

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,  
JULY 22, 2016

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The Marijuana Private Club Task Force met in Conference Rooms 216, 899 North Capitol Street, NE, Washington, DC, at 10:18 a.m., LaQuandra Nesbitt, Chair, presiding.

PRESENT:

LAQUANDRA NESBITT, MD, MPH, Director, Department of Health  
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  
LORI PARRIS, Deputy Director, Department of Consumer and Regulatory Affairs  
DOLLY TURNER, Deputy Chief of Staff/Scheduler, Office of Councilmember Brandon Todd  
MAUREEN ZANIEL, Senior Assistant Attorney General, Office of the Attorney General

ALSO PRESENT:

PATRICE DICKERSON, Office of Government  
Relations

DYMONA BURNETTE, Office of the Director

BIJION COOK, EHL, HRLA

QUINCY CURETON, EHL, HRLA

AUSTIN EGAN, Summer Law Clerk

PHILLIP HUSBAND, General Counsel

SHARON LEWIS, DHA, RN-BC, CPM, Interim Senior  
Deputy Director, HRLA

VERONICA LONGSTRETH, Supervisory Nurse  
Consultant

BEZAWIT MEKONNEN, Office of the Director

BIANCA OTENG, Office of the Director

AALIYAH RAYNOR, EHL, HRLA

CARLA WILLIAMS, Assistant General Counsel

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

2 10:18 a.m.

3 CHAIR NESBITT: We have, as always, a  
4 very comprehensive agenda before us. We're going  
5 to first get started with a presentation from  
6 DCRA to cover one of the agenda items around the  
7 private clubs.

8 And so they've done some, put together  
9 a succinct overview for us in terms of how DCRA  
10 defines private clubs, and it covers things as it  
11 relates to the membership. All of those things  
12 that we discussed before.

13 So we're going to turn it over to Lori  
14 Parris for her to give us that overview now.

15 MS. PARRIS: Good morning. As Dr.  
16 Nesbitt has indicated, we have a presentation.  
17 I'm going to try and not just read the  
18 presentation.

19 I think that's the, not a great use of  
20 time. But I'm going to summarize. Okay. Okay.  
21 So we can put the full, there we go. Perfect.  
22 Thank you.

1           So what DCRA did is we looked at this  
2           from the zoning perspective, which is really what  
3           defines the use and the type of use for a private  
4           club.

5           And so under the DCMR, a private club  
6           is defined in both the 1958 regulations, and the  
7           zoning rewrite of 2016, which is actually going  
8           to come into effect in, on September 6th.

9           So it's defined as a building for  
10          facilities used or operated by an organization or  
11          association. It could be a nonprofit.

12          It's got to be registered by the IRS  
13          for goods, services, food and beverages, shall be  
14          sold on the premises only to members and their  
15          guests, which is most important.

16          A certificate of occupancy is  
17          required. And just very briefly, a certificate  
18          of occupancy is required for any premise that is  
19          outside of a single family home.

20          So if you're opening up a restaurant,  
21          if you're opening up an office building, if  
22          you're opening up any public space, a certificate

1 of occupancy is required.

2 So it's required prior to occupying a  
3 building as a private club. So when an applicant  
4 applies for a certificate of occupancy for a  
5 private club, they're asked to provide a copy of  
6 the nonprofit organization registration status,  
7 and their registration with the IRS.

8 And that's important to make sure that  
9 we know that they are in compliance, in  
10 compliance with the IRS, and we also know what  
11 their actual status is. And that's important  
12 with respect to, if they're doing any licensing  
13 on the other side.

14 However, we were asked particularly if  
15 there was one, excuse me, and I apologize. I'm  
16 just kind of getting over a cold.

17 If there was a definition with respect  
18 to the duration of membership. I know the issue  
19 has come up whether or not, what you can do for a  
20 one day membership, and right now there is no  
21 definition or a minimum amount of time for that  
22 membership.

1           So under the 1958 regulations, private  
2 clubs are a matter of fact in all zones except  
3 for residential zones, are ones, twos, and  
4 threes. And as well as with respect to different  
5 overlays.

6           So under the 2016 zoning regulations,  
7 as I indicated, private clubs are allowed as  
8 listed above, however they are no longer  
9 permitted as a matter right in R4 zones.

10           So we also looked at it from a  
11 perspective of corporations and licensing. As  
12 you know, the Department of Consumer and  
13 Regulatory Affairs deals with permitted of the  
14 building zoning, and deals with corporations and  
15 licenses.

16           So to operate a public, private club  
17 under the code, you must be registered as a  
18 nonprofit corporation.

19           You must have a registered agent, and  
20 that registered agent must be in the District of  
21 Columbia.

22           It does not have to list their purpose

1       when registered, so that's going to be something  
2       that, depending on where we end up, how, if we  
3       want to kind of look at making some changes, but  
4       right now they don't have to list their purpose  
5       when registered.

6               And sales and revenue are required to  
7       go towards the common good of public interest,  
8       and that's defined by the IRS.

9               So DCRA does not issue a basic  
10      business license for private clubs, however we  
11      would issue a basic business license for the  
12      following activities.

13              A charitable solicitation. So if you  
14      want to raise money for charity. A restaurant  
15      sales, you know, sales of food or drink, or a  
16      general business license where it's a sale of  
17      merchandise or conduct in any business activity  
18      does not fit into any other category.

19              And what that means is, under DCRA's  
20      regulations, there are several different, there's  
21      a ton of different types of business licenses  
22      that you can get, as well as endorsements.

1                   And right now, if you do not fit in  
2                   one of those categories, we will then just issue  
3                   a general business license.

4                   CHAIR NESBITT: Lori, let me ask a, I  
5                   want to ask a specific question based on some  
6                   examples of things that we've seen.

7                   If a private club held a sweepstakes  
8                   for its members, would that be considered a  
9                   charitable solicitation? Like that only members  
10                  could win the sweepstakes?

11                  MS. PARRIS: I would say right now,  
12                  without really doing a lot of research on it, I  
13                  think the issue would be where those donations  
14                  are going.

15                  So the idea is, if you have the  
16                  sweepstakes and then everyone puts in their \$5,  
17                  they win a bike. And then, what do they do with  
18                  the \$5 everyone gives for the bike and the bike  
19                  is only worth \$200, but you make \$1,800 on the  
20                  charity. What happens with that \$1,800?

21                  So I don't think it's just a yes or no  
22                  question. It really needs to, you need to figure



1 out what the purpose is with that underlying  
2 funds.

3 CHAIR NESBITT: Okay. So if the  
4 \$1,800 just went to the general operations of the  
5 private club, they probably wouldn't need a  
6 charitable solution, solicitation.

7 But if they were going to give the  
8 \$1,800 to a local nonprofit in the District, they  
9 would need a basic business license for  
10 charitable solicitations?

11 MS. PARRIS: Right. But remember, if  
12 they're, and depending on what category you're  
13 in, if you're in the nonprofit, and so it also  
14 depends on what your business --

15 CHAIR NESBITT: Right. But if they  
16 were a private club.

17 MS. PARRIS: Yes, yes. Yes.

18 CHAIR NESBITT: Specifically if they  
19 were a private club.

20 MS. PARRIS: Yes.

21 MS. BURS: Can I ask if that  
22 additional money from something like a

1 sweepstakes went to subsidize lower income people  
2 participating in the club, would that be, just to  
3 put that out there because we've been talking  
4 about how do we generate some kind of income, not  
5 with subsidized lower income people.

6 MS. PARRIS: And I guess, my area of  
7 knowledge with respect to low income is more from  
8 the housing perspective.

9 I just don't know how that would fit  
10 into an, I am just someone at the, I'm 30 percent  
11 of AMI of the District of Columbia. I don't know  
12 how that would fit just because of my income, how  
13 I would receive that.

14 I don't know, is it, I'm not  
15 receiving, you know, assistance with like a food  
16 share bank or, I, that I think would be a little  
17 bit more difficult.

18 CHAIR NESBITT: Your question is in  
19 terms of, if memberships in the private club are  
20 \$100 and they're creating a sweepstakes that  
21 they're generating \$1,800 extra so that they can  
22 discount memberships for low income people down

1 to \$10.

2 MS. BURS: Right.

3 CHAIR NESBITT: Would that be  
4 considered charitable solicitation for the  
5 private club?

6 MS. PARRIS: I don't think offhand it  
7 would be. No.

8 CHAIR NESBITT: Okay.

9 MS. PARRIS: Not from that perspective  
10 because it's, I think they're using it as  
11 operational expenses because they, the membership  
12 is going to pay for whatever operations that they  
13 would have.

14 So from that perspective, I think it's  
15 that. But I'm sorry. I didn't understand your  
16 question.

17 MS. BURS: Thank you.

18 MS. TURNER: And for the private clubs  
19 and corporations, could you at, I mean, is it  
20 possible to add a stipulation that would say that  
21 you have to, if you plan to open a private  
22 marijuana club, you have to identify it as such?

1 MS. PARRIS: I would say I think that  
2 would probably be one of the recommendations that  
3 the, that the task force, I think if we're, well,  
4 yes, if we want to change it, we can always  
5 change the regulation.

6 So to answer your question quickly,  
7 yes. I think if the, that's the recommendation,  
8 then we would want to say why we're treating  
9 this, marijuana private clubs differently, and  
10 then just clarify that, and then just go through  
11 that process.

12 So if that's a recommendation and then  
13 it's a recommendation of a task force, we could  
14 figure out how we would make that work.

15 Does anyone else, any other questions?  
16 I'm sorry.

17 So marijuana events at licensed  
18 places. So as you know, we've been grappling  
19 with this for several months.

20 So there's no regulation that allows  
21 for a licensed business to host events on behalf  
22 of a private, a marijuana private club.

1           As you know, the businesses are still  
2           required to comply with local law, regardless of  
3           the venues. And so we just gave examples of, you  
4           know, smoking laws, adulterated food, compliance  
5           with initiatives, any one.

6           So this spot is really just to say  
7           that we are still under our current status, our  
8           current regulations.

9           So regardless of what the event is, we  
10          are going to look at it from a perspective of  
11          enforcement, whether it's Department of Health,  
12          whether, it's ABRA, whether it's DCRA.

13          And as you know, if there isn't a  
14          license, if there is an event, and depending on  
15          what the event is, we will take an enforcement  
16          action, and it could be subject to fine,  
17          suspension, and revocation of their basic  
18          business license.

19          So pretty, if we want to do anything,  
20          with respect to changing our regulations in fact  
21          that it's just a private club, we would need to  
22          do it within the zoning regulations, and that

1 would require remaking by the Zoning Commission.

2 So if, depending on what we decide as  
3 a, as a task force, and where we go, there's  
4 still going to be a regulatory component to this.

5 CHAIR NESBITT: All right. So any,  
6 based on the conversations we had the last time,  
7 any thoughts from the group based on the  
8 information Lori just presented?

9 MS. ZANIEL: Could you just tell us  
10 briefly what, how the Zoning Commission goes  
11 through its rule making? It's a little different  
12 than --

13 MS. PARRIS: Yes. It's, essentially  
14 there's a, their, the recommendations are given  
15 to the Zoning Commission. The Zoning Commission  
16 will look at the regulations. They actually go  
17 through a lot of proper comment. They actually  
18 have public hearings on it.

19 And then at that point, it's then  
20 forwarded officially to the D.C. Register, then  
21 there's additional more comments, and then  
22 ultimately has to be adopted by a Zoning

1 Commission Board vote.

2 MR. MOOSALLY: I got a quick question  
3 for you. Do you happen to have any other type of  
4 similar scenarios, something that's not called a  
5 private club, but operates similarly?

6 And I'll give you an example, that  
7 I'll give you an example. So we have three  
8 liquor licenses. We have places like apartment  
9 houses and other venues that are just limited to  
10 members, I guess being the people who live there  
11 and their guests.

12 I'm assuming they wouldn't be a  
13 private club just because they live in an  
14 apartment or where they are, but clearly they're  
15 running the business where you can't get in  
16 unless you're a member or a guest of a member.  
17 And I don't know if that's just because where  
18 they live that's kind of treated a little  
19 differently.

20 MS. PARRIS: Yes. I, not in that  
21 perspective because this is where DCRA, all of  
22 its different departments kind of meld.

1 MR. MOOSALLY: Sure.

2 MS. PARRIS: Because it's depending on  
3 if it is a house and it is six people or more,  
4 six people or under it's considered a family, and  
5 there's certain things that you don't need.

6 You don't need a certificate of  
7 occupancy, you don't need, but if you are, if  
8 it's say 10 people living there, then do you get  
9 into the question of whether it's a rooming  
10 house, and that's where we kind of get outside of  
11 the licensing and the zoning component, and then  
12 you go into whether or not it's a multifamily,  
13 so, or it's a rooming house.

14 So it, because, what we do is we first  
15 look at the use of the building, and then  
16 depending on what that use of the building is, is  
17 we look at the regulations that would apply.

18 So that would be a very, we would kind  
19 of have to look at it from different  
20 perspectives. There could be a housing  
21 component, there could be a licensing component,  
22 there could be a zoning component, because



1 depending on where that building is within the  
2 District.

3 So that's not an easy answer.

4 MR. MOOSALLY: Would that be the same  
5 as like, if they had an office? Like we have  
6 offices where they provide like a bar and the bar  
7 is just limited to members and guests. I guess  
8 would that be the same thing?

9 MS. PARRIS: At the, yes, because  
10 again, if you're in an office building, you're  
11 in, and you're in that office building under the  
12 appropriate zoning regulation and certificate of  
13 occupancy, and then the question becomes, if you  
14 were, just happened to have that happy hour, 4:00  
15 on a Friday, and then the question is, is whether  
16 or not you're selling alcohol.

17 So I would say that would be a lot  
18 more difficult. Again, because of the use of the  
19 building and the certificate of occupancy that's  
20 been granted, and depending on what type of  
21 business activity is going on in there, if it's  
22 a, you know, if it's an accounting firm and

1       you've got a general business license for your  
2       accounting firm.

3               COUNCILMEMBER NADEAU: Well, can we  
4       just pick one and lean in on the example to maybe  
5       walk through it, rather than saying its tense, so  
6       --

7               MS. PARRIS: And we could, but I can  
8       do that, I think what I would prefer to do,  
9       because I don't want to give wrong information, I  
10      would prefer if we want to pick a type of  
11      business, and I can go back and actually pull up  
12      those regs that would apply to that type of use,  
13      that type of business activity, and in that zone.  
14      So I can easily do that.

15              I just feel for purposes of the  
16      discussion, it really, because I don't know if  
17      we're in an R4, there's certain things you can't  
18      do if you're in a, if you're in an R1, there are  
19      different things. So --

20              COUNCILMEMBER NADEAU: Okay. Well, so  
21      let's, for example, at our last meeting, I think,  
22      or maybe even the prior meeting, we agreed that

1 they wouldn't be allowed in residential zones.

2 MS. PARRIS: Okay.

3 MS. PARRIS: So we can start from  
4 there, right? Wasn't that something we had  
5 already --

6 MS. ZANIEL: Correct.

7 MR. GIL: Correct.

8 COUNCILMEMBER NADEAU: So that's a  
9 baseline.

10 MS. PARRIS: Okay.

11 COUNCILMEMBER NADEAU: So, Director  
12 Moosally's example was a business with a C of O  
13 with a certain number of employees who is allowed  
14 to serve alcohol on the premises because of the  
15 arrangement they have with ABRA, which is a, is  
16 it a license? Or it's just for permission?

17 MR. MOOSALLY: You know, what I'm,  
18 what I'm, the examples I'm talking about --

19 COUNCILMEMBER NADEAU: Yes.

20 MR. MOOSALLY: -- are places that are  
21 business that have C of O's from DCRA. They have  
22 liquor licenses from ABRA, they've gone through

1 all the process, they've gone through public  
2 notice with the neighborhood, all that.

3 They operate bars, areas for their  
4 members and their guests. And then you pay,  
5 whatever the fee is, you know, you're, either  
6 whether it's office space, either member of an  
7 apartment, whatever it may be, they're all  
8 commercially zoned, but they're establishments  
9 that are not open to the public. They are --

10 MS. PARRIS: Membership.

11 COUNCILMEMBER NADEAU: Would it be  
12 like a WeWork, like a shared workspace?

13 MR. MOOSALLY: That was, I didn't want  
14 to mention the name, but WeWork is one example.

15 COUNCILMEMBER NADEAU: We have two in  
16 Ward 1, so I'm always thinking about --

17 MR. MOOSALLY: WeWork is one example,  
18 since you mentioned it.

19 COUNCILMEMBER NADEAU: Yes.

20 MR. MOOSALLY: I don't want to mention  
21 anybody, but since you mentioned them, WeWork is  
22 a prime example, right?

1                   So WeWork has a permanent liquor  
2                   license in a number of locations throughout the  
3                   city. You go to WeWork, you know, you pay and,  
4                   for the office space. I think it's actually part  
5                   of your rent. But like --

6                   COUNCILMEMBER NADEAU: But they do  
7                   special events sometimes, right?

8                   MR. MOOSALLY: They do special events,  
9                   which they're allowed to do.

10                  COUNCILMEMBER NADEAU: Right. And  
11                  they --

12                  MR. MOOSALLY: And they have a liquor  
13                  --

14                  COUNCILMEMBER NADEAU: As long as it's  
15                  hosted by a member, but then guests can come.

16                  MR. MOOSALLY: Sure.

17                  COUNCILMEMBER NADEAU: Right.

18                  CHAIR NESBITT: So, okay. So then he,  
19                  this is, in listening to this conversation, I'm  
20                  trying to liken this to the discussion we had  
21                  around whether or not these would be permanent  
22                  establishments or permitted to have temporary

1 events, right?

2 So this gets us into a different  
3 discussion in terms of the business category in  
4 which these would be governed under, versus  
5 whether or not these would be permanent or  
6 temporary establishments.

7 Because it sounds like the  
8 conversation that you all are having is an issue  
9 of whether or not a permanent establishment would  
10 be allowed to temporarily operate as a private  
11 club. So --

12 MR. MOOSALLY: That's not what I'm --

13 CHAIR NESBITT: Well, okay. So I'm  
14 trying to get at, this business entity that you  
15 just described, it has a basic business license  
16 for some other operating purpose.

17 Does it have a full-time, or a full  
18 alcohol license from ABRA, or does it apply for  
19 special events licensing from ABRA?

20 MR. MOOSALLY: It has a year-long  
21 permanent liquor license. It does not have a  
22 one-time liquor license.

1 CHAIR NESBITT: Okay.

2 MR. MOOSALLY: It has a permanent  
3 year-long liquor license. Let me, let me take a  
4 step back in terms of the issue I'm looking at  
5 because maybe that'll help a little --

6 CHAIR NESBITT: Okay.

7 MR. MOOSALLY: -- in terms of the  
8 issue I'm looking at. I'm only talking about  
9 permanent venues. My questions were really more  
10 geared to one, to one issue, and the issue is,  
11 you have a private club which is limited to  
12 nonprofits, okay?

13 So that's one of the issues I see is  
14 nonprofits and, you know, tax status, all that.

15 CHAIR NESBITT: Correct.

16 MR. MOOSALLY: So that really goes to  
17 nonprofits. So my question to Lori was really,  
18 hey look, do we have businesses that are licensed  
19 by DCRA that are limited to members and guests,  
20 but are not solely nonprofit? That's really my  
21 only issue.

22 CHAIR NESBITT: Yes.

1 MS. PARRIS: Then that, okay.

2 MR. MOOSALLY: That's my only issue.

3 MS. PARRIS: That's a different, so

4 I'm --

5 MR. MOOSALLY: That's my only question  
6 really.

7 MS. PARRIS: Okay. I think that's a  
8 little bit different --

9 CHAIR NESBITT: Right.

10 MS. PARRIS: -- than what I took in  
11 from what, the scenarios. And the answer would  
12 be that we don't have that because if you are a,  
13 if you are a private club, you fall into this  
14 category.

15 MR. MOOSALLY: Yes.

16 MS. PARRIS: So you're not in this  
17 category, then you get your basic business  
18 license and you get it under this category. So  
19 does that answer your question?

20 MR. MOOSALLY: It does.

21 MS. PARRIS: Okay.

22 MR. MOOSALLY: And that's really where



1 I was going.

2 MS. PARRIS: Okay.

3 MR. MOOSALLY: Because you know, we  
4 have these definitions we're looking at, working  
5 at things, and I mean, I guess the questions  
6 we'll have to talk about is, you know, are these  
7 clubs going to be limited to being nonprofit,  
8 right?

9 And you mentioned we could go to the  
10 Zoning Commission. I'm not, I don't know, I know  
11 how long the, you know, some of the rules have  
12 taken, so I just wanted to make sure it's  
13 something that's, you know --

14 CHAIR NESBITT: But is it, so that,  
15 then the question becomes, are you creating  
16 private clubs for the uses of, for the use of  
17 marijuana, or are you creating an environment  
18 where marijuana could be used in any venue?

19 Because right now, what you have is,  
20 alcohol can be used in any venue that applies and  
21 then meets criteria that has been established by  
22 ABRA, right?

1 MR. MOOSALLY: Sure.

2 CHAIR NESBITT: So, which is different  
3 than the discussion that we've been tasked with,  
4 which is whether or not we would establish  
5 private clubs for the use of marijuana, which is  
6 different than whether or not we are going to,  
7 going to explore the option where marijuana could  
8 be used in a host of venues, and what would be  
9 those venues in which marijuana use would be  
10 appropriate, and how do we develop that criteria?

11 MR. MOOSALLY: Right. And I'm, and  
12 I'm okay with sticking to private clubs. My  
13 issues was just simply, if we're going to  
14 recommend marijuana private clubs, and maybe a  
15 recommendation is just that you'd have to look  
16 at, you know, the zoning law.

17 My, I'm okay with sticking with  
18 private clubs. But my issue is, I don't want to  
19 be recommending something that's impossible.

20 It's like, we say, oh, we're going to  
21 recommend a private club, but you know, and I  
22 think, you know, I know we have the OAG memo.

1           But if we're recommending something  
2       that's impossible, that's my only fear is  
3       recommending, hey, we want this private club.  
4       But then the law doesn't allow it. And it, we  
5       could recommend changes to the law. That's okay.

6           But I just make, recommend something  
7       that's not impossible to do, if that makes sense.  
8       That's my only issue.

9           MS. PARRIS: And I agree with you, and  
10      I think what we need to look at is, when we, when  
11      we draft our recommendations, we're going to be  
12      looking at what the Office of Attorney General  
13      has said with respect to the rider constraints  
14      that we have rider.

15           MR. MOOSALLY: Sure.

16           MS. PARRIS: I mean, at the end of the  
17      day --

18           MR. MOOSALLY: Absolutely.

19           MS. PARRIS: -- no matter what we do  
20      in the District, it's going to have to be in  
21      compliance with the rider because of, we've got  
22      the Congressional attachment to that.

1                   So I agree with you, no matter what we  
2 do, we have to look at to see, are we expending  
3 those dollars? So I agree with you.

4                   COUNCILMEMBER NADEAU: Well --

5                   MS. PARRIS: And I think that  
6 discussion would be part of the recommendation.

7                   COUNCILMEMBER NADEAU: I just to  
8 clarify that point. I mean, what we're doing  
9 here is in preparation for the rider not  
10 existing.

11                  MS. PARRIS: Right.

12                  COUNCILMEMBER NADEAU: So we shouldn't  
13 be creating a set of regs that only works under  
14 the rider because no set of regs is going to work  
15 under the rider.

16                  MS. PARRIS: But that's, that was not  
17 what I was trying to say.

18                  COUNCILMEMBER NADEAU: Okay. Okay.  
19 Okay. I misunderstood.

20                  MS. PARRIS: What I was trying to say  
21 is that what, we can make the recommendation  
22 understanding that, his issue, as I understand,

1 Fred's issue is he doesn't want to, he didn't  
2 want to ask for something that we couldn't get  
3 because the law would prohibit it, and I agree  
4 with you.

5 We can make the recommendation  
6 understanding that this is the impact. So I  
7 think the recommendation should state, here's our  
8 recommendation understanding that this may be the  
9 impact of the rider, or if the rider is new, this  
10 is the impact.

11 So I think that's what, as I  
12 understood, what Fred was trying to say.

13 MR. MOOSALLY: You're absolutely  
14 right.

15 COUNCILMEMBER NADEAU: Okay.

16 MS. PARRIS: Okay.

17 MR. MOOSALLY: Thank you.

18 COUNCILMEMBER NADEAU: All right. I'm  
19 sorry.

20 CHAIR NESBITT: Okay. All right.  
21 This is the that's been barreling down the road  
22 of exploring a bunch of scenarios that legalize

1 marijuana use in a host of different  
2 environments. I don't think that's the task of -  
3 -

4 MR. MOOSALLY: That's not where I was,  
5 that's not where I was trying to go.

6 CHAIR NESBITT: Okay. All right. Got  
7 it. Okay. Any other questions about the private  
8 club task force group?

9 I think there was a part in Lori's  
10 presentation around, that I took note of that  
11 states, currently the private club application  
12 does not require the group to list their purpose  
13 when registered.

14 And the group would need to have a  
15 position for the marijuana private clubs who  
16 would be registering.

17 We've had a lot of discussion in the  
18 past meeting around the way that the Medical  
19 Marijuana Program is designed in terms of  
20 requiring only a certain number of venues to be  
21 in a certain number of places, having some  
22 restrictions around ownership of them, et cetera.

1           If there isn't any requirement for the  
2           purpose of the private club to be listed at  
3           registration, there's no way for you to put those  
4           types of requirements in place, and security  
5           plans and all of those things in place as well.

6           So I think we have to have some  
7           discussion as to whether or not this becomes a  
8           little bit different in terms of the registration  
9           process.

10           MR. GIL: When a person is, when  
11           someone is seeking to register a nonprofit, does  
12           it have to be an individual or can it be like an  
13           LLC?

14           MS. PARRIS: It can be an LLC.

15           MR. GIL: So an LLC can register its  
16           own, a nonprofit, which means you don't really  
17           know who owns the LLC.

18           MS. PARRIS: Well, then you, depending  
19           on what is registered, if it's a corporate, you  
20           get, you're going to get your incorporated  
21           documents, and corporations will get those  
22           documents and the updates that they have to do

1       that require renewals.

2               But yes, would there may, we may not  
3       know all of the membership with respect to, we're  
4       going to know the secretary, the treasurer, the  
5       office with those named, but we're not going know  
6       everything. Yes, we don't know everything.  
7       You're absolutely correct.

8               MR. GIL: So then if we're looking at  
9       restrictions on who can own a private club with  
10      like no recent felonies, whatever restrictions,  
11      that would be an issue.

12              Because if an LLC, then you're going  
13      to have to disclose all your owners of an LLC --

14              MS. PARRIS: Yes.

15              MR. GIL: -- can open up its own  
16      nonprofit, you've got two layers of an, sort of  
17      an annuity.

18              MS. PARRIS: Yes.

19              MR. GIL: Which is worth leaving in --

20              MR. MOOSALLY: No. Well, no. In  
21      order to be licensed, we would have, this far,  
22      but if you're going to be licensed as a private



1 club, you're going to have to disclose who your  
2 members are and get police background checks and  
3 provide financial information.

4 CHAIR NESBITT: But he's talking about  
5 the ownership that --

6 MR. GIL: The ownership of the  
7 nonprofit.

8 CHAIR NESBITT: You just have to  
9 produce your Board of Directors.

10 MR. MOOSALLY: Right. Right.  
11 Correct. You're right.

12 CHAIR NESBITT: Yes.

13 MR. MOOSALLY: Because it'll be a  
14 nonprofit, right?

15 MR. GIL: Yes.

16 MS. ZANIEL: But ABRA does not  
17 regulate, does it not? It goes behind the LLC to  
18 examine the individuals?

19 MR. MOOSALLY: Correct. But I think  
20 the point that he's making, which is getting a  
21 little tricky, is normally, you know, when you  
22 have an LLC or a corporation, right, you're

1 providing your officers, your partner, your  
2 members to that. Right?

3 But you know, usually it's because you  
4 have an ownership interests. What's a little  
5 trickier here, if you have a nonprofit, is you  
6 may have no one claiming ownership, I think. Is  
7 that your point?

8 MR. GIL: Yes. Right. Or it's  
9 unclear who the ownership is.

10 MR. MOOSALLY: Or unclear who the  
11 owner is. Right.

12 MR. GIL: Because the owner is an LLC.

13 MR. MOOSALLY: Yes. Because of the  
14 nonprofit, you're probably going to get, like you  
15 said, the members or whoever's, you know, running  
16 it and the officers.

17 MR. GIL: Yes.

18 MR. MOOSALLY: But if you don't, I  
19 think your point is you could hide somebody.

20 MR. GIL: Yes.

21 MR. MOOSALLY: Because they have no --

22 MS. PARRIS: And there could be

1 changes. So you're --

2 MR. MOOSALLY: Right.

3 MS. PARRIS: The founding members of  
4 the LLC, and then if there are changes, they  
5 still have to notify the District, but --

6 MR. MOOSALLY: Right.

7 MS. PARRIS: Yes.

8 MR. GIL: But those changes are only  
9 every two years.

10 MS. PARRIS: Two years.

11 MR. GIL: With biannual report.

12 MS. PARRIS: So yes, you have to, I  
13 think if we can put the point on it.

14 MR. GIL: Yes. I mean, one solution  
15 may be, if we allow private clubs and require  
16 them to be nonprofits, that they cannot be LLCs  
17 to own the nonprofit, or require disclosure.

18 I mean, one way or the other, it's  
19 getting at piercing that anonymity that an LLC  
20 provides to make sure we don't have bad actors  
21 sneaking in.

22 MS. TURNER: And whether or not there

1 are any parameters around whether or not they're  
2 domestically owned companies or international  
3 companies.

4 MR. GIL: Yes.

5 MS. TURNER: Because you could have an  
6 international company who decides to set up.  
7 There are plenty of nonprofits that are of a U.S.  
8 arm.

9 CHAIR NESBITT: And so there's only a  
10 requirement that you have an agent in, registered  
11 in the District.

12 MS. TURNER: Yes.

13 CHAIR NESBITT: The ownership doesn't  
14 have --

15 MS. TURNER: That's correct.

16 MR. GIL: Yes.

17 MS. TURNER: That's a good point.

18 MR. MOOSALLY: Yes. But we make  
19 people, you know, notify us of changes within 15  
20 days. So I mean, obviously you couldn't wait two  
21 years.

22 MR. GIL: Right. Right. It's just

1 this, you have corporate law, Title 29 of the DC  
2 Code that says X, Y, and Z.

3 And then you've got the licensing law  
4 that says something different. And now we're  
5 talking about a third type of --

6 MR. MOOSALLY: Right.

7 MR. GIL: -- hybrid in between those  
8 two. So it's trying to down what's all of those  
9 disclosures and who can hide, who can't hide, and  
10 when you have to provide updates of changes that,  
11 I think, we would just need to clarify in  
12 whatever legal framework we're putting forward.

13 CHAIR NESBITT: And one other  
14 clarification I had too. I'm just, I'm stuck on  
15 this charitable solicitation piece because of  
16 some things we've had to get clarity on for our  
17 cultivation centers and dispensaries.

18 Is there a separate basic business  
19 license for each of these categories, or you just  
20 have to have a business, basic business license  
21 to conduct any of these activities?

22 MS. PARRIS: So we just gave you, as

1 example, so yes. So for instance, you're going  
2 to need a, you would need your own license for  
3 your restaurant.

4 So you're going to need your own  
5 license for any type of business activity, and if  
6 you don't fall within this specific category, you  
7 fall within the general business.

8 So restaurant, there is its own  
9 license. I'm sorry, excuse me. I'm sorry. I  
10 promise you I'm not contagious.

11 CHAIR NESBITT: I believe you. I  
12 believe you.

13 MS. PARRIS: I'm sorry.

14 CHAIR NESBITT: I believe you.

15 MS. PARRIS: Please forgive me. I  
16 apologize.

17 CHAIR NESBITT: So I can ask it more  
18 directly.

19 MS. PARRIS: Okay.

20 CHAIR NESBITT: If I have a basic  
21 business license for, as a restaurant and I want  
22 to do charitable solicitations, do I have to then

1       apply for another --

2                   MS. PARRIS:   Yes.

3                   CHAIR NESBITT:  -- business license to  
4       do charitable solicitations?

5                   MS. PARRIS:   Yes.   Yes.

6                   CHAIR NESBITT:  Okay.

7                   MR. MOOSALLY:  Yes.

8                   MS. ZANIEL:   And, but does that  
9       contemplate charitable solicitation as a one-time  
10      event, or an ongoing activity?

11                   MS. PARRIS:   And that would be, if  
12      it's going to be a charitable solicitation for a  
13      nonprofit, you would have to be registered.

14                   Now again, if it's a special event and  
15      you're doing a fundraising, because we've had,  
16      you know, something, a major disaster, I think  
17      we, I don't know the specific answer on how we  
18      would handle that one special event.

19                   So it depends on that one.  But if  
20      it's just that one time -- oh, thank you.

21                   MR. GIL:   Does the IRS registration  
22      for nonprofits, for the, is that a 501(c)(3) for

1 private, or any sort of 501?

2 CHAIR NESBITT: 501. 501(3)(c).

3 That's the one that we, that's the primary one  
4 that we receive the information on. And the,  
5 excuse me, the requirements.

6 MR. GIL: So I'm wondering, how are  
7 you going to get the IRS to sign off on your  
8 501(c)(3) application if you're saying --

9 CHAIR NESBITT: They're not.

10 MR. MOOSALLY: That was my point.

11 MR. GIL: -- you're a marijuana  
12 organization.

13 MR. MOOSALLY: You're saying my point.  
14 That was why I raised that issue before was that  
15 very point.

16 MR. GIL: Yes.

17 COUNCILMEMBER NADEAU: Well, and that  
18 --

19 CHAIR NESBITT: And so the --

20 COUNCILMEMBER NADEAU: We talked about  
21 that last month a little bit too.

22 CHAIR NESBITT: Right.



1 MR. GIL: Yes.

2 CHAIR NESBITT: And so part of the  
3 conversation that Lori and I had in the interim  
4 is that you have to be incorporated at the  
5 locality first before you apply for that from the  
6 federal government.

7 MS. PARRIS: Right.

8 CHAIR NESBITT: And so in the way that  
9 these things are written, you have to be able to  
10 satisfy the IRS requirements.

11 And so we could potentially have the  
12 option to structure something where you satisfy  
13 those IRS requirements without requiring that you  
14 produce having received them back, right?

15 So in order to get a 501(c)(3)  
16 designation from the IRS, you have to be  
17 incorporated as a nonprofit at NDC or some other  
18 jurisdiction first. And then you make  
19 application to the federal government.

20 You would then produce your 501(c)(3)  
21 documents back to DCRA to keep moving through the  
22 process.

1           We could, as an option, say if you've  
2 met these, you know, as defined by the public  
3 interest, as defined by the IRS, we could always  
4 reference what those public interest definitions  
5 are by the IRS, and once they've been satisfied,  
6 say that you've met that without you having  
7 completed the process by the IRS.

8           MS. PARRIS: But I think we also add  
9 the task force needs to be, need to be, we need  
10 to be prepared for there being a different  
11 interpretation from the federal perspective.

12           Having worked with respect to federal  
13 regs and local regs in a different area, the  
14 federal governments take, will take a much  
15 harsher stance, and they've done it from the  
16 housing component, and so I'm not sure if they're  
17 going to do the same thing for, they would, I'm  
18 assuming, would take the same position.

19           So we would need to be prepared for if  
20 they say, this may be a 501(3)(c) from, with  
21 respect to you've met their qualifications, but  
22 it's not going to be for purposes of taxes for

1 this entity. And I think that entity might end  
2 up in a quandary.

3 CHAIR NESBITT: Oh, yes. Absolutely.

4 MS. PARRIS: So we have to be  
5 cognizant of, even if we allow this, that there  
6 may be an impact on their status and their taxes  
7 and there could be a tax implication.

8 Because even if we allow it here and  
9 they rely on what we do here, there could be a  
10 federal implication, and it's a, similar to  
11 banking. And I think, and I will defer to you,  
12 Doctor.

13 But there were issues, I think, in  
14 Denver that you, how do you, banks aren't loaning  
15 money because they're stuck within their federal  
16 guidelines.

17 CHAIR NESBITT: Correct.

18 MS. PARRIS: And so you're in that  
19 quandary of, this is what we can do locally, but  
20 the banks haven't caught up.

21 COUNCILMEMBER NADEAU: So let me just  
22 kind of, I'm sorry. Can I, so I think we've

1 really identified some challenges with the  
2 nonprofit licensing model that we have, and being  
3 compatible with what we're trying to do with  
4 private clubs.

5 Not only the federal quandary, but  
6 also the LLC ownership, et cetera. Perhaps it's  
7 an opportunity to discuss a different sort of  
8 framework.

9 I mean, I think when we look at, we,  
10 I think, Fred, I think you brought last week the  
11 list of all the private clubs that you've  
12 licensed in.

13 MR. MOOSALLY: Right.

14 COUNCILMEMBER NADEAU: It was things  
15 like the Woman's National Democratic Club. You  
16 know, it, Cosmos Club.

17 Places where there seems to be a  
18 different type of mission, and that nonprofit  
19 model of that is actually very essential.

20 I think, in this case, it may be  
21 hampering our ability to actually come up with an  
22 implementable framework.

1 CHAIR NESBITT: So I absolutely  
2 appreciate the talent from the perspective of  
3 classification as such, as it relates to putting  
4 the businesses in an awkward position in terms of  
5 being classified as such on the District side,  
6 but being responsible for being a taxable entity  
7 on the federal government side.

8 However, I would have significant  
9 concerns for creating a framework that would make  
10 any entity eligible to become a place where  
11 marijuana could be consumed under a framework  
12 that did not restrict for-profit entities from  
13 being able to classify as places where marijuana  
14 could be consumed, and then becoming eligible for  
15 alcohol licenses and daily memberships and  
16 visitors from out of state, and all of these  
17 other things that would basically create the  
18 potential for any nightclub or any venue in the  
19 District to become a place for marijuana to be  
20 consumed.

21 I am adamantly opposed to that  
22 becoming a possibility in the District of

1 Columbia. It has significant public health and  
2 public safety concerns.

3 And so when we talk about, and we'll  
4 turn in a framework that doesn't use these  
5 notions of group association or membership  
6 requirements, and sense of community and  
7 requiring some sense of uniformity, we lose the  
8 ability to have better controls that would create  
9 more, the ability for us to create more of a  
10 public, controlled environment for the purposes  
11 of public health and public safety.

12 So I definitely have an appreciation  
13 for the issues that have been highlighted around  
14 conflicts between being a District nonprofit, but  
15 not being able to be recognized as such on the  
16 federal side.

17 But removing that then means that any  
18 effective, when this will become effective under,  
19 potentially other frameworks that could be  
20 proposed, any nightclub in the District could all  
21 of a sudden say, we want to become a private club  
22 for marijuana.

1                   And that would, that would be a  
2                   tremendous concern from a public health and  
3                   public safety perspective for me.

4                   COUNCILMEMBER NADEAU:   So --

5                   CHAIR NESBITT:   Even under the  
6                   permanent, if we kept the same rules that we've  
7                   discussed for permanent establishments.

8                   COUNCILMEMBER NADEAU:   Yes.   Okay.   I  
9                   mean, I agree with all of your concerns, and I  
10                  think that's why we were all able to get to a  
11                  really good place last meeting on, you know,  
12                  agreeing on certain things we want to see.

13                  It just seems like maybe there's a  
14                  parallel version of the nonprofit that could get  
15                  us what we're looking for without having to sort  
16                  of --

17                  CHAIR NESBITT:   Be a nonprofit.

18                  COUNCILMEMBER NADEAU:   Contort  
19                  ourselves into fitting into that.   So that's all  
20                  I'm saying is, if we're concerned about what it  
21                  means to be an LLC registered as a nonprofit  
22                  because it doesn't give us enough transparency,

1 and if we're concerned about the status between  
2 federal and local, then maybe we can do something  
3 similar but not equal to the nonprofit license.

4 You know, I, it just feels like we're  
5 trying to contort a little bit, and I don't want  
6 us to end up in a position that we can't --

7 CHAIR NESBITT: No. I think we have  
8 to recognize that whatever we fashion here is  
9 contortion, because it does, I mean, it, we're  
10 trying to create something in our locality that  
11 is completely prohibited by the federal  
12 government, irrespective of the rider. Right?

13 We're creating something that must  
14 operate as a cash business. It's not a bankable  
15 industry at all.

16 And in order to do that, we have to  
17 create something that has to operate completely  
18 in a state-developed framework, and in order for  
19 us to do that, many of our business processes  
20 that are created and, with respect to a task  
21 framework, do so with respect to the federal tax  
22 code. So whatever we design --



1 COUNCILMEMBER NADEAU: Yes.

2 CHAIR NESBITT: -- is going to have to  
3 be create and innovative. So I think we have to  
4 be thinking outside of the box because this is  
5 going to be, to some extent, I don't think a high  
6 revenue-generating industry, but it will generate  
7 some revenue and we'll have to be creative in  
8 that regard.

9 When we developed the Medical  
10 Marijuana Program, we had to be creative in terms  
11 of how we developed the structure because it is  
12 not a bankable industry.

13 And we've had to be respectful of what  
14 existed in the federal government regard. So --

15 COUNCILMEMBER NADEAU: Thanks. Yes.

16 CHAIR NESBITT: I acknowledge our need  
17 to be creative. I just, I would have significant  
18 concerns for us making it equal to, completely  
19 equal to something that exists right now in our  
20 for-profit or private business sector.

21 And so whatever framework we're going  
22 to move to discuss now, I think we have to, I

1 would encourage us to think about it from the  
2 perspective of what tenants exist in the private  
3 club definitions that we've discussed over the  
4 past two meetings that we can keep, and how would  
5 we frame the nonprofit components without leading  
6 them to believe that they are a nonprofit for tax  
7 purposes in the District, but not a for-profit, a  
8 nonprofit, would not ever be capable of achieving  
9 nonprofit status on the federal side.

10 MS. ZANIEL: And it also may be  
11 troublesome if we buy the interpretation that  
12 they qualify as a nonprofit once they've met the  
13 federal standards --

14 CHAIR NESBITT: Right.

15 MS. ZANIEL: -- without having  
16 received a blessing from the feds.

17 CHAIR NESBITT: Right.

18 MS. ZANIEL: Because then when the  
19 federal government says no, it shifts the ball  
20 back to the District of Columbia.

21 CHAIR NESBITT: Yes. Right.

22 MS. ZANIEL: What, if anything, should

1 we do about that?

2 CHAIR NESBITT: Right. So I just, you  
3 know, so whatever, in the next, you know, 10 or  
4 so minutes that we discuss in terms of this  
5 framework, because we've really got to get to the  
6 tax and regulation discussion.

7 I would like for us to discuss what  
8 tenants in that private club framework we should  
9 keep, and then how would we move forward with a  
10 recommendation about, what does it become, is,  
11 what is it as a new category, in terms of, is, a  
12 new, does it have to be a new category in the  
13 DCMR or is it a new category in the zoning, regs?

14 MS. PARRIS: I mean, I would say my  
15 recommendation would be a new category. Often  
16 times, you try to fit something into your current  
17 framework, and what happens is then you deal with  
18 inconsistencies.

19 You deal with inconsistencies with  
20 different parts of the regulations or end code.  
21 And in my experience, I find when you parse it  
22 out and you say, this is, you know, and then you

1 don't have a misunderstanding when someone wants  
2 to do this activity, they go to this part of the  
3 regs, but they haven't done, but they haven't got  
4 this information.

5 So my recommendation is if we're going  
6 to do it, we need to have it specific for  
7 marijuana private clubs in a specific area where  
8 all of the requirements and whether it's, you  
9 know, and then we reference, if we have to look  
10 out to another area within the new zoning law,  
11 the new zoning regs in 2016, we reference that.

12 But I think it needs to be its own  
13 placeholder. It needs to have its own  
14 placeholder.

15 That would be my recommendation, and  
16 that way we could hit everything and have it  
17 properly defined as well in the definitions.

18 CHAIR NESBITT: Since the majority of  
19 this will be the burden, do you see outright?

20 MS. PARRIS: Well, I think you've done  
21 the best.

22 MR. GIL: I agree with the

1 recommendation.

2 MS. PARRIS: Why thank you.

3 CHAIR NESBITT: The new category. And  
4 so it would be a, it would have the ability to  
5 be, so do you have to call, you'd call it, you  
6 just wouldn't call it a nonprofit, but it could  
7 still be called the private club, but it wouldn't  
8 be a private club under the same private club.  
9 It would just be a private marijuana club. That  
10 could be its category.

11 MS. PARRIS: I mean that, potentially,  
12 yes.

13 CHAIR NESBITT: Because then it would  
14 allow you to create the disclosure because that  
15 would be the category under which they would  
16 apply.

17 MS. PARRIS: So it would be, I think  
18 it would be, that category under the licensing  
19 component, I think that we would figure out where  
20 it would fit with respect to the zoning  
21 regulations and what type of activity that would  
22 fall under and where it would be. And so we

1 would, yes.

2 MR. MOOSALLY: Just to be clear, just  
3 so I know what we're talking about. Are we  
4 talking about in terms of the category that that  
5 would be for their BBL? That would go under C of  
6 O? Or both? Or what are we --

7 MS. PARRIS: I think we need to spell  
8 it out in everything across the board.

9 MR. MOOSALLY: Okay.

10 MS. PARRIS: So, and then if we, and  
11 we could just say, as defined in zoning reg such  
12 and such --

13 MR. MOOSALLY: Sure.

14 MS. PARRIS: -- and kind of pull that  
15 in. As defined in the certificate of occupancy  
16 reg, pull it in.

17 MR. MOOSALLY: Sure.

18 MS. PARRIS: But I, or reference it,  
19 but I think we need to have it in one place. So  
20 one thing that I have found is that, if you don't  
21 put it in one place, someone's going to miss this  
22 and someone's going to miss that, and you're

1 going to have it, you're going to have problems  
2 with the interpretation. So --

3 MR. MOOSALLY: I agree. And I think  
4 putting them on both would be great.

5 MS. PARRIS: Yes.

6 MR. GIL: And we have to press and to  
7 rate for the Medical Marijuana Program, because  
8 in both the statute in the rights for it, it  
9 lists out, it cross-references, and it details  
10 what you need from DCRA, from OTR, from a zoning  
11 certification letter, or zoning determination  
12 letter.

13 It says pretty clear, so I agree with  
14 you. Anything that you create, you have to list  
15 out in those regulations or statute, everything  
16 in it, as opposed to sort of just putting the  
17 burden on an applicant to go find in the DC Code  
18 and in the DCMR, where applicable things are.

19 MS. PARRIS: I agree. And then also  
20 an enforcement, you know, capacity --

21 MR. GIL: Yes.

22 MS. PARRIS: -- where being

1 challenged, or we take an enforcement activity,  
2 you want to make sure that whatever body it is,  
3 whether it's a Court or the Office of  
4 Administrative Hearings, that they, that they're  
5 clear where the --

6 MR. GIL: Yes.

7 MS. PARRIS: -- actual enforcement  
8 authority comes from, and what area.

9 CHAIR NESBITT: All right. Works for  
10 me. Any other thoughts? All right. Get there.  
11 Go ahead.

12 MS. TURNER: I'll wait. It's okay.  
13 I don't, I don't think it's in this category, so  
14 I'll wait.

15 CHAIR NESBITT: No, go ahead.

16 MS. TURNER: So, well, just to clear  
17 up things --

18 CHAIR NESBITT: Because after this,  
19 we're moving into tax and regulation.

20 MS. TURNER: All right. And then the  
21 agenda for the next meeting. So we'll wait.

22 CHAIR NESBITT: Okay.



1 MS. TURNER: I'm sure there will be  
2 another meeting. Because this doesn't fall under  
3 those.

4 CHAIR NESBITT: Okay. All right. So  
5 in the last meeting, we had a conversation about  
6 sort of, there's a lot of tie-ins between all of  
7 the other marijuana policy things that we manage,  
8 and so there was some concerns raised so --

9 MS. TURNER: Sorry. Just one last  
10 thing.

11 CHAIR NESBITT: Yes.

12 MS. TURNER: So in the, with DCRA for  
13 example, and this is, I think, a measure of  
14 monitoring, so for example, if someone decides to  
15 put up a building, they have to let you know how  
16 many floors it's going to be. They have to share  
17 their plans, right?

18 So I think that on some level, and  
19 this is, kind of crosses over with Department of  
20 Health, that they have to submit some sort of  
21 plan that allows you to monitor.

22 So let's say for example something

1 around inventory, something around quality  
2 standard, something around, because otherwise,  
3 when a person sets up a business, well, when a  
4 person sets up this type of business, how, I  
5 think there have to be multiple checks and  
6 balances for product, inventory, distribution, is  
7 this all domestic, is it international.

8 But, and I feel, and so, it, to me, it  
9 seems like you could apply some construction type  
10 of plan --

11 MS. PARRIS: Well, no. Let me, let me  
12 try that. I think, well, this, I'm going to  
13 happy to pass this off to Dr. Nesbitt.

14 MS. TURNER: Oh, okay.

15 MS. PARRIS: But --

16 MS. TURNER: If this is too far off  
17 base, and I apologize, but --

18 MS. PARRIS: No, don't, because I  
19 think it's a good question. No, no, it's okay.

20 So when you're in the actual, the  
21 construction phase, we're not even looking at the  
22 type of business that you're doing. We just need

1 to know that your building is in compliance with  
2 the building code.

3 MS. TURNER: Okay.

4 MS. PARRIS: Does it have the fire  
5 systems, does it have the fire rated walls, does  
6 it have the egresses, all of the things that, to  
7 make that building safe and in compliance. We  
8 don't care, to some extent, what you're doing.

9 I mean, if it's a zoning, again, I  
10 mean, in my zone and so forth. But it's in  
11 compliance with the construction code.

12 There is a zoning component to make  
13 sure whatever it is that you want to build can go  
14 into that zone.

15 When it gets to the actual activities,  
16 like opening up the business, we do work with the  
17 Department of Health, particularly in a  
18 restaurant opening.

19 MS. TURNER: Right.

20 MS. PARRIS: So because it, part of it  
21 is us and part of it is the Department of Health.  
22 But when you're talking about, you know, the

1 amount of marijuana that may be stored and all of  
2 those things, I'm going to push it over to Dr.  
3 Nesbitt and say that would be within her purview,  
4 because we wouldn't be able to monitor that.

5 And we don't monitor actually the  
6 types of business activity. We may be told  
7 something's going on and take an enforcement  
8 activity with respect to your business license,  
9 conducting that activity and make sure it's in  
10 compliance with that.

11 MS. TURNER: Oh.

12 MS. PARRIS: But when you're, I mean,  
13 some of the things that you're talking about  
14 would fall within the Department of Health.

15 MS. TURNER: Okay, great. Thanks.

16 CHAIR NESBITT: So --

17 MS. TURNER: And I'll save that for  
18 later.

19 CHAIR NESBITT: Yes, okay.

20 MS. TURNER: I don't want to get you  
21 all off track.

22 CHAIR NESBITT: Okay. So to the next

1 agenda item, in a different forum, where we've  
2 been having a discussion with some of our  
3 marijuana cultivation centers and dispensary  
4 owners, they raised some concerns regarding the  
5 decisions of this particular body in that if we  
6 were to move forward with the recommendation to  
7 allow private clubs in the District of Columbia,  
8 that this, from their perspective, would just add  
9 to what they referred to as the gray market for  
10 marijuana.

11 And so their concerns were that,  
12 without it, with the absence of a, the ability  
13 for the District to have taxation and regulation  
14 of non-medical marijuana sales, this would only  
15 add to the problem that we have with illegal  
16 marijuana sales in the District of Columbia.

17 And so we felt that it was appropriate  
18 for this body to have a discussion around what  
19 would be some potential options for taxation and  
20 regulation of non-medical marijuana sales in the  
21 District of Columbia, absent the, excluding the  
22 use of contingency or reserve funds, as those

1 funds would have to be paid back and would not be  
2 ways to sustainable, ways to sustain a program of  
3 policy and taxation and regulation, I should say,  
4 of non-medical marijuana sales in the District.

5 So that's what we wanted to have the  
6 opportunity to discuss. As I'm looking at the  
7 bulletin agencies who may have done some work in  
8 this area, I recognize that the Council is not  
9 listed, and they have done some extensive work in  
10 this area. So I will turn to Councilmember  
11 Nadeau to --

12 COUNCILMEMBER NADEAU: Thanks.

13 CHAIR NESBITT: -- to share with us  
14 first.

15 COUNCILMEMBER NADEAU: You know, you  
16 know, I didn't need to be on the list. I was  
17 going to talk anyway.

18 Here is just a summary of our bill.  
19 It's also in the indication and the calendar  
20 invite.

21 There's a, there's a link to the full  
22 bill in the calendar invite and the email that

1 the director sent out this morning, but I have  
2 three hard copies of the full legislation to  
3 share. We just didn't want to kill any more  
4 trees than we needed to.

5 CHAIR NESBITT: Okay.

6 COUNCILMEMBER NADEAU: So, I can pass,  
7 perhaps, to regulatory friends here.

8 MR. MOOSALLY: Thank you.

9 COUNCILMEMBER NADEAU: And just to  
10 sort of, I mean, essentially it creates a  
11 legislative framework.

12 It was really Grosso's lead here, but  
13 it seeks to address all of the, all of the things  
14 one would need. Ah, yes.

15 For those watching at home, it is B21-  
16 0023, Marijuana Legalization and Regulation Act  
17 of 2015. So, and look, we have extras. Would  
18 you like to share? Very good.

19 So I put that out as perhaps a  
20 starting point, which may be something we can  
21 work off of. It's not going to move forward in  
22 this Council period. We tried that already and

1 we almost got arrested.

2 So probably try and save that for a  
3 new Council next year and see if anyone else  
4 wants to try getting arrested along with us.

5 But it sort of follows some of the,  
6 some of the things that we've already done, in  
7 terms of how much you can carry, where you're  
8 allowed to use it, then of course also consents  
9 with the taxes licensing penalties, so, et  
10 cetera.

11 I don't want to belabor it because I  
12 think it's probably something folks are going to  
13 have to peruse, and I admit, I'm not exactly  
14 prepared to walk through item by item, but nobody  
15 really wants that, to be honest. So --

16 MR. GIL: How does it envision  
17 treating current medical marijuana cultivation  
18 centers and dispensaries as being able to flip  
19 from medical to commercial?

20 COUNCILMEMBER NADEAU: I don't know,  
21 but that is not what I -

22 MS. BURS: I don't think it



1 contemplates that.

2 COUNCILMEMBER NADEAU: I don't think  
3 that's the idea.

4 CHAIR NESBITT: So where would the  
5 initial revenue for establishment of programs or,  
6 come from?

7 So how would it, how would it launch?  
8 Is there an initial fiscal impact statement at  
9 all?

10 COUNCILMEMBER NADEAU: No. I don't  
11 think we had a --

12 CHAIR NESBITT: Okay.

13 COUNCILMEMBER NADEAU: We had asked  
14 for, oh, there was an initial FIS. But I think  
15 they kind of just said you can't do this, so  
16 there are some sort of, plus I'll send the FIS  
17 around because I don't remember exactly what the  
18 FIS was.

19 I actually will look that up right  
20 now. Danielle's going to pull it up. But it was  
21 enough that it wasn't, it certainly wasn't  
22 something we had in operating, where we would

1 certainly have to set that money aside in the  
2 next budgeting cycle.

3 I know it was upwards of \$1 million to  
4 set up the framework, and Grosso got that in the  
5 early part of last year, so we'll pull it up.

6 CHAIR NESBITT: Okay.

7 COUNCILMEMBER NADEAU: And then it  
8 sets up a dedicated fund after establishment.

9 MR. GIL: And this would have ABRA as  
10 being the regulatory in enforcement agency for --

11 COUNCILMEMBER NADEAU: Yes. Yes.  
12 Exactly.

13 CHAIR NESBITT: And so, when this was  
14 introduced 18 months ago, so has there been any  
15 thought, since the other jurisdictions have had  
16 action on legislation, even in regards to Medical  
17 Marijuana Program, in creating a separate entity  
18 that would just exclusively govern marijuana-  
19 related programs in the District?

20 COUNCILMEMBER NADEAU: So we didn't  
21 get that far, I think mainly because we had  
22 gotten initial momentum on this and then really

1 such hard push-back. And then we had sort of  
2 turned our focus onto the clubs.

3 So there hasn't been subsequent  
4 discussion about a separate entity. I think it's  
5 certainly worthwhile to look at that.

6 And I know the Attorney General has  
7 been really having a lot of good conversations  
8 with colleagues around the country too about how  
9 they're implementing and lessons learned, and has  
10 offered several times, as well, to get us, to  
11 have somebody come talk to us, any of us, to hear  
12 some of those ideas.

13 But, yes. We didn't get that far. We  
14 kind of got stopped in our tracks.

15 CHAIR NESBITT: Okay.

16 COUNCILMEMBER NADEAU: Okay, the FIS,  
17 2.7 million. And then over, and 6 point, in the  
18 first year and 6.2 in the out years.

19 CHAIR NESBITT: Okay. 2.7 million in  
20 first year.

21 COUNCILMEMBER NADEAU: Yes. And there  
22 were no --

1 CHAIR NESBITT: Is it 6.2 million  
2 total, or --

3 COUNCILMEMBER NADEAU: No. 2.7 in the  
4 first year, oh no.

5 MS. BURS: Yes. So it's 6.2 for the  
6 rest of the --

7 COUNCILMEMBER NADEAU: For, but see  
8 how that started going up in 2015? Is that a  
9 typo?

10 MS. BURS: No, that's just what it is.

11 COUNCILMEMBER NADEAU: Why does that  
12 start on '16? Oh, gosh. Okay, so additional  
13 6.2.

14 CHAIR NESBITT: Okay.

15 COUNCILMEMBER NADEAU: There is no  
16 revenue estimate because they felt like there  
17 were too many variables, and that sort of creates  
18 its own problems, right?

19 Because I'll assume there's going to  
20 be quite a bit of revenue, that to offset that  
21 cost, but because we can't verify what it is,  
22 it's hard to balance it out for the financial

1 plan.

2 And so, I think it says, I think I  
3 mentioned this just a few minutes ago too. So it  
4 creates a fund also for distribution of the  
5 revenue for the first 350,000 goes to the AG for  
6 youth court for diversion programs, and then  
7 500,000 to DBH for substance use and abuse  
8 programs, and then the rest goes to the General  
9 Fund. And it also sets up the license classes.

10 So the retail marijuana cultivation  
11 facility license would be 5,000 for first time  
12 applicants, and then 500 for those who hold  
13 cultivation licenses.

14 And then retail marijuana products  
15 manufacturing is 5,000. Retail marijuana store  
16 licensing would be 7,500, and retail marijuana  
17 testing facilities is 5,000.

18 And we can also, we'll send this so  
19 you can see this, but I'm not sure, how does  
20 that, how does that match with the marijuana  
21 youth court? There, it's, or for the medical  
22 it's lower?

1 CHAIR NESBITT: Those are lower.

2 COUNCILMEMBER NADEAU: Ours are lower.

3 Okay. So, you know, obviously we want to talk  
4 about bringing it all out to you.

5 CHAIR NESBITT: Correct.

6 COUNCILMEMBER NADEAU: So, makes  
7 sense. So you know, we put this forth as a  
8 starting point, especially given how much time  
9 has evolved, but we took a crack at it, so --

10 CHAIR NESBITT: All right. Helder, do  
11 you have anything?

12 MR. GIL: Yes. I had pondered,  
13 because I vaguely recall when that came up on  
14 where are the cultivation centers, what happened  
15 to the existing cultivation and dispensaries for  
16 the Medical Marijuana Program?

17 Do they get to be first in line to  
18 become commercial establishments? Do they have  
19 to split physically, your cultivation centers,  
20 this part of the facility is only for medical  
21 because you're, you may be growing certain  
22 strains for certain medical conditions? This

1 other part of the facility is only for  
2 commercial? And the same thing, the  
3 dispensaries.

4 So one of the things that I was  
5 playing around with for the past couple of days  
6 and trying to figure out how that pros option  
7 pawned the cultivation center and distribution  
8 process of whether you do just a mild conversion,  
9 whether you require them to do both, whether you  
10 require only new entrance into the commercial  
11 realm, whether you look at a model, like what  
12 Montgomery County does for liquor, which is a  
13 government-owned distributor.

14 Well, the government runs the liquor  
15 distribution process, which is a little bit  
16 interesting. So --

17 COUNCILMEMBER NADEAU: Good luck.

18 MR. GIL: And then on the distribution  
19 of sales side, are you looking at the facilities  
20 selling only the marijuana, or marijuana plus  
21 paraphernalia? Marijuana plus paraphernalia,  
22 plus edibles? Use of it on the site?

1           So there's a whole bunch of different  
2 variables on how we would set that up. The  
3 issue, the very real issue for Ward 5 is caps on  
4 the number of facilities in any one Ward. How  
5 would you deal with, Ward 5 is already capped  
6 out, I believe.

7           CHAIR NESBITT: Correct.

8           MR. GIL: For the medical program. So  
9 does that mean that you would not have that, be  
10 able to have any sort of marijuana, commercial  
11 marijuana locations in Ward 5?

12           COUNCILMEMBER NADEAU: So I found it,  
13 I found it.

14           MR. GIL: You slick goose.

15           COUNCILMEMBER NADEAU: So it says, and  
16 if you have, you don't have the bill, so here,  
17 I'm moving over a little a bit.

18           CHAIR NESBITT: What line?

19           COUNCILMEMBER NADEAU: On page 10,  
20 line 7, a dual medical marijuana dispensary and  
21 retail marijuana store shall maintain separate  
22 licensed premises, including entrances, exits,



1 inventory, point of sale, operations, and record  
2 keeping. So it does speak to it.

3 MR. GIL: It's like a Chinese wall,  
4 basically, between --

5 COUNCILMEMBER NADEAU: Basically, yes.

6 MR. GIL: -- the medical and the  
7 retail.

8 COUNCILMEMBER NADEAU: So that would  
9 obviously have to be very strictly regulated.

10 MR. MOOSALLY: This, there's, yes,  
11 there's more on 28 and 29 of bill, and 33, 28  
12 talks about the need to make rules, establish  
13 rules concerning dual medical marijuana  
14 dispensary and retail marijuana store in which  
15 the dispensary sells medical marijuana to persons  
16 under the age 21 years of age or ordered.

17 And then the next page, establishing  
18 procedures concerning the conversion of medical  
19 marijuana cultivation centers and medical  
20 marijuana dispensary licenses to retail marijuana  
21 licenses.

22 So that is some type of conversion.

1 And then page 33 says basically that each  
2 regulation of the Legalization of Marijuana for  
3 Medical Treatment Amendment Act remains in  
4 effect.

5 COUNCILMEMBER NADEAU: There we go.

6 MR. MOOSALLY: And then that, the next  
7 one, any person holding a medical, a Legalization  
8 for Medical, Marijuana Medical Treatment  
9 Amendment Act 2010 license remain in effect for  
10 the duration of the license.

11 MS. BURS: So I think a lot of that  
12 interacting was just intended to not change  
13 anything in the system. So I would just want to  
14 highlight that.

15 MR. MOOSALLY: Okay.

16 MR. GIL: And the other issue that I  
17 was thinking of was going back to the Medical  
18 Marijuana Program when that first began.

19 Was the avocation process for, when we  
20 opened it up, for the cultivation centers and  
21 dispensaries?

22 It's the issue that Maryland is

1 currently going, causing them a heck of a  
2 headache of first come first serve, application,  
3 scoring process.

4 Scoring process seems to be the most  
5 fair and probably the best way to do it. Who  
6 scores for the, how do you do the scoring, all of  
7 that.

8 The public participation, the ANC,  
9 what happens if you have an ANC that submits its  
10 great weight saying, we do not want this NRS  
11 entity period.

12 COUNCILMEMBER NADEAU: Right.

13 MR. GIL: Then what do we do?

14 COUNCILMEMBER NADEAU: Well, I --

15 MR. GIL: You know, so --

16 COUNCILMEMBER NADEAU: I expect that  
17 to happen.

18 MR. GIL: Oh, yes. Yes.

19 COUNCILMEMBER NADEAU: Right? And I,  
20 it happens --

21 CHAIR NESBITT: It happens currently.

22 COUNCILMEMBER NADEAU: It happens

1 currently. Right. And it happens sometimes with  
2 liquor licenses.

3 MR. MOOSALLY: It's not hard to  
4 address. I mean, the --

5 COUNCILMEMBER NADEAU: Yes.

6 MR. MOOSALLY: When you're talking  
7 about, you know, scoring or first in line,  
8 that's, it's basically establishing who gets to  
9 go forward through the process, right?

10 So once you establish who goes through  
11 the process, whether it's scoring or however it  
12 is, then you go through the notice process.

13 If somebody gets denied, then you're  
14 obviously going to have to go next in line,  
15 whether it's scoring, first in line, whatever  
16 that may be.

17 MR. GIL: Right.

18 MR. MOOSALLY: You would go to the  
19 next person if they got denied, right?

20 MR. GIL: Right.

21 MR. MOOSALLY: Because you can only  
22 allow so many, I mean, just because we do this

1 with liquor licenses, right?

2 You can only allow so many  
3 applications to go through the process as you  
4 have slots.

5 MR. GIL: Right.

6 MR. MOOSALLY: You have to account  
7 for, let's just say you have eight slots. Even  
8 though you may not have issued any licenses, you  
9 can only let eight go forward, because you have  
10 to assume, whether it's true or not, that they're  
11 all going to be approved.

12 MR. GIL: Right.

13 MR. MOOSALLY: If they're not  
14 approved, then you just go --

15 MS. PARRIS: So you, do you go to  
16 number nine? So you only accept the first eight.  
17 Let's say you do it in this time stance.

18 So the last one is on July 5th at  
19 10:00. Then you do a July 6th at 10:00 from  
20 number nine, and then say --

21 MR. MOOSALLY: Right. So depending on  
22 whether you're scoring or however you're doing, I

1 mean, score versus first serve, right? You're  
2 going to, you're going to take in more than  
3 eight.

4 MS. PARRIS: Okay.

5 MR. MOOSALLY: And you're going to  
6 have to make it clear to them, you know, when  
7 they file, whether it's scored or wait list.

8 Here's our process, here's how it  
9 works, you know, and for some reason you're  
10 number nine, you're basically on a, like a wait  
11 list, right?

12 MS. PARRIS: Okay.

13 MR. MOOSALLY: And then as soon as you  
14 know you have those eight, you would reject the  
15 others. You deny and you'd send them back and  
16 say, hey, sorry. Your application's been  
17 rejected.

18 MS. PARRIS: So what happens, let's  
19 just say you go through that approval process and  
20 they, and they're approved. You have your eight.

21 And let's just say six months later,  
22 the business decides they don't want to do it for

1       whatever reason. Do you just open it up just for  
2       that one, or do you go to number nine?

3               MR. MOOSALLY: Well, you could do  
4       that. You'd have to establish that from the get-  
5       go.

6               MS. PARRIS: Okay.

7               MR. MOOSALLY: That would be in the  
8       layout. You'd have to make that clear, right?

9               MS. PARRIS: Okay. Right. I'm just  
10      curious. I didn't know what you guys, what do  
11      you do? Or does that not really happen?

12              MR. MOOSALLY: Well, what we do, what  
13      we do now, what we do now is we put it back out.

14              MS. PARRIS: Okay.

15              MR. MOOSALLY: Yes. No, when somebody  
16      comes available, we put it out. We outline  
17      rules, we put it in the process.

18              MS. PARRIS: Yes.

19              MR. MOOSALLY: We don't score right  
20      now. We just basically do first come first  
21      serve. We put it out.

22              You know, we give notice so everybody

1 knows what the deal is, you know, in terms of, so  
2 no one can say there's favoritism. And you have  
3 to give enough notice.

4 The only thing I would say is, the  
5 further, the more notice you give people in  
6 advance, the more applicants you're going to get,  
7 and the more people that are going to come down.

8 So you know, you've just got to be  
9 that mindful, in terms of what you're creating.

10 MS. PARRIS: Okay. Thank you.

11 CHAIR NESBITT: Well, your location  
12 and all of that is part of our scoring currently.

13 MR. MOOSALLY: Right.

14 CHAIR NESBITT: Because of all of the  
15 issues related to, this is so much different than  
16 every other business that gets established in the  
17 District.

18 COUNCILMEMBER NADEAU: Sure.

19 CHAIR NESBITT: And so the way that we  
20 have run the process is that it opens up in  
21 cohorts, and that the scoring is, requires that  
22 you have a site selected, and part of that site



1 selection with some of the more competitive  
2 applications have, they have actually had some  
3 ANC interaction as part of their application  
4 development process.

5 Whether or not that makes the, when  
6 the application goes to the ANC, whether or not  
7 they are more favorable in their scoring, we  
8 haven't be able to do a correlation with that.

9 Because the overall community  
10 understanding of what is actually getting  
11 proposed is very small.

12 Many people think that a cultivation  
13 center will have high volumes of traffic. They  
14 don't even understand that there are very few  
15 employees who actually are coming in and out of  
16 the facility to actually maintain or monitor the  
17 plants.

18 So to, the process has been managed in  
19 a very, you know, open solicitation scored groups  
20 of applications that come in with sites, their  
21 site having been secured and being part of their  
22 application process.

1                   So it's been a very interesting  
2 dilemma. The other thing is that some things  
3 that we have monitored in a lot of public  
4 commentary that we get is criticism around the  
5 lack of small business engagement in the process,  
6 lack of diversity of ownership, and there's a  
7 third one I was going to mention, but it's  
8 irrelevant to the statements that I'm making.

9                   So I think that there, as we think  
10 about this process, and there was a, oh, lack of  
11 ownership by District residents.

12                   And so thinking about whether or not  
13 those things should be baked into the process --

14                   COUNCILMEMBER NADEAU: Sure.

15                   CHAIR NESBITT: I know I'm getting a  
16 little bit ahead of the, ahead of the  
17 conversation, but just wanted to raise those  
18 issues for the group.

19                   COUNCILMEMBER NADEAU: But I think  
20 those are good points because, you know, as we  
21 move forward, we want, we always want the things  
22 that we using government reports, versus for to

1 benefit our folks, right?

2 So, and I think if DSLBD was at the  
3 table, they would be waving that CBE flag. It's  
4 just so complicated when we're dealing with  
5 something that is not --

6 CHAIR NESBITT: Right. Well, I mean,  
7 the other part too is, again, you people cannot  
8 get loans to open these businesses, and so when  
9 they're trying to get a group of investors  
10 together, it, you know how difficult it is for us  
11 to ensure of CBEs and for DSLBD that launch a lot  
12 of small businesses to get in other markets where  
13 loans are broadly available.

14 COUNCILMEMBER NADEAU: Yes.

15 CHAIR NESBITT: So our ability to help  
16 them get entry point into this market may be  
17 somewhat hampered, but I just wanted to raise  
18 those as criticisms that we hear often about the  
19 process.

20 MR. GIL: Now, I think the other thing  
21 to keep in mind is the impact of the  
22 commercialized aspect of marijuana sales on the

1 Medical Marijuana Program because, would you,  
2 would you, as the supplier, be more interested in  
3 the medical side or on the commercial side?

4 And then you as the patient, if more  
5 suppliers are going onto the medical side, onto  
6 the commercial side and away from the medical  
7 aspects, you as a patient, your choice has  
8 suddenly become much more limited, especially if  
9 your, any of certain strains for certain types of  
10 medical conditions.

11 It's something to be just mindful of  
12 as we move forward, is the impact that this has  
13 on the medical program.

14 And the ongoing issue of where the  
15 cultivation centers particularly can be located.  
16 They can only be located in your, the, currently  
17 it's the M and C-M zones, your industrial use  
18 land. There's not a lot of that. Especially as  
19 Ward 5 continues to be --

20 CHAIR NESBITT: Off limits.

21 MR. GIL: -- off limits. You don't  
22 have any in Ward 3. You have very, very little

1 in Ward 1. Some in Ward 4 along the train  
2 tracks. Almost none in 6. Limited amounts in 7  
3 and 8. So you're sort of --

4 COUNCILMEMBER NADEAU: Yes.

5 MR. GIL: -- contorting yourself as to  
6 where these things can be located.

7 So what may happen is the same thing  
8 that happened in Ward 5, where everybody's  
9 rushing to the same spots because that's the only  
10 place they can legally --

11 COUNCILMEMBER NADEAU: Yes.

12 MR. GIL: -- under zoning, be located.

13 COUNCILMEMBER NADEAU: For  
14 cultivation, but --

15 MR. GIL: For cultivation, correct.

16 COUNCILMEMBER NADEAU: Retail will be  
17 a little different. I mean, not that we won't  
18 still have to produce it somewhere.

19 MR. GIL: Right. Right.

20 COUNCILMEMBER NADEAU: But the retail  
21 will be a little more spread out.

22 MR. GIL: Retail will be, yes, at any

1 commercial place.

2 COUNCILMEMBER NADEAU: Yes.

3 MR. GIL: Assuming that the landlord  
4 wants to be involved in this, which is --

5 COUNCILMEMBER NADEAU: Right.

6 MR. GIL: A whole other sort of  
7 dynamic to this. So --

8 COUNCILMEMBER NADEAU: Right.

9 MR. GIL: And then the cultivation  
10 centers, do we allow them to get into the edibles  
11 world, or is that the retailers?

12 I knew the Health Department has some  
13 concerns about the edibles. I think everyone  
14 does.

15 COUNCILMEMBER NADEAU: Yes.

16 MR. GIL: I think law enforcement has  
17 as well.

18 COUNCILMEMBER NADEAU: Absolutely.

19 MR. GIL: And that's just putting that  
20 into the pipeline, not even getting into the, you  
21 know, right now you get a package of cookies. It  
22 tells you all the calories, the carbs, all of

1       that.

2               So we're not getting into that aspect  
3       of like an FDA-style approach. So I think the  
4       medical marijuana regs are really pretty solid.  
5       I mean, I think we've got one of the best  
6       programs out there.

7               There's always concern about these  
8       facilities impacting your property values, crime  
9       and everything. I think we've had a stolen cell  
10      phone has been the extent of crime associated  
11      with these since the beginning, which is  
12      absolutely extraordinary.

13              But I think one of the things having  
14      been involved in the Medical Marijuana Program  
15      going to the beginning of it, community feedback,  
16      ANC feedback, I think is going to be a key thing,  
17      and outreach to council members as well, so they  
18      can deal with that feedback because I think we're  
19      going to run into that wall of people just, I  
20      don't want this in my neighborhood.

21              MS. PARRIS: But I also think you need  
22      to think about, and the federal government has

1 looked at it from a different perspective.

2 There are, there are federal laws that  
3 you can't have certain types of activities in a  
4 school zone.

5 And so the U.S. Attorney's Office has  
6 taken a position that, we're not, that they are  
7 not going to have enforcement unless it becomes a  
8 public health situation, and then they see that  
9 there's an issue.

10 But you've got to be prepared for that  
11 because, depending on how many schools are in a  
12 neighborhood, you're going to have to be prepared  
13 for that discussion.

14 I'm not saying it's prohibiting it,  
15 but it is something that you need to consider,  
16 because it's a footnote with respect to a school  
17 zone.

18 CHAIR NESBITT: Right. Right.

19 COUNCILMEMBER NADEAU: How many feet  
20 do licensees have to be?

21 MR. MOOSALLY: It's 400 feet from a  
22 school or a DPR, a park and rec site.



1 COUNCILMEMBER NADEAU: And that's any  
2 classic license that's not grandfathered in?

3 MR. MOOSALLY: Right. There's  
4 eliminating exceptions, but it's most licenses,  
5 so --

6 COUNCILMEMBER NADEAU: Right. So I  
7 think one of the things that could be a guiding  
8 principal for us as we approach this and then  
9 tweak as we needed to deal with each of these  
10 concerns and more that will come up, is that the  
11 public is really asking that marijuana be  
12 regulated like alcohol.

13 And one thing I want to say is, we do  
14 a very good job of regulating our alcohol  
15 establishments, and we have, you know, rules  
16 about proximity to schools.

17 We have a very public process, not  
18 only for the initial approval, but for each  
19 renewal.

20 Any ANC will tell you that that's the  
21 case, and even residents living nearby have  
22 standing in certain situations, if they're ANC is

1 not engaged.

2 So I want us to build on that  
3 framework whenever we can, because I do think it  
4 works.

5 Now that's not withstanding concerns  
6 about, you know, edibles and health risks and  
7 other things that we need to, we certainly need  
8 to consider. Smoke inhalation, et cetera.

9 But we do have a good framework, and  
10 this is what the public is asking for. So if we  
11 could keep that in mind as we do our work, I  
12 think that's going to be a good guide.

13 CHAIR NESBITT: Did you have anything?

14 MR. MOOSALLY: No.

15 CHAIR NESBITT: Okay. Maureen, did  
16 you have anything?

17 MS. ZANIEL: No. And you had the memo  
18 you submitted, and of course that was addressing  
19 marijuana tax implications, strictly in a private  
20 club, not for sales of marijuana.

21 And the office obviously is standing  
22 with to analyze whenever there's a framework for

1       what can lawfully happen.

2                   CHAIR NESBITT: All right. So, we  
3       will definitely, we'll take a look at the  
4       legislation.

5                   We have, I've had some conversations  
6       in the past week of, with some of the folks in  
7       California and Colorado, you know, the issue  
8       about the proximity.

9                   For example, Long Beach, which is only  
10      50 or so square miles, they have a valid  
11      initiative or an initiative before them where  
12      they're proposing 30 dispensaries citywide, which  
13      is ridiculous, because you could just, you can't  
14      possibly stage that number.

15                  One, the population just couldn't  
16      possibly demand that level, that number of  
17      dispensaries. And you can't stage them across  
18      your jurisdiction without being in close  
19      proximity to your schools.

20                  They don't have the extensive number  
21      of park and rec facilities that we have, but it's  
22      essentially impossible to get to that number.

1           The other thing that makes this a  
2       little bit different than, I mean, there's quite  
3       a few things that make marijuana different than  
4       alcohol, is that the consumption rates are not  
5       similar.

6           And so the demand won't be as high,  
7       and the cost is not equivalent. Our current  
8       assessment shows about \$400 an ounce in the  
9       Medical Marijuana Program. And so we hear that  
10      demand could drive down prices, but I don't think  
11      it'll be \$11 a bottle of wine.

12          You know, so I don't think it's going  
13      to, going to become equivalent any time soon.  
14      And so we just have to kind of keep those things  
15      in mind when we're talking about, or when we're  
16      thinking about the density that we would need  
17      across the community.

18          Right now we're at, just for total  
19      number of dispensaries, we have six, five  
20      dispensaries operational, and they are served by  
21      seven cultivation centers that are operational,  
22      and eight will be opening soon.

1                   And we are getting an increased number  
2 of interesting requests by our dispensary owners  
3 that give me the sense that they do not have the  
4 demand that they expected to have in terms of  
5 people coming to their facilities.

6                   They have a lot of expectation that  
7 more people would come to them and come off of  
8 the gray market if we have recreational marijuana  
9 use. And that's unclear.

10                  And so it's, you know, we're  
11 chartering an unknown territory that everybody  
12 anticipates would be a high revenue-generating  
13 marketplace.

14                  As Councilmember Nadeau mentioned,  
15 it's difficult to anticipate what revenue will be  
16 generated in these environments because the  
17 variables are many.

18                  Some states that have endeavored to do  
19 revenue projections before creating a tax and  
20 regulation structure for non-medical marijuana  
21 sales underestimated what their revenue would be  
22 in the first year of their programs, but it's

1       unclear how long those efforts would be  
2       sustained, because they are unable to determine  
3       how much the, that revenue is related to tourism,  
4       the newness of the program, and can be sustained  
5       over time. And so, so much is still yet to be  
6       learned, and we are, we are learning.

7               And in the last couple of minutes, I  
8       do want to draw your attention back to our  
9       closing responsibility, which is to generate a  
10      report.

11              And so we have to actually write up  
12      our work. And we have some closing, I think,  
13      things to do. And that could be done, I think,  
14      in the, in the demands of our last meeting, which  
15      will likely occur on August 19th. And we will  
16      send out the time for that.

17              We have put together a, what we  
18      imagined would be the outline for the report.  
19      You should have that in your packet. It is  
20      simply just an outline of the agenda items we  
21      have discussed.

22              Because the meetings are scribed, we

1 have a working framework of the decisions we have  
2 made, deliberations here in the group, in the  
3 group.

4 But obviously there is some meat that  
5 still needs to be added. There is a lot of  
6 things that, as a task force, we have not  
7 finalized, nor will we finalize in this final  
8 report, and then we'll convene, in terms of our  
9 final deliberations and decision makings on  
10 August 19th, and then put some final touches on  
11 the report.

12 Those things we can do, I believe,  
13 virtually. And any other outstanding items, we  
14 can work on virtually between now and the August  
15 19th meeting. And we'll need you all to fill in  
16 some of these sections on the report.

17 For example, as we talked about today,  
18 that there should be a zone category for a  
19 private marijuana club, right, for DCRA.

20 Now we're not expecting that DCRA  
21 would do the full comprehensive, what this whole  
22 category would look like, but having some sort of

1 section in the report that would say, this  
2 category for private clubs, private marijuana  
3 clubs would cover the zoning pieces, the such and  
4 such, having all of that spelled out in clear  
5 DCRA language and not DOH language for the final  
6 report, and getting that from you would be  
7 helpful to plug that in.

8 And so the outline is intended to give  
9 us that guidance. So we want you to take a look  
10 at that outline now. See what things we covered  
11 that you all think is, are missing from the  
12 outline and give us that feedback now so we can  
13 fill that in, and then after this meeting, we'll  
14 be sending you an email to tell you which  
15 sections we can fill in based on the meeting  
16 minutes and notes, and which sections we need a  
17 little bit of help from you in terms of language.

18 MS. PARRIS: And if we could, and this  
19 maybe just a conversation we just had offline  
20 with respect to scheduling, I know with respect  
21 to, that some things are going to be going on in  
22 our agency in August, there may be a need for



1       setting some kind of deadlines of when you want  
2       this information because I can just say the week  
3       before this, right when we do our discussion, I'm  
4       on vacation.   So --

5               CHAIR NESBITT:   The week before the  
6       19th?

7               MS. PARRIS:   The 19th.   So --

8               CHAIR NESBITT:   Yes.

9               MS. PARRIS:   I think we need to think  
10       about that, those deadlines so, with kind of, and  
11       people understand that if someone's not going to  
12       be available, we need to kind of think about  
13       that.   So I don't know if that's a conversation  
14       we want to have here or just wait.

15              CHAIR NESBITT:   Okay.   That works.   I  
16       know there's a lot of vacations.   I start on the  
17       22nd of August.

18              MS. PARRIS:   Right after this meeting.

19              CHAIR NESBITT:   Huh?

20              MS. PARRIS:   I said, right after this  
21       meeting.

22              CHAIR NESBITT:   Right.   Exactly.   And

1 so, yes. We can, we'll, what I want us to be  
2 able to do here is capture your feedback on the  
3 time line to see what's missing.

4 And then right after that, after this  
5 meeting, Patrice on my team, and we'll start  
6 combing through the meeting things like that with  
7 Helder and see what's missing, and then we'll  
8 shoot out to you guys the things we need back  
9 from your agency with the language. They could,  
10 by mid next week.

11 MS. PARRIS: Okay.

12 CHAIR NESBITT: And then deal, will  
13 give, like have plenty of time once you get that  
14 email to kind of get some hard deadlines in  
15 place.

16 And then we'll get you a working  
17 version of this report in advance of the meeting  
18 on the 19th so we can make final decisions where  
19 there are gaps and not continue to belabor this  
20 beyond --

21 COUNCILMEMBER NADEAU: I'll just ask  
22 that on your Item 9, if you would add council,

1 then that's really all I have.

2 CHAIR NESBITT: Yes.

3 COUNCILMEMBER NADEAU: For the  
4 outline. But it looks to me like the outline  
5 reflects very well what we covered in each of our  
6 meetings, so I'm optimistic that a lot of that  
7 discussion will comprise the report.

8 But I'm also optimistic that we were  
9 able to come to a place that really does fulfill  
10 the mission of this task force thus far, and I  
11 appreciate you, Director, for guiding us.

12 CHAIR NESBITT: Oh, no problem. Thank  
13 you. All right. So we will, we'll move forward  
14 with a tentative date of meeting on the 19th,  
15 will probably be a sure date because I think  
16 that, other than the 5th, that is the only Friday  
17 that I will be here. Maybe.

18 COUNCILMEMBER NADEAU: Let's do it.  
19 Let's just lock it in. Let's just do it.

20 MS. TURNER: If you all have already  
21 talked about this, you know, strike it, but can I  
22 make sure, one thing?

1                   So I think that, you know, wherever  
2 this ends up, I think that one of the key things  
3 here is, you know, the product.

4                   So there was a mention around Food and  
5 Drug Administration, but is the idea that the  
6 only marijuana that can be sold here has to be  
7 grown inside of the boundaries of the District of  
8 Columbia?

9                   CHAIR NESBITT: Oh, so see, well, the  
10 private clubs in particular, there is no --

11                  MS. TURNER: No instructions around  
12 that?

13                  CHAIR GLASS: -- because there is no  
14 tax, because there, we, there is no, there is no  
15 sales of marijuana outside of the Medical  
16 Marijuana Program.

17                  MS. TURNER: Right.

18                  CHAIR NESBITT: So if there are  
19 private clubs established in the District, the  
20 only marijuana that can be consumed there is  
21 marijuana that people bring.

22                  And that marijuana that people bring

1 will be marijuana for patients who are in the  
2 Medical Marijuana Program.

3 MS. TURNER: Okay.

4 CHAIR NESBITT: Or marijuana that we  
5 assume is grown at home with the six plants that  
6 people can legally grow in Initiative 71, which  
7 is the concern that the cultivation center and  
8 dispensary owners raise, that if we established a  
9 private club infrastructure, then we would, in  
10 essence, be creating environments that would  
11 promote illegal sales.

12 And so, which is the reason why we  
13 wanted to facilitate the conversation about, is  
14 it appropriate for the District to move in a  
15 direction to have legal sales of marijuana.

16 Now, we did at the last meeting, have  
17 a comprehensive discussion about what types of  
18 sales would be permissible in the private clubs  
19 in terms of food, other beverage, beverages other  
20 than alcohol, and other ways for them to generate  
21 revenue such as, you know, lockers and things of  
22 that nature. And hosting events and all of those

1 things we talked about.

2 But there would be no sales, and we  
3 did, I think, talk about whether or not they  
4 could sell paraphernalia to members and their  
5 guests.

6 MS. TURNER: And it also includes, I'm  
7 assuming, monitoring of people who bring their  
8 own, their own marijuana and how much they are  
9 consuming, in the same way that the owner of a  
10 bar has responsibility to not have a patron leave  
11 their bar who's extremely inebriated or they cap  
12 or monitor how much they're drinking and then  
13 make a decision, it's time for you to stop.

14 CHAIR NESBITT: Yes. So we had that  
15 discussion.

16 MS. TURNER: Okay.

17 CHAIR NESBITT: And --

18 MS. TURNER: No problem. We don't  
19 have to, you don't have to repeat.

20 CHAIR NESBITT: No. So we had the  
21 discussion about what we require for our owners  
22 and the cultivation centers and dispensaries, is

1 that in order to open one, you have to have a  
2 safety plan.

3 MS. TURNER: Oh, okay.

4 CHAIR NESBITT: And so we talked about  
5 the requirement for a security plan, safety and  
6 security plan and all of those things, in  
7 addition to, if one of the goals of the private  
8 club was to have a place for our residents who  
9 live in public housing, who cannot smoke or  
10 possess in their homes --

11 MS. TURNER: Okay.

12 CHAIR NESBITT: -- that was how we  
13 came up with the, you know, started having the  
14 discussion about lockers.

15 MS. TURNER: Right.

16 CHAIR NESBITT: And if you're going to  
17 have a private club that isn't open 24/7, if  
18 people are storing marijuana on the premises,  
19 then you have to have a security plan around  
20 that. So we had very robust discussions around -  
21 -

22 MS. TURNER: That, okay.

1 CHAIR NESBITT: -- those types of  
2 issues.

3 MS. TURNER: Sorry.

4 CHAIR NESBITT: No problem.

5 MS. TURNER: Okay.

6 CHAIR NESBITT: No problem at all.  
7 All right. And we know you all have had a  
8 transition in your office from the --

9 MS. TURNER: Yes.

10 CHAIR NESBITT: -- previous staff.

11 MS. TURNER: Okay.

12 CHAIR NESBITT: All right. Any other  
13 questions or items? So the next meeting, we'll  
14 be prepared to review the draft report, close out  
15 the recommendations and next steps piece, and  
16 then finalize our work.

17 COUNCILMEMBER NADEAU: Thank you.

18 MR. MOOSALLY: Thank you.

19 CHAIR NESBITT: Thanks team. You all  
20 have been wonderful.

21 MR. MOOSALLY: Thank you.

22 CHAIR NESBITT: Drink plenty of water



1       this weekend. Minimize your time outdoors.

2       Check on your loved ones and neighbors.

3                   COUNCILMEMBER NADEAU: I'm going to  
4       send you the National Conference's State  
5       Legislature's Report.

6                   CHAIR NESBITT: Okay.

7                   COUNCILMEMBER NADEAU: State by state.

8                   CHAIR NESBITT: Okay.

9                   COUNCILMEMBER NADEAU: So if you want  
10      to draft that into the state by state comparison,  
11      you have it.

12                  CHAIR NESBITT: Okay. Thank you. And  
13      if you could send it to me sooner than later  
14      because --

15                  COUNCILMEMBER NADEAU: I'll send it  
16      today.

17                  CHAIR NESBITT: -- of my three interns  
18      back there who are working on marijuana all  
19      summer --

20                  COUNCILMEMBER NADEAU: Oh, I'll send  
21      it today.

22                  CHAIR NESBITT: -- would probably love

1 to have it.

2 COUNCILMEMBER NADEAU: You have three  
3 interns working on marijuana?

4 CHAIR NESBITT: Yes.

5 MR. MOOSALLY: That's great.

6 COUNCILMEMBER NADEAU: That's amazing.  
7 Yes. I know, Danielle sent this over to Patrice,  
8 but I'll send both to the whole group.

9 CHAIR NESBITT: Okay.

10 COUNCILMEMBER NADEAU: And then  
11 everybody can have them. I'll go do that right  
12 now.

13 MR. MOOSALLY: Thank you, appreciate  
14 your help.

15 COUNCILMEMBER NADEAU: Yes. Yes.

16 (Whereupon, the above-entitled matter  
17 went off the record at 11:46 a.m.)  
18  
19  
20  
21  
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A			
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C E R T I F I C A T E

This is to certify that the foregoing transcript

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Date: 07-22-16

Place: Washington, DC

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