



Government of the District of Columbia  
Department of Health



Office of the Director

July 21, 2016

Dear Business Owner:

The District of Columbia amended its marijuana laws, to permit a person who is 21 years of age or older to possess two (2) ounces or less of marijuana. Although the law allows home usage, it prohibits the smoking or consumption of marijuana on public space or anywhere to which the public is invited. It is illegal to permit usage of marijuana in any form in clubs, restaurants, bars, patios, cafes, rooftops or any other type of food establishment in the District of Columbia. Failure to adhere to these laws may result in the following penalties:

Department of Health (DOH)

If a food product is observed or determined to be adulterated with marijuana, DOH can use “all or any combination” of the following enforcement actions for violations of the District’s Food Code Regulations published in Title 25A of the District of Columbia Municipal Regulations (DCMR). DOH may:

- Issue a Notice of Infraction up to \$1,000 per violation.
- Embargo, forbid the sale of, and destroy adulterated food in accordance with 25A DCMR § 4702.1.
- Summarily suspend the license to operate a food establishment for an imminent health hazard in accordance with 25A DCMR § 4714.1.
- Issue a cease and desist order using any part of its enforcement authority.
- Refer this matter to the Office of the Attorney General to impose civil penalties for violations of any provision of the Food Code not to exceed \$10,000 for each violation in accordance with 25A DCMR §§ 4720.1 and 4720.2.

Department of Consumer and Regulatory Affairs (DCRA)

If any business allows the use of, provides, sells, or otherwise engages in conduct related to the illegal use of marijuana at their establishment, the business may be subject to the following punitive actions by DCRA, on the first offense:

- Revocation or suspension of all Business Licenses.
- Revocation or suspension of all Certificates of Occupancy.
- Notices of Infraction (Fines); \$2,000 for each occurrence.

Alcohol Beverage Regulation Administration (ABRA)

If a food establishment that has an alcohol license is facilitating or allowing the use of marijuana in its establishment, ABRA may:

- Initiate an enforcement action under D.C. Official Code § 25-823 for violating District law or allowing unlawful conduct to occur on the premises. A violation could result in a fine ranging between \$1,000 and \$30,000 depending on the licensee's violation history. The alcohol license could also be suspended or revoked.
- Initiate an enforcement action under D.C. Official Code § 25-822, which may result in the mandatory revocation of the establishment's alcohol license.
- Determine the license holder is unfit for licensure under D.C. Official Code § 25-301, which may prevent the licensee from renewing any alcohol licenses they may hold and prevent the issuance of new alcohol licenses to the licensee.

Metropolitan Police Department (MPD)

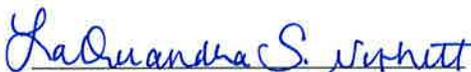
If a food establishment is facilitating or allowing the use of marijuana in its establishment, individuals may be subject to the following penalties:

- Arrest or fine the individuals observed consuming marijuana or in possession of the marijuana as permitted by law.
- Intentional or knowing possession of more than two ounces of marijuana - misdemeanor with a penalty of up to 180 days incarceration, a fine of not more than \$1,000 or both.
- Sale/Distribution – up to 5 years imprisonment, \$50,000 fine, or both.
  - a. 1<sup>st</sup> Offense, less than 1/2lb – imprisonment of up to 180 days, \$1000 fine, or both.
  - b. Distribution to minors may receive double fine and imprisonment penalty.
- Smoking or consuming marijuana in public – imprisonment of up to 60 days, a \$500 fine, or both.

In providing you with this information, the Department of Health considers your food establishment properly notified of the DC Laws and Regulations.

If you have additional questions, please contact the Food and Safety Hygiene Inspection Services Division within the Department of Health at 202-535-2180.

Sincerely,



LaQuandra S. Nesbitt, MD, MPH

Director

Department of Health