

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

MAY 20, 2016

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The Marijuana Private Club Task Force met in Conference Room 216, 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 Council Member Brandon Todd

MELINDA BOLLING, Director, Department of Consumer and Regulatory Affairs

DANIELLE BURS, Legislative Director, Office of Council Member Brianne Nadeau

FRED MOOSALLY, Director, Alcoholic Beverage Regulation Administration

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

MAUREEN ZANIEL, Senior Assistant Attorney

General, Office of the Attorney General

ALSO PRESENT

JORGE AGUILERA, Health Licensing and Regulation
PATRICE DICKERSON, Office of Government Relations
JACQUELINE WATSON, D.O., Chief of Staff
SHAUNA WHITE, PharmD, RPh, Executive Director,
Board of Pharmacy, Program Manager,
Pharmaceutical Control
CARLA WILLIAMS, ESQ., Assistant General Counsel
MARCUS WILLIAMS, Director of Communications

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Adjourn

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10:04 a.m.

1
2
3 CHAIR NESBITT: All right. Sorry,
4 folks. I have been working on a separate issue
5 since 7:30 this morning so I apologize for my
6 tardiness. We will go ahead and get started.

7 So let's do a quick round of
8 introductions. LaQuandra Nesbitt, Department of
9 Health.

10 MS. O'MEARA: Kelly O'Meara, MPD.

11 MS. BOLLING: Melinda Bolling, DCRA.

12 MR. BLACKWELL: Michele Blackwell, DC
13 Council representing council member Brandon Todd.

14 MS. ZANIEL: Maureen Zaniel, OAG.

15 MR. MOOSALLY: Fred Moosally,
16 Alcoholic Beverage Regulation Administration.

17 CHAIR NESBITT: Okay. I know Council
18 Member Nadeau was not going to be able to attend
19 today but we were expecting her legislative
20 director. Perhaps we will have that person join
21 us at some point during the meeting
22 today.

1 We have quite a full agenda of items
2 to get through so we will go ahead and get
3 started with our public agenda that was posted in
4 the register and we'll do our best to not deviate
5 from that agenda.

6 As discussed in our last task force
7 meeting, we wanted to go over some data about
8 current marijuana use in the District of
9 Columbia. We've pulled together some data. What
10 we have here is a little bit of a data delay.
11 The way that we collect our data around marijuana
12 use is through the Behavioral Risk Factors
13 Surveillance System and the Youth Behavioral Risk
14 Factors Surveillance System.

15 The adult survey is for adults 18 and
16 older collected through telephonic surveys. It's
17 a sampling of the District population using both
18 land line and cell phone surveys selected through
19 the calendar year. Then that data is analyzed.

20 We don't ask the same questions
21 necessarily every year so this data that we'll
22 look at today is through 2013. It's not -- it

1 won't line up with anybody trying to make
2 assessments around the impact of Initiative 71 so
3 to speak.

4 Then the Youth Behavioral Risk Factors
5 Surveillance System is published every two years
6 so you'll have some data from that survey which
7 is from around the same time period but there
8 will be some more recent data that we should
9 expect to have from that later on this spring
10 that we'll be able to use to compare to.

11 Patrice, can you hand me that remote
12 right there so I can advance the slides? We'll
13 take a quick look through this.

14 Our agenda after we go through the
15 uses we'll get into the meat of the work for
16 today which is going through defining a private
17 club. What does it mean to be a private club?
18 How is membership defined? Identifying agencies
19 with a role in licensure/enforcement of these
20 entities.

21 Then we'll go through a review of
22 private clubs in other jurisdictions that we've

1 had our attorneys here take a look at, the
2 current jurisdictions that have some regulations
3 that already exist or regulations that are in
4 draft form.

5 I will say that there was some talk
6 about Rhode Island having a private club. That
7 private club was operating illegally and has been
8 closed. That's why that is not in our memo. We
9 want to make sure that everybody has some clarity
10 around that.

11 Let's go ahead into the marijuana use.
12 You all have these slides before you. We'll
13 highlight in general men use more than women.
14 African Americans is the highest race and ethnic
15 population that reports higher rates of use. In
16 terms of age groups, 18 to 24 reports higher use
17 and then it declines from there.

18 People that are high school graduates,
19 incomes between \$15,000 to \$25,000, and
20 individuals who live in Wards 7 and 5 tend to
21 report highest rates of marijuana use. This is
22 just a high-level summary.

1 When you start talking about ever
2 used, it's people reporting have used but not
3 used in the past 10 years is the highest
4 percentage. These are folks who, "I have used
5 before but I don't use anymore." You'll get a
6 high percentage of people who report that.

7 Then the current use there was a
8 higher rate of use around 2012 but if we talk
9 about current use thinking -- recalling that this
10 survey was collected, or the data that we're
11 going to focus on was 2013, there was a dip in
12 2013 compared to 2012.

13 We'll just kind of go through some
14 tables here. You'll see that about 53.8 percent
15 of the population has ever smoked in the District
16 of Columbia, but only 17.8 percent of the
17 population reports being current users so that's
18 what that big difference is. You start talking
19 about those people who said they haven't touched
20 it in over 10 years is where it gets really
21 large.

22 Twenty-one percent of the male

1 population compared to 13.7 percent of the female
2 population. Then 21.6 percent African Americans
3 compared to 13.3 percent whites. Then 20.5
4 percent of others.

5 When we class others recognizing the
6 diversity of what others represents is because
7 the present of others in all of the individual
8 categories tends to be very small so we combine
9 them all together for identification purposes.

10 Then when you look here this, again,
11 we're summing over several years because the
12 numbers in the individual years would probably be
13 smaller. This is 2011 to 2013 sum, not in just
14 one specific year. If you all want to kind of
15 see what 2013 would look like individually, we
16 can provide that data. This is from our
17 perspective the better way to look at it.

18 You see again higher rates in the 18
19 to 24 population. Higher rates for those who
20 have effectively dropped out of high school or
21 taken more than four years to graduate from high
22 school because this is the 18 and over

1 population. This does not include teenagers or
2 less than 18-year-olds because 18 and 19-year-
3 olds are still technically teenagers. We'll get
4 into the high school population shortly.

5 Looking at by income the peak users
6 are those who earn less than \$15,000. Then you
7 see the second group is the \$25,000 to \$35,000
8 wage earners. Higher use, again, in Wards 5 and
9 7 following by 8 and 4.

10 District adults marijuana use by face
11 and ethnicity. Again, for each of those years
12 looking across the board African Americans tend
13 to have higher use than all other race and
14 ethnicity groups. Then looking at trends by age.
15 Again, those 18 to 34-year-olds with higher use
16 patterns.

17 Here we'll talk about traffic
18 fatalities. These are the people who died in a
19 motor vehicle collision. These are the
20 metabolites that are seen. This is from 2013 and
21 we can get more recent data from 2015 when we are
22 looking at publishing reports because this will

1 actually come out in a published report with the
2 narrative and everything within about a month or
3 so. We're just kind of giving you guys a preview
4 of the data.

5 The chief medical examiner issues a
6 report and this data is available through 2015.
7 This could be multiple substances in one
8 individual. A person could have had alcohol,
9 marijuana, and PCP on board and be represented in
10 these numbers.

11 So you see alcohol is most common
12 followed by marijuana metabolites. We cannot
13 reproduce this table for non-fatal traffic
14 incidents because when MPD detects alcohol as the
15 substance and it's a suspected DUI, they do not
16 look for other substances. If alcohol is detected
17 at the roadside, they don't then take you
18 somewhere to then determine if you had also PCP
19 and marijuana, etc. on board.

20 MS. O'MEARA: It depends. For a
21 period of time we were not relying on
22 breathalizers. We were taking more blood

1 samples.

2 CHAIR NESBITT: Okay.

3 MS. O'MEARA: Not the blood because we
4 don't have anybody to do that. So during that
5 time period I think more was tested but the
6 breathalyzer program is now back running. If the
7 breathalyzer hits, then we do not always take a
8 blood sample.

9 CHAIR NESBITT: Right. So we would
10 not have population level data to be able to
11 reproduce this in the way that with traffic
12 fatalities we have a comprehensive data set to be
13 able to reliably produce this.

14 This becomes important because when
15 you look at the Colorado face sheet you have in
16 your package, they are able to talk about the
17 percentage of their traffic incidents that have
18 marijuana associated with it, whereas our
19 population data set for traffic incidents we
20 cannot produce that same level of detailed data.

21 Here we're talking about treatment
22 services. This data comes from the Department of

1 Behavioral Health's Addiction, Prevention, and
2 Recovery Administration. These individuals only
3 represent people who are seeking services that
4 are publicly offered or publicly funded treatment
5 services. This does not capture people who are
6 seeking services in a privately funded or
7 privately-offered services.

8 You can see here these are for people
9 who report marijuana as their primary reason for
10 entering substance abuse treatment, or as an
11 additional substance they use but they don't
12 report that marijuana is the substance that they
13 are addicted to and, therefore, is the reason why
14 they are entering treatment.

15 We see more men reporting entering
16 treatment than women for marijuana and then by
17 far African Americans reporting entering
18 treatment. This also may be a factor looking at
19 it from the race and ethnicity perspective, this
20 disproportionality of race and ethnic minorities
21 who are publicly insured compared to whites and
22 other ethnic groups.

1 This, again, represents just the total
2 sum of people by age who have entered treatment.
3 This is summed between 2011 through the first
4 three quarters of fiscal year 2015. Then this is
5 where those individuals reside so actually their
6 area of residence. Most of them are coming from
7 Ward 8.

8 This slide here is one of the ones
9 that we talk about in terms of polysubstance
10 abuse or the co-occurring use of marijuana and
11 alcohol. One of the things that we look at in
12 the District is binge drinking so people who
13 binge drink.

14 Binge drinking being reported amongst
15 those who use marijuana so 44.5 percent of
16 marijuana users report being binge drinkers
17 versus 25 percent of non-marijuana users
18 reporting being binge drinkers which is more than
19 two drinks on occasion for women and three for
20 men.

21 So when we talk about marijuana and
22 adolescence, only 11 percent of 12th graders in

1 DC believe that it compromises their health long
2 term. We also found that the average age of
3 first use among middle school students who have
4 tried it is 10.9 years of age which is very
5 shocking for some people when they hear that
6 because we have communicated to our young people
7 that it is very safe to use marijuana in the
8 District.

9 Marijuana was more popular among high
10 school and middle school students than
11 traditional tobacco products and marijuana was
12 the most used substance among high school
13 students in the District when we surveyed across
14 tobacco, alcohol, and other substances.

15 Between 2007 and 2012 there was an 11 percent
16 increase in marijuana use among high school
17 students.

18 Then when we look at academic
19 performance among those students who report
20 having used marijuana use in the past 30 days,
21 you can see that the use was highest among those
22 who have poor academic performance, mostly Ds and

1 Fs.

2 Then lastly here we just wanted to
3 show this because I often find myself in
4 conversations about the impact of
5 decriminalization on arrests despite us having
6 published that data in the Initiative 71 work
7 group report. We see here a decrease in the
8 overall possession arrest in the District between
9 2012 and 2015.

10 Then when you look at it across racial
11 and ethnic groups, there are a lot of people who
12 talk about there's been no impact there. I guess
13 if you were talking about an impact in terms of
14 impact on race and ethnicity, yes, still more
15 African Americans get arrested than whites but
16 you're talking about 1,600 being arrested in 2014
17 compared to 23 in 2015. I would consider that
18 being an impact. I wanted to make sure that we
19 shared that information as well.

20 Do you have the keyboard for that so
21 I can put it back on the agenda for the remainder
22 of the meeting? You can just put it back on

1 slide 2 for the rest of the meeting.

2 Any questions about the data? Any
3 other use data that you all would like to see?

4 MS. BLACKWELL: In terms of the
5 arrests, does this take into account the primary
6 offense or --

7 MS. O'MEARA: We run the data
8 differently for different requests. I don't
9 remember which way -- the print is too small for
10 me to read.

11 CHAIR NESBITT: Sorry.

12 MS. O'MEARA: That's quite all right.
13 I'll have to go back and pull what this was.
14 It's also important to realize that this is not
15 just MPD arrests, it's all HVCs in the District I
16 believe this data set was. Over all, for
17 instance, all the rest of the District, about 13
18 percent, are other agencies. For the marijuana
19 arrests it was much much higher for other
20 agencies.

21 CHAIR NESBITT: But you don't have
22 that personally?

1 MS. O'MEARA: I don't but I can get it
2 before the end of the meeting.

3 CHAIR NESBITT: Any other questions
4 about the data?

5 MS. BURS: The enrollment in public
6 treatment, is any of that related to probation or
7 any other court involvement?

8 CHAIR NESBITT: There is a portion of
9 it that could be. Now, we've had some
10 conversations in terms of creating a more robust
11 infrastructure for the use of diversion programs
12 for treatment instead of incarceration for
13 individuals who have substance abuse and that's
14 why they offended.

15 Those number could increase over time
16 hopefully in the future so that we're pushing
17 more people into treatment instead of
18 incarceration when they have behavioral health
19 issues that relates to their substance abuse or
20 untreated mental health issues that lead to them
21 being offenders as opposed to incarcerating them.

22 There's a lot of efforts that are

1 underway through the CJCC and some other ad hoc
2 initiatives that are trying to push us towards
3 that direction. There is a subset of people who
4 do end up in treatment in the public domain as a
5 result of their parole or probation or just as a
6 result of their primary sentencing so to speak.

7 Any other questions on that aspect?

8 All right. So we'll dive into the
9 heavy lifting. All right. So I sort of drafted a
10 few questions to keep us kind of going in terms
11 of what is a private club discussion to make sure
12 we can be really thorough in terms of thinking
13 through that part of the discussion, but also
14 wanting to make sure we do a good job in terms of
15 keeping time.

16 I'll throw out a number of the
17 questions to kind of get you guys thinking about
18 the different domains of what does it mean to be
19 a private club question. Some of the things in
20 that space that we would need to consider is
21 where could they be located under the current
22 zoning regulations. What clubs need to be a

1 permanent physical building or could there be
2 pop-up clubs.

3 What level of community notice or
4 input would need to be involved similar to the
5 ABRA licensing process of public notice. Would
6 there need to be geographic limits to prevent
7 concentration of private clubs similar to what we
8 have with the limit on how many cultivation
9 centers and dispensaries could be in each ward.

10 Also with the cultivation and
11 dispensary components that come with our medical
12 marijuana dispensaries and cultivation centers we
13 also have regulations around the distance between
14 those facilities and educational or recreational
15 centers. There are also, I think, regulations
16 around group homes that come with that.

17 Does there need to be advertising
18 guidance around the private clubs. Will the
19 private clubs have to have any type of
20 restrictions on the management of them in terms
21 of a private club. Also, in terms of when we had
22 the conversations about private clubs before with

1 DCRA, sororities, fraternities, and other trade
2 associations, etc., who believe they host private
3 clubs but they have events that are open to the
4 public.

5 How does that definition fit into what
6 it would mean to be a private club. Just
7 thinking through some of those questions, sort of
8 the things you need to tackle in this first
9 domain of what does it mean to be a private club.

10 Any thoughts people have on those
11 aspects of it?

12 MS. BOLLING: Well, Dr. Nesbitt, this
13 is my first opportunity to attend. Typically it
14 is Deputy Director Lori Parris, who is away out
15 of the country. She sent me some information but
16 I just don't want to be repetitive if you already
17 have this information shared with you.

18 CHAIR NESBITT: No. Go for it.

19 MS. BOLLING: Okay. So the question
20 is what is a private club pursuant to DCRA's
21 regs. It says that private clubs are not a
22 specific category of business license.

1 Therefore, they generally get general business
2 licenses like public halls, hotel, or restaurant
3 licenses depending on the details of their
4 operation.

5 The authority for these licenses is
6 found in D.C. Official Code 47, Section 2851.
7 That's from our -- I'm sorry.

8 MS. BLACKWELL: Sorry. Could you read
9 the reference again?

10 MS. BOLLING: D.C. Official Code 47,
11 Section 2851. Now, the zoning regulations also
12 speak to private clubs and in Title 11 DCMR,
13 Section 199, which is definitions, it's a very
14 long definition for private clubs. I'll just
15 read it but I can provide it electronically to
16 the group later on.

17 "Building and facilities or premises
18 used or operated by an organization or
19 association for some common advocational purpose
20 such as, but not limited to, a fraternal, social,
21 educational, or recreational purpose provided by
22 the organization or association shall be a

1 nonprofit corporation and registered with the
2 U.S. internal revenue service.

3 Goods, services, food, and beverages
4 shall be sold on the premises only to guests or
5 members. Office space and activity shall be
6 limited to that necessary and customarily
7 incidental to maintain the membership and
8 financial records of the organization."

9 We always look to Zoning first so you
10 have to meet the Zoning hurdle first before you
11 are able to get any license. That is the first
12 step.

13 CHAIR NESBITT: And by Zoning I just
14 heard you say you had to be a nonprofit?

15 MS. BOLLING: Correct. Correct. For
16 a private club. That's the big thing. I'll stop
17 there and see if anybody wants --

18 MR. MOOSALLY: Well, yeah. ABRA has
19 licensed clubs as well and I think one of the
20 important points that was mentioned is private
21 clubs under our rules under DCRA are limited to
22 members and their guests. They can't have events

1 that are open to the public.

2 That's one of the main things that we
3 get complaints from residents on is when private
4 clubs, I guess, in order to make money or
5 increase revenue they'll, you know, rent the
6 space out to a promoter or some type of venue and
7 they have these public events. That is usually
8 when we get complaints.

9 Our private clubs have to be limited
10 to members and guests, the guests of the members.
11 A member can throw an event but somebody from the
12 public can't throw an event there. It's got to
13 be a member.

14 MS. O'MEARA: Can there be a daily
15 membership, membership for a day?

16 MS. BOLLING: Yes.

17 MR. MOOSALLY: I'll let you get into
18 that. We don't get into that. The other thing
19 is they have to be incorporated. They have to be
20 in good standing with DCRA. I mean, I think, for
21 us they have to be incorporated for at least a
22 year.

1 I'm not saying that requirement will
2 pertain here but there's got to be some type of
3 incorporation, I guess, to show that there is
4 some legitimacy to the organization. It's not
5 just created that day for the event and then the
6 next day it's gone.

7 MS. BOLLING: I misunderstood Kelly's
8 question. The organizations I'm talking about
9 are 501(c)(3) typically or nonprofits under IRS
10 but they do offer one-day memberships. That's
11 what you're talking about?

12 MS. O'MEARA: Yeah.

13 MS. BOLLING: So the organization is
14 an ongoing entity but, you know, pay \$10, "Okay,
15 you're a member."

16 MR. MOOSALLY: Right. That was my
17 point. It's got to be an ongoing organization.
18 It can't just be created to have an event and
19 then dissolve the next day.

20 MS. BOLLING: Okay. I got you.

21 CHAIR NESBITT: So when you say it has
22 to be an ongoing organization in order to

1 establish a private club, how long does that
2 organization typically need to have demonstrated
3 its existence?

4 MS. BOLLING: The IRS has pretty
5 strict rules that you have to show all the
6 different things. Once you meet the IRS rules,
7 which is reporting and all the other stuff, then
8 you are good enough for us is basically how it
9 goes.

10 Typically what we found in our other
11 situations with sex clubs, which is where it has
12 come up before, is that the organizations have
13 done everything necessary to be an ongoing
14 entity, but the membership is where you get the
15 issue.

16 MS. O'MEARA: How much -- for a
17 nonprofit how much of what they do would they
18 have to be reporting to the IRS? Would a private
19 club in the District be able to report any of its
20 activity related to marijuana? I mean, if they
21 are getting any money from it or anything like
22 that.

1 MS. BOLLING: I mean, all revenue is
2 revenue unless it's specifically excluded, right,
3 under the IRS regs so --

4 MS. O'MEARA: Right, so --

5 MS. BOLLING: Yeah. That's a
6 different question, Kelly.

7 MS. O'MEARA: Yeah. There are some
8 challenges. They are not going to be selling
9 anything in terms of these private clubs in terms
10 of selling marijuana. That won't be a revenue
11 issue --

12 MS. BOLLING: Yes, correct.

13 MS. O'MEARA: -- in terms of them
14 establishing themselves, that would not come up
15 as an IRS issue. Now, what other things they
16 would need to demonstrate in terms of their
17 revenue and what they create --

18 CHAIR NESBITT: But another question
19 is can you sell -- I just don't know because I
20 don't pay attention. Can you sell drug
21 paraphernalia like the instruments to use to
22 consume?

1 MS. O'MEARA: Yes because it doesn't
2 qualify as drug paraphernalia anymore if it's
3 just associated with two ounces or less of
4 marijuana. Since most bongs are not created to
5 put in more than two ounces of marijuana --

6 CHAIR NESBITT: Got you. Okay.

7 MS. O'MEARA: -- it doesn't meet the
8 legal standards of drug paraphernalia.

9 CHAIR NESBITT: And that can be
10 accounted in the income stream at the private
11 clubs reported to the IRS and not part of the
12 federal reg. Okay.

13 MS. O'MEARA: Correct.

14 CHAIR NESBITT: Okay. I got you.

15 MS. ZANIEL: Your ABRA private clubs
16 are not nonprofits particularly. Right?

17 MR. MOOSALLY: They don't necessarily
18 have to be, no.

19 MS. ZANIEL: So there is some
20 disparity in the definition of the District.

21 MS. O'MEARA: Well, the licensing for
22 different purposes.

1 MR. MOOSALLY: Right.

2 CHAIR NESBITT: But in order to get a
3 license from ABRA, they already have a license
4 from DCRA.

5 MR. MOOSALLY: Correct.

6 CHAIR NESBITT: So the hurdle is
7 getting the license from DCRA.

8 MS. BOLLING: If you provide your IRS
9 approval that you're a nonprofit, then we will
10 follow suit and give you a license. Of course,
11 the first hurdle is the zoning regs, right?

12 MR. MOOSALLY: I would say generally
13 most are nonprofit. Most of them are.

14 MS. ZANIEL: Okay.

15 MS. BURS: I'm sorry. In what cases
16 would they not be?

17 MS. BURS: Good question. I'll have
18 to research that to see if there are any that
19 aren't. I'll look into that. I'll have to get a
20 list of all the licensed private clubs.

21 CHAIR NESBITT: They may meet the
22 definition of nonprofit, right? Even though we

1 think it looks like -- you know, because there is
2 very little way you can tell from the outside.

3 MR. MOOSALLY: We will put together a
4 list of the private clubs that we have.
5 Absolutely.

6 MS. O'MEARA: So just to raise a
7 question that we get all the time then. A
8 private club under DCRA regulations would not be
9 allowed in a private home? Would the zoning
10 allow it in a private home?

11 CHAIR NESBITT: A private home or
12 residential area.

13 MS. O'MEARA: Private home. That as
14 well, though. We get questions about what people
15 can do in their home.

16 MS. BOLLING: So what I read to you
17 before was the definition under the zoning regs
18 of what a private club was. That doesn't
19 speak to where it could be allowed, right, to
20 physically exist in the District. That would be
21 a different --

22 MS. O'MEARA: We would have to

1 question it.

2 MS. BOLLING: Yeah, where the zones
3 are. Usually in residential areas that are like
4 R4 or whatever, R2 or 1, you're not going to have
5 private clubs because it's more of a commercial
6 with an impact on the neighborhood with traffic
7 and stuff like that.

8 The challenge I see as we move forward
9 here in the District is mixed use. Right?
10 That's not typically just -- it's not an R4 or
11 R3, it's higher use. You've got commercial
12 activity at the same physical location that you
13 do residential. We have the 2016 zoning regs
14 that go into effect in September with 1,000 pages
15 in it so I'm not as familiar with -- if there's
16 been any changes.

17 MS. O'MEARA: We all need to get into
18 that, don't we?

19 MS. BOLLING: If there have been any
20 changes into where places that have been
21 segregated here in the District. There's purely
22 residential and purely commercial and you

1 couldn't mix the two. I would have to look into
2 that.

3 CHAIR NESBITT: So one of the things
4 that we need to have a discussion about is this
5 whole notion of Kelly's question. From my
6 perspective it's twofold. There's the notion of
7 being allowed in private residences but also
8 being allowed in residential zones and the mixed-
9 use zones versus just commercial corridors.
10 That plays into a couple of areas that become --
11 that start to cross over into where we get
12 complaints because of the issues of secondhand
13 smoke.

14 Because of the mixed use especially
15 where you have commercial properties that are
16 beneath or adjacent to residential spaces and
17 there is no, despite people's beliefs,
18 ventilation systems that prevent this smoke from
19 moving into the residential properties. People
20 have significant concerns about that. The
21 discussion about where they could be becomes
22 really important.

1 MS. O'MEARA: Yeah, and the different
2 types of consumption because there could
3 potentially be food consumption but not smoking.

4 MR. MOOSALLY: I would break this into
5 two areas. One, if you're going to have a
6 private club which is just an ongoing private
7 club, I mean, I would treat it similar to how we
8 treat alcohol which is you can only get the
9 license in a commercially zoned area.

10 If you have an R zone in front of you,
11 you're not eligible for a license. You've either
12 got to be a commercial zone or an industrial
13 manufacturing zone. Commercials have a C in
14 front of them for their zoning designation.
15 Manufacturing has an M zone. Even the mixed use
16 they don't have an R.

17 MS. O'MEARA: Right.

18 MR. MOOSALLY: I think if it's got an
19 R residential zone, then you shouldn't allow
20 these type of businesses. We don't do that for
21 liquor licenses. And I think you mentioned the
22 issue in terms of smoking and secondhand smoke.

1 MS. O'MEARA: I agree.

2 MR. MOOSALLY: The other issue which
3 you raised is two different things. You have
4 this ongoing private club. Let's say we have
5 Club A, which is a private club that operates
6 throughout the course of the year, that's
7 different than what I heard which would be like a
8 special event or a one-day event where you would
9 try to get permission to have a private club pop
10 up for just one day.

11 I'm not saying we shouldn't allow them
12 or should but that's a question that will come up
13 and then it will be a question of whether that
14 could be in a residential zone because it's a
15 one-time occurrence which would be possibly
16 different than something you're doing year
17 around.

18 CHAIR NESBITT: So to me that
19 transition into the notion of how membership is
20 defined, these roving clubs and roving
21 memberships become extremely difficult to
22 regulate, enforce, keep our eyes on.

1 We've had in the Special Events
2 working group we've had some recent discussions
3 around, and will be reviewing, the process of how
4 that works is that even in the special event
5 space we find that there are events that we learn
6 about two or three days before they are occurring
7 because some of those things are -- right.

8 I cannot imagine that roving pop-up
9 private clubs that are intended to last for one
10 day, three days, or what have you, with one-day,
11 two-day, three-day memberships would be any
12 easier to manage. I'm not saying it's a failure
13 of bureaucracy to operate properly. These things
14 just become extremely difficult to manage.

15 MS. O'MEARA: And also if it can't be
16 managed it's not bureaucratic, it's an impact on
17 the community.

18 CHAIR NESBITT: Correct. So when we
19 have that conversation and partnership with the
20 question of the ABRA license piece where there's
21 public notice that is required, how do you create
22 a process that would allow for these roving or

1 pop-up private clubs with short-term memberships
2 in addition to creating that adequate process for
3 adequate public notice if public notice is
4 required for this process.

5 MR. MOOSALLY: Right. That's why I
6 think -- I mean, I think you should be talking
7 about in terms of having permanent clubs where
8 there's notice and not having pop-up clubs. My
9 issue is more of a bigger issue.

10 I think the problem with the pop-up
11 clubs -- and we can talk about ventilation,
12 security claims, what have you, and I think we
13 have different states and regulations -- if
14 you're going to actually have all these
15 requirements that people have to meet to do this
16 to have somebody meet those requirements on a
17 pop-up basis on short notice, that's not a good
18 idea.

19 CHAIR NESBITT: Correct.

20 MR. MOOSALLY: I think you start off
21 with having permanent clubs where there's notice
22 to the community, they are in commercial zones.

1 Obviously the other thing could be evaluated.
2 Otherwise, if they are doing temporary, we can
3 still get notice of them. I mean, essentially
4 what happened would be you would have to have the
5 event far enough out.

6 I'll just give an example. Right now
7 we have pub crawls where we give at least 45-days
8 notice for pub crawls. Now I think we're
9 actually going to 60 days. You would still have
10 enough time where if you really want to do this
11 event, you have to plan in advance and you could
12 give notice to the ANC and community associations
13 and the public.

14 You would still have an opportunity
15 for people to weigh in and still allow the event.
16 The theory behind that is with pub crawls and
17 other types of events, and you have festivals and
18 special events, and I think we've talked about
19 this, it's not like you don't know you are going
20 to have this event 45 or 60 days out. Right?

21 There's a lot of planning involved.
22 If you are going to do this type of event on a

1 one-day basis and looking at ventilation,
2 security, whatever it may be, you have to plan in
3 advance. You just don't put one of these events
4 together in a week.

5 I think if you were to allow the pop-
6 ups, they would have to be far enough in advance
7 where you could give notice, could give the
8 opportunity for the government to review the
9 safety concerns, ventilation concerns, other
10 concerns.

11 Our concern from our agency is
12 obviously making sure no one underage was
13 consuming. You would have to have enough time so
14 their questions could be answered and addressed
15 before the event.

16 MS. ZANIEL: And I haven't looked at
17 the IRS code on this question but it may be that
18 their rules will prevent a transient membership
19 kind of scenario to establish their nonprofit
20 status. You can't have one-day memberships and
21 so on.

22 MS. O'MEARA: One model we might look

1 at is a lot of places in Texas they are drive
2 areas but there are private clubs where you can
3 get alcohol and you can get a one-day permission.
4 I don't know how that would work.

5 MR. MOOSALLY: We have one-day
6 licenses currently for alcohol.

7 MS. O'MEARA: You could -- you know,
8 if I was going with my sister I could get a
9 membership for the dinner.

10 CHAIR NESBITT: So in terms of -- I'm
11 really trying to make sure we get some things
12 down in terms of what does it mean to be a
13 private club. I think we can be really clear and
14 I get the sense from the group that we're
15 comfortable with sticking with what the zoning
16 regs, DCRA, and ABRA already have on the books
17 for private club and don't feel we need to create
18 something anew for the purpose of --

19 MS. BURS: I have a question about the
20 nonprofit requirement.

21 CHAIR NESBITT: Okay.

22 MS. BURS: Just to be able to explain

1 why it's necessary to this process.

2 CHAIR NESBITT: Okay.

3 MS. BURS: I understand there's a
4 higher level of scrutiny they have to go through
5 and then that makes it easier to then move
6 through the rest of the process, but why
7 nonprofits specifically is the question.

8 CHAIR NESBITT: I don't know the
9 history. I can have staff research it and get
10 back to the group to say why it evolved that way.

11 MS. BURS: That would be great.

12 CHAIR NESBITT: Okay. Part of this,
13 I think, you've got to distinguish between what
14 makes you just a nightclub that says you are a
15 member coming into the nightclub every day which
16 makes you profitable coming in every day paying
17 \$10 to come in every night and saying that makes
18 you a member.

19 There's some level of commitment to
20 the groupness of it. We need to have a
21 discussion about that. I think we are not trying
22 to create a process where we then have a loophole

1 for people to create an environment where people
2 could just come into town and come to a place, or
3 at least that would not be my desire for people
4 to come into town, go to a place, and have a good
5 time and then go away.

6 This is really about the District's cannabis
7 community having a place to go that is not their
8 home and they choose not to use their home, or
9 for those who are renters to have a place to go
10 that is not their home that creates a sense of
11 community for them.

12 Why does it need to be, one,
13 profitable one profitable and why can't they
14 create a sense of community and groupness like
15 the other nonprofits that have been described.
16 That would be my response or statement to what
17 would be the challenge with them fitting into the
18 nonprofit rubric.

19 If it were to fit into the whole
20 notion of just come in as you please every now
21 and then and not establish a sense of groupness
22 and it not being about the cannabis community,

1 then it's sort of creating something a little bit
2 different than what I hear people who are
3 supportive of this and asking for us to think
4 through this strategically in order to create
5 this safe space asking for it.

6 They were asking for sort of a party
7 night life environment that is more clubish where
8 people just kind of go and have an environment
9 to --

10 MS. O'MEARA: Commercial
11 establishment.

12 CHAIR NESBITT: Yes, right. Then that
13 would then lend itself to the notion why does it
14 need to be a nonprofit. I didn't get the sense
15 that was the spirit of this process. I think
16 Fred's reason to go back and look at what does
17 not fit into the private club currently with ABRA
18 will help give some clarity -- ABRA license will
19 give some clarity around what those types of
20 establishments are.

21 MR. MOOSALLY: Absolutely. I'll have
22 something for the next meeting.

1 CHAIR NESBITT: Okay. So we are sort
2 of in the space of being comfortable with keeping
3 those pieces and we'll get there, or we may get
4 there once we have the list from ABRA or have the
5 discussion with Council Member Nadeau around why
6 there needs to remain the requirement for a
7 nonprofit.

8 The other piece around the private
9 club distinction is our decision point around
10 whether or not these should be permanent
11 establishments or the allowances of the pop-ups
12 in terms of the meaning of a private club. I got
13 the sense that the discussion was more in favor
14 of the permanent establishments from the group.

15 MS. BOLLING: Well, from a regulatory
16 point of view the challenges we have are when we
17 have pop-up anything. Not even talking about
18 this particular population. Just the impact on
19 the community.

20 Like Greek festivals. They happen
21 every year. To have this thrown in the mix it's
22 going to be a significant burden on the

1 regulation community and agencies that have a law
2 enforcement duty. It just is.

3 MS. O'MEARA: And potentially a burden
4 on the community that lives around it, particular
5 the more mixed-use areas.

6 CHAIR NESBITT: You mean that from the
7 perspective of having to weigh in on the process
8 or from --

9 MS. O'MEARA: Um-hum.

10 CHAIR NESBITT: Okay.

11 MS. BURS: So with respect to that,
12 which I totally understand, if we're looking to
13 situate it similar to alcohol in a lot of ways,
14 it seems like 45 days notice would be pretty
15 reasonable. I don't know if that gets you all
16 the way there so far as making it easier
17 administratively.

18 MS. BOLLING: I want to speak to what
19 ABRA has.

20 MR. MOOSALLY: So we're talking about
21 a couple different things. I think for a
22 permanent private club, I mean the process, if we

1 are going to treat it similar to alcohol, which
2 you support, you would give 45-day notice, right,
3 to the Advisory Neighborhood Commission where the
4 establishment is located and any ANC that's
5 affected. Then there's other notices as well.

6 MS. BURS: But that's also for the bar
7 crawl, right?

8 MR. MOOSALLY: No, no. We're only
9 talking --

10 CHAIR NESBITT: I think we need to
11 talk --

12 MR. MOOSALLY: Separate.

13 CHAIR NESBITT: Yeah.

14 MR. MOOSALLY: Let me kind of separate
15 it.

16 CHAIR NESBITT: Explain the process of
17 getting permission to have a bar crawl for
18 establishments that already have a liquor license
19 versus someone getting a temporary liquor
20 license.

21 MR. MOOSALLY: Let me break it down.
22 We're talking about actually three different

1 things. When you're applying for a permanent
2 license you have a permanent location. Right?
3 You either own the building or you have a lease.
4 Okay? You apply for a license. There's a 45-day
5 public comment period.

6 We actually give notice to the
7 Advisory Neighborhood Commission, the
8 Metropolitan -- well, MPD has a role. We give
9 notice to the council and then there are
10 community associations and what have you for the
11 giant placards you see all throughout the city.
12 There's a 45-day process for that and that's for
13 a permanent license and it's really once every
14 three years. That's what we have for that.

15 Right now for our temporary licenses
16 -- just to be clear, we can only issue a
17 permanent liquor license. There's some minor
18 exceptions but the general rule is it has to be a
19 commercially zoned location, or it has to be a
20 manufacturing space. We don't give licenses in
21 residentially zoned area for permanent.

22 For pub crawls, the point I was trying

1 to make, there is no placarding period right now
2 but what we've done is have a 45-day notice in
3 advance. It's not notice to the community. They
4 have to apply 45 days in advance and we're going
5 to 60.

6 The reason for that is not to notify
7 the community per se. Although, if they want to
8 write us, they can. The reason for that is
9 because with the pub crawl there is potential
10 impact to the neighborhood in terms of bringing
11 thousands of people to an area there's concerns
12 we have in terms of cleaning up litter.

13 MS. O'MEARA: They are on public
14 space.

15 MR. MOOSALLY: Yeah. Notifying MDP.

16 CHAIR NESBITT: It's a special event.

17 MR. MOOSALLY: It's kind of like a
18 special event. The special event process we have
19 it's kind of similar. You can't just apply for a
20 special event a week in advance. There is a
21 planning perspective just to make sure that the
22 event goes smoothly and that all the safety

1 issues and concerns the government has are
2 covered.

3 The concern we have with a temporary
4 license, which can be in residential zone area,
5 is right now there is no notice to the ANC.
6 Right now our process -- it's getting ready to
7 change but right now it's seven days for indoor
8 events and 14 days for outdoor events, so the
9 concern with that is there is not enough time.

10 You could make it a longer period.
11 There's not enough time for alcohol licenses to
12 give notice to ANCs in the community. For
13 alcohol events we don't give the ANC notice to
14 protest somebody's wedding, right? If you're
15 getting married and you want a license, we don't
16 let the community weigh in whether the wedding
17 should happen.

18 I'm not saying we couldn't give more
19 notice for marijuana or what have you, but I
20 think the concern we have with the type of more
21 residential zone or a pop-up which would prefer a
22 shorter notice is that you may not have gone

1 through all the necessary steps as far as safety,
2 ventilation, security, whatever. Whatever you do
3 there's got to be enough time to make sure you're
4 meeting all the standards that are put in place
5 to operate safely.

6 MS. BURS: But then you would just
7 deny them. Right?

8 MR. MOOSALLY: We could.

9 MS. BOLLING: Do what? I'm sorry.

10 MS. BOLLING: You would just deny
11 them.

12 MR. MOOSALLY: You could just deny
13 them.

14 MS. BOLLING: But the challenge is,
15 and I just can't stress this strongly enough for
16 the pop-ups, when you have a permanent space,
17 you've already met the burden of parking because
18 it's commercial. Right? Commercial
19 manufacturing. It has a much less impact on the
20 surrounding neighborhoods and communities.

21 In the current culture where we are
22 just dealing with alcohol, we have a lot of

1 regulatory challenges weekly with just the
2 alcohol we have now because of the temporary
3 nature and the huge impact that these events have
4 on the residential community. I mean, I can't
5 overstate that.

6 MR. MOOSALLY: Right. I mean, I think
7 we have over 2,000 liquor licenses so I think --
8 I mean, it's clearly possible to do events in
9 commercial and manufacturing areas. Like I said,
10 we have 2,000 liquor licenses in the city.

11 I mean, I think, the point made with
12 smoking and secondhand smoke, I think the point
13 would be to have, you know, consumption to take
14 place in areas that are, like you said, zoned
15 appropriately which would be commercial and
16 manufacturing zones and not residential
17 neighborhoods.

18 MS. BURS: I definitely get the
19 secondhand smoking thing. I know it's something
20 important to the council member but, as you
21 mentioned earlier, there's also the edible option
22 so just to keep that on the table.

1 MR. MOOSALLY: Sure.

2 CHAIR NESBITT: Okay. So I think we
3 have to be a little bit --

4 Go head.

5 MS. O'MEARA: I was just going to say
6 to the edible option, then we get into different
7 health issues as well. I'm not talking about the
8 health effect of marijuana but in terms of the
9 health requirements related to consumables.

10 CHAIR NESBITT: Correct. To be clear,
11 when you're talking about edibles, no one can
12 legally make edibles in the District of Columbia
13 except for one cultivation center.

14 We are nowhere near in process to
15 create an environment for someone to be legally
16 producing edibles for them to be sold at a
17 private club or be made ready to be made
18 available at a private club in such a manner that
19 I think would support an economy for people to be
20 selling to a private club.

21 I don't know that I could be sold on
22 the concept that people are going to be baking

1 these things at home and then giving them away at
2 a private club because that would be the only way
3 that it would be legal.

4 Once you get into making it at home
5 and selling at a private club, you then would be
6 operating under our soon-to-be released cottage
7 food regulations which still would make them
8 adulterated food products. It is not permissible
9 to make and sell edibles that contain cannabis
10 products in the District of Columbia.

11 Only one cultivation center is --
12 dispense -- cultivation center, correct, is
13 permitted to do that currently so this notion
14 that is going to be a big thing to do, I think we
15 have to get some clarity around that.

16 Now, if patients are purchasing
17 edibles and taking them there, yes, that would
18 happen but I don't know that's going to be the
19 mass of what is consumed in private clubs.

20 MS. BOLLING: And isn't it like your
21 medicine? It's like sharing your blood pressure
22 pill, right?

1 CHAIR NESBITT: Right.

2 MS. BOLLING: Okay.

3 CHAIR NESBITT: There's one place that
4 makes edibles in the District of Columbia.

5 MS. BOLLING: For medical marijuana.

6 CHAIR NESBITT: And right now they
7 make juices and butter.

8 MS. BOLLING: Okay.

9 CHAIR NESBITT: That's it. Legally.

10 So we did not make it through our
11 agenda. I think we have our agenda for the next
12 meeting. We are having the absolute right kind
13 of conversation. We do have some tie-up on this
14 issue of what does it mean to be a private club.
15 We are definitely follow-up on the nonprofit
16 issue. We've got some homework to do on that.

17 Any other pieces about the nonprofit
18 issue? Any other examples we need to gather
19 around the private club piece in terms of the
20 existing private clubs in the District,
21 requirement for a nonprofit. Any other aspects
22 around that part of it?

1 Any parts about the --

2 MR. MOOSALLY: Real quick just so we
3 can try to private club, I guess, definition
4 resolved.

5 CHAIR NESBITT: Right.

6 MR. MOOSALLY: If you can bring to the
7 next meeting, I guess, what DCRA considers a
8 private club and I'll do the same on the ABRA
9 front. We can look at it and kind of get
10 resolution what we need as a private club. I'll
11 look and see on our end whether all our private
12 clubs are nonprofits and which ones aren't. That
13 way I can bring the list and we can kind of merry
14 that up together so we can kind of get that
15 resolved.

16 CHAIR NESBITT: And I would also
17 suggest if we could do that categorization for
18 temporary establishments because that kind of
19 came up. I know you walked us through that
20 process very clearly.

21 MR. MOOSALLY: Sure.

22 CHAIR NESBITT: But the time frames

1 around that because I think there has been a lot
2 of discussion to your point around people wanting
3 to have private clubs and establishing these one-
4 time events that could be used, like you could
5 potentially convert a rental hall space into a
6 private club for an event.

7 When we talk about how our current
8 processes allow for the use of that for a
9 wedding, etc., I think people have an image in
10 their mind that this would be an allowable thing
11 that we would try to think about and work out
12 under the private club definition so having some
13 good clarity around what is permissible around
14 that now I think would help with that decision
15 point. Just having that cart from the two
16 agencies would be clear.

17 The other piece around the private --
18 were there any other outstanding pieces around
19 the private club definition?

20 MS. ZANIEL: There's the IRS
21 regulations so I'll offer OAG to take a look at
22 that in conjunction with Melinda.

1 CHAIR NESBITT: Okay.

2 MS. BOLLING: Fantastic.

3 CHAIR NESBITT: We had the piece like
4 on our end we are very restrictive around
5 ownerships for cultivation centers, dispensaries,
6 etc., even in terms of employment of cultivation
7 centers and dispensaries. We would make a
8 recommendation that those same levels of
9 restrictions would be in place around ownerships
10 of private clubs and would encourage the adoption
11 of that. If anyone would have challenge with
12 that or would like us to bring exactly what those
13 requirements are --

14 MS. BLACKWELL: Could you?

15 CHAIR NESBITT: -- we would bring
16 those.

17 MS. O'MEARA: Those are in the
18 regulations.

19 CHAIR NESBITT: Correct.

20 MS. O'MEARA: That is something that's
21 already gone through the public comment period
22 and all of that.

1 CHAIR NESBITT: Correct.

2 MS. O'MEARA: There was a lot of
3 public input into that.

4 CHAIR NESBITT: Correct. So we will
5 bring that because we feel that we should be
6 consistent across the board in terms of our
7 marijuana policy so it speaks to like you can
8 even work in a cultivation center or dispensary
9 and all of those things. We'll bring that for
10 consideration and adoption in terms of who can
11 own a private club, be employed in a private
12 club, those types of things. I think that would
13 give us some clarity.

14 I do want to in the last one minute
15 that we have, if it's okay with folks, closing
16 out what does it mean to be a private club piece
17 and then do the remaining agenda items at our
18 next meeting.

19 I do want to go over the Review of
20 Private Clubs in Other Jurisdictions memo so that
21 folks will have that to inform our discussion for
22 the next meeting. Then if there are other things

1 we wanted to dive in a little bit deeper, then we
2 could do that. I think Patrice gave you all a
3 revised or updated -- okay.

4 So one of our assistant general
5 counsels here who works very closely with our
6 medical marijuana program did some research of
7 marijuana private clubs and public consumption in
8 other states and was able to take a look at
9 Alaska, Colorado, Oregon, Washington State.

10 As I mentioned before, in her attempts
11 to look at Rhode Island noticed that the private
12 club that was operating illegally there was
13 closed. We'll circle back there to see if the
14 legislature that was looking at it very closely
15 will do anything about it. I have a call out to
16 Nicole to help to see if she has any inside
17 information on what's been moving there.

18 Basically the summary -- you want to
19 kind of give a verbal summary of this, Carla,
20 with the high points? The gist of what I took
21 from it is Alaska is the only one that really has
22 anything solid in its private clubs and

1 dispensaries allow consumption through retail.

2 MS. WILLIAMS: Right. At the state
3 level.

4 CHAIR NESBITT: Right.

5 MS. WILLIAMS: That's new. It's not
6 actually in place yet. No one has that permit
7 yet. They have to have the regulations to allow
8 it. It's coming soon that someone will actually
9 be issued the consumption permit. They won't be
10 able to -- let me go back to that section. So you
11 have to purchase it at the premises and then use
12 it in designated areas of those premises.

13 In Colorado it's not permitted at the
14 state level but Colorado appears to allow
15 counties, cities, and towns to come up with their
16 own regulations of how to address it. You are
17 seeing places where like Pueblo, Colorado has
18 actually taken some efforts to allow private
19 marijuana clubs there as long as it's consumed on
20 the premises.

21 It's limited to persons age 21 and
22 older. You have to market as a place where

1 marijuana is being consumed. To comply with the
2 Colorado Clean Indoor Act you have to smoke it
3 outside in the patio area, not inside.

4 You cannot serve alcohol on the
5 premises unless -- that should be unless -- the
6 premises are properly licensed by category. They
7 have a list of what categories are allowed. And
8 that it's not done in an open and public way so
9 that patio would need to be something closed away
10 from the general public, not something like a
11 sidewalk where people can walk past you. And
12 that it complies with all other zoning
13 provisions.

14 Additionally, Denver has the
15 Responsible Use Denver Initiative where they want
16 to provide an exception to the term of public
17 place. That would allow a portion of the
18 premises to be designated for consumption to be
19 permitted and be treated as a private club that
20 is hosting a special event and that would not be
21 considered public. Again, that would just be for
22 Denver. Colorado you are going to see individual

1 jurisdictions coming up with something but still
2 not at a statewide level.

3 One of the things I want to mention,
4 when you Google around and read blogs, you'll
5 hear about different clubs that are operating and
6 then you think it's legal. In all of these
7 jurisdictions it's not necessarily that it's
8 legal.

9 In Rhode Island it wasn't legal. This
10 club had popped up. They were doing it. There
11 wasn't anything specifically prohibiting it so
12 they were watching it and trying to figure out
13 what to do with it. In the meantime there was a
14 police raid. They were selling to undercover
15 officers and then that ended the club.

16 You also see other places in Arizona
17 where there are these cannabis lounges that are
18 operating and people think it's legal but it's
19 not. You'll have other advocates coming forward
20 saying, "Please stop it," so that it's only where
21 people can get it legally through the
22 dispensaries and cultivation centers.

1 Oregon. Let's see. They have the
2 same thing in place as well where it's not
3 permitted at the state level.

4 In Washington the same. Washington
5 actually has an initiative in place that they are
6 trying to get Seattle to work with them to get
7 something in place that will allow it to be
8 permitted there. It would permit vaporization
9 for eating of marijuana. Again, for people 21
10 and older. Mandatory checks of ID and not
11 allowing alcohol and having minimum ventilation
12 requirements.

13 You also see people looking at trying
14 to see if they can do it in a hotel because
15 typically the states are looking at indoors. The
16 Clean Air Act is one of the things that prohibits
17 it if it's not clear that it's prohibited. In
18 some hotels there are the designated smoking
19 sections.

20 Some people are saying perhaps that's
21 a loophole that you can do it a hotel in the
22 smoking rooms. Then there are some jurisdictions

1 where the hotel owners are kind of favorable of
2 it and they can look the other way because it's a
3 way to get more people to utilize their hotels.
4 It's kind of an evolving process. Generally
5 prohibited but people looking for exceptions.

6 CHAIR NESBITT: Any questions? Any
7 additional information about any of those you all
8 want from Carla that is not in the memo?

9 MS. BURS: I just want to say thank
10 you to whoever managed to print this stuff for me
11 today and let people know that there is
12 additional information about the regs from
13 Alaska.

14 CHAIR NESBITT: They are still in the
15 public comment period. Correct?

16 MS. WILLIAMS: Yes.

17 MS. O'MEARA: If I could before we
18 wrap up just 30 seconds to address the questions
19 that you asked earlier about the data. The data
20 set that we had run in the other task force was
21 just MPD arrests. We'll probably need to label
22 that sticker on the report.

1 There's been other data sets that
2 we've run in the press and whatnot that has been
3 all arrests. They are top charge only. In the
4 ones that were all arrests the other agencies had
5 made 39 percent of the arrests in the District so
6 it's a very different shift. For all arrests of
7 all types it's about 13 percent.

8 The other thing I would note is this
9 is just through -- I'm not even sure whether this
10 was -- yes, this was July 26, 2015. You see a
11 more dramatic shift now when we've had a full
12 year of implementation with the new laws.

13 CHAIR NESBITT: Thank you.

14 MS. O'MEARA: You're welcome.

15 CHAIR NESBITT: Any other questions?

16 All right. So I think -- yes.

17 MR. MOOSALLY: The next meeting is

18 TBA?

19 CHAIR NESBITT: Yes. We'll send out
20 the Doodle or whatever we've been sending out.
21 It will probably be four weeks from today because
22 we've got to get the meeting in the Register just

1 to make sure that Friday at 10:00 a.m. is still
2 going to work for most people.

3 Then we'll have the agenda to close
4 the loop on the private clubs people, but then we
5 need to have a conversation about the membership
6 piece. Why don't we get ahead of this.

7 I think DCRA stuff about memberships
8 which I think we had some of that conversation
9 now about there are some daily membership things
10 that happen right now so we can be prepared to
11 talk about that conversation. I think the rest
12 of the pieces we have will be a little less meaty
13 but I think we can get through the rest of the
14 agenda in next month's meeting.

15 We can take comments.

16 MS. BELL: Hi everyone again. My name
17 is Kate Bell from the Marijuana Policy Project.
18 I just wanted to say a couple things very quickly
19 to address some of the questions that came up in
20 the meeting.

21 As far as the IRS is concerned,
22 because it's a federal agency and obviously this

1 is still an illegal substance under federal law,
2 it's hard for me to imagine that they are going
3 to register any marijuana-related business as
4 nonprofit.

5 The way that it works now there are
6 some states that require dispensaries, for
7 example, to be not for profit but they are not
8 for profit under state law. Under federal law
9 they have to pay their taxes as a business and
10 because their activity is illegal, they can't
11 take any business deductions.

12 Actually all marijuana-related
13 businesses pay a tremendous amount of federal
14 income tax. As far as making them be a nonprofit
15 under the IRS, I'm very skeptical that would work
16 to allow any of these to exist.

17 As far as the other things, I -- oh,
18 the memorandum. I wanted to point out that in
19 Nederland, which is a town in Colorado, there is
20 a lawfully operating club that was allowed under
21 the local laws. I believe it was the first
22 lawful -- clearly lawful private club in the

1 United States. That is still operating.

2 Then as far as the initial report that
3 was discussed about testing for marijuana, I just
4 wanted to point out that those were marijuana
5 metabolites in those DUI cases which simply means
6 that the person has used marijuana sometimes in
7 the last couple weeks. It does not necessarily
8 mean that they were in any way impaired from
9 marijuana at the time of the accident.

10 Thank you for allowing me to address
11 you all.

12 CHAIR NESBITT: Thank you.

13 (Whereupon, the above-entitled matter
14 went off the record at 11:10 a.m.)
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This is to certify that the foregoing transcript

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Before: DC State Health Planning

Date: 05-20-16

Place: Washington, DC

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