

GOVERNMENT OF THE DISTRICT OF COLUMBIA

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MARIJUANA PRIVATE CLUB TASK FORCE

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MEETING

+ + + + +

FRIDAY

APRIL 22, 2016

+ + + + +

The Marijuana Private Club Task Force met in Conference Rooms 406/407, 899 North Capitol Street, N.E., Washington, D.C., at 10:00 a.m., LaQuandra Nesbitt, Chair, presiding.

PRESENT

LAQUANDRA NESBITT, MD, MPH, Director,
Department

of Health, Chair

MICHELE BLACKWELL, Legislative Director, Office
of Councilmember Brandon Todd

DANIELLE BURS, Legislative Director, Office of
Councilmember Brianne Nadeau

HELDER GIL, Legislative and Policy Advisor,
Office of the Deputy Mayor for Public
Safety

FRED MOOSALLY, Director, Alcoholic Beverage
Regulation Administration

BRIANNE NADEAU, Ward 1 Councilmember, Council
of

the District of Columbia

KELLY O'MEARA, Director of Strategic Change,
Metropolitan Police Department

LORI PARRIS, Deputy Director, Department of
Consumer and Regulatory Affairs

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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, D.O., Chief of Staff

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

MARCUS WILLIAMS, Director of Communications

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TABLE OF CONTENTS

| | |
|--|----|
| Welcome and Opening Remarks, Dr. LaQuandra Nesbitt, Chair..... | 4 |
| Introductions | 4 |
| Charge of the Marijuana Private Club Task Force and Time Line..... | 6 |
| Review of Current District of Columbia Marijuana Laws and Policy..... | 9 |
| Impact of Current Laws and Policy on District of Columbia Landscape | 12 |
| - Alcoholic Beverage Regulation Administration..... | 13 |
| -Metropolitan Police Department | 15 |
| -Department of Consumer and Regulatory Affairs..... | 17 |
| - Department of Health | 17 |
| -Office of the Attorney General of the District of Columbia..... | 24 |
| -Council of the District of Columbia | 24 |
| Review of Data on Marijuana Use in the District of Columbia..... | 29 |
| Chart Course Moving Forward | 33 |
| Public Comment | 50 |
| Adjourn | |

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1 P-R-O-C-E-E-D-I-N-G-S

2 10:04 A.M.

3 CHAIR NESBITT: Good morning. How
4 is everyone today?

5 MR. MOOSALLY: Very good.

6 CHAIR NESBITT: So we are going to
7 be prompt and on time. Got to get
8 Councilmember Nadeau out.

9 COUNCILMEMBER NADEAU: Yes. Thank
10 you. I appreciate that. It's Passover
11 tonight, so I thank you for adjusting the time.
12 It makes a huge difference.

13 CHAIR NESBITT: No problem. My
14 apologies for scheduling this on this day.

15 COUNCILMEMBER NADEAU: It's all
16 right. We're all learning.

17 CHAIR NESBITT: We have some of my
18 team who are out for the entire day and we
19 thank you for accommodating this morning.

20 We are going to go ahead and get
21 started. I'm not sure if Councilmember Todd
22 will be joining us. And so let's go ahead and

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1 do a round of introductions for the actual task
2 force members so everyone is familiar with who
3 is present in the room. I am Dr. LaQuandra
4 Nesbitt, Director of the Department of Health
5 and have been asked to chair this task force
6 and will do so diligently for the next 120 days
7 to have us be very productive and deliberative
8 in our process. And so I'll start to my right.

9 MR. MOOSALLY: Sure. Thank you so
10 much for holding this. My name is Fred
11 Moosally. I am the Director of the Alcoholic
12 Beverage Regulation Administration which is
13 responsible for overseeing and regulating all
14 agencies that sell, serve, and allow the
15 consumption of alcoholic beverages. Thank you.

16 MS. PARRIS: Good morning, everyone.
17 My name is Lori Parris. I'm the Deputy
18 Director for the Department of Consumer and
19 Regulatory Affairs. And as you know, the
20 Department of Consumer and Regulatory Affairs
21 is the licensing and regulatory agency for the
22 District of Columbia.

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1 COUNCILMEMBER NADEAU: I am Brianne
2 Nadeau, Ward 1 Councilmember. I have with me
3 Danielle Burs, my Legislative Director.

4 MS. ZANIEL: Good morning, Maureen
5 Daniel on behalf of the Office of the Attorney
6 General.

7 MS. BLACKWELL: Good morning. My
8 name is Michele Blackwell and I'm Legislative
9 Director to Councilmember Brandon Todd.

10 MR. GIL: Good morning. Helder Gil
11 from the Office of Deputy Mayor for Public
12 Safety.

13 MS. O'MEARA: Good morning. I'm
14 Kelly O'Meara. I am the Director of Strategic
15 Change for the Metropolitan Police Department
16 and I oversee legislative affairs and
17 implementation of legislation.

18 CHAIR NESBITT: All right, and so
19 this task force which is called the Marijuana
20 Private Club Task Force, has been charged to
21 convene for 120 days to deliberate and make
22 recommendations as to whether or not private

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1 clubs should be permitted in the District of
2 Columbia and have the ability to -- or
3 authority to make recommendations that if
4 private clubs were to be recommended in the
5 District of Columbia, what the regulatory
6 infrastructure for those clubs would look like.

7 The membership for this task force
8 includes the Department of Health, Metropolitan
9 Police Department, the Alcoholic Beverage
10 Regulation Administration, Department of
11 Consumer and Regulatory Affairs, two members of
12 the Council of the District of Columbia, and
13 the Office of the Attorney General of the
14 District of Columbia with staff support from
15 the Deputy Mayor of Public Safety and Justice.

16 This task force will convene at a
17 minimum once a month and issue a full report
18 within 120 days of its initial convening which
19 is today.

20 We have published our agenda for
21 today's meeting in the Register and we will
22 hold to the agenda for today. The task force

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1 will, as part of our agenda for today, chart
2 out our course moving forward in terms of the
3 work that the task force will accomplish and so
4 pretty much we will put forth our plan for the
5 next three months in terms of what we would
6 like to cover, our goals and objectives that we
7 would like to accomplish.

8 In terms of this first meeting, we
9 thought that it would be a really great use of
10 the team's time in terms of being the first
11 time convening together in terms of this body
12 for the purposes of discussing marijuana and
13 marijuana policy as relevant to marijuana use
14 patterns in the District of Columbia, the
15 impact of overall marijuana policy in the
16 District of Columbia, and how that relates to
17 private clubs, sort of giving an overview of
18 current District of Columbia marijuana laws and
19 policy and the impact of those current laws and
20 policy on the respective agencies and
21 organizations who have been selected to
22 participate in this private club's task force.

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1 And so that will pretty much serve as our
2 agenda for today and help us move forward in
3 terms of charting the course. And so we will
4 just at this point move quickly into that
5 agenda.

6 Any other questions about the task
7 force, task force structure or that part of the
8 process?

9 All right, so essentially,
10 Initiative 71 created a very interesting
11 environment for us in the District of Columbia.
12 There is an Initiative 71 Marijuana Working
13 Group that Mayor Bowser convened in February of
14 2015 when Initiative 71 was to be enacted as
15 law in the District of Columbia. The Chief of
16 Police Cathy Lanier and I co-chair that working
17 group and so there is some cross pollination
18 between members of this task force and that
19 working group. And so we have the opportunity
20 on a monthly basis to talk about the impact of
21 that marijuana policy on the District of
22 Columbia.

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1 We issued a status report, a one
2 year status report of that initiative on the
3 District of Columbia which has been circulated
4 to the members of this working group and I
5 believe is included in your meeting materials
6 today. If you have not had the opportunity to
7 review that, we would ask that you do so.

8 One of the challenges that we have
9 in terms of reviewing the impact of Initiative
10 71 is that our data collection processes in
11 terms of use patterns tend to fall a year or so
12 behind in terms of the availability. And
13 that's from -- when we talk about use patterns,
14 that's from self-reported data, usually
15 collected from health surveys which is
16 different from criminal justice data or arrest
17 data which can be gathered and collected more
18 closely in real time.

19 And so what you'll see reflected in
20 the report, the one-year report is our best
21 efforts in terms of having real time data as it
22 relates to the one-year impact of Initiative 71

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1 as opposed to ongoing use patterns there. The
2 Department is working on an overall marijuana
3 report that looks at long-term use patterns for
4 marijuana in the District of Columbia.

5 We have, as a result of Initiative
6 71, moved to very quickly inform people of the
7 intention of Initiative 71 which was home
8 growth and home use and the possession of two
9 ounces or less of marijuana for individuals 21
10 years of age or older. And that barter of any
11 kind was still illegal in the District. And so
12 we find ourselves on many occasions having to
13 clarify for those who have an entrepreneurial
14 spirit that donations is considered to be
15 illegal under Initiative 71. And so for those
16 who believe that having not what they consider
17 to the sale, but donation for the receipt of
18 marijuana is not the intention of Initiative 71
19 and it's still not permissible in the District
20 of Columbia. And so we've done quite a bit in
21 terms of education to clarify that for
22 individuals.

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1 And so part of our purpose of
2 meeting on a monthly basis is to be able to
3 interact as agencies and understand and
4 communicate with each other the requests or
5 clarifications that come in from the public,
6 things that circulate in the mass media around
7 issues or confusion around our current
8 marijuana policy or any interactions that we
9 may have had with the public, the legislative
10 body, or other jurisdictions involving the
11 marijuana policy or the science of marijuana,
12 nationally or internationally, in some cases,
13 so that the District may remain up to speed in
14 that regard.

15 And so it is an evolving landscape.
16 We have lots of eyes and ears as a result of
17 the diversity of that working group into the
18 various thoughts and perspectives on marijuana
19 laws and policy which are highly varied here in
20 the District. And so I believe we have the
21 ability to have a very robust dialogue and
22 discussion with the composition of this task

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1 force as it relates to the need for private
2 clubs, and if private clubs were to exist, what
3 that regulatory framework would look like.

4 And so with that, I think we can
5 move into the impact of current laws and policy
6 on the respective organizations that are here
7 because I'm kind of tried speaking. I don't
8 want to start with the Department of Health.
9 I'm going to take a break and drink some tea
10 because of my allergies and start with ABRA, if
11 you don't mind.

12 MR. MOOSALLY: Sure. ABRA's role
13 has been much more limited than the Department
14 of Health, a little bit more indirect, pretty
15 much been in two areas. First, we've had more
16 of an educational role where it consisted of
17 educating alcohol licensees. The current
18 District law does not allow them to rent or
19 make their facility available including private
20 functions for patrons to consume marijuana.

21 Specifically, we've had alcohol
22 establishments ask if they rent out their

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1 facility to an event that's not open to the
2 public does that allow marijuana consumption?
3 And the answer is currently no. And then we've
4 had licensees who have inquiries from
5 individuals who want to do marijuana dinners
6 where they'd have food that's cooked with
7 marijuana or has marijuana in it that would be
8 consumed on the premises. And currently, you
9 cannot consume marijuana edibles at licensed
10 establishments. So we've had a lot of an
11 educational role there.

12 The second role that ABRA, the
13 Alcoholic Beverage Regulation Administration,
14 has had is we have ABRA investigators and
15 licensed alcohol venues including night clubs
16 have experienced issues with patrons using
17 marijuana inside of their establishments. And
18 so when ABRA investigators have gone to night
19 clubs, they've encountered patrons smoking
20 marijuana inside their venue. So we've played
21 a role and just to clarify, ABRA investigators
22 currently work seven days a week until 4 a.m.

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1 So every day of the week, they're out until 4
2 in the morning.

3 So we advise establishments,
4 including night clubs, of the District's
5 prohibition against smoking marijuana inside
6 their licensed establishments and work with the
7 establishment to remind patrons that they're
8 not allowed to smoke inside of their venues.
9 That's pretty much where ABRA's two roles are
10 right now. Thank you.

11 CHAIR NESBITT: Kelly.

12 MS. O'MEARA: Good morning. I'm
13 here from MPD and of course, MPD has two
14 primary roles in this. Our first, we really
15 consider education, making sure people
16 understand what the changes in the laws were so
17 they knew what the limits were and what their
18 rights are as well. There is a lot of
19 misinformation out in the public, so MPD, with
20 all of our government colleagues, works really
21 hard to get correct information out.

22 One of the things we did to really

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1 make sure that it got to the street was gave
2 all of our officers just little hand-held cards
3 to give to residents and people they encounter
4 on the street about what the change in the law
5 was and what it meant for them individually.

6 Even with that education effort, of
7 course, there was still violations of the law.
8 We've seen arrests drop dramatically. It's
9 included in the report. I also have handouts
10 of the charts which I can pass around.

11 Patrice, do you think you can help
12 pass these out to the table? Thank you.

13 What we've seen is sort of dramatic
14 drops at two points. One was with the
15 decriminalization which was in July of 2014 and
16 then again with the legalization Initiative 71
17 in February of 2015. We still have arrests for
18 -- just a few for consumption. We have a few
19 arrests for public consumption and that is
20 actually one of the areas where we still get
21 complaints from. We're certainly no strangers
22 to educating the public that something that

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1 their neighbor is doing is okay and there's no
2 action that we can take and we're comfortable
3 in that role. But there are people who are not
4 listening to the prohibition of public
5 consumption and are consuming it on public
6 space. And so we take some action there, but
7 it's been very low, about seven arrests per
8 month which is very, very low.

9 Distribution, arrests for
10 distribution and possession with intent to
11 distribute has also dropped. And that is
12 partly because some of the factors that were
13 used in identifying that before the law changed
14 are now no longer allowed to be factors in
15 establishing probable cause such as the odor of
16 marijuana is not probable cause to assume
17 there's a crime being committed. So the police
18 can't take action then. So there's been a
19 decrease in those arrests as well. But
20 otherwise, this has not had a tremendous impact
21 on the Department.

22 CHAIR NESBITT: Lori?

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1 MS. PARRIS: With DCRA being the
2 licensing arm of the District of Columbia, we
3 work closely with the Department of Health and
4 the Metropolitan Police Department and sometimes
5 ABRA when there's complaints with respect to a
6 business either having donations for the use of
7 marijuana or if there is an event and how can we
8 ensure that the business activity is in
9 compliance with the law.

10 So our role has really been assisting
11 MPD and specifically assisting the Department of
12 Health with any type of regulatory
13 investigations, vending regulation,
14 investigations regarding the business activity.
15 So our role has not been on the forefront. I
16 think our role has been primarily assisting to
17 making sure that if there needs to be any
18 enforcement with respect to business activity,
19 we can assist the District agencies, our sister
20 agencies.

21 CHAIR NESBITT: So as it relates to
22 the Department of Health, we have had the

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1 responsibility of administering the Medical
2 Marijuana Program which to date or prior to
3 Initiative 71 which permitted the ability for
4 individuals to grow plants at home, immature and
5 mature plants if you are over the age of 21
6 which was the primary way for individuals to
7 possess or gain access to marijuana in the
8 District of Columbia.

9 To date, we have just over 3600
10 patients registered in the program, primarily --
11 the majority of registrants are males. We have
12 2,333 males in the program; 1,276 women in the
13 program and 29 care givers are registered.

14 In 2014, the District changed from
15 requiring individuals to have a certain set of
16 medical conditions to be able to just simply
17 have your physician state that you should have
18 access to the program. When that law was
19 enacted, we did see a surge in participation in
20 the program.

21 We have seven cultivation centers
22 currently in the District of Columbia and five

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1 dispensaries where individuals can purchase
2 marijuana.

3 To add to some of the statements made
4 by Mr. Moosally and Ms. Parris, the access to
5 edible products in the District is restricted to
6 those that are produced by cultivation centers.
7 So in order to make an edible product, you have
8 to be a cultivation center that also is licensed
9 as a food retail establishment. So you have to
10 create a commercial kitchen and then you have to
11 prepare the edibles in the cultivation center
12 that has the commercial kitchen. And those
13 edible products have to be prepared there.

14 So these businesses that try to
15 create themselves now that Initiative 71 exists,
16 they're going to create edible products, under
17 District law and the food code, that would be
18 adulterated food products which would
19 essentially be illegal to sell in a licensed
20 food retail establishment. So those would be
21 violations of their business license as well as
22 the District food code and could result in

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1 fines. So the notion of having marijuana
2 cooking parties for which tickets are sold and
3 things of that nature are not permissible in the
4 District of Columbia, even if you were to bring
5 your own marijuana.

6 So those are the types of things that
7 we are constantly educating business owners
8 about and the public about, as well as marijuana
9 patients. Currently, there is only one
10 cultivation center in the District of Columbia
11 that makes edible products.

12 Secondly, we also have some
13 differences in our program from other
14 jurisdictions, however, we have a Scientific
15 Committee that advises on the way that our
16 program is structured. There was recently an
17 article in Health Affairs where the District of
18 Columbia's medical marijuana program is actually
19 considered to be a medical marijuana program
20 that is medical in nature, whereas some of the
21 other states that have a medical marijuana
22 program are not considered really medical

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1 programs. They are just considered programs
2 that give people access to marijuana and have
3 been diluted in such ways that they are just
4 simply access to marijuana programs. And so we
5 pride ourselves on having a program that
6 requires a bona fide patient-physician
7 relationship, where relationships cannot be
8 established with physicians just on the basis of
9 getting access to marijuana, and where we have a
10 couple of other things that are in place that
11 really shores up the patient-physician
12 relationship.

13 There are some other things that we
14 have in place that requires you to be a District
15 resident that prevents us from being a place
16 that people descend upon for the purpose of
17 getting access to marijuana products without
18 being District residents. That also helps us
19 keep our standing as being a true medical
20 marijuana program. So we provide constant
21 updates to our program. The data that I just
22 shared with all is accurate as of April 21st.

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1 For people who provide a complete application to
2 us, we turn around their request for a medical
3 marijuana card within five days. A complete
4 application also requires that you provide proof
5 of District residency. So people who are asking
6 for their cards to be sent to a P.O. box is not
7 a complete application. That is often the
8 source of delay. So those tends to be part of
9 some of the things that come up frequently as
10 complaints or concerns about the program.

11 The other thing that we wanted to
12 make sure we discussed today and is highlighted
13 in the one-year report is the notion of crime
14 around dispensaries and cultivation centers. We
15 do not have in our strong oversight of
16 cultivation centers and dispensaries which is
17 the responsibility of the Department of Health,
18 we have staff who are in these facilities and we
19 have oversight over them as an enforcement over
20 those facilities in the same way that we have
21 oversight over pharmacies. And then crimes that
22 would be reported at these facilities would be

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1 under the purview of MPD is that there is not a
2 crime associated with these facilities. There
3 was one crime, I believe, reported at a
4 dispensary and it was a stolen cell phone. It
5 had nothing to do with the marijuana product.
6 And so we want to make sure that residents are
7 very clear and understand that having a
8 cultivation center in your neighborhood does not
9 increase crime or violence in the neighborhood
10 and neither does a dispensary. So those are the
11 things we wanted to share in terms of the impact
12 of marijuana policy as it relates to the
13 Department of Health.

14 I think we also would like to hear
15 from the Attorney General's Office on this
16 particular issue.

17 MS. ZANIEL: Thank you. Our role is
18 primarily legal advice on the changing landscape
19 of the law. We would stand as prosecutors as
20 appropriate as MPD has indicated there is still
21 some public consumption and where appropriate we
22 would begin to prosecute that.

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1 Were there to be marijuana clubs, we
2 may be the enforcers on the regulatory end.

3 And lastly, it's the forfeiture
4 category and again, we have as your report
5 indicated from the working group, the Kush God
6 situation and MPD, of course, makes the decision
7 in the first instance as to whether vehicles
8 used in certain malls will be held for
9 forfeiture and if so, then District of Columbia
10 Office of the Attorney General would handle
11 those case.

12 COUNCILMEMBER NADEAU: So as you
13 know, the Council established the task force and
14 has also introduced legislation that would for
15 the whole regulatory scheme should the budget
16 rider ever be lifted.

17 I held a public meeting on Tuesday.
18 Danielle is circulating right now a memo which
19 includes written comments that we got before and
20 after and also minutes from the public meeting
21 in which we detailed comments from each person
22 who appeared before us.

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1 Councilmember Todd and I co-convened
2 this meeting, the thinking being this would be a
3 good way to bring public input to the task
4 force. What I thought was interesting in the
5 meeting -- well, there were a couple of things.
6 You probably saw that the Council actually voted
7 on a permanent ban of private clubs that
8 morning, Tuesday morning, which was obviously a
9 very heated conversation for those of us on the
10 task force who feel we would like to do this
11 work before there's a permanent ban.

12 You know, my hope is that we will get
13 to do this work. We will fully dive into this
14 work and we will wait for a time when there is
15 not a permanent ban which we can revisit once
16 the rider is gone and that would be my goal
17 here.

18 The sentiment at the meeting that I
19 held Tuesday night, there was a lot of
20 frustration about that vote. So you'll notice
21 when you read through people's comments. That
22 sort of shone through. Nevertheless, there was

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1 some important and helpful information there
2 that I think will guide us.

3 What I thought was very interesting
4 was that there was nobody who showed up to that
5 meeting opposing clubs. And I was surprised by
6 that. We tried to very widely circulate the
7 notice. The media covered it. I assumed, as
8 with frankly with ABRA hearings, that folks
9 would show up and say we don't want something
10 like this in our neighborhood. We don't want to
11 see it. I don't know that that is conclusive,
12 but I wanted to note it that as you read
13 through, you'll see there isn't any of that
14 comment.

15 I will continue to bring input from
16 the public that comes to the Council. I can
17 tell you from this point we've heard all kinds
18 of interesting things such as a discussion
19 around what else should be served in a space
20 like this. Should there be food to offset the
21 impact of marijuana use? Should alcohol be
22 served? Is that allowed? Those sorts of

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1 things.

2 Another concern that I bring is the
3 public health side. As a member of the Health
4 Committee, I know our chair won't mind that
5 conversation, but you know, is there a way to
6 lead on this that is -- that opens the door for
7 more use of edibles or vaping or things that --
8 moving away from the smoke which we know people
9 don't like in neighborhoods.

10 And finally, just ensuring that
11 whatever framework we come up with, there is an
12 opportunity for community input, similar to how
13 a liquor establishment is licensed where it
14 comes before the ANC and community can weigh in.
15 We had initially started with a piece of
16 legislation that actually would have just put
17 the framework out there and that was part of
18 that. It also would have prohibited clubs
19 within a certain number of feet from schools and
20 other educational institutions that children
21 attend and it would have restricted one to each
22 ward which I thought was interesting. And it

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1 probably wouldn't have been my recommendation,
2 but that was what was in the original bill
3 before the task force was established.

4 So I expect that the Council will
5 keep having this conversation as various
6 political developments emerge, whether that's
7 with the DEA's examination of the schedule of
8 where marijuana falls on the schedule or whether
9 that congressional election or any other thing
10 that might impact this work. And so I will
11 bring that to the task force as appropriate. I
12 look forward to serving with you all.

13 CHAIR NESBITT: Thank you. Any other
14 comments? I do want to thank Council for
15 hosting that public session to seek the input
16 from the public and your commitment to continue
17 to have that process for providing that input
18 into the task force and we will be absolutely
19 sure to input that into the record and review
20 it, those comments and input moving forward.

21
22 So I think we've done our sort of

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1 review. In terms of the review of data on
2 marijuana use in the District of Columbia, as
3 mentioned, the Department is still working to
4 compile that data and present it at a subsequent
5 meeting. Our primary way of collecting that
6 data and information is to use the Behavioral
7 Risk Factors Surveillance System and the
8 Behavioral Risk Surveillance System which are
9 both self-reported systems where we use -- for
10 Behavioral Risk Factors Surveillance System, we
11 use a telephonic survey that we move to both a
12 land line and cell phone, surveying methodology,
13 so we have a representative sample of the
14 District's population because not all of us
15 still have land lines. And make sure that we
16 capture a good sample, as I mentioned, of who
17 live in the District and is in the District.
18 But just some examples that I can give you of
19 the survey is that, for example, people who
20 report regular marijuana use report higher rates
21 of binge drinking than those who don't. So
22 those are the types of things that we want

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1 people to be mindful of as we're thinking about
2 private clubs and to the point that was
3 mentioned earlier what should be allowed in a
4 private club that is intended for marijuana
5 consumption, what other things should be allowed
6 to be consumed in that space. We should be
7 mindful that it is still an intoxicating
8 substance, regardless of where it falls on the
9 federal schedule. There are other things that
10 are on the schedule that also are mind altering
11 and intoxicating substances that should not be
12 mixed with other intoxicating substances. And
13 so we want to make sure that people have that
14 data in mind as we're reviewing the process.
15 The Youth Risk Behavioral Surveillance System is
16 administered in middle and high schools in the
17 District of Columbia. It is not administered in
18 all high schools. It is administered in a
19 sampling of those public, charter, and DCPS
20 schools intended again to be a representative
21 sample of those schools. And so we will only be
22 able to report aggregate level data . It doesn't

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1 give us detailed data in terms of by ward for
2 all kids, but it will give us some information
3 by age group. So we will know, for example, the
4 age of first consumption in the District is
5 around 11 or so years old. And so that's just
6 something to be mindful of and it's decreasing.
7 And so those are the types of things that we
8 want the group to be able to review and to look
9 at moving forward.

10 The Department of Behavioral health
11 is not a member of the task force, but we did
12 work with them to launch a marijuana awareness
13 campaign that is also referenced in the
14 Initiative 71 working group one year report.
15 And we have some samples of what that campaign
16 looks like. And the purpose of that is that we
17 wanted to bring awareness around marijuana as a
18 drug in the same way that we bring awareness
19 about alcohol as a drug. Alcohol is permitted
20 for use in this country at a certain age,
21 depending on the jurisdiction that you live in,
22 and in the same way that alcohol is permitted

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1 for use at a certain age, we wanted to bring
2 that same level of awareness to our youth for
3 marijuana. And so we have what we consider to
4 be a responsible campaign.

5 We think it's extremely important for
6 our families to be able to have conversations
7 with their children around if parents, for
8 example, consume alcohol in the home, how do you
9 have a conversation with your 16-year-old about
10 I consume, but you are not age appropriate to
11 consume, being able to have the same tools to be
12 able to facilitate those conversations around
13 marijuana use. And the same when we did our
14 focus groups around peer influences for
15 marijuana. And so that campaign was designed
16 and led by the Department of Behavioral Health
17 for those same particular purposes. So we want
18 you all to be familiar with that. And there's a
19 web site. There's calling cards. We had Metro
20 ads and a host of other things that went along
21 with that campaign as well. I didn't want to
22 leave that part out around marijuana education.

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1 So I now want to just make sure we
2 have the opportunity to have a robust dialogue
3 around what it is we want to accomplish in the
4 remaining 20 minutes that we have together in
5 our first meeting and setting our agenda for the
6 next three months or so in terms of teeing up
7 what we want our goals and objectives as a task
8 force being aligned with enabling legislation
9 and the administrative order. But how do we see
10 ourselves completing the work of this task force
11 and the sort of outlining agenda for our next
12 meeting and subsequent meetings in terms of
13 needing to be productive as individual members,
14 but also ensuring that we are productive in our
15 deliberative meetings and convening when we're
16 together. Thoughts? Yes.

17 MR. MOOSALLY: Well, so the task
18 force was asked to make recommendations in
19 several areas. I think it would be helpful at
20 least to me going forward is putting forth a
21 schedule of when we're going to talk about these
22 issues.

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1 I think one of the issues that came
2 up which is probably one of the first things to
3 talk about which I see is number, item 3 -- I'm
4 looking at the Mayor's order here in terms of
5 what the Mayor asked us to look at and I think
6 it's also in the legislation from the Council,
7 is whether food or beverages, alcoholic or non-
8 alcoholic, may be sold at the venues. So
9 clearly, we have these issues we need to
10 discuss.

11 And I think it would be helpful ahead
12 of time to know at each meeting what topics
13 we're going to cover so we're prepared and able
14 to come with questions, ideas, thoughts to talk
15 with the working group so we can get through
16 this. Because at the end of the day, we need a
17 report. The report is going to have to include
18 recommendations, whatever those are and so we're
19 obviously going to have to have substantive
20 discussions on areas. So I think it would be
21 helpful to talk about at least as it relates to
22 the next meeting, what areas in item B of the

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1 Mayor's order, we're going to talk about it at
2 the next meeting. That way we're prepared. And
3 to the extent we can get consensus from the
4 group, have recommendations we can make going
5 forward and the basis for those recommendations.
6 That's just one thought I have.

7 CHAIR NESBITT: So if I call your
8 attention to Section B as Fred had mentioned,
9 are there items that we should prioritize to
10 discuss first, in terms of in the -- if we were
11 to talk about an infrastructure for the private
12 clubs. Let's not answer the question of should
13 they exist first, right? We'll take that vote
14 at maybe meeting two or three.

15 But if we were to have them exist,
16 which agencies would need to be part of that
17 regulatory infrastructure? I think that's a
18 discussion we could have sooner than later based
19 on our own professional experience with
20 regulating businesses and then having what I
21 think would be a very robust discussion on
22 defining membership in private clubs. I think

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1 we would really benefit from getting some
2 guidance from DCRA on clubs and club membership
3 and the current licensure process for businesses
4 or organizations and entities that fall under
5 that criteria.

6 Until we understand that current
7 framework and infrastructure, it's going to be
8 difficult, I think, for us to move forward and
9 make any other decisions or discussions until we
10 understand what the options of defining a club
11 and membership look like. And then we have a
12 menu of sort of options to select from or
13 criteria to select from or may discover that
14 there needs to be created something new that
15 doesn't currently exist. I think that's a
16 critical part of the discussion that may need to
17 happen sooner than later. And then getting into
18 --

19 MS. PARRIS: Can I just chime in?

20 CHAIR NESBITT: Yes.

21 MS. PARRIS: I think that's a great
22 starting point and I think one of the things

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1 that we are always struggling with is our
2 regulatory authority. So I think it's something
3 that once we figure out what this thing is,
4 really, I think the next step needs to be who
5 really can do that and how can we have a
6 coordinated response.

7 One of the things that having worked
8 in the District for so long, sister agencies are
9 always working together and I think ensuring
10 that each role is clearly defined and that
11 authority is clearly written in regulation or
12 something so it's clear who has what authority.
13 I find when things aren't clear, different
14 agencies can only go up to just a certain point.
15 So I think we need to look at it holistically as
16 what agencies will touch this and how.

17 MR. MOOSALLY: And to piggyback on
18 what Lori said, I think if you look at number 9
19 under B, "licensing including the requirements
20 for licensure such as proof of compliance with
21 all applicable District laws, the application
22 procedure and fee structure."

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1 So just as it relates to different
2 agencies that are here, some of the questions I
3 would have would be okay, let's just take DCRA,
4 so do you need a basic business license from
5 DCRA? What kind of basic business license would
6 you need from DCRA?

7 And DOH, what would you need from
8 DOH? What type of health inspection would you
9 need? What type of other licenses would you
10 need from DOH? So I think it would be helpful
11 to hear from each agency, okay, what would you
12 need from each agency so that we kind of get a
13 feel of what's required.

14 I think to give a good example I
15 could give you, we went from having no alcohol
16 manufacturers in the District five years ago to
17 now we have 11 or 12. And so what happened we
18 had the situation where you had -- we issued
19 licenses for manufacturers, but it really wasn't
20 that simple because DCRA didn't really have any
21 specific licenses for alcohol manufacturers
22 because we didn't have any for so long. So DCRA

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1 had to figure out how they could regulate that
2 within their structure. And then DOH had to do
3 the same, right, in terms of inspections and
4 everything else in terms of what you were going
5 to require.

6 So even though it was just an alcohol
7 manufacturing license, it took a little longer
8 to figure out because DCRA had a role. DOH had
9 a role. Other agencies had a role. And we had
10 to figure out how the pieces fit together.

11 COUNCILMEMBER NADEAU: I just want to
12 jump in because I think we're going in a
13 direction and I'm not sure I'm comfortable with
14 this. I want to stop us before we go too far
15 down that road.

16 So I hear what you guys are saying
17 and I think what the Council had on over here.
18 We are going to get to all of it in this task
19 force, but I think that we need to decide the
20 what before we figure out the who. And I hear -
21 - what I hear is that agencies are used to being
22 told the what and then having to figure out the

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1 how and the who. But I think we can actually do
2 all of that here. And we have to decide -- I
3 mean I'm just looking at part B. I think we
4 have to decide number 12 first which is the
5 spirit of this is how all District residents can
6 utilize the benefits of the legalization of
7 possession. How can we use clubs to help
8 implement that? And then some of the what is
9 probably 3, 6, and 7. And once we've determined
10 that, then we're going to know which agencies
11 and how. And so that's what -- I don't want to
12 get too far in the weeds on who and how until
13 we've all decided what.

14 CHAIR NESBITT: So what I have
15 written as the first three questions is what
16 does it mean to be a private club.

17 COUNCILMEMBER NADEAU: Okay.

18 CHAIR NESBITT: How is membership
19 defined? And then what agencies have a role in
20 licensure enforcement of this entity?

21 COUNCILMEMBER NADEAU: Great.

22 CHAIR NESBITT: So this entity will

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1 be borne out of 1 and 2, and recognizing, I
2 think everybody has recognized that this entity
3 may not yet be an entity under our current
4 infrastructure or current rules and regulatory
5 infrastructure.

6 MR. MOOSALLY: Can you go over those
7 three questions one more time?

8 CHAIR NESBITT: What does it mean to
9 be a private club? How is membership defined?
10 And what agencies have a role in
11 licensure/enforcement of this entity?

12 COUNCILMEMBER NADEAU: Great. Thank
13 you.

14 MS. BLACKWELL: Dr. Nesbitt, to go
15 even a step before those, one of the things that
16 came out of the town hall which I thought was
17 very helpful was this notion of ensuring that
18 there is sort of public input and one suggestion
19 -- I'll be honest with you, it's very important
20 for Councilmember Todd, particularly for people
21 at all -- who have varying views on this. And
22 one suggestion that someone had was having

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1 either like an email for the task force because
2 otherwise if people are individually emailing
3 all of us, their views and suggestions, how does
4 that sort of reach the entire group?

5 And so I don't know if there's a way
6 to sort of allow for the public to sort of
7 provide that input because some folk can't get
8 to the Wilson Building. Folks will call or
9 email and so is there a way to sort of collect?
10 Because I think that sort of helps with what
11 does it mean and how do we define -- because
12 this is my sort of first experience with
13 something like this. So there are experts, I'm
14 assuming, in the room that have far more
15 experience on this. And so if we could do
16 something like that.

17 CHAIR NESBITT: So I'll take that
18 under consideration, but my current position is
19 that the private task force as currently
20 outlined is for us to deliberate as a task force
21 or group.

22 If Council would like to have a

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1 process including and taking input from the
2 public and then sharing that from the seats that
3 Council holds on this task force, then I
4 certainly have no objection to that or no
5 problem or challenge to that at all.

6 We here at the Department have a
7 marijuana address that receives tons of emails
8 and input and information frequently, both
9 scientific and anecdotal and the like. So we
10 already have a pathway for public input into
11 this particular agency. That does not obviously
12 take people out of the conversations for private
13 clubs, but I can assure you that information
14 related to places for consumption, both public
15 and non, comes into that email stream.

16 But my current position is that if
17 Council would like to have an on-going public
18 process as Councilmember Nadeau has mentioned
19 before, I defer to Council to continue that
20 process.

21 MS. BLACKWELL: And I appreciate that
22 because I did actually get an email after the

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1 town hall from someone who was in opposition,
2 but they either didn't feel comfortable coming
3 to the town hall or they couldn't make it and so
4 it's like we have these varying sort of
5 piecemeal ways that people communicate with us.
6 We can talk about that.

7 CHAIR NESBITT: And I'm glad you
8 raised that as a point because I think all of us
9 have been sort of identified as people who are
10 engaged in this process in some way or role that
11 we have and I have a few people who I think
12 email me nightly about their varied positions on
13 these issues.

14 And so one of the positions that I
15 have taken professionally is to consolidate that
16 information. Some of it I send to my staff and
17 some of it I have -- I push through to our
18 Scientific Committee which is an objective group
19 of reviewers to digest and then they advise me
20 back in terms of directions that we should take,
21 much of it as it relates to our medical
22 marijuana program, but it's not information I

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1 can unlearn. I'll put it that way.

2 Okay, I want us to keep in the vein
3 of overall goals and objectives for the
4 committee. So I think we have three really good
5 starter questions that are probably going to be
6 very robust discussion in terms of -- especially
7 that one what does it mean to be a private club
8 and how is membership defined? And then what
9 agencies have a role in licensure enforcement of
10 the entity?

11 And then if we're looking at the
12 specific numbered items in terms of 12, any
13 other major global questions that come to mind
14 for people?

15 MS. O'MEARA: I think one of the
16 questions that I have and not arising
17 specifically from this language, but do we have
18 any information about anything similar that's
19 happened in the other states? I think that may
20 be important to look at to sort of help shape
21 the context here.

22 CHAIR NESBITT: So as an intro for

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1 our next meeting, we need the background
2 information still for current use -- current
3 marijuana use in the District and then private
4 clubs in other states.

5 Okay, so are people comfortable with
6 this as the next agenda, just these three
7 questions as the agenda for the next meeting and
8 that background information?

9 MR. MOOSALLY: Yes, I think that's
10 good. I think part of that discussion and maybe
11 as the fourth item as Kelly mentioned would be
12 best -- I don't know if you want to call it best
13 practices, because I know it's fairly new, but
14 looking at what other jurisdictions are doing.
15 I think I recall reading that I think Alaska for
16 one is looking at this issue. And there might
17 be one or two other jurisdictions that are
18 looking at the issue. So I think to the extent
19 we can look at how other states have looked at
20 this issue, I mean it's helpful to see what
21 issues they've identified.

22 CHAIR NESBITT: Okay. All right. So

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1 to recap, our agenda for our next meeting would
2 include background, an opening with background
3 information on current marijuana use in the
4 District of Columbia for youth and adults; an
5 overview of practices in other jurisdictions and
6 as detailed as we can get as it relates to
7 private clubs or what's similarly been proposed
8 in the District. And then diving into the work
9 of the group as it relates to having a
10 discussion around what does it mean to be a
11 private club with DCRA providing us guidance
12 around how clubs, private clubs are currently
13 defined in the District and what the current
14 licensing constructs around those clubs are.
15 How is membership in those clubs defined and
16 what the different criteria are there for us to
17 sort of a catalyze a discussion around how we
18 would begin to propose membership in clubs in
19 that regard.

20 And then for us to, as a result of
21 what that entity we would begin to propose,
22 beginning to identify which agency as a result

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1 of that would have a role in the licensing and
2 enforcement process of that, recognizing that we
3 may have to add more to the list once we start
4 getting into the conversation around security
5 plans, hours of operation, what other things
6 need to be or should be permitted in these
7 private clubs as it relates to food, beverages,
8 etcetera.

9 MS. PARRIS: I think once we -- not
10 to get too far ahead, but I think that's where
11 that coordinated response and where the
12 regulatory authority will lie because when you
13 have competing regulatory authority from
14 different areas in the DCMR, it's a question of
15 where you go and how do you get there.

16 CHAIR NESBITT: Right.

17 MS. PARRIS: So I think we need to
18 think about how that coordinated response is
19 going to look at where that authority is going
20 to lie.

21 CHAIR NESBITT: Right.

22 MS. PARRIS: So when you're a

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1 restaurant the authority lies with DCRA, right?
2 It starts with DCRA in my mind. We just went
3 through this process of creating a restaurant
4 guide. It touches everywhere. We've made it
5 very seamless for people, but we say it lies
6 with DCRA.

7 CHAIR NESBITT: And the restaurants
8 are trained to believe that and they know they
9 have to go to these other places and we sort of
10 have made this process where we all pass you
11 along from DCRA. So Lori raises a very valid
12 point of if you're going to have all these touch
13 points with DCRA and ABRA and DOH and Fire and
14 MPD and all of these other touch points, then
15 where is the real authority and where is the
16 starting line and where is the finish line?

17 MS. PARRIS: With Fred. It's always
18 with Fred.

19 CHAIR NESBITT: All right. Any other
20 comments from the task force?

21 COUNCILMEMBER NADEAU: I just wanted
22 to let you know, I'm going to email around the

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1 committee report, the Judiciary Committee report
2 on the Marijuana Decrim Clarification Amendment
3 Act.

4 CHAIR NESBITT: Fantastic.

5 COUNCILMEMBER NADEAU: It has more
6 public input on this particular issue and some
7 people showed up to our public meeting and said
8 well, you have my testimony from that. So I
9 thought you might also like. So I'll send it
10 around. I have -- I need your card and I need
11 your card. And then should be easy enough.

12 CHAIR NESBITT: Okay, fantastic. All
13 right. Any public comment?

14 MS. BELL: Sure. Hi, everybody. For
15 those of you who don't already me, my name is
16 Kate with the Marijuana Policy Project. We are
17 the largest marijuana policy organization in the
18 United States. We work in all 50 states. And
19 federal level as well as in the future 51st
20 state where I live. I'm a Ward 4 resident
21 myself. I submitted some written testimony
22 which I think you guys already have.

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1 CHAIR NESBITT: I circulated that.

2 MS. BELL: As well as a draft of sort
3 of a regulatory framework, that was specifically
4 drafted to be an amendment to the temporary ban,
5 I think, in the rider. So certainly it is not
6 as expansive as what it would have been were I
7 covering this for this task force specifically.

8 I would be more than happy to provide
9 any input. Certainly, we have worked in Alaska
10 and Colorado which are jurisdictions considering
11 this issue now.

12 I would also -- the one thing I did
13 want to note is that because of the permanent
14 ban as has already been mentioned, that may tie
15 the hands of the Council moving forward until
16 there's some further changes in the law. And so
17 perhaps since this body is empowered to consider
18 additional relevant things, perhaps consider
19 beyond private club model. For example,
20 currently in D.C. cigar bars and hookah bars
21 have a specific exemption to the smoking ban and
22 so everyone going in there knows that they're

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1 going to be exposed to tobacco, as you rather
2 may go or work there, but those to my
3 understanding are not private clubs. I know
4 there's one in Columbia Heights that has hookahs
5 that I've been in. And so that might be another
6 model that this task force could possibly
7 consider as you move forward. So I just wanted
8 to suggest that. And I'm happy to provide any
9 information on other states that might be useful
10 to you all. Thank you.

11 CHAIR NESBITT: Thank you. Any other
12 public comment?

13 MS. BOECKER: I'll just introduce
14 myself quickly. Kaitlyn Boecker with Drug
15 Policy Alliance. We are also a national
16 advocacy organization. We work on drug policy
17 more broadly, but focus on marijuana reform as
18 well. And we are happy to help in any way that
19 we can.

20 You mentioned background on other
21 jurisdictions, we are more than happy to help
22 provide any of that info to link you up with

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1 people who actually run these private clubs. We
2 are in contact with them. We know the people
3 who wrote the report about these clubs in
4 Catalonia, Spain. So we are more than happy to
5 provide the connection. I know there's not
6 necessarily an existing relationship with other
7 jurisdictions, so we're always happy to help and
8 we look forward to being here and watching you
9 guys work.

10 CHAIR NESBITT: Thank you. All
11 right, if there's no further business, we will
12 stand adjourned. Thank you, everyone.

13 (Whereupon, the above-entitled matter
14 went off the record at 11:00 a.m.)
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