

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

NOTICE OF THIRD EMERGENCY 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), and Mayor’s Order 2020-099, dated September 30, 2020, hereby gives notice of its adoption, on an emergency basis, of the following amendments to Chapter 5 (Qualifying Patents) and Chapter 7 (Registration Cards) of Subtitle C (Medical Marijuana) of Title 22 (Health) of the District of Columbia Municipal Regulations (“DCMR”).

22-C DCMR § 700.2 authorizes the Board to issue medical cannabis registration identification cards to qualifying patients and caregivers. Upon receipt of an application for a registration identification card and prior to its issuance by the Board, the Board issues an applicant a temporary registration card that, pursuant to § 700.2, is valid for 30 days. A temporary registration card authorizes patients to purchase medical cannabis while their permanent medical cannabis patient application is under review by the Alcoholic Beverage and Cannabis Administration (“ABCA”).

In 2025, the number of medical cannabis patient registration card applications received by ABCA increased significantly, from 2,130 in July 2024 to 6,699 in December 2025. Due to this influx in applications, ABCA has been unable to complete the review of medical cannabis patient applications and issue a permanent registration identification card within the 30-day window prior to the expiration of patients’ temporary registration identification cards, putting some medical cannabis patients at risk of losing legal access to medical cannabis product. The Board is concerned that, should a patient’s temporary registration identification card expires prior to ABCA’s issuance of a permanent registration identification card, the patient may resort to purchasing untested and unregulated cannabis from the illegal market. To provide ABCA sufficient time to process medical cannabis patient applications and prevent any gap in patients’ ability to access medical cannabis from authorized retailers, the Board is adopting these rules to extend the period of validity of temporary registration identification cards from 30 calendar days to 90 calendar days.

The Board also adopts changes to the requirement at 22-C DCMR § 502.1(b) that applicants provide ABCA with a photograph of the applicant’s face to obtain a registration identification card or temporary registration identification card. Under the current regulations, an applicant for a registration identification card must submit a passport-style photograph with their application. The Board has determined that the submission of a photograph is duplicative of the requirement that applicants submit a photocopy of a valid government-issued photo ID with their application, while imposing on applicants the burden of the time and cost to take and print a passport-style photograph; some patients also report reluctance to register with the District’s medical cannabis program because of privacy concerns, where the application requires submission of the applicant’s photograph. As a whole, the time, cost, and privacy concerns encourage qualified patients to purchase cannabis from illegal markets, which encourages criminal conduct, threatens the financial stability of licensed medical cannabis businesses, and results in the distribution of potentially unsafe and unregulated products. As a result, the Board proposes eliminating the requirement at § 502.1(b) that applicants submit a photograph with their application.

On July 16, 2025, the Board, in a 5 to 0 vote, adopted a Notice of Emergency and Proposed Rulemaking to address the issue described above. The emergency rulemaking extended the period of validity of temporary registration cards to 90 calendar days and eliminated the requirement that applicants submit a photograph with their application. This rulemaking was published in the *District of Columbia Register* on November 21, 2025 at 72 DCR 13013. No public comments were received in response to this rulemaking.

On November 5, 2025, in a 5 to 0 vote, the Board adopted a Notice of Second Emergency Rulemaking to maintain the emergency rules in place while the Board awaited the outcome of the public notice and comment process. This rulemaking is pending publication in the *District of Columbia Register*.

On January 7, 2026, the Board voted to submit a proposed final rulemaking to the Council for its review and approval pursuant to section 14(b) 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(b)). The rulemaking is pending submission to the Council of the District of Columbia.

Thereafter, on March 4, 2026, in a 4 to 0 vote, the Board adopted this Notice of Third Emergency Rulemaking to maintain these rules in place while the proposed final rulemaking undergoes review by the Council. The Board adopted these rules on an emergency basis to protect the health, safety, and welfare of medical cannabis patients. These emergency rules will reduce barriers for patients to access legal medical cannabis and medical cannabis products to address their health needs.

The emergency rules took effect immediately upon their adoption by the Board and will expire 120 days from the date of their adoption, on Thursday, July 2, 2026, unless earlier amended, rescinded, or superseded.

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

Chapter 5, QUALIFYING PATIENTS, is amended as follows:

Section 502, QUALIFYING PATIENTS APPLICATION, is amended as follows:

Subsection 502.1 is amended to read as follows:

- 502.1 To apply for a patient registration identification card, an applicant shall submit a completed application to the Board on the required forms, which shall include:
- (a) The applicant’s full legal name and date of birth;
 - (b) One (1) clear photocopy of a U.S., state, or District government-issued photo ID, such as a driver license, as proof of identity;
 - (c) Proof of District residency, including the applicant’s District of Columbia residential address which shall not be a post office box number;

- (d) Designation of the individual who will serve as the applicant’s caregiver, if applicable;
- (e) Either a signed and dated authorized practitioner’s recommendation for the use of medical cannabis meeting the requirements of this chapter, that is dated not more than two (2) years prior to the application date, or a signed ABCA self-certification form; and
- (f) Payment of the required application fee.

CHAPTER 7, REGISTRATION CARDS, is amended as follows:

Section 700, ISSUANCE OF REGISTRATION CARDS, is amended as follows:

Subsection 700.2 is amended to read as follows:

700.2 A registration identification card issued pursuant to this chapter shall expire two (2) years after the date of issuance and may be renewed in accordance with the renewal provisions under this chapter. Upon receipt of a complete application, ABCA shall issue the applicant a temporary patient registration card that shall be valid for ninety (90) days. Temporary patient registration cards issued on or after April 18, 2025, and prior to July 17, 2025, shall be valid for ninety (90) days after the date of issuance, regardless of the expiration date printed on the temporary patient registration card.

Copies of this rulemaking can be obtained by contacting the agency at ABCA.Records@dc.gov or by making a request in person at the Alcoholic Beverage and Cannabis Administration, located at 899 North Capitol Street, N.E., Suite 4200-A, Washington, D.C. 20002. The rulemaking is also available on the agency’s website. Persons with questions concerning the rulemaking should contact Jonathan Berman, General Counsel, at 202-442-4448 or by email abca.legal@dc.gov.