

GOVERNMENT OF THE DISTRICT OF COLUMBIA
STATE HEALTH PLANNING AGENCY

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MARIJUANA PRIVATE CLUB TASK FORCE

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MEETING

+ + + + +

FRIDAY
AUGUST 19, 2016

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The Marijuana Private Club Task Force met in Conference Room 216, 899 North Capitol Street, N.E., Washington, D.C., at 10:05 a.m., LaQuandra Nesbitt, Chair, presiding.

PRESENT

LAQUANDRA NESBITT, MD, MPH, Director, Department
of Health

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

TAI MEAH, Legislative Director, Office of
Councilmember Brianne Nadeau

FRED MOOSALLY, Director, Alcoholic Beverage
Regulation Administration

BRIANNE NADEAU, Ward 1 Councilmember, Council of
the District of Columbia

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

JORDAN RUMMEL, Director of Communications,
Office of Councilmember Brandon Todd

MAUREEN ZANIEL, Senior Assistant Attorney

General, Office of the Attorney General

ALSO PRESENT

DYMOND BURNETT, DOH Intern

PATRICE DICKERSON, Office of Government
Relations

JASMINE GOSSEH, DOH

PHILLIP HUSBAND, ESQ., General Counsel

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

BEZAWIT MEKONNEN, DOH Intern

JACQUELINE WATSON, D.O., Chief of Staff

CARLA WILLIAMS, ESQ., Assistant General Counsel

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Adjourn. 100

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

2 10:07 a.m.

3 CHAIR NESBITT: All right, let's go
4 ahead and get started. We have quite a bit to
5 cover, although our agenda, as posted in the DC
6 Register, is relatively short, and intentionally
7 so, as we have our final convening of the
8 Marijuana Private Club Task Force.

9 Today's agenda requires us to review
10 the draft Marijuana Private Club Task Force
11 Report that we have been working on virtually
12 since our last convening, during the month of
13 July.

14 We thank all of you for having
15 reviewed the previous transcript and providing
16 more content. Summaries of things that may not
17 have been captured in a thorough narrative based
18 on our verbal discussions in the meetings form
19 the outline that we approved at our previous
20 meeting in July.

21 And then we need to have our sort of
22 final recommendation in terms of whether or not

1 the private clubs should be permissible, based on
2 our deliberations and discussions.

3 We have tabled having that part of the
4 discussion, or sort of both/or opinions from each
5 member of the group until this final meeting,
6 such that we would actually be thoughtful and
7 deliberative about all of the other aspects of it
8 in terms of location, defining membership, and
9 all of the other aspects that were outlined in
10 the commission that required the task force in
11 the Mayor's order.

12 I did want to highlight, before we get
13 into the details of the report, a couple of
14 things that we did not spend a significant amount
15 of time discussing, or any time discussing, that
16 were in the Mayor's order.

17 There were two things in particular.
18 One that we didn't discuss at all, which were
19 around hours of operation. And the second one
20 that we sort of talked about tangentially but
21 didn't have anything definitive around were the
22 limits on the location and number of venues

1 allowed to operate in the District.

2 I think we had a conversation around
3 it such that we believe there should be some
4 limits and restrictions similar to the
5 cultivation center and dispensary limitations or
6 quotas that are outlined in the Medical Marijuana
7 Program.

8 But we never created sort of this
9 definitive quota or structure in the report. So
10 there's nothing conclusive that we put forth in a
11 recommendation. And so I wanted to gauge the
12 group's, take the group's pulse around actually
13 whether or not we would do something similar to
14 ownership, where we would simply replicate what
15 is currently in the medical marijuana
16 regulations.

17 Or if we would just opine that there
18 should be some type of restrictions around the
19 number, but defer to a later date for what that
20 actual number and process would be.

21 So I'm opening that up for initial
22 discussion before we get into the sort of editing

1 and reviewing of the draft report and finalizing
2 of the draft report, because those are two issues
3 that were specifically outlined in the order that
4 we didn't sort of finalize or opine on.

5 MR. MOOSALLY: Well, I'll start since,
6 I mean, I think we were asked to look at the two
7 issues, I think we should say something. I'm not
8 saying we've got to have a comprehensive review,
9 but at least address the issues.

10 I mean, I think on hours of operation,
11 I would probably just suggest that we, you know,
12 they do the same as on premises alcohol hours.
13 You know, I think we have in the report treatment
14 similarly, so I think we can say something about
15 that. If you want me to get into what those are,
16 I can.

17 And then I think on the location, I
18 mean, I think obviously, we addressed that
19 partially by saying we didn't think they should
20 be in residential zones. So we addressed that a
21 little bit. But I do think we should have a
22 discussion on the quota issue, whether it's the

1 distance they were located from each other, or a
2 quota to start.

3 I think, you know, I think we've taken
4 a good approach and a conscious approach on this,
5 and obviously I don't think the intention's just
6 to put these places everywhere.

7 Now, I'm not so sure they can, just
8 because of the fact of the, well, the not-for-
9 profit and other criteria. I think there's some
10 restrictions that would probably negate them just
11 popping up everywhere. But I do think it does
12 make sense to have some type of, you know, limit
13 to start.

14 CHAIR NESBITT: Right. So, to your
15 point, part of the, in my review of the report
16 and looking back at the original order, I had the
17 same thought initially in our discussion around
18 the zoning criteria and only allowing in
19 commercial and industrial zones, whether or not
20 that adequately addressed the locations piece.

21 And I believe we have in the report a
22 piece around ANC engagement. And that in and of

1 itself creates a checkpoint.

2 I do know that there in the
3 discussions that led to the permanent ban was a
4 significant concern from community folks who
5 expressed opposition, was the concern for having
6 any of these anywhere near them, and a concern
7 about them creating more of a perception about
8 the lack of harm and risk for use amongst out
9 youth.

10 And we've seen what the data looks
11 like for perceptions of risk for youth. And so
12 if these were to occur on every street corner.
13 And so that was, to me, whether or not the reason
14 why it was placed in the order for us to have a
15 discussion around it, was for us to offer some
16 expertise around some numerical piece.

17 Now, we could stop here, just as we
18 have with the fees piece, you know. We ended up
19 in a space of, well, in applying so many other
20 regulatory factors, and their inability to sell
21 or have so many other activities on premises, you
22 have to figure out a way for them to be

1 financially solvent.

2 MR. MOOSALLY: Sure.

3 CHAIR NESBITT: And it's going to be
4 up to them to determine the business practices
5 that allow them to be financially solvent.

6 So for us to sit here at a table and
7 deliberate and say the fees must be, you know,
8 \$100, and then a sliding scale for, you know, it
9 would be not the best, we wouldn't be in the best
10 informed position to do that. And so we deferred
11 from making that decision, although it was
12 outlined in the order.

13 MR. MOOSALLY: Sure.

14 CHAIR NESBITT: The same with the
15 occupancy limits. We said that they should
16 exist, but we haven't, you know, gone out and set
17 a number, there can be no more than 50 people in
18 a place at a time. We haven't made those types
19 of things.

20 And we could end here with a quotas
21 piece. I just want us to have had that
22 discussion and been very intentional as to why

1 we're not slapping a number per ward today, and
2 have a rationale for why we're not.

3 MR. GIL: I think another rationale
4 for that would be it opens up the ability for
5 Council to take a look at whether the current
6 limitations on the number of dispensaries and the
7 medical marijuana cultivation centers that are in
8 dispensaries per ward, if those numbers should be
9 looked at.

10 Because they were set at a time when
11 we were at the start of the program, there was a
12 lot of concern about the impact on crime and
13 property values and everything else.

14 Doing it this way, of saying there
15 probably should be caps per ward or distance
16 limitations, but it needs to be viewed also in
17 the context of the existing medical marijuana
18 cultivation center dispensary caps distances,
19 since we now have several years' worth of
20 experience and data showing any of the negative
21 externalities and impacts of that program.

22 So it affords both Council and the

1 public the opportunity to have a more fuller and
2 robust discussion on that aspect.

3 CHAIR NESBITT: So making a statement
4 like, we recommend that there should be caps per
5 ward and there should be distance requirements
6 for within, between facilities, and restrictions
7 around places that provide services to youth or
8 are accessible to youth.

9 However, they need to be reviewed in
10 the context of the existing facilities that grow
11 or dispense marijuana, and the community's
12 experience with such facilities as it relates to
13 safety, and crime and safety.

14 MR. GIL: Exactly.

15 MS. O'MEARA: And I would actually say
16 probably what's going to be more impactful will
17 be not so much the dispensaries and the
18 cultivation centers, but off-premises licensed
19 establishments. That's actually going to be a
20 more similar clientele likely than what we would
21 find at the --

22 CHAIR NESBITT: Dispensaries.

1 MS. O'MEARA: Yes, the dispensary or
2 the cultivation centers, which wouldn't have a
3 clientele at all.

4 CHAIR NESBITT: Yes. So, to that
5 point, Kelly, I would say that we would probably
6 have a need to balance both.

7 MS. O'MEARA: Yes.

8 CHAIR NESBITT: Because the clientele
9 is going to probably be similar to the ABRA
10 establishments, but the public's perceptions are
11 going to be --

12 MS. O'MEARA: Yes.

13 CHAIR NESBITT: What happens at a
14 cultivation -- even though there is no clientele
15 at a cultivation center. The public's perception
16 is that it's the fact that marijuana is on
17 premises that makes it a vulnerable point.

18 Because people believe that there's
19 going to be someone always trying to break in and
20 get to the marijuana, even though we know that
21 that is not what's happened in the several years'
22 history now that we have, of having these

1 cultivation centers and having these
2 dispensaries, is that no one is actually
3 committing crimes, going in and actually having
4 anything happen.

5 And although we've made the
6 recommendation in terms of the activities that
7 could occur on the facilities, the storage, we
8 have made a recommendation that there should be a
9 security plan consistent with what the security
10 plans are for the cultivation centers and the
11 dispensaries. Because there could be marijuana
12 on the premises 24/7.

13 COUNCILMEMBER NADEAU: So I just want
14 to say, you know, having been one of the authors
15 of the legislation that established the task
16 force, the Council -- the discussion that I was a
17 part of really made it clear that the Council
18 doesn't necessarily feel comfortable saying there
19 should be this many per ward. And really has
20 looked to the Task Force to sort of provide that
21 guidance.

22 Because there was alternate

1 legislation proposed that was one per ward, and
2 we couldn't get an agreement on getting that
3 passed. So I'd think whatever we report out, if
4 it could provide as much guidance as possible.

5 But I think if we lead with the space
6 between, the amount of distance between
7 establishments, if we lead with that, if we lead
8 with, you know, proximity to spaces that we
9 consider higher risk or places we want to
10 protect, then I think that ultimately is going to
11 provide the most guidance.

12 And as you mentioned, Director, the
13 influence that the ANCs have on where things are
14 located within their SMDs also will really
15 provide a check on that.

16 So even if we do say, you know,
17 perhaps there should be a cap per ward, I would
18 urge us not to say it strongly and not to lead
19 with it. Because I think those other factors are
20 much more important. Whereas a cap per ward is a
21 little more arbitrary.

22 MR. MOOSALLY: So you're saying lead

1 with there should be a distance requirement and,
2 based on, you know, I think the factors we
3 looked, you know, we should look at the distance
4 between schools, rec centers, and then I think
5 some of the other stuff you mentioned.

6 COUNCILMEMBER NADEAU: Yes, exactly.

7 MR. MOOSALLY: And we could also
8 mention the cap.

9 MS. ZANIEL: And are we going to
10 consider distances between not only these
11 facilities, but bars? These facilities to bars?

12 COUNCILMEMBER NADEAU: Well, if we do
13 that, we won't have many.

14 MR. MOOSALLY: I mean, I think there
15 should be a distance requirement between each
16 other, right?

17 COUNCILMEMBER NADEAU: Right.

18 MR. MOOSALLY: I mean, you really want
19 that. You don't want to have like three or four
20 together.

21 MS. O'MEARA: Maybe instead of a
22 distance, it's more about the saturation.

1 MR. MOOSALLY: That could work too.

2 MS. O'MEARA: Yes.

3 MR. MOOSALLY: Because we have over-
4 concentration criteria based on numbers.

5 MS. O'MEARA: So maybe that.

6 MR. MOOSALLY: You can only have a
7 certain amount within a certain area, right.

8 MS. O'MEARA: Right.

9 MR. MOOSALLY: You can do that as
10 well.

11 MS. O'MEARA: Is that effective in how
12 you license?

13 MR. MOOSALLY: Yes, we can do that.
14 Yes, the other ones we have are like, you know,
15 400 to a distance, 600 to a distance. Between
16 schools, day cares, within, you know, the same
17 type facilities, those type of things.

18 CHAIR NESBITT: Does yours include
19 Parks too?

20 MR. MOOSALLY: It's rec, yes, it's rec
21 centers operated by the Department of Parks and
22 Rec. So anything operated by DPR.

1 CHAIR NESBITT: And the day cares,
2 that includes all licensed day care facilities?

3 MR. MOOSALLY: So right now, the way,
4 what we have now is, you're absolutely barred
5 from applying if you're within 400 feet of any
6 type of school or a DPR rec facility.

7 You can apply, but it's basically what
8 kind of counts against you is if you're close to
9 a day care or a child care facility, or a
10 library. It's not an absolute bar from applying,
11 but it's factors that can be used to deny your
12 application. You have to kind of overcome the
13 presumption that, you know, it won't be an issue.

14 COUNCILMEMBER NADEAU: The more we
15 can, I mean, you've heard me say this before, but
16 the more we can mirror the ABC regs, I think the
17 more we're getting at what our constituents had
18 in mind with the original Initiative 71.

19 CHAIR NESBITT: Right, so there's the
20 constituents who had something in mind with
21 Initiative 71, and then there's the constituents
22 who have concerns about the proliferation of

1 these types of places, and we have to balance
2 both interests.

3 COUNCILMEMBER NADEAU: I agree, but
4 you know, if we are creating a regulatory
5 framework, I think we are doing that.

6 CHAIR NESBITT: Right, right, I don't
7 disagree with that. But I think we have to make
8 sure that we're not just only doing what those
9 who authored Initiative 71 had in mind.

10 COUNCILMEMBER NADEAU: Well, it's not
11 just the authors, it's the 75% of voters who
12 passed it.

13 CHAIR NESBITT: Yes. But there are also
14 the non-electorate people who have interests.

15 MS. O'MEARA: Yes. And also I think
16 the Initiative 71 was murky enough that it isn't
17 clear, necessarily, that, you know, this is 75%,
18 what they thought they were voting for in terms
19 of establishments. So, it is a balance between
20 sort of the perception of what the interpretation
21 of it is, so.

22 CHAIR NESBITT: And so the hours

1 piece, similar to on-premises alcohol --

2 MR. MOOSALLY: I would just say
3 similar to on-premises, yes, alcohol
4 establishments.

5 CHAIR NESBITT: Okay. Now there's
6 variability for on-premises alcohol in certain
7 segments of the city, correct?

8 MR. MOOSALLY: No.

9 CHAIR NESBITT: No?

10 MR. MOOSALLY: No, you, yes, it's the
11 same, so the hours --

12 PARTICIPANT: It's based on --

13 MR. MOOSALLY: So, what, yes --

14 CHAIR NESBITT: There's some
15 variability. Go ahead.

16 MR. MOOSALLY: There's some
17 variability, but it's not based upon where you're
18 located in the city.

19 CHAIR NESBITT: Okay, okay.

20 MR. MOOSALLY: So the hours are, start
21 at 8 a.m. and go till 2 a.m. during the week and
22 3 a.m. on weekends.

1 CHAIR NESBITT: Okay.

2 MR. MOOSALLY: Those are the clean
3 hours. There are some other things like holidays
4 and stuff, I'm staying away from that. I think
5 we're going to do something, it should be clean
6 and easy to understand.

7 CHAIR NESBITT: Okay.

8 MR. MOOSALLY: So that's where we are
9 there. So you have, you don't have to --

10 MS. O'MEARA: But the voluntary
11 agreements.

12 MR. MOOSALLY: Right. So we
13 settlement agreements with neighborhoods that
14 restrict hours. So have you have limits that
15 way. And then you don't have to apply for the
16 maximum hours. So you may only apply for lesser
17 hours.

18 And it's basically, the most you're
19 going to get is what you apply for. And then,
20 you know, if you buy somebody else's business,
21 it's like buying a used car. You're limited to
22 what they had.

1 COUNCILMEMBER NADEAU: So I wonder if
2 this might make people feel a little bit more
3 comfortable, the concept of mirroring the ABC
4 regs. So when a new licensee applies --

5 MR. MOOSALLY: Correct.

6 COUNCILMEMBER NADEAU: The ANC gets to
7 weigh in on it. They get to express concerns
8 based on what factors?

9 MR. MOOSALLY: So the ANC gets to
10 protest or give comments based on a number of
11 criteria. One is peace, order, and quiet
12 concerns, which are basically litter, criminal
13 activity, rowdy behavior, loitering, noise, those
14 type of things.

15 Also they get to weigh in on vehicular
16 and pedestrian safety, parking property, real
17 property values. They can protest based upon
18 over-concentration. They can have a variety of
19 concerns they hear from neighbors, you know, that
20 they want to make sure that are addressed. And
21 that's why you enter into settlement agreements
22 or you go to a hearing.

1 COUNCILMEMBER NADEAU: So having been
2 in ANC, I really do believe in that process.

3 MR. MOOSALLY: It's a good process.

4 COUNCILMEMBER NADEAU: It's a good
5 process. And so I think that we may even like
6 to, when writing this out, provide that little
7 snippet so people understand what we're saying
8 when we say, you know, this will come before the
9 ANC and be judged based on duh duh duh.

10 Because I think that also would create
11 more comfort for people who are concerned these
12 are going to be everywhere and I'm going to have
13 no control. Which really isn't the case if the
14 ANC has the opportunity to weigh in.

15 MR. GIL: So is the suggestion that we
16 give ANC the same settlement agreement ability
17 that they have now with ABC licenses?

18 COUNCILMEMBER NADEAU: Absolutely.

19 MR. MOOSALLY: To raise your point
20 over concentration for factors, I think that ties
21 into that whole issue we've talked about of
22 making sure they're not too close to each other.

1 COUNCILMEMBER NADEAU: Exactly.

2 MS. O'MEARA: Well, to add to that,
3 and I apologize that I wasn't here, that I was on
4 leave at the last meeting, was there any
5 discussion about the reimbursable details, and
6 potentially changing that law?

7 MR. MOOSALLY: I think you're the
8 first one to bring that up.

9 MS. O'MEARA: That's, for those who
10 don't know, reimbursable detail is what is
11 allowed in the law for -- police officers are not
12 allowed to work directly for ABC establishments.
13 I would propose that the similar establish -- a
14 similar rule be put in place regarding this.

15 But that it also allows them to be
16 hired to work outside the establishment on public
17 space. And they're hired through the department,
18 so they are still working for police and for the
19 city, for the taxpayers, ensuring safety on
20 public space.

21 MR. MOOSALLY: And just to be clear,
22 they wouldn't be allowed inside, just so we're

1 clear on that.

2 MS. O'MEARA: Well, I mean, they can
3 do police action inside.

4 MR. MOOSALLY: Well, right, right.

5 MS. O'MEARA: But they don't work for
6 the establishment. It's to avoid any conflict of
7 interest.

8 MR. MOOSALLY: Right.

9 MS. O'MEARA: Of both being, you know,
10 regulatory agency enforcing laws at the
11 establishment, and working for the establishment.
12 So I think we'd want to do both of those.

13 CHAIR NESBITT: Okay, Kelly, so I'm
14 clear, who hires them to work on a public right
15 of way?

16 MS. O'MEARA: The establishment.

17 MR. MOOSALLY: The establishment goes
18 to MPD. They are always an MPD employee, they
19 don't work directly for the establishment. So
20 you go down to MPD, you sign up for the detail.
21 You pay, right now, the establishment pays 30%,
22 we pay the other 70%, and --

1 MS. O'MEARA: I mean, that's a
2 different question. That's the subsidy.

3 MR. MOOSALLY: Okay. Well, fine.
4 They can pay 100%, I don't care. But what I was
5 trying to clarify, what I just wanted to make
6 clear, is they don't work directly for the
7 establishment.

8 MS. O'MEARA: Correct.

9 MR. MOOSALLY: That was the point I
10 was trying to make.

11 COUNCILMEMBER NADEAU: So if you go to
12 Adams Morgan, say, on a Friday or a Saturday
13 night, you'll see many, many police officers
14 there. They're not part of the regular detail,
15 they're paid for by the businesses who pool their
16 money to make sure there's extra security on the
17 street.

18 MS. O'MEARA: For Adams Morgan, it may
19 be a little bit different.

20 COUNCILMEMBER NADEAU: Combination.

21 MS. O'MEARA: Yes. It's a
22 combination. Because we also, you know, two

1 years ago, the chief started the Nightlife Unit.

2 COUNCILMEMBER NADEAU: Right.

3 MS. O'MEARA: And so that's --

4 COUNCILMEMBER NADEAU: You're right.

5 So bad example, but, you know, we've done it in
6 other places. It's sort of you, you'll see extra
7 presence. They're still in uniform there.

8 MS. O'MEARA: And I think the issue of
9 whether or not they would be eligible for the
10 subsidy --

11 MR. MOOSALLY: That's a different
12 question.

13 MS. O'MEARA: It's another issue
14 altogether.

15 MR. MOOSALLY: Thank you, that's fine.
16 We can have the discussion later. Thank you.

17 MS. O'MEARA: You work on that budget,
18 so you have a better idea of --

19 MR. MOOSALLY: I thought MPD was going
20 to help. But I just think it's important to
21 clarify that they still remain under the control
22 of MPD at all times, right.

1 MS. O'MEARA: Exactly, and that's the
2 critical part.

3 MR. MOOSALLY: Right.

4 MS. O'MEARA: It differs from
5 something like CVS or another type of
6 establishment that can't hire off-duty police
7 officers directly. So I could write up
8 something.

9 CHAIR NESBITT: Okay.

10 MR. MOOSALLY: And that would be good
11 for the security section.

12 CHAIR NESBITT: So we need a other
13 considerations bullet.

14 MR. MOOSALLY: Okay.

15 CHAIR NESBITT: Okay, all right. So
16 I think those were the two, we didn't do
17 penalties either, but I think that's like way
18 premature for --

19 MR. MOOSALLY: The only, one point you
20 made, and I just, if it's easy.

21 CHAIR NESBITT: Go ahead.

22 MR. MOOSALLY: So you talked about

1 occupancy, so I don't why we couldn't just say
2 that they'd be limited to the amount of patrons
3 that were on their Certificate of Occupancy
4 issued by DCRA. Because, I mean, at the end of
5 the day, I mean, DCRA determines what a safe
6 number of patrons is permitted inside.

7 Now they can get into what factors
8 those are, but at the end of the day, if DCRA
9 says you can only have 50 and they give you C of
10 O for 50, that's all you can have. So I mean
11 that seems to me pretty easy.

12 CHAIR NESBITT: Right. I don't
13 believe that there is anything unique to the
14 activities that are occurring that makes the
15 physical number of people in the space, makes it
16 necessary to restrict the physical number of
17 people in the space, given that we have talked
18 about the need for a security plan, we've made
19 recommendations for a special attendant, those
20 types of things. So.

21 MR. MOOSALLY: Totally agree. It just
22 seems like an easy one. It's like you got, it's

1 the number designated on your Certificate of
2 Occupancy by DCRA. Thank you.

3 CHAIR NESBITT: All right. Now we
4 can flip to the document. The most recent
5 version is attached to your agenda. But if
6 you're like me, you have other things that you
7 have marked up.

8 There are a couple of minor fixes and
9 things that we need to have. Like I think we're
10 missing a title for Maureen but we have one for
11 everybody else, so we need to circle back to
12 that.

13 MS. ZANIEL: I noticed that last
14 night.

15 CHAIR NESBITT: Yes.

16 MS. ZANIEL: And it's Attorney General
17 for the District of Columbia, rather than of, on
18 page three.

19 CHAIR NESBITT: So some of these will
20 have to --

21 DR. WATSON: Maureen.

22 MS. ZANIEL: I'm sorry?

1 DR. WATSON: What's your title?

2 MS. ZANIEL: Senior Assistant Attorney
3 General.

4 CHAIR NESBITT: So we'll just start
5 with these. Yes, we'll start on the first and
6 then kind of work through with peoples' -- I
7 think for the sake of time it'll be best for us
8 to do the major like content and topical edits,
9 and then leave sort of, even though I just
10 pointed out that everybody else had a title
11 except for Maureen, leave those other sort of
12 grammatical and stylistic edits for offline.

13 So that way we can get through sort of
14 the, No, that's not what we meant, that's not
15 what we intended, or This is missing, this wasn't
16 captured sort of edits.

17 COUNCILMEMBER NADEAU: Can I offer one
18 on page two before we go that is to me
19 substantive and important but may otherwise be
20 considered technical, which is Mayor Bowser
21 established the Marijuana Private Club Task Force
22 in April 2016 is technically true. However, the

1 Council offered legislation requiring the Mayor
2 to establish, yes.

3 CHAIR NESBITT: That required.

4 COUNCILMEMBER NADEAU: Thank you.
5 Okay, that's all.

6 MS. O'MEARA: Going back to the first
7 page, the Initiative 71 actually legalized the
8 possession of recreational marijuana, not
9 decriminalized. Because the first legislation
10 decriminalized.

11 CHAIR NESBITT: Was it in 2014?

12 MS. O'MEARA: Yes. And then there's
13 a tricky issue in terms of federal land and
14 federal law enforcement. It's not just on
15 federal land that they can enforce federal laws.
16 They can enforce federal laws and make arrests
17 under federal laws anywhere in the District.

18 CHAIR NESBITT: They just choose to
19 enforce only on federal land?

20 MS. O'MEARA: Oh, no, they do it
21 elsewhere too. So if they do a traffic stop.

22 CHAIR NESBITT: And you have

1 possession, they'll -- okay.

2 MS. O'MEARA: Yes.

3 CHAIR NESBITT: That's good to know.
4 Not that I'm walking around with weed and just
5 thinking. That's good to know.

6 MS. O'MEARA: Yes, so the end of the
7 first paragraph, it says, And federal law
8 enforcement may arrest under federal law anywhere
9 in the District. So I would take out the clause
10 --

11 DR. WATSON: I'll --

12 CHAIR NESBITT: Do what? You'll take
13 out the what?

14 DR. WATSON: Just tell me the words,
15 and then I'll move it in correctly.

16 MS. O'MEARA: And federal law
17 enforcement.

18 DR. WATSON: And don't worry about --

19 MS. O'MEARA: Yes, of course. May
20 enforce federal marijuana laws anywhere in the
21 District.

22 MR. GIL: I would add in, in the

1 previous sentence that starts Under District law,
2 a reference that no amount of marijuana can be
3 sold.

4 DR. WATSON: Right here?

5 MR. GIL: Yes, in that sentence. So
6 it cannot be smoked, consumed, yes. Somewhere in
7 there just making it clear no amount of marijuana
8 can be sold.

9 CHAIR NESBITT: All right, so if we
10 can go to item number four, which is where we
11 pretty much summarize Initiative 71, have a
12 statement on the Congressional Rider.

13 MS. O'MEARA: Before we get to the
14 Congressional Rider, I will send you data for
15 what you have for footnote three. We don't know
16 where OSSE got that data. It appears to be from
17 a survey. I am on page five, under section four.
18 Footnote three. So I'll send you the data on
19 that.

20 CHAIR NESBITT: I think that reference
21 is wrong. And if we should reference the tables
22 that are in the marijuana report that was

1 released, instead of whatever this reference is.

2 MS. O'MEARA: Yes, that would be fine.
3 That'll keep it consistent.

4 CHAIR NESBITT: Because Kelly has
5 already reviewed that data and is comfortable
6 with it. And we've already released. Yes.

7 MR. GIL: It's more recent too, right?

8 CHAIR NESBITT: Yes, with the data in
9 the marijuana report. Okay.

10 MS. O'MEARA: And then on the --
11 you're not going by the page. Right before the
12 section B on limitations on marijuana
13 legislation, we need to adjust that last sentence
14 as well, make it match what we put previously.
15 To ensure that it's clear that they can be
16 arrested anywhere.

17 CHAIR NESBITT: All right, and so this
18 next section that talks about the rider.

19 MR. GIL: That section, I would change
20 that. Which the rider, it's an OAG opinion, if I
21 remember this correctly, from last year that said
22 Council could not hold a hearing on the bill, it

1 could hold a round table, but it could not hold a
2 hearing.

3 So I don't think it's the rider itself
4 that said that, as much as OAG's interpretation
5 last year was that's what the rider granted it.

6 DR. WATSON: So take out?

7 COUNCILMEMBER NADEAU: Was it OAG or
8 was it our general counsel?

9 MS. ZANIEL: Well, OAG does have an
10 opinion.

11 CHAIR NESBITT: They actually issued
12 a formal opinion.

13 MR. MOOSALLY: Yes, it's included in
14 here.

15 CHAIR NESBITT: Oh, okay, so
16 otherwise, this should either be replaced with a
17 summary of the rider?

18 MS. ZANIEL: Well, this is the summary
19 of the whole general discussion. I think what,
20 if I understand what you want it to say or what
21 your point is, is that the Office of the Attorney
22 General also opines that the rider prohibit it.

1 MR. GIL: Right, just to make it clear
2 that it's not the rider itself that prohibits it,
3 it's the interpretation, OAG's interpretation at
4 the time was that based on --

5 MS. ZANIEL: Right, because the rider
6 doesn't specifically address hearings or anything
7 else.

8 MR. GIL: Exactly.

9 MS. ZANIEL: I got you.

10 MS. BOECKER: I might also just point
11 out the rider language has changed, so I don't
12 know if you want to actually include both
13 versions of the language.

14 MR. GIL: That's right.

15 CHAIR NESBITT: So here where it says,
16 The rider does however prohibit the District
17 from, that you're recommending that it says, The
18 opinion issued on whatever the date of this memo
19 is --

20 MR. MOOSALLY: February 4.

21 CHAIR NESBITT: February 4, 2015.

22 MR. GIL: Yes, just to clarify this

1 part of it for the hearing. Because I think the
2 rest of it is --

3 DR. WATSON: Well, just tell me what
4 line -- I know we're in this paragraph, where are
5 you talking about, Helder?

6 MR. GIL: I'm talking about the
7 section that you're at, that.

8 DR. WATSON: The process.

9 MR. GIL: Yes.

10 DR. WATSON: Okay. Because you
11 brought that, okay.

12 MS. O'MEARA: That's correct.

13 COUNCILMEMBER NADEAU: Perhaps after
14 this graph, we can add a section detailing what
15 the new rider actually says. The second rider.

16 MR. GIL: The second rider, the only
17 difference is what, the emergency contingency
18 cash? Yes. So it's generally --

19 COUNCILMEMBER NADEAU: So we could say
20 the second rider clarified.

21 CHAIR NESBITT: It's even more
22 restrictive.

1 MR. GIL: Yes, it's even more
2 restrictive.

3 CHAIR NESBITT: It's even more
4 restrictive, it's not like it's --

5 COUNCILMEMBER NADEAU: So you wouldn't
6 add it?

7 CHAIR NESBITT: Right, it's not that
8 it's a better rider. It's more restrictive.

9 MR. GIL: I guess -- one, two, the
10 third sentence, it starts The rider prohibited
11 the District from using federal, local, or
12 contingency cash funds to enact measures.

13 COUNCILMEMBER NADEAU: But that's
14 referring to the --

15 MS. ZANIEL: That's the first rider.

16 COUNCILMEMBER NADEAU: Yes.

17 MR. GIL: Oh, that's, oh, I see.

18 COUNCILMEMBER NADEAU: So where you
19 are, I think --

20 DR. WATSON: Back down here.

21 COUNCILMEMBER NADEAU: Yes.

22 DR. WATSON: And so a second rider.

1 What did you want to say, Councilmember?

2 COUNCILMEMBER NADEAU: And then we'll
3 give my --

4 MS. ZANIEL: So why don't we say
5 Congress passed another rider that imposed even
6 further restrictions on the use of funds. Are
7 you satisfied with that?

8 COUNCILMEMBER NADEAU: Yes, that makes
9 sense.

10 MR. GIL: Yes. We could tweak out
11 federal --

12 MS. ZANIEL: Yes, I'm not going to
13 into particular words.

14 COUNCILMEMBER NADEAU: Thank you.

15 CHAIR NESBITT: All right, so in
16 section five. Okay, I thought we deleted this
17 section. But there was some -- or, because no
18 recommendation should be in this part.
19 Recommendations should not start until, well, you
20 don't have page numbers for this.

21 DR. WATSON: The part that's on the
22 line.

1 CHAIR NESBITT: Yes.

2 DR. WATSON: So I have moved to
3 activities at other locations.

4 CHAIR NESBITT: Okay, so you all can
5 ignore what's underlined.

6 MR. MOOSALLY: I got it.

7 CHAIR NESBITT: So in this section,
8 for Council, what we were attempting to achieve
9 here, one of the meetings we held was basically
10 having every entity that's represented on the
11 task force sort of talk about how, since we've
12 started implementing the legislative policies or
13 administrative policies, how it influenced the
14 operations or activities of the respective
15 agencies.

16 And so for Council in particular, we
17 would be looking for in this section sort of how
18 has this impacted the activities of the Council.
19 So, you know, more legislative activities, more,
20 you get where I'm going.

21 COUNCILMEMBER NADEAU: Yes, so --

22 CHAIR NESBITT: You've held round

1 tables, you've had to have multiple hearings on
2 increasing your changing plant counts related to
3 the medical marijuana program, you've revised the
4 restrictions on the medical marijuana program
5 from this to that.

6 Some of it we've covered in our
7 sections, but there may be other activities that
8 the Council has conducted that are outside of
9 what agencies have covered here.

10 And so we've moved the one related to
11 the tax and regulation bill to the tax and
12 regulation piece. It would also, I think, be
13 good to have here the task force piece here,
14 because you start with the, you know, I think
15 there was a piece in here about the frustrations
16 of folks.

17 So the decision to hold that public
18 forum there and some of the things that came out
19 of the public forum and the --

20 COUNCILMEMBER NADEAU: Right, so the
21 --

22 CHAIR NESBITT: The engagement, so I

1 know there was a summary package that you all had
2 --

3 COUNCILMEMBER NADEAU: Yes, we can
4 agree to that.

5 CHAIR NESBITT: And we don't have in
6 Word to be able to cut or paste anything from.
7 So if you want to send us a blurb from that --

8 COUNCILMEMBER NADEAU: We can do that.

9 CHAIR NESBITT: To pop in here.

10 COUNCILMEMBER NADEAU: I think what we
11 should add above what's already there is the date
12 and description of the legislation we passed
13 chartering the task force, the date and
14 description of the legislation we passed banning
15 clubs.

16 And then we can share with you that,
17 we can send you the notes in Word version of what
18 happened. But --

19 CHAIR NESBITT: Just like assembled,
20 yes, the header or summary of that, yes.

21 COUNCILMEMBER NADEAU: Yes, that's
22 fine. And yes, and I think you're right, the

1 other belongs in a different place. And I don't
2 think we need to beat a dead horse so much.

3 I mean if you want we can talk about,
4 we can mention the round tables and we can then,
5 that we had in lieu of hearings on the regulatory
6 framework, but I don't -- and we can talk about
7 the legislation around dispensaries, they're just
8 a little bit beyond scope of the club stuff.

9 So it's your call on that.

10 CHAIR NESBITT: And so, I mean, we've
11 talked about in some of the other sections, just
12 like how marijuana policy sends us on these,
13 having to shut down these illegal businesses who
14 time and time and time again misinterpret what's
15 allowable under Initiative 71.

16 COUNCILMEMBER NADEAU: Right.

17 CHAIR NESBITT: Because that creates
18 this whole gray area about what you can and can't
19 do. And so we have, that's part of the reason
20 why we still need to do a lot more under a
21 regulatory framework.

22 COUNCILMEMBER NADEAU: Absolutely.

1 CHAIR NESBITT: So, just kind of
2 giving you the context for why we even have to
3 have this task force. So people kind of
4 understand the scope of what it is we have to
5 work for it.

6 So the next one is just data on
7 marijuana use in the District of Columbia.

8 COUNCILMEMBER NADEAU: I actually have
9 more feedback.

10 CHAIR NESBITT: More feedback, okay.
11 All right.

12 DR. WATSON: On the data?

13 MS. O'MEARA: Yes. Just the way the
14 information is presented about the rate of
15 arrests being higher for African Americans, we've
16 real concerns that that is not a very --

17 CHAIR NESBITT: It's not written in
18 the right way.

19 MS. O'MEARA: Yes, it's not a useful
20 piece for the government to be promoting, saying
21 that that is the only way to look at the data.
22 And we've written extensively about that level of

1 analysis.

2 CHAIR NESBITT: Bessie and I had this
3 long discussion about the way people read it and
4 still present it instead of looking at it as, you
5 know, there's been a significant decrease in
6 arrests, and even the disparity ratio that
7 existed significantly decreased. And people
8 don't communicate it that way at all.

9 MS. O'MEARA: Right. Well, the issue
10 is, you know, it's also geographic, it's, you
11 know, density of where it's being used, is it
12 being used inside or outside. It's related to
13 education levels. Marijuana use is, and you
14 know, more highly correlated with education
15 levels and employment levels than with race.

16 CHAIR NESBITT: Right, so, and
17 there's, I had some comments on one of my markup
18 forms, Dr. Watson, about the preceding bullet,
19 around the academic performance piece.

20 MS. O'MEARA: Yes, when it's --

21 (Simultaneous speaking.)

22 CHAIR NESBITT: And whether or not the

1 -- right, and some of the wording around that.
2 So there's a couple of things that I have to add
3 to the language on that one too, as well, Kelly,
4 so we can compare notes on that.

5 All right, so I think now we're into
6 recommendations. So section seven officially
7 begins sort of our Mayor's order work. So the
8 way that we sort of began to restructure this
9 yesterday is that we had to do a lot of
10 background work to get to where we were making a
11 recommendation.

12 So we teased this out to put the
13 recommendations of the task force under each one
14 of these headers in a bold sort of section. So
15 for each one of these, the recommendation appears
16 at the end.

17 So you'll have all this background
18 stuff where ABRA and DCRA had to teach some of
19 us, well, the nuances of licensing requirements
20 and zoning requirements and all of those things.

21 And then at the end, we had to say,
22 Okay, so what would we say the licensing and

1 zoning requirements would be for a private club?
2 And so our recommendations for it are at the
3 bottom instead of being imbedded in the context
4 of it.

5 And I noticed in the initial draft
6 that we had totally missed the piece where DCRA
7 would basically create a new category.

8 COUNCILMEMBER NADEAU: Yes, thank you.
9 That's what I was worried about.

10 CHAIR NESBITT: Yes, so that part was
11 written in yesterday. So that's a new edition
12 where they would create a new category
13 specifically for licensing for these entities
14 that wouldn't require them to fit into either,
15 any of the other ones.

16 But the zoning considerations would
17 still be around commercial. And then there was
18 also the discussion about permanent, for
19 permanent because of the onerous burden that
20 would be on the, for temporaries.

21 So there would not be consideration
22 for temporaries at the outset if ever. So that's

1 in there. And I'll leave it to you all to read
2 the rest of it.

3 And then you can see if there was
4 anything else we've mentioned around the whole
5 private club piece under that generic sort of
6 what is it sort of piece.

7 COUNCILMEMBER NADEAU: I have a
8 practical question about the wording on the
9 bottom of page 14. So as a precedent, private
10 clubs licensed by ABRA must be licensed in a
11 commercially zoned location.

12 Do we mean commercially zoned, or do
13 we mean everywhere but residential, and is there
14 a difference between commercial, industrial,
15 etc.? I just want to make sure we're not --

16 MR. MOOSALLY: Yes, so it's everywhere
17 but residential.

18 COUNCILMEMBER NADEAU: Okay. Which is
19 different than saying commercial.

20 MR. MOOSALLY: Well, we treat all that
21 as commercial.

22 COUNCILMEMBER NADEAU: Okay.

1 MR. MOOSALLY: If it's not
2 residential, we treat it commercial. We treat
3 manufacturing as commercial.

4 COUNCILMEMBER NADEAU: Okay, so then,
5 there's no distinction.

6 MR. MOOSALLY: Yes, it's fine the way
7 it is.

8 COUNCILMEMBER NADEAU: Then fine,
9 okay, just wanted to check.

10 MR. MOOSALLY: I do have one issue.
11 On page 13, ABRA liquor licensing requirements.

12 DR. WATSON: It's not coming up page
13 --

14 CHAIR NESBITT: Under ABRA liquor
15 licensing department.

16 MR. MOOSALLY: Yes, yes, right there.
17 So, and I know I think I sent this by email, but
18 the first sentence should be deleted. It
19 conflicts with the third sentence. And
20 basically, they're all non-profits at this point.

21 CHAIR NESBITT: Oh yes, and he sent
22 that deletion.

1 MR. MOOSALLY: Yes, just take the
2 first sentence out.

3 CHAIR NESBITT: Yes.

4 MR. MOOSALLY: It should just start
5 with ABRA currently licenses 24 non-profits, just
6 start with that. Just take the first sentence
7 out. Because the third sentence contradicts it,
8 where it says, doesn't, you know, non-profit.
9 So, thank you.

10 MS. ZANIEL: On page 15, under the
11 recommendation under B, indicates that private
12 clubs may sell drug paraphernalia legally.

13 CHAIR NESBITT: Yes.

14 MS. ZANIEL: I'm not sure that's
15 correct. And I think the federal government
16 could certainly have an issue with that.

17 DR. WATSON: Where is that, Maureen?

18 MS. ZANIEL: Am I right?

19 CHAIR NESBITT: So because we had --
20 so drug paraphernalia can legally be sold in the
21 District. And because the recommendation was
22 that there be a new business license category

1 created by DCRA that would require them to
2 disclose the nature of their business, they would
3 be permitted to sell that drug paraphernalia as a
4 revenue-generating activity.

5 What we didn't reconcile was if in
6 that new creation of the BBL, DCRA could possibly
7 in that new category require them to adopt all of
8 the non-profit criteria that would be necessary
9 on the federal level without requiring them to
10 obtain the federal 501(c)(3). So that would be
11 the thing that would not create the federal rub.

12 MS. ZANIEL: I remember that
13 discussion, and I guess my point is, and I don't
14 know the answer actually, I think it's still
15 illegal under federal law to sell drug
16 paraphernalia.

17 CHAIR NESBITT: But they wouldn't have
18 a federal 501(c)(3). So it wouldn't become an
19 issue. They still have to pay taxes on the
20 income, and there are plenty of places here who
21 are selling drug paraphernalia right now.

22 MS. O'MEARA: So maybe if we just

1 insert Under District law?

2 MS. ZANIEL: I think that's right.

3 CHAIR NESBITT: Okay. So where?

4 MS. O'MEARA: However, under District
5 law, private clubs may sell drug paraphernalia.

6 CHAIR NESBITT: Okay, okay. Got it.
7 Now we put in here additional consideration
8 should be taken to determine whether trading and
9 bartering marijuana in any form is compliant with
10 the mission of 71.

11 Now, we have the conversation all the
12 time about --

13 MS. O'MEARA: What it means to be
14 without remuneration.

15 CHAIR NESBITT: Exactly. And so in
16 the private club setting, would that provide a
17 different context? So that's some OAG work to be
18 done on that piece of it.

19 Now, we know that the lemonade for \$50
20 and you get a pouch of marijuana is absolutely
21 illegal under Initiative 71, despite their
22 attorney telling them that it is not. It is

1 illegal, right.

2 So, however, if you are both members
3 of the club and you barter your strain of this
4 versus their strain of that, what does that do?
5 Like, we have to have some clarity around the
6 trading and bartering in the private club context
7 that I don't think we've had to have any clarity
8 around before.

9 But to be clear, the \$50 lemonade with
10 a pouch of marijuana on the side, eighth ounce of
11 marijuana on the side, is absolutely illegal
12 under Initiative 71.

13 MR. GIL: But even with Initiative 71,
14 you can still trade up to an ounce for free.

15 MS. ZANIEL: You can give.

16 MR. GIL: You can give. Yes. So I
17 could give you an ounce, you could give me an
18 ounce.

19 CHAIR NESBITT: Right.

20 MR. GIL: Everything's fine. It's
21 where you do wind up with that plus something
22 plus money equals --

1 MS. ZANIEL: Illegal. Looks like a
2 sale.

3 MR. GIL: Right. But just to be
4 clear, like at a private club, you could have
5 members of a club trading, exchanging for free
6 with one another, up to an ounce, and everything
7 is, that's totally compliant with current law.

8 MS. ZANIEL: Right.

9 DR. WATSON: So we're finally back?

10 MS. ZANIEL: So shall I take back a
11 request to look at this trading and bartering
12 issue? Or do we want to punt it?

13 CHAIR NESBITT: I think we, I think it
14 may be satisfactory as written in the
15 recommendation that there should be consideration
16 given to how we provide guidance to future club
17 owners about how to address this in their club.

18 How to -- you know, because I would
19 imagine that there's going to have to be clear
20 membership rules and guidelines that have to be
21 developed for club owners, etc.

22 And all this stuff would need to be

1 outlined for them so nobody's getting themselves
2 into any trouble and there's no gray area. But I
3 don't know that this work needs to be done right
4 now, because there's no clubs opening tomorrow.

5 (Laughter.)

6 MR. MOOSALLY: Not legally.

7 CHAIR NESBITT: That thing on such and
8 such a street that shall remain nameless is not
9 opening. Okay. Or having anything Labor Day
10 weekend.

11 All right, so, yes, so you can delete
12 that.

13 DR. WATSON: That.

14 CHAIR NESBITT: All right, C. So
15 we're ready for C. Okay.

16 MS. ZANIEL: So grammatical things
17 I'll do offline, right?

18 CHAIR NESBITT: Yes.

19 MS. ZANIEL: Okay.

20 CHAIR NESBITT: Unless we finish
21 early, which I'm not seeing that in our future.

22 MS. O'MEARA: Nope, we have two

1 minutes.

2 CHAIR NESBITT: Yes. Well, we have
3 32. Goes to 11:30. Don't frighten me like that,
4 Kelly.

5 MS. O'MEARA: Sorry, I didn't notice
6 that on my calendar.

7 CHAIR NESBITT: We have 32. All
8 right, any things here?

9 All right, D. This is basically the
10 ownership and employment, mirrored after the
11 Medical Marijuana Program's cultivation and
12 dispensary ownership requirements. Great. All
13 right.

14 E, membership definitions. So this is
15 where we decided there should be some flexibility
16 for fees. We did not support one-day
17 memberships. Give the flexibility for the, you
18 know, annual basis, etc. And also would allow
19 them to have some definitions even more flexible
20 for that in terms of monthly, quarterly,
21 annually.

22 They could host events, but have to

1 provide those guests in advance. People could
2 have memberships in more than one facility, which
3 is different. And while we allow for
4 dispensaries, you have to be locked into one
5 dispensary.

6 You can't have alcohol -- you could
7 have an alcohol license, but you could not be
8 open for alcohol and marijuana at the same time.
9 I don't know how that would ever work, how we
10 would enforce that.

11 MR. MOOSALLY: Well, I was getting
12 ready to ask about that. I thought, I can
13 probably live with it. But I thought we had to
14 be one or the other.

15 CHAIR NESBITT: Okay, then just delete
16 that. Because I struggled with the enforcement
17 of that.

18 MR. MOOSALLY: No, that's my concern.
19 I was like, whoo.

20 CHAIR NESBITT: Clubs could be both
21 marijuana and alcohol clubs, but not at the same
22 time.

1 MR. MOOSALLY: Thank you.

2 CHAIR NESBITT: Take that out. All
3 right.

4 MR. MOOSALLY: Thank you. I was
5 worried, how are enforcing this?

6 CHAIR NESBITT: All right.

7 MR. MOOSALLY: Because I didn't want
8 to have to see somebody with a drink and
9 marijuana.

10 CHAIR NESBITT: No. All right. Okay.
11 Any other things on the membership piece?

12 MS. O'MEARA: And I don't know whether
13 you all discussed and perhaps this is getting
14 into the weeds, but the idea of a sign-in sheet?

15 (Laughter.)

16 MS. O'MEARA: It was not intended.

17 DR. WATSON: Under the membership, how
18 is membership defined?

19 MS. O'MEARA: Yes, under the -- well,
20 did we discuss perhaps an electronic?

21 CHAIR NESBITT: Yes. So it wasn't so
22 much like a, I think when this discussion came

1 up, it wasn't so much like, you know, how we sign
2 in here, but like some way of carding people in
3 and out.

4 Sort of like when you go to the gym,
5 they swipe your pass or what have you. So you
6 have some record of who was on the premises for
7 that day, yes.

8 MS. O'MEARA: Very good.

9 DR. WATSON: Is it?

10 MS. O'MEARA: Well, for enforcement
11 purposes, just a signature would be difficult for
12 an officer to read, saying, is this signature
13 belong to an actual member? And so.

14 MS. ZANIEL: All right. So you want
15 to know that it is only members who are enjoying
16 the club.

17 CHAIR NESBITT: Correct, members and
18 their guests, who are entering the club.

19 MR. MOOSALLY: We don't want to have
20 an all-guest event.

21 MS. ZANIEL: Yes, I understand.

22 MR. MOOSALLY: Where it's everybody's

1 first time to the club, they just heard about the
2 club within an hour ago, you know.

3 MS. ZANIEL: Got an alert on their --

4 CHAIR NESBITT: Yes, there's an app
5 for that.

6 COUNCILMEMBER NADEAU: But we did
7 discuss the idea that you could host an event as
8 a member.

9 MR. MOOSALLY: Absolutely.

10 CHAIR NESBITT: You can host an event
11 as a member. But they should have who their
12 guests are. And the next one which is -- so the
13 membership defined is activities permitted in a
14 private club, Councilmember, we talk about the
15 members should be permitted to host events for
16 their guests with advance notice.

17 However, these events should not be
18 held at a cost for attendance cover charge to
19 resemble night clubs or for-profit activities for
20 the non-establishment host in any way.

21 So a party promoter cannot throw
22 events there, but --

1 MR. MOOSALLY: Right.

2 DR. WATSON: So was everything okay in
3 the previous recommendation? The membership --
4 Kelly, was there anything you wanted added in
5 that membership section?

6 MS. O'MEARA: No, I mean, if we're
7 fine with that being conveyed down the road.

8 CHAIR NESBITT: Yes.

9 MS. O'MEARA: Or maybe we should say,
10 A club should --

11 CHAIR NESBITT: Should maintain --

12 MS. O'MEARA: Lists.

13 CHAIR NESBITT: A registry of daily
14 attendance or something instead of a sign-in
15 sheet. No, the club should maintain a registry
16 of daily attendance instead of a sign-in sheet.

17 DR. WATSON: Okay.

18 CHAIR NESBITT: So, attendance, not
19 attendants. Attendance. C-E, not attendants.

20 DR. WATSON: Oh.

21 CHAIR NESBITT: Because we do have
22 something up there about attendants.

1 DR. WATSON: Yes, we do.

2 CHAIR NESBITT: Or you could say
3 however that individuals may join more than one
4 club. The club could maintain a sign-in sheet.
5 Yes.

6 MS. O'MEARA: All right, thank you.

7 DR. WATSON: Don't look so excited,
8 Fred.

9 MR. MOOSALLY: I am excited.

10 CHAIR NESBITT: This is progress.

11 MR. MOOSALLY: Making progress.

12 CHAIR NESBITT: All right, so F. Are
13 there things for this one? I want to make sure
14 that there are -- we talked about stuff that
15 should be able to happen here. I want to make
16 sure we capture all of those things. They should
17 not be able to have alcohol, should be able to
18 sell and serve food.

19 And we shouldn't leave ABRA out there
20 like they're the only people who said they sell
21 and serve food. The dashboard said that.

22 I mean, I do think it adds value that

1 ABRA, you know, supports the alcohol piece.

2 MR. GIL: Does the serving food, does
3 that include marijuana-infused?

4 MR. MOOSALLY: No.

5 CHAIR NESBITT: No.

6 MR. GIL: Just -- okay.

7 CHAIR NESBITT: To sell and serve
8 unadulterated food. To sell and serve
9 unadulterated food products. We might need to
10 say non-marijuana infused, because we do have
11 quite a few discussions and debates about whether
12 or not marijuana-infused products are
13 adulterated.

14 DR. WATSON: I need to put something
15 -- what did you say? I'm sorry.

16 CHAIR NESBITT: I said we may need to
17 define, or say non-marijuana infused food
18 products.

19 DR. WATSON: You want me to write that
20 in?

21 CHAIR NESBITT: Yes, yes. So where
22 you're saying to sell non-marijuana infused food

1 products. Because their ability to serve them is

2 --

3 MS. O'MEARA: So if I can suggest that
4 the third sentence in that paragraph really only
5 applies to the first sentence.

6 DR. WATSON: All right, so --

7 MS. O'MEARA: So say, DOH supports the
8 recommendation for public health and safety
9 reasons, given that marijuana users report higher
10 rates of binge drinking. That's in relation to
11 the first sentence.

12 CHAIR NESBITT: Right.

13 MS. O'MEARA: So if we move the second
14 down below, that would probably be better.

15 CHAIR NESBITT: You have to make
16 people understand why, Chris.

17 MR. MOOSALLY: Yes, I agree.

18 MS. O'MEARA: Fred's just a killjoy.

19 DR. WATSON: Down here?

20 MS. O'MEARA: Yes.

21 MR. MOOSALLY: I appreciate that, that
22 definitely helps.

1 MR. GIL: So just to be clear, the
2 clubs themselves could not sell marijuana-infused
3 food products. But club members could bring
4 their own marijuana-infused food products and
5 consume it onsite themselves, or freely transfer
6 it to others.

7 MS. ZANIEL: Because you can't
8 quantify the amount of the edible, right?

9 MR. GIL: Oh, yes, that's an issue.
10 Yes.

11 CHAIR NESBITT: Right. But I want to
12 make sure it's abundantly clear that the food
13 you're going to sell there --

14 MR. GIL: Right, the club itself,
15 right.

16 CHAIR NESBITT: Right.

17 MR. GIL: So you can bring your own.

18 CHAIR NESBITT: So sell non-marijuana
19 infused food products.

20 MS. O'MEARA: Or drinks.

21 CHAIR NESBITT: Yes.

22 MS. O'MEARA: Oh, we're applying it to

1 drinks as well?

2 CHAIR NESBITT: Yes. To sell food and
3 beverage, to sell non-marijuana infused food and
4 beverage. Let's just say that.

5 So the task force recommended that
6 marijuana private clubs be permitted to sell and
7 serve non-marijuana infused food and beverage.
8 And I think that will --

9 MS. O'MEARA: Yes, so the question --

10 CHAIR NESBITT: I think you should
11 start using that term, instead of unadulterated
12 food products, because people really challenge
13 that, whether or not marijuana-infused products
14 meet the FDA's standard for adulteration. It
15 does, but, I mean.

16 MS. O'MEARA: So to get at Helder's
17 question, I think that we're still leaving that
18 open. And so we need to acknowledge that further
19 discussion is needed.

20 MR. GIL: Yes.

21 MS. O'MEARA: Or resolve it.

22 CHAIR NESBITT: Yes, but I think

1 further discussion is needed, because you can't
2 quantify whether or not the two-ounce possession
3 --

4 MR. GIL: Or the one-ounce transfer.

5 CHAIR NESBITT: Or the one-ounce
6 transfer is met with the sharing of a pan of
7 brownies.

8 MS. O'MEARA: We have that challenge
9 with any of them.

10 CHAIR NESBITT: So, for people who are
11 not on the task force who think that this is
12 ridiculous, it is different for the government to
13 officially sanction an activity for which the law
14 forbids.

15 So if the law forbids the transfer of
16 one ounce, and you are saying it is permissible
17 to do something and you cannot officially say
18 that the one ounce rule is met, then you have to
19 say that it meets the one ounce rule.

20 So if you are dumping four ounces of
21 dry leaves into a pan of brownies and you cannot
22 ensure that the serving size that everyone is

1 going to take when you share is less than one
2 ounce, then it would technically not be legal to
3 transfer.

4 So whether it seems absurd or not, it
5 is the government's responsibility to enforce the
6 law and only give people guidance in accordance
7 with the law.

8 MR. GIL: So for that section, do we
9 note this as an issue, where we haven't --

10 CHAIR NESBITT: I think we do.

11 MR. MOOSALLY: I think it's probably
12 -- because I mean the establishments have to know
13 that they're in compliance.

14 CHAIR NESBITT: Exactly.

15 MR. MOOSALLY: How do they know that
16 they're in compliance?

17 CHAIR NESBITT: Exactly.

18 MR. GIL: Yes, there's no way to test
19 that the cookies that somebody's bringing and
20 sharing with one another, there's --

21 MS. O'MEARA: Yes, so I think what
22 we're going to do is acknowledge here there is an

1 unanswered question about --

2 CHAIR NESBITT: Correct.

3 MS. O'MEARA: Club members bringing
4 their own marijuana-infused food or beverage
5 products.

6 CHAIR NESBITT: For which the one
7 ounce transfer rule.

8 DR. WATSON: I'm sorry, marijuana.

9 MS. O'MEARA: Their own, yes,
10 marijuana-infused food or beverage.

11 MR. MOOSALLY: Because right now, what
12 product's being made in a cultivation center in
13 DC? We just have a couple products, right?

14 CHAIR NESBITT: Correct. Just juice
15 and butter.

16 MS. O'MEARA: Yes, so then are we
17 saying --

18 CHAIR NESBITT: Where the -- go ahead.

19 MS. O'MEARA: The only, and god knows,
20 I don't know all the ways to consume marijuana,
21 but essentially, smoking it would be sanctioned.
22 How else could it be? Smoking, inhale, vapor,

1 vape. I mean, just to clarify, what else would
2 be allowed?

3 CHAIR NESBITT: Smoking, vaping,
4 drinking.

5 MR. MOOSALLY: Drinking, and using
6 drinking, yes. Smoking, vaping, drinking, and
7 then food products.

8 CHAIR NESBITT: Ingesting through food
9 products.

10 MS. O'MEARA: But we're saying we're
11 --

12 MS. ZANIEL: How are we having the
13 drinks?

14 MS. BELL: That you drop into your
15 mouth, and there are creams that you can rub onto
16 your skin.

17 CHAIR NESBITT: Right, but I don't
18 know why you would go to a private club to rub a
19 cream on you, in a club.

20 MS. O'MEARA: You could be smoking or
21 concentrates.

22 CHAIR NESBITT: You know, so.

1 PARTICIPANT: Because we're saying you
2 may like the smell.

3 CHAIR NESBITT: There are lots of
4 products I can talk to you about offline.

5 MS. O'MEARA: Okay. All right.

6 CHAIR NESBITT: That we would not want
7 you to be using in these clubs, because you would
8 be otherwise being intimate, and it would be
9 inappropriate to use. So. There's lots of ways
10 that people are now using marijuana.

11 MS. O'MEARA: All right. Thus
12 concludes my education.

13 MR. MOOSALLY: Real quick question.
14 I don't know if it really goes before, but I'm
15 assuming, based on us talking about the fee
16 structure, that we've concluded that they can
17 charge -- it's not specifically stated that the
18 establishments can charge membership fees.

19 CHAIR NESBITT: Yes, yes.

20 MR. MOOSALLY: We kind of have a sense
21 about the structure.

22 CHAIR NESBITT: We have that in

1 memberships, Fred, where the task force members
2 did not support the indiscriminate use of one-day
3 memberships to the club. There was also
4 consistence that the private club's owner should
5 be given the flexibility to determine the fee
6 structures.

7 MR. MOOSALLY: Right, yes, that's what
8 I kind of took it we were saying.

9 CHAIR NESBITT: And I think we should
10 amend this for the clubs on an annual basis. So
11 we should say on a basis that could be monthly,
12 quarterly. On a basis that should be at a
13 minimum monthly, is what we determined.

14 MR. MOOSALLY: Right, we said it
15 couldn't be a day.

16 CHAIR NESBITT: It couldn't be daily
17 or weekly. But it could be at a minimum monthly.

18 MR. MOOSALLY: That's what I --

19 (Simultaneous speaking.)

20 CHAIR NESBITT: And then down in the
21 details of the recommendation, we put e.g.,
22 monthly, quarterly, annually.

1 MR. MOOSALLY: Thank you.

2 DR. WATSON: Where are you?

3 CHAIR NESBITT: Go back up to
4 memberships. Because we have, in the intro we
5 have how is membership defined -- go down.

6 MS. O'MEARA: So it's under E.

7 DR. WATSON: Oh, thank you.

8 CHAIR NESBITT: So where we say the
9 task -- so in the introduction section, before
10 the recommendation, where it says The fee
11 structure for these clubs on an annual basis, it
12 should read To determine the fee structures for
13 their clubs on a basis to be at a minimum
14 monthly.

15 DR. WATSON: Should be given the -- up
16 here, put it in?

17 CHAIR NESBITT: Should be given the
18 flexibility to determine the fee structures for
19 their clubs on a basis to be at a minimum
20 monthly, or something like that. Like, you've
21 got to have a membership that's at least monthly.

22 MR. MOOSALLY: Can just say on a

1 monthly, quarterly, or annual basis. Either way,
2 it's fine. Thank you.

3 CHAIR NESBITT: We'll work out the
4 grammar later, but I just want to make sure that
5 it doesn't just say annual, because we're not
6 restricting annually.

7 MR. MOOSALLY: Yes, that addressed my
8 concern, I appreciate that.

9 CHAIR NESBITT: Okay. All right, were
10 there any other private, I mean any other
11 activities? So the storage, we mentioned they
12 could have storage because of the security plans.
13 And the event.

14 Would this be where we should put the
15 -- no, the security we still need to create
16 another section H that says other considerations.
17 Activities that shall be permitted, I think we
18 can add the hours of operation piece here.

19 MR. MOOSALLY: Right.

20 CHAIR NESBITT: So we'll add the hours
21 of operation here. We should, and Jackie, we can
22 do this offline, we want to go back here. But

1 back in, I think in A, is where we should add the
2 part about the, yes, in the --

3 DR. WATSON: Okay, private clubs.

4 CHAIR NESBITT: You know what I'm
5 saying, the locations and limits on locations and
6 distance and stuff, that should go in A.

7 MR. MOOSALLY: Under activities, you
8 may also want to slip the occupancy thing.

9 CHAIR NESBITT: And the occupancy
10 limits should go here too, okay. And then the
11 other considerations section will have the piece
12 about the officers' detail. And we'll get that
13 language from Kelly. All right.

14 MS. ZANIEL: I assume the Office of
15 the Attorney General should go under G with the
16 other. If there are violations, I'm assuming we
17 would be in these cases.

18 CHAIR NESBITT: Oh, yes.

19 MR. MOOSALLY: Good catch.

20 DR. WATSON: We would, right?

21 MR. MOOSALLY: Yes, you've got to
22 bring the cases.

1 COUNCILMEMBER NADEAU: Would we
2 normally list the ANC in terms of the licensure,
3 or is that redundant to --

4 CHAIR NESBITT: I think they fall into
5 a part of the, they are part of the, I don't
6 think they have a direct role in licensure and
7 enforcement. I think they are part of the
8 approval process through the enforcement on
9 agencies, yes.

10 MR. MOOSALLY: Right, they'd part of
11 our, right, absolutely.

12 CHAIR NESBITT: So they touch on all
13 three, at least, well all four of us in our
14 processing.

15 MS. ZANIEL: So are you putting them
16 under A or H? I lost track. The ANC part.

17 CHAIR NESBITT: The part where we were
18 talking about the locations and the restriction
19 on locations, etc., that should go under A.

20 MS. ZANIEL: Okay.

21 CHAIR NESBITT: As we were having the
22 licensing and zoning conversations. We're just

1 going to add an expansion to that section to talk
2 about the distances and all of those, and stuff.

3 And then the hours of operation piece
4 in the occupancy limits will go under F. And
5 then we'll add another section H, for other
6 considerations that will have the officer
7 restrictions, and we'll get that from Kelly.

8 COUNCILMEMBER NADEAU: And when you do
9 A, you will add in that piece that Director
10 Moosally described about the ANC's role.

11 CHAIR NESBITT: Yes. Well, so, I
12 don't -- it will depend on the wording that we
13 get from him. Because we haven't gone into as
14 much detail about explaining the regulatory
15 processes of how, like when we talk about the BBL
16 process and all of that other stuff. So we'll
17 just get the language from you about how --

18 MR. MOOSALLY: Yes, I'll get to that.

19 COUNCILMEMBER NADEAU: Yes, but I just
20 want to emphasize the importance of mentioning
21 the ANC in this document. So that when they see
22 it --

1 MR. MOOSALLY: I'll send something.

2 COUNCILMEMBER NADEAU: That's for A,
3 though.

4 MR. MOOSALLY: Right, yes, I'll add
5 it.

6 COUNCILMEMBER NADEAU: Thank you.

7 CHAIR NESBITT: All right, so eight is
8 a summary of, this is basically the memo that we
9 reviewed before about the private club stuff that
10 was happening in other jurisdictions. Nine is,
11 there's an intro part that I've included here, as
12 to why we ended up talking about taxation and
13 regulation of non-medical marijuana sales.

14 And then we have excerpts from all of
15 the other agencies, or different agencies that we
16 added here. We've got some formatting things we
17 need to do to this section. Need to add
18 something to this one.

19 And both Kelly and I have not yet sent
20 in our sections, sorry. But mine will come
21 today.

22 Do you want, Councilmember Nadeau,

1 where the last sentence on your part says The DC
2 Council will continue to have these public
3 discussion, do you want to change that to round
4 tables?

5 COUNCILMEMBER NADEAU: Sure.

6 CHAIR NESBITT: Or, I mean, because I
7 think when it was in public discussions, it was
8 because it part of the whole --

9 COUNCILMEMBER NADEAU: We had a town
10 hall.

11 CHAIR NESBITT: Where you had the town
12 hall and everything. But this is about the bill,
13 the legislation. Or do --

14 MR. GIL: But having it as public
15 discussions would still help --

16 CHAIR NESBITT: Capture everything.

17 MR. GIL: Hearings, round tables,
18 meetings.

19 CHAIR NESBITT: Leave it that way?

20 DR. WATSON: Take that out?

21 CHAIR NESBITT: Take that sentence out?

22 COUNCILMEMBER NADEAU: No, leave it,

1 it's fine.

2 CHAIR NESBITT: I would take that last
3 sentence out.

4 COUNCILMEMBER NADEAU: Yes, I'm --
5 it's just implied. That's your job, yes.

6 CHAIR NESBITT: We got through it.
7 All right, now we have to decide, do we want the
8 private clubs or not. Now that we have developed
9 the infrastructure for them.

10 COUNCILMEMBER NADEAU: Well, I would
11 strongly urge us to support the development of
12 private clubs for all of the reasons that we've
13 really discussed. Another being of course
14 wanting to create a safe for, and responsible
15 space for consumption.

16 For those who either live in housing
17 that doesn't permit it or don't want to do it
18 front of their children, many, many reasons. And
19 my hope is that someday soon we will have the
20 legal ability to actually do something like this.

21 CHAIR NESBITT: Okay. Other votes?
22 I'm going to obviously offer an opposite opinion,

1 just to break the ice. So I do not support the
2 establishment of marijuana private clubs from a
3 public health perspective.

4 I do appreciate the perspectives that
5 people have expressed around wanting to have a
6 place for public consumption. However, this is
7 one of the times that I do not wish to have the
8 District being a leader in experiencing what
9 could happen with public consumption.

10 And while people don't believe that
11 this is public consumption because it would
12 happen indoors, people have to leave these
13 facilities and then find their way home. And
14 while it may be likened to alcohol in that we
15 should treat it and regulate it like alcohol, we
16 still find ourselves with significant public
17 health and public safety challenges with alcohol.

18 And so I have quite a significant
19 number of reservations around creating this
20 infrastructure with unknowns, where I am unable
21 to learn from best practices from other
22 jurisdictions.

1 I've also had the opportunity to talk
2 with people in other jurisdictions who have these
3 establishments illegally operating. And some of
4 them have allowed them to illegally operate or
5 had a difficult time reining them in from
6 illegally operating and had untoward consequences
7 from them illegally operating, and are not
8 interested in sort of officially sanctioning
9 them.

10 So I am not in a position right now to
11 support them, from the seat that I sit in, in the
12 District. So I just offer that counter position.

13 COUNCILMEMBER NADEAU: Neither of us
14 being surprised at the other's position.

15 CHAIR NESBITT: Yes, right.

16 MS. O'MEARA: For MPD, I would also
17 not recommend moving forward at this time.
18 Whereas your focus is on the unknowns in the
19 public health sector, you also touched on sort of
20 some critical public safety issues.

21 With all due respect to the excellent
22 job that ABRA does regulating the alcohol

1 establishments, we still see ourselves dealing
2 with significant public safety impacts from those
3 establishments. And so it seems premature and
4 without the information, as you noted, for us to
5 lead the way on this, without acknowledging that
6 it is likely to have public safety impacts, so.

7 MR. MOOSALLY: I guess I'm speaking
8 next. So what I probably would say is probably
9 more in the middle ground, is that, you know,
10 probably they should only be issued in
11 conjunction with a tax and sales regulatory
12 system. So for me, we're talking about
13 regulating alcohol and, you know, and treating
14 marijuana like alcohol. But really, we're not.

15 I mean, with alcohol, we have a system
16 in place, right. We have a regulatory tax and
17 sales system. Here you're talking about, when
18 you go to a bar, you know, you're buying alcohol,
19 you know what it is, you know what's in it, what
20 the product is, where it comes from.

21 Here you're talking about, and I think
22 you raised this point, Helder, here you're

1 talking about products being brought to a private
2 club for consumption, food product, what's in it?
3 Where does it come from, right? We can talk
4 about, you know, arguably, they could buy it from
5 the cultivation center, but that's not legal. So
6 they can't sell it to the private club, right.

7 So you have an issue what's in these
8 products, what's in the marijuana. And then
9 you're having the establishment that's arguably
10 going to be overseeing serving and selling these
11 products.

12 So, I mean, you know, I think I've
13 heard, you know, treat marijuana like alcohol.
14 Okay, but we have a tax and sales regulatory
15 system for that. So that's the only concern I
16 have, is having a system or systems in place,
17 which I'm not sure this is. That's one of my
18 concerns.

19 CHAIR NESBITT: And you know, there's
20 some of the places, to Fred's point, which is one
21 I could, my position could move potentially, is
22 that there are some places where they're looking

1 to have more forward progress is that, even their
2 medical marijuana programs, when established for
3 15, 20 years, their products weren't highly
4 regulated.

5 They had significant concerns with the
6 pesticides that were used there. Marijuana-
7 infused products didn't have regulations on how
8 much THC or cannabis could be in the products,
9 and so you had no idea at any given time what
10 people were actually consuming.

11 And so all of that gray area just
12 presented significant concerns for them. And
13 they felt they've been able to get their arms
14 around it a little bit better now, to be able to
15 say don't consume more than this much in a
16 serving and we regulated our infused products
17 now, to know what, or to think we know, what's in
18 a serving. Because we're still working out some
19 kinks with laboratory testing.

20 But again, as those things move
21 forward, and as we have a lot more clarity around
22 what's in our alcohol because that system has

1 been in place for a long time, as we make
2 progress around what's in our commercially
3 available marijuana products, I think we will
4 have a little bit more assurances around it. But
5 right now, it's just not.

6 And to bring people into our community
7 who are going to be experimenting and trying to
8 be guests in these establishments and all of
9 that, there's just, the amounts of risk that
10 would be inherent there is, I'm not comfortable
11 with it.

12 MR. GIL: I think I'm in the same
13 position that Fred is of, I think we've created a
14 pretty good framework on how regulations would
15 work. But we don't really have legalization of
16 marijuana in the District. It's sort of
17 legalization with an asterisk.

18 Because you can possess it, you can
19 grow it yourself, you can't sell it, you can't
20 actually engage in any commercial transactions.
21 So it's a difficult thing to regulate where, like
22 alcohol is a fully legalized product. With

1 marijuana, it's not.

2 So we've got a set of regulations that
3 I think are really solid, but the hang-up is how
4 do you do this with a product that is not
5 commercially legal to transact?

6 So I think until we solve that issue,
7 of the commercialization product qualities, you
8 know, treating it like we do alcohol, like we do
9 cigarettes, where we know the ingredients that
10 are in it, you know, everything about it,
11 creating a club framework is incredibly
12 challenging.

13 Individuals can still go to a private
14 residence to consume and trade, and it seems like
15 we get reports of that occurring, where it gets,
16 not the sort of under the radar ones, but the
17 ones where it becomes a semi-commercial venture
18 with tickets being sold and stuff that appear on
19 the radar.

20 So there are some options for some
21 individuals to consume outside of their home in
22 another place. But to create sort of an ABC-type

1 framework is a challenge when the underlying
2 product is not a commercially legal product.

3 CHAIR NESBITT: Did you have anything,
4 Maureen?

5 MS. ZANIEL: Well, it's down to me, I
6 guess. I think the Attorney General's position
7 is outlined in the report already under 9(d),
8 supporting a comprehensive system for licensing
9 and regulated and cultivation, manufacture and
10 the legal retail sale of marijuana, with
11 restrictions prohibiting the sale and marketing
12 to minors.

13 But it contemplates what everybody
14 else has said, that there really be a regulatory
15 framework, including taxation and some ability to
16 know what it is that's being regulated.

17 CHAIR NESBITT: So, you know, as we
18 come upon our time and are on our time, I think,
19 you know, my goal here, with us over the past
20 several months, was for us to be able to have, we
21 have a recommendation as a task force that
22 concluded with the majority of people saying not

1 now.

2 But at least we've had a thoughtful,
3 deliberative process that says if it were, this
4 is what the business license process should look
5 like from DCRA, this is what it should be in
6 commercial areas. The membership should look
7 like this, guests should be allowed, these are
8 the types of activities that should occur.

9 And I do feel that despite what
10 everyone's sort of conclusions phase was like,
11 the task force members really addressed it with
12 the spirit of let's be thoughtful about what this
13 infrastructure should look like in the District.

14 If there are ongoing questions, there
15 are some things that we still need to add in
16 terms of content to the report, that we could try
17 to conclude those things. I think some of us
18 should be able to get them done by today or by
19 Monday.

20 We're going to circulate another draft
21 and then be able to have our final submission,
22 because our task and our responsibility is to

1 submit a framework. I mean, we were even called
2 together to do this after there's been a ban on
3 them.

4 But I definitely appreciate everyone's
5 spirit of saying, we're going to approach this
6 with being able to say, what would this framework
7 look like, being able to look at what has
8 happened in other jurisdictions where they are in
9 line being able to make progress on this front.

10 But what I also hear people saying is
11 that if the District had a tax and regulation
12 infrastructure for this, it could definitely
13 change the perspective of the minds and thoughts
14 around private clubs and the atmosphere for
15 private clubs in the District.

16 So one of our big challenges before
17 us, for all of us who are constantly engaged in
18 conversations about marijuana policy is really
19 not appropriate to be thoroughly discussed in
20 this forum. But it's kind of why we had an
21 additional one month meeting is, what do we do
22 and how do we address this whole gap that exists

1 on the lack of a taxation and regulation regime
2 in the District that gives, that answers a lot of
3 questions on the law enforcement side, that
4 doesn't inappropriately tax the medical
5 marijuana.

6 And I shouldn't say taxes as in a tax
7 and regulation scheme, but overburden the Medical
8 Marijuana Program for people whose intent is to
9 have recreational use. All of those things that
10 are happening in the District misconstrue the
11 intent or the purpose of Initiative 71.

12 All of those things we all recognize
13 that there is a lot of work to be done in terms
14 of making progress for taxation and regulation,
15 which seems to be a goal for many in the
16 District.

17 If progress is made in that area, I
18 think we've had a very important conversation in
19 this forum around private clubs that could answer
20 a lot of questions around that and give those who
21 need to make decisions in that area a good tool
22 to create an infrastructure for that space, so.

1 COUNCILMEMBER NADEAU: Can I just --

2 CHAIR NESBITT: Yes, go right ahead.

3 COUNCILMEMBER NADEAU: Thank you,
4 Director. So I just, I want to perhaps add an
5 additional framework to the discussion we just
6 had. We don't have the option of saying let's go
7 on this, right? Because Council passed a law
8 banning it, and the rider prohibits us from
9 rolling back the ban, period.

10 So the likely next steps here are
11 actually a Congress that rolls back the rider,
12 that allows us to do everything. In the absence
13 of that, we are stuck no matter what. So I think
14 that the idea of saying well, not now, is really
15 sort of a false choice because we don't have the
16 option to say not now.

17 But I do think it might be productive
18 and helpful to say something like, when there is
19 a regulatory framework, we all agree that this
20 should be a part of it. Or when the rider is
21 lifted, there isn't consensus on whether or not
22 clubs should stand alone from a regulatory

1 framework. Or maybe, you know, there's only one
2 vote against them. You know, whatever it is.

3 But I do think that it needs to be
4 framed in a way that acknowledges that we don't
5 have the ability to do anything right now, but
6 when the ban is lifted, that's when this all
7 would happen.

8 The other thing is just, I don't want
9 to allow us to lean in too much on saying we'd be
10 first when we know from the lit review that there
11 are states that are doing it, and by the time we
12 have the opportunity to do it we certainly
13 wouldn't be first or even among the first.

14 So I think we need to sort of tuck
15 that away in our brains too, and not allow that
16 to be sort of the guiding concern.

17 CHAIR NESBITT: Yes, well, the lit
18 review doesn't imply, implies that we could still
19 be first. So the lit review implies that there
20 are some who are under consideration. None of
21 them have opened their doors. So let's make sure
22 we put that in context.

1 COUNCILMEMBER NADEAU: Okay.

2 CHAIR NESBITT: I also want to make
3 sure that I'm being clear. A tax and -- let's
4 say the rider was lifted for FY '17, or that
5 there was the ability to apply local budget
6 autonomy and implement a tax and regulation
7 regime in FY '17.

8 I still would not change my position
9 to say private clubs should be implemented then,
10 like we are opening doors of these facilities in,
11 you know, January 2018, because we built the
12 infrastructure during the course of the next nine
13 months for applications to start rolling in.

14 My position wouldn't change
15 immediately because there are still, in my
16 opinion, some things to be learned.

17 I don't know that the position of
18 others who said, you know, the lack of a tax and
19 regulation regime and the fact that we had better
20 regulated products etc., etc., they may be in a
21 position to say let's revisit in 18-24 months.

22 What I believe is that we have

1 approached this process with a lack of -- I'm
2 sorry not with a lack of but with open eyes,
3 being extremely objective and saying what would
4 the business licensing process look like, what
5 would all of those things look like, were when
6 people believe that whoever those decisionmakers
7 may be at that time, that it is appropriate to
8 consider private clubs.

9 Meaning that we have been green lit,
10 meaning rider lifted, tax and regulation scheme
11 in place because we have local budget autonomy to
12 do so, whatever those enabling factors are, there
13 is a document that says this is what it needs to
14 look like.

15 My position, however, my vote for
16 today doesn't change. So I don't know if my not
17 now language is not appropriate for you, but for
18 me, it is a not now, because I'm not comfortable
19 with the products that are out there, the public
20 safety risk that exists, etc.

21 But I believe there is a spectrum of
22 opinions here, where some of us, our positions

1 may never change, some peoples' positions may
2 change if there were a tax and regulation
3 structure, and some people would be willing to go
4 to that.

5 COUNCILMEMBER NADEAU: Okay, that's
6 helpful, because I didn't understand that from
7 your statement. So I think what you're saying
8 is, not at the outset.

9 CHAIR NESBITT: What I'm saying is,
10 today, I'm voting no. Five years from now, I
11 might still be voting no.

12 I was also saying that many of us
13 support a tax and regulation regime for
14 recreational marijuana, which does not exist
15 today but there could be enabling factors. Could
16 be enabling factors tomorrow, could be enabling
17 factors five years from now.

18 But what I believe we have is a
19 report, regardless of our vote right now,
20 completely outlines what that infrastructure
21 should be like, instead of us having five months
22 ago come in here and all taken a vote then and

1 said, I'm not doing any work because I'm going to
2 vote no. That was what my summary intended to
3 convey.

4 COUNCILMEMBER NADEAU: Okay.

5 CHAIR NESBITT: That you have a
6 thoughtful document. You know, if and when I'm
7 no longer the director of the Department of
8 Health and that person makes a different
9 decision, I don't think the work has to be done
10 all over again.

11 MR. MOOSALLY: To piggyback on that,
12 I mean, I think, like you said, I think we've
13 spent a number of months on this, I think we have
14 a good document, good recommendations.

15 I think we have something, like you
16 said, whether it's next year, two years, three
17 years, four years, whatever it is, that somebody
18 can go back and look at these. I mean, I do
19 think the documents say hey, look, you know,
20 whether we support it, don't support it, or
21 against it --

22 CHAIR NESBITT: That's right.

1 MR. MOOSALLY: These are our thoughts
2 and recommendations, you know, regardless of how
3 we feel about it. If the powers that be want to
4 go forward, you know, these are our
5 recommendations.

6 CHAIR NESBITT: Yes.

7 MR. MOOSALLY: And these are what we
8 think are the best practices.

9 CHAIR NESBITT: Absolutely.

10 MR. MOOSALLY: I think we got to try
11 to convey that.

12 CHAIR NESBITT: Absolutely. Yes. All
13 right, any other thoughts? All right, thanks,
14 everybody, for your hard work. If you have
15 outstanding items, we'll --

16 MR. MOOSALLY: So you're going to
17 address my --

18 CHAIR NESBITT: If you have outstanding
19 items that we need from you based on walking
20 through the document, if you could get them to us
21 by close of business today, that would be great.
22 Because then we can turn the document back out to

1 you all.

2 If not, by Monday, and then we'll work
3 through the document over the -- by Monday we'll
4 work through the document and then turn something
5 back out to you all to review next week and then
6 try to get this thing final for our final
7 submission.

8 So I do want to thank all of you all.
9 I know it's extremely hard to commit to a project
10 over the summer. And even though with everybody's
11 ability to still take vacation and all of those
12 things, we've been able to pull this thing off in
13 our probably 150 days instead of 120 days.

14 So job well done, thanks everyone for
15 your commitment and attention, and response to
16 the many emails that have come your way. So,
17 appreciate you all.

18 MR. MOOSALLY: Thank you.

19 MS. O'MEARA: Thanks, Director.

20 (Whereupon, the above-entitled matter
21 went off the record at 11:43 a.m.)
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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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Before: DC State Health Planning

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