment Act of 2022, effective May 18, 2022 (D.C. Law 24-122; 69 DCR 6026); and Medical Marijuana Patient Access Extension Congressional Review Emergency Amendment Act of 2022, effective May 9, 2022 (D.C. Act 24-400; 69 DCR 5035). Similarly, the Board adopted subsequent emergency rulemakings to be consistent with Council legislation. *See* the Medical Marijuana Patient Registration Fees Notice of Second Emergency Rulemaking, adopted on February 2, 2022 [Expired]; the Medical Marijuana Patient Registration Fees Notice of Third Emergency Rulemaking, adopted on April 20, 2022 [Expired]; and the Medical Marijuana Patient Registration Fees Notice of Fourth Emergency Rulemaking, adopted on August 10, 2022.

Most recently, the Council passed the Medical Marijuana Patient Access Extension Second Emergency Amendment Act of 2022, effective October 17, 2022 (D.C. Act 24-565; 69 DCR 12660). *See also* Medical Marijuana Patient Access Extension Second Temporary Amendment Act of 2022, passed on last reading on October 4, 2022 (Engrossed Version of Bill 24-982). The emergency legislation, among other things, allows a qualifying patient’s or caregiver’s registration card to remain in effect until March 31, 2023, to allow non-District residents to obtain a temporary registration card valid for 30 days; and authorizes the Board to establish, by rule, a District resident’s qualifying patient or caregiver registration at no cost.

In response to the Council’s adoption of the Medical Marijuana Patient Access Extension Second Emergency Amendment Act of 2022, the Board desires to maintain the emergency rules to further encourage patient access and to increase participation in the medical cannabis program. The Board will continue to offer the medical marijuana patient cards at no cost for District resident qualifying patients and caregivers. However, the Board has decided to impose a \$30.00 fee for a 30-day non-resident temporary registration identification card for qualifying patients visiting the District of Columbia.

Thus, on October 19, 2022, the Board adopted the Medical Marijuana Patient Registration Fees Notice of Fifth Emergency Rulemaking by a vote of six to zero (6-0). These emergency rules shall remain in effect for one hundred twenty (120) days, expiring on February 16, 2023, unless superseded. These emergency rules shall supersede the Medical Marijuana Patient Registration Fees Notice of Fourth Emergency Rulemaking.

Thus, on November 9, 2022, the Board adopted the Medical Marijuana Patient Registration Fees Notice of Sixth Emergency Rulemaking by a vote of five to zero (5-0). These emergency rules shall remain in effect for one hundred twenty (120) days, expiring on March 9, 2023, unless superseded. These emergency rules shall supersede the Medical Marijuana Patient Registration Fees Notice of Fifth 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, 1300.2, and 1300.3, and adding new subsections 1300.7, 1300.8 and 1300.9 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;

- (e) Replacement card fee \$90.00; and
- (f) Non-resident temporary registration identification card \$30.00.

1300.2 The initial registration fees for a two (2)-year registration card 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 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

1300.3 A qualifying patient or caregiver whose income is equal to or less than two hundred percent (200%) of the federal poverty level may apply for registration at the rates described in § 1300.2 by submitting proof, to the satisfaction of the Director, of the following:

- (a) That he or she is a current Medicaid or DC Alliance recipient; or
- (b) Documentation verifying that his or her total gross income, including child support payments, alimony and rent payments received, and any other income received on a regular basis, is equal to or less than two hundred percent (200%) of the federal poverty level, as defined by the U.S. Department of Health and Human Services.

1300.7 An initial or renewal application for a qualifying patient or caregiver filed by January 3, 2023, shall be entitled to pay the fees set forth in § 1300.1 and 1300.2.

1300.8 A qualifying patient or caregiver with an active registration may request—in writing (including by email) or in-person, no later than January 3, 2023—a new two (2)-year registration card.

1300.9 A non-resident qualifying patient visiting the District of Columbia may obtain a temporary thirty (30)-day non-resident registration identification card upon payment of the registration fee in accordance with subsection 1300.1(f). After the expiration of the temporary non-resident registration identification card, a non-resident qualifying patient may apply for an additional thirty (30) day temporary non-resident registration identification card