

GOVERNMENT OF THE DISTRICT OF COLUMBIA

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MARIJUANA PRIVATE CLUB TASK FORCE

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MEETING

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FRIDAY
APRIL 22, 2016

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The Marijuana Private Club Task Force met in Conference Rooms 406/407, 899 North Capitol Street NE, Washington, DC, at 10:05 a.m., LaQuandra Nesbitt, Chair, presiding.

PRESENT

LAQUANDRA NESBITT, MD, MPH, Director, Department of Health
MICHELE BLACKWELL, Legislative Director, Office of
Councilmember Brandon Todd
DANIELLE BURS, Legislative Director, Office of
Councilmember Brianne K. Nadeau
HELDER GIL, Legislative and Policy Advisor, Office of the
Deputy Mayor for Public Safety and Justice
FRED MOOSALLY, Director, Alcoholic Beverage Regulation
Administration
BRIANNE K. NADEAU, Ward 1 Councilmember, Council of the
District of Columbia
KELLY O'MEARA, Executive Director of Strategic Change,
Metropolitan Police Department
LORI PARRIS, Deputy Director, Department of Consumer and
Regulatory Affairs
MAUREEN ZANIEL, Senior Assistant Attorney General, Office
of the Attorney General

ALSO PRESENT

PATRICE DICKERSON, Office of Government Relations

PHILLIP HUSBAND, General Counsel

MONIQUE JOHNSON, Executive Assistant to the Director

JACQUELINE WATSON, DO, MBA, Chief of Staff

SHAUNA WHITE, PharmD, RPh, Executive Director, Board of
Pharmacy, Program Manager, Pharmaceutical Control

MARCUS A. WILLIAMS, Director of Communications and
Community Relations

Welcome/Introduction: Chair Nesbitt called the meeting of the Marijuana Private Club Task Force to order at 10:05 am.

Charge of the Marijuana Private Club Task Force and Timeline: The Task Force has been charged to convene for 120 days to deliberate and make recommendations as to whether or not private clubs should be permitted in DC and if permitted, what the regulatory infrastructure for these clubs would look like. The Task Force must meet at a minimum once a month and issue a full report within 120 days of its initial convening. Membership for the Task Force includes the Department of Health, Metropolitan Police Department, Alcoholic Beverage Regulation Administration, Department of Consumer and Regulatory Affairs, two members of the Council of the District of Columbia, and the Office of the Attorney General of the District of Columbia, with staff support from the Deputy Mayor of Public Safety and Justice.

Review of Current District of Columbia Marijuana Laws and Policy: The Initiative 71 Marijuana Working Group was convened in February 2015 by Mayor Bowser and is co-chaired by the Director of the Department of Health and the Chief of the Metropolitan Police Department. The Working Group wrote a status report that explores the one year impact of Initiative 71 on DC. One challenge in writing this report was the low availability of real-time use patterns data. Most use patterns data in DC is self-reported, collected from health surveys, and is available about a year behind real-time. However, criminal justice and arrest data can be collected closer to real-time.

The Working Group also works to inform and educate the public about the intent of Initiative 71. Initiative 71 focuses on home growth and home use of marijuana, as well as the possession of two ounces or less of marijuana for an individual 21 years of age or older. Barter of any kind, including donations, for the receipt of marijuana is still illegal in DC. The Working Group's monthly meetings will allow different DC agencies to coordinate understanding and responses to questions regarding marijuana policy in DC.

Impact of Current Laws and Policy on District of Columbia Landscape

Alcoholic Beverage Regulation Administration: ABRA's role has been focused in two areas. One is educating alcohol licensees that current DC laws do not allow them to rent or otherwise make their facilities available for patrons to smoke marijuana. This includes renting facilities out to functions that are not open to the public. ABRA also works to inform establishments and patrons that smoking marijuana within licensed establishments is currently prohibited in DC.

Metropolitan Police Department: The MPD has worked to educate the public about recent changes in DC marijuana laws and what individuals' rights are as a result of these changes. One way the MPD has done this has been by giving officers handheld cards with information on DC marijuana laws and rights that they can give to members of the public. Despite these education efforts, there have still been violations. However, arrests have dropped dramatically since the decriminalization of marijuana in July 2014 and again after the passage of Initiative 71 in February 2015. Arrests for distribution and intent

to distribute have decreased in large part because many of the factors used to establish probable cause for these crimes can no longer be used due to the law change. There have been some arrests for public consumption; however, this number is very small.

Department of Consumer and Regulatory Affairs: The DCRA's role has been to assist agencies such as the Department of Health and MPD with any type of regulatory investigations and enforcement actions regarding business activity.

Department of Health: The Department of Health has had the responsibility of administering the Medical Marijuana Program. To date there are roughly 3,600 patients registered in the Program, 2,333 of whom are men. In 2014, DC enacted a law that allowed individuals to enter the Program by having their physician state that they need access to the Program, rather than by having these individuals need to meet a specific set of medical conditions. This has created a surge of participation in the Program. However, due to the medical nature of the Program, the patient-physician relationship must be established and cannot be created solely on the basis of obtaining access to marijuana. Participants in the Program must be DC residents.

Edible marijuana products can only be made in cultivation centers that are also licensed as a food retail establishment and have a commercial kitchen. Establishments who do not meet these criteria cannot legally produce marijuana edibles, even if the marijuana is provided by patrons. The Department of Health has been working to educate individuals and businesses about these laws. No crime has been found to be associated with the existence of marijuana cultivation centers and dispensaries.

Office of the Attorney General of the District of Columbia: The DC OAG's primary role is to provide legal advice regarding the changing landscape of DC's marijuana laws. If private clubs are legalized, the DC OAG would be enforcers on the regulatory end. The DC OAG would also handle any cases regarding vehicles held for forfeiture.

Council of the District of Columbia: The Council established this Task Force and has introduced legislation for regulations surrounding marijuana that can be applied if the Congressional budget rider is lifted. Councilwoman Nadeau and Councilman Todd held a public meeting on April 19th as a way to gain public input for the Task Force. The DC Council had voted on a permanent ban on private clubs that morning, and so there was a lot of frustration expressed at the public meeting regarding that vote. No one at the public meeting opposed private clubs, which is not necessarily conclusive but is notable. There have been discussions around topics such as ensuring opportunity for community input in the framework of the private club creation process. DC Council's initial legislation included language about this framework, as well as a limit on how close a private club could be to an educational institution attended by children and a restriction to one private club per ward. Councilwoman Nadeau anticipates that the DC Council will continue to have this conversation as various political developments emerge.

Review of Data on Marijuana Use in the District of Columbia: The Department of Health is still working to compile this data and will present it at a subsequent meeting. The Department's primary method of collecting this data is through the Behavioral Risk Factors Surveillance System and the Youth Risk Behavioral Surveillance System. Some of the data collected shows how individuals who use marijuana

use other intoxicating substances, and so provides insight into products that private clubs should and shouldn't serve along with marijuana. The Department of Health worked with the Department of Behavioral Health to launch a marijuana education campaign with the intent to both raise awareness that marijuana is and should be treated as a drug and to give families tools to have conversations about responsible marijuana usage.

Chart Course Moving Forward: Chair Nesbitt and Ms. Parris agreed that the Task Force should begin by establishing a definition for private clubs, private club membership, and the regulatory authority of different DC agencies. Mr. Moosally added that it would be helpful for each agency to detail their requirements that a private club would need to meet in order to be legally licensed and established. Councilwoman Nadeau disagreed and stated that she believed it would be more beneficial to first discuss how private clubs could be used to ensure that all District residents can utilize the benefits of Initiative 71 before discussing the specific regulatory role of the different agencies. Ms. Blackwell asked about the possibility of establishing an email account for the Task Force that is dedicated to public input. Chair Nesbitt plans to take this idea under consideration, but currently holds the position that the Task Force should remain private. However, Councilmembers on the Task Force would be welcome to relay public input back to the Task Force.

It was determined that the next meeting's agenda would open with information both on current use of marijuana in DC and on private club practices in other states. The agenda would then cover discussion of what it means to be a private club, how membership in a private club is defined, and what agencies have a role in licensure and enforcement of this entity. The Task Force may have to add more to the list once they begin discussions about security plans, hours of operation, and the potential of private clubs serving other products along with marijuana.

Public Comment: Kate Bell from the Marijuana Policy Project introduced herself and stated that she had submitted a draft regulatory framework which was drafted to be an amendment to the temporary ban on private clubs. Ms. Bell suggested that the Task Force look beyond the private club model and consider the special exemption model used by cigar and hookah bars in DC. Kaitlyn Boecker from the Drug Policy Alliance also introduced herself and offered to connect Task Force members with private club owners from other jurisdictions.

Adjourn: There being no other comments; Chair Nesbitt adjourned the meeting at 11am.