ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF 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 99 (Definitions) of Subtitle C (Medical Marijuana) of Title 22 (Health) of the District of Columbia Municipal Regulations (DCMR).

The emergency rulemaking seeks to amend 22 DCMR C § 9900 by amending the definitions of "nonresident card" and "state-issued document" to include U.S. territories so that nonresident qualified patients located in a U.S. territory with an active medical cannabis program that issues patient cards or government issued documents may receive medical cannabis from a District dispensary. The Board finds emergency action is necessary in order to ensure that nonresidents who reside in a U.S. territory and are enrolled in medical cannabis programs are able to purchase medical cannabis from a District dispensary. Thus, the Board finds that this emergency rulemaking is essential for the protection of the health, safety, and welfare of the public.

On November 4, 2020, the Board adopts these emergency rules by a vote of seven (7) to zero (0). The emergency rulemaking became effective on that date. The emergency rulemaking will expire one hundred twenty (120) days from the date of adoption (November 4, 2020) or forty-five (45) days after the public health emergency declared by Mayor's Order 2020-079, dated July 22, 2020, or any substantially similar subsequent Mayor's Order is declared, whichever occurs first.

Chapter 99, DEFINITIONS, of Title 22-C DCMR, MEDICAL MARIJUANA, is amended as follows:

Section 9900, Definitions, is amended by adding "U.S. Territories" to the definitions for "Non-resident card" and "State-issued document" so that they read as follows:

Nonresident Card- a medical marijuana patient card issued by a state or U.S. territory that has an active medical marijuana program and issues either a card or state-issued document evidencing the patient's participation in the program.

State-issued document- a document issued by the State or U.S. territory agency responsible for administering the medical marijuana program in that state or U.S. territory which bears on its face the nonresident patient's name and program identification number, and an official seal or imprint.