

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,
JUNE 24, 2016

The Task Force met in Conference Room 216, 899 North Capitol Street, NE, Washington, DC, at 10:00 a.m., LaQuandra Nesbitt, Chair, presiding.

PRESENT:

LAQUANDRA NESBITT, MD, MPH, Director, Department
of Health
MICHELE BLACKWELL, Legislative Director, Office
of Councilmember Brandon Todd
DANIELLE BURS, Legislative Director, Office of
Councilmember Brianne Nadeau
HELDER GIL, Legislative and Policy Advisor at the
Office of the City Administration
FRED MOOSALLY, Director, Alcoholic Beverage
Regulation Administration
THE HONORABLE BRIANNE NADEAU, Councilmember,
Council of the District of Columbia
KELLY O'MEARA, Director of Strategic Change,
Metropolitan Police Department
THE HONORABLE BRANDON TODD, Councilmember,
Counsel of the District of Columbia
MAUREEN ZANIEL, Senior Assistant Attorney
General, Office of the Attorney General

ALSO PRESENT:

TRICIA CHRISTENSEN, Drug Policy Alliance
PATRICE DICKERSON, Office of Government Relations
AUGSTIN EGAN, Department of Health, Office of the
General Counsel
NIA HEARD-GARRIS, M.D., Department of Health
PHILLIP HUSBAND, Department of Health, Office of
the General Counsel
REGINALD LEWIS
SHARON LEWIS, Department of Health, Health
Regulation and Licensing Administration
EMMANUELA SAINT-JEAN, District of Columbia Office
of the Attorney General
CARLA WILLIAMS, ESQ., Assistant General Counsel

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

2 10:05 a.m.

3 CHAIR NESBITT: Last meeting, we
4 endeavored to have a very firm agenda and didn't
5 move past the first item, what it means to be a
6 private club. And so we are going to continue
7 that part of the discussion.

8 I think some of the items that we had
9 that we didn't come to resolution on were the
10 parts around the private club definition
11 currently, especially around the pieces with
12 DCRA, included the piece around the non-profit
13 status.

14 And there were some pieces around, for
15 ABRA in particular, there were some where
16 Director Moosally was going to bring for us which
17 ones currently at ABRA kind of fit into -- didn't
18 fit into the non-profit status or currently had a
19 license from ABRA.

20 MR. MOOSALLY: You're right.

21 CHAIR NESBITT: Okay.

22 MR. MOOSALLY: So, talking about that

1 and looking at it, ABRA actually has 24
2 establishments in the District that are licensed
3 as clubs, or if you want to call them private
4 clubs, they essentially are private clubs.
5 They're not night clubs, they're private clubs.

6 So we have 24, and that's this handout
7 here. There's a list. It says as of June 6,
8 2016, it actually goes on to the back, I'm trying
9 to save paper, be green. So there's 24.
10 Actually, these, they're all non-profit clubs, so
11 I was able to clarify that.

12 Actually, the second thing I brought
13 was the definition of clubs, which kind of traces
14 off of what DCRA said. It's actually number 15,
15 this is actually from Title 25 of the DC Code.

16 It says, Corporation duly organized in
17 good standing under Chapters 1 and 4, Title 25.
18 Owning, leasing, or occupying a building or
19 portion thereof, at which the sale of alcoholic
20 beverage is incidental to and not the prime
21 source of revenue from the operation of the
22 building.

1 And then it goes on to talk about how
2 a club is not a college fraternity or sorority.
3 So I think the key thing here, when you look at
4 the Chapters 1 and 4 of Title 29, which are not
5 under ABRA's purview.

6 That basically deals, 4, Chapter 4 of
7 Title 29 deals with the non-profit corporation.
8 So that actually, when DCRA comes, they can talk
9 about that. But that's actually the requirements
10 for not-for-profit corporations.

11 CHAIR NESBITT: Got it, got it. So
12 then there really aren't any that gets a license
13 from --

14 MR. MOOSALLY: Yeah, these are not-
15 for-profit. Yeah, I was able to clarify that.
16 And that's part of the requirement of our law.
17 Like I said, it says Chapter 1 and Chapter 4.
18 Chapter 1 is the general incorporation rules,
19 Chapter 4 sets out not-for-profit corporation
20 rules for those.

21 COUNCILMEMBER NADEAU: So is that to
22 say there are no for-profit clubs in the District

1 of Columbia?

2 MR. MOOSALLY: They're all private
3 clubs, right? As far as I can tell. I didn't
4 individually pull all the paperwork for all 24.
5 But looking at these and knowing them, and
6 knowing the rules and regulations that the law
7 requires, that appears to be --

8 COUNCILMEMBER NADEAU: Yeah, this
9 sounds like the way that you've described the
10 chapters. It's related to (c)(3) status.

11 MR. MOOSALLY: Right, correct.

12 COUNCILMEMBER NADEAU: Which a
13 marijuana club of course wouldn't be able to
14 obtain because it's, functionally, it's an
15 illegal thing under federal law. So they're not
16 going to be granting this.

17 MR. MOOSALLY: Right, and I'm not
18 saying the law can't change. I'm just saying
19 what it is. We actually had, for alcohol, not
20 for marijuana obviously, we had a enforcement
21 bill that's currently before the Council, where
22 we actually recommended that limited liability

1 companies be, or partnerships, be able to obtain
2 a club license.

3 So, I mean, that's what I'm saying.
4 You can always change who can hold a club
5 license. You're probably going to need to do
6 that, both on our end and the DCRA end.

7 COUNCILMEMBER NADEAU: Okay.

8 MR. MOOSALLY: So I'm just saying what
9 the law is now, not saying what it should be.

10 CHAIR NESBITT: So tell us a little
11 bit more about that proposal. You said that it's
12 pending now with LLCs being able to apply under
13 the club lease? Can we find out a little bit
14 more?

15 MR. MOOSALLY: Well, it's before the
16 committee. And so the thought being that we
17 didn't, you know, we felt as long as all the
18 requirements were met in terms of being a club,
19 in terms of having guests and members, that it
20 didn't necessarily need to be a corporation.
21 That if somebody wanted to form a partnership or
22 LLC, that necessarily shouldn't prevent them from

1 getting a club license.

2 Now we can talk about what the not-
3 for-profit status should be. Then I'm just
4 talking about being a corporation versus being,
5 you know, a partnership or an LLC.

6 CHAIR NESBITT: So, but it still would
7 have a club definition assigned to it.

8 MR. MOOSALLY: Correct.

9 CHAIR NESBITT: As an -- like, it
10 could be an LLC, but it would have a club
11 definition assigned to it. And so under that
12 category, you would still have to deal with the
13 issues of membership, etc.

14 MR. MOOSALLY: Absolutely, it'd still
15 be limited to members and their guests.

16 CHAIR NESBITT: Correct.

17 COUNCILMEMBER NADEAU: I will get an
18 update from the chair of the committee on that.

19 MR. MOOSALLY: Okay.

20 CHAIR NESBITT: Okay. Any other
21 questions about the non-profit issue? And
22 clarification in terms of any perceived

1 discrepancies between DCRA and ABRA in that
2 regard?

3 MR. GIL: I would just raise that
4 there's -- Title 29 on DC Code is the
5 corporation's title. So an entity can be
6 registered as a non-profit, registered with DCRA
7 as a non-profit corporation. I don't know off
8 the top of my head if, to be a non-profit
9 corporation, you also need a 501(c)(3) from the
10 IRS, or if you can exist without it.

11 Because a 501(c)(3) just means that
12 you're, any donations that you give are tax-
13 deductible. And I don't know the statute if you
14 can be a non-profit organization and not have
15 501(c)(3) status. That would be, I guess, a
16 Melinda Bolling in DCRA question.

17 Because getting to Councilmember
18 Nadeau's point of, it's, I guess it's unlikely
19 that the IRS would give 501(c)(3) designation to
20 an organization dedicated to the use of
21 marijuana. But if you don't need a 501(c)(3) in
22 order to be incorporated in DC as a non-profit

1 organization, that changes this a little bit.

2 I guess we'll have to leave that to
3 Melinda to get back to us on.

4 CHAIR NESBITT: The filing locally
5 happens before the filing federally, correct?

6 MR. GIL: I believe so. I'm not --

7 CHAIR NESBITT: I think you have to
8 drive a personal experience that's creating their
9 profits. You have to have your documents before
10 you can file for your federal status. You have
11 to be incorporated and an estate before you can
12 actually file for a federal tax status.

13 So I don't, my guess, not being DCRA,
14 would be that the federal status would not be
15 dependent on your, I mean your local status would
16 not be dependent on your federal status. Believe
17 I have that written down for a follow-up from
18 DCRA.

19 All right. Temporary versus permanent
20 establishments, that was another DCRA follow-up
21 item. Any discussion from the group, though, for
22 other items that you researched on your end,

1 ABRA, on that piece?

2 MR. MOOSALLY: I did bring, just in
3 case it's helpful, a handout copy of our
4 temporary license application, just to talk a
5 little bit about the requirements of permanent
6 versus temporary. Because I think we talked
7 about this a little bit last time, but I'll go
8 through this.

9 I mean, I think our preference, only
10 speaking for our agency, would be that, you know,
11 we would start off with permanent venues. And
12 the permanent venues, I mean places that are
13 regularly open during certain hours or certain
14 days of the week.

15 And obviously, the general
16 requirement, it would go through the notice
17 requirements, people would go through getting
18 criminal background checks, basically making sure
19 they're fit for licensure. You know, I think
20 we're going to get an ownership, but, you know,
21 verifying they're 21 years of age, type of stuff
22 like that.

1 Temporary license is more of a, like
2 a one-time or one-day event, two-day event,
3 something that's just happening a couple times a
4 year. So whatever the function may be.
5 Currently we offer temporary licenses for either,
6 you know, like weddings, festivals, birthday
7 parties, you know, whatever. Corporate
8 functions, fund-raisers, those type of things.

9 So you're not talking about a
10 permanent structure. I mean, I think the only
11 concern with that, and I think we talked last
12 time making sure if we did do temporary licenses
13 that there's enough time for the application to
14 be vetted by all the agencies.

15 We currently have a special event
16 process, where all agencies are able to weigh in
17 on special events. I mean, I think the concern
18 with a temporary venue is if you're going to have
19 certain security, safety, you know, air
20 ventilation requirements or whatever they may be,
21 that in a temporary venue for a one-time event,
22 they may not have, you know, those things in

1 place.

2 So I think people want to make sure
3 those issues got addressed, because these type of
4 things happen.

5 COUNCILMEMBER NADEAU: An example of
6 such would be the cannabis seder that took place
7 in a private home this year, but could perhaps be
8 a more public event if this were permitted. And
9 it was essentially, it was a Passover seder, but
10 using cannabis.

11 So I'm sure there are other types of
12 events like that that would be thematic or
13 whatnot that might actually be beneficial to, you
14 know, community and whatnot. But in my mind,
15 that's the kind of thing that we'd be
16 considering, not sort of like a personal party or
17 something.

18 MR. MOOSALLY: Right, I think the
19 other thing we've seen is like, frequently at our
20 alcohol venues, people trying to do like the
21 cannabis cooking classes.

22 COUNCILMEMBER NADEAU: Yeah.

1 MR. MOOSALLY: Cooking classes are
2 pretty big too.

3 CHAIR NESBITT: Right, so those things
4 raise other challenges, however. So when you
5 start raising those types of issues, we have
6 certain challenges. For example, right now we
7 have tobacco exemptions, which by and large and
8 in part should really be combustible smoking
9 exemptions.

10 You raise issues, for example, with
11 hotel staff or lodging staff or what have you who
12 work in these particular venues, who would need
13 to be able to have the protections to not have to
14 work in those types of events for working in
15 terms of secondhand smoke exposure.

16 Then you also have the challenge of
17 the violations related to the food code, because
18 they would be adulterated food products. So it's
19 not as simple as meeting the deadlines of a
20 seven-day and 20-day event.

21 And then there are the issues around
22 permitting catering and all of those types of

1 things, where the vendors who would be
2 participating in these events would essentially
3 be in violation of their food retail permit by
4 participating in these events and preparing these
5 food items.

6 So it's a lot more nuanced in terms of
7 you're temporarily permitting an establishment to
8 be used for this purpose, but all of the
9 participants in the use of that purpose would
10 then have a cascading set of events that we would
11 need to be attentive to in that regard.

12 When you're making an permanent
13 establishment --

14 MR. MOOSALLY: That's why I think just
15 to clarify, that's why our agency's position is
16 we prefer to start off with permanents first, to
17 make sure those issues get addressed. And then,
18 you know, obviously the other issues can be
19 addressed later.

20 MS. ZANIEL: Start off with permanent,
21 is that what you said?

22 MR. MOOSALLY: That's our agency's

1 position, that we start off with the permanent
2 ones first, right.

3 COUNCILMEMBER TODD: Could you
4 determine how many permanent establishments there
5 could be?

6 MR. MOOSALLY: Yeah, and I think
7 that's one of the, part of it's the working group
8 hasn't gotten to that topic yet. But I think one
9 of the discussions that, you know, we're asked to
10 look at is how many establishments we should
11 have, how many, you know, obviously how many
12 cohort or what have you.

13 That's obviously going to be one of
14 the topics. I don't think it's on for this
15 meeting, but that's one of the topic discussions.

16 CHAIR NESBITT: So with the permanent
17 establishments piece, we would have a lot more
18 ability to create the same type of -- we've all
19 lived through the medical marijuana conversations
20 around the public concerns for the placing of the
21 cultivation centers and the dispensaries.

22 And despite our one-year report that

1 revealed that there was no increase in crime
2 around those particular facilities, with the
3 placement of our eighth cultivation center going
4 into Ward 7, there are still significant concern
5 from the ANC in that particular neighborhood.

6 And while the ANC does have a part to
7 play in the application process, there's still
8 great concern from the community about the weight
9 that the ANC's role plays in the process.

10 And so if you have the permanent
11 option as being the only option, you get to
12 control ratios, distribution across the city, in
13 a manner that you don't get to control for in a
14 temporary situation.

15 And getting to avoid the notion of,
16 with the temporaries, where people are choosing
17 to have their events leads residents to believe
18 there is allowance by the city of all of these
19 events to happen in their neighborhood, versus
20 it's simply controls for across the board with a
21 set number only going to be allowed in each area.

22 You avoid what we kind of got involved

1 in, and this sort race to the finish for the
2 first sort of number of them that are going to be
3 allowed in a particular area when you sort of
4 have that set number, set ratio that's going to
5 be permitted across the board.

6 We, however, could not avoid the
7 issues related to zoning, just by virtue of how
8 the city is designed, and certain wards being
9 zoned for more commercial activities than others.
10 However, we were well-intentioned in our efforts
11 to equitably distribute the markets for the
12 cultivation centers across the jurisdiction.

13 All right, any other pieces on the
14 permanent versus temporary? And we can get the
15 drill down. Maureen, did you work with Melinda
16 at all on this one? I know you were going to
17 work with her on the IRS piece, so we'll get a
18 report out from you on that piece.

19 MS. ZANIEL: No, we didn't
20 specifically with respect to temporary.

21 CHAIR NESBITT: Okay, okay. All
22 right, requirements for ownership and employment.

1 We are set to have a discussion about that piece.
2 We have, as a model, provided to all a copy under
3 the agenda of what is currently in place for the
4 medical marijuana program, for requirements for
5 ownership.

6 It starts with 5400, general
7 qualifications for all applicants. I won't read
8 it out loud to you all, but you can just take a
9 look here to see what is permitted and not, and
10 then we can have some discussion around whether
11 you all feel this is too strict, strict enough,
12 if you would prefer it to be modified.

13 COUNCILMEMBER NADEAU: Well, I think
14 the one thing that's standing out to me is the
15 applicant has not been convicted of a misdemeanor
16 for a drug-related offense before filing the
17 application.

18 Considering the fact that we no longer
19 charge people with the crime of possessing or
20 smoking marijuana, it may be that we need to
21 consider whether past charges under the old law
22 could be considered under the new law, or waived

1 or such.

2 MR. GIL: Well, would that be limited
3 to just to just marijuana possessions, or are you
4 talking about other --

5 COUNCILMEMBER NADEAU: Only things
6 that are now currently legal.

7 MR. GIL: That are now legal,

8 COUNCILMEMBER NADEAU: Right, I mean,
9 given the audience we're talking about here, it
10 would seem that we may be tying our own hands,
11 and their hands as well, and thus making all of
12 this work for nothing.

13 So yeah, only things that are
14 currently legal is what I would be suggesting.
15 Under DC law.

16 MR. MOOSALLY: So I think this is
17 overall, this is really good, in terms of Title
18 25 of the DC Code. For ours, the first three, or
19 three actually are consistent with what's in the
20 current law for us. That makes that the
21 applicant's of good character, generally fit for
22 responsibility as a licensure or registration.

1 You got to be at least 21. You can't have been
2 convicted of a felony.

3 The only thing I would say there we
4 can just look at, for alcohol licenses, it's not
5 convicted of felony within the last ten years. I
6 think you may need to look at. I mean, if
7 somebody was convicted of a felony 30 years ago,
8 I'm not so sure that should prevent them from
9 applying.

10 So it may make sense just to say in
11 the last ten years or whatever that, just to have
12 some type of time frame.

13 MS. O'MEARA: That's true. We use the
14 same standard for security officers.

15 MR. MOOSALLY: Right, right.

16 CHAIR NESBITT: We are looking at all
17 of these things with Betsy over the summer, in
18 terms of time line for our felony conviction
19 exclusions.

20 MR. MOOSALLY: Okay, perfect.

21 CHAIR NESBITT: Okay, any others?

22 COUNCILMEMBER NADEAU: What is that --

1 CHAIR NESBITT: So we have the
2 physician. Are you wondering about that?

3 COUNCILMEMBER NADEAU: Yes, I was just
4 about to ask that.

5 CHAIR NESBITT: So the medical
6 marijuana program laws are written in to exclude
7 the proliferation of pot docs, what we refer to
8 as pot docs.

9 COUNCILMEMBER NADEAU: Oh, yeah.

10 CHAIR NESBITT: So physicians who
11 generate their own --

12 COUNCILMEMBER NADEAU: Like the
13 billboards you see in California.

14 CHAIR NESBITT: Yes. We have
15 accidentally become privy to telephonic exchanges
16 between people informing us that the pot doc
17 business is strong here, despite our best
18 efforts. So that's why that is there.

19 COUNCILMEMBER NADEAU: So does it
20 still make sense in this context?

21 MS. O'MEARA: I think so. It does, it
22 be might be sort of a conflict of interest if

1 they're both supporting a private use of it and
2 making medical recommendations.

3 CHAIR NESBITT: So here's why, and I
4 think we're going to have to have, through this
5 body, a conversation about a tax or regulation
6 structure for that purpose. The reason why it
7 makes sense to continue to have this here is
8 because right now, there's only two ways to gain
9 access to marijuana in the District: through the
10 medical marijuana program, or home growth.

11 So there is no other legal market for
12 it. I think we have to have a conversation about
13 it. We had a meeting recently where some of our
14 cultivation center and dispensary owners raised a
15 significant concern about whether or not this
16 body sanctioned private clubs.

17 Because they have a concern that if we
18 sanction private clubs through this body without
19 having a conversation or developing a schematic
20 for a tax and regulation structure, we are going
21 to cause a proliferation of what they refer to as
22 the gray market. Which means driving more and

1 more illegal activity that is not regulated in
2 the District.

3 So I think we have to take some
4 responsibility for having a conversation at this
5 table about what a taxed and regulated market
6 would look like in tandem with a private club
7 market. Otherwise, we only have 3600 patients in
8 the District of Columbia who would be using the,
9 or accessing the private club space.

10 We have an unknown, but what people
11 tell us is a relatively small number of
12 individuals who are doing home growth. According
13 to the cultivation center owners it's difficult
14 to grow at home reliably.

15 And so otherwise, from their
16 perspective, we as the government may be
17 contributing to the gray illegal market. So I
18 think it would be responsible of us to have a
19 conversation about a tax and regulation scheme
20 through this body.

21 It's going to extend our time past the
22 120 days. We may have to convene again in August

1 as opposed to July being our final convening.
2 But I think we should be prepared, each of us
3 through our respective agencies to, at the next
4 meeting, bring materials about what we think
5 would be appropriate in terms of a tax and
6 regulation.

7 COUNCILMEMBER NADEAU: That sounds
8 great. And the Attorney General and I have been
9 having these conversations too, especially
10 surrounding what's possible regarding the reserve
11 fund. Not strictly for drafting, not necessarily
12 for implementation, but I think we probably, yes,
13 are now contributing to the gray market in the
14 unfortunate limbo that we are in, not of our
15 doing, but yeah.

16 CHAIR NESBITT: I would encourage us
17 to, for our options not to be related to the
18 reserve or contingency. Because we have to pay
19 that back. So we should explore options that
20 don't rely on the contingency fund, because we
21 should have a more permanent, I think, solution
22 in mind.

1 MR. GIL: Can the --

2 CHAIR NESBITT: Because we have to
3 pay the contingency fund back.

4 MR. GIL: But the contingency fund may
5 not be an option. The last I had seen the
6 congressional rider, they were going to close off
7 that loophole. They recognized that that was a
8 loophole, and they were attempting to close it
9 off.

10 And the way, the last I'd seen of the
11 rider, the draft of it, it did close off that
12 loophole. It said that no money, whether
13 contingency, whether reserve, whether local funds
14 or federal funds, could be used for that system.

15 So I think to Dr. Nesbitt's point, I
16 think we just we set aside that congressional
17 aspect of it and look at what a taxed and
18 regulated system would look like.

19 Because any discussion of private
20 clubs, implicit in it is this sort of recognition
21 that clubs are going to be pushing the envelope,
22 or certain clubs, or individuals, are going to be

1 pushing the envelope between buy a beer, buy a
2 meal, and you get a joint for free.

3 And those sorts of things, which is
4 encouraging gray activity, criminal activity.

5 And I think we sort of need to figure out how to
6 look at the bigger picture without saying yes,
7 private clubs would be good, but in condoning
8 private clubs or authorizing private clubs, we're
9 implicitly also condoning the potential for
10 people putting themselves at legal risk of
11 violating the current laws on selling.

12 MR. MOOSALLY: And to piggyback on Dr.
13 Nesbitt's point, if they're providing marijuana,
14 where's the marijuana coming from? So if you
15 have limited sources of where marijuana's coming
16 from, how's the private club going to know where
17 the members are bringing it? If they're bringing
18 in the marijuana, how are they going to know?

19 Because obviously, some of it may be
20 legal, some of it may not be. Or, you know,
21 where are they getting it from? I mean, I think
22 we'd have to have that discussion, making sure

1 it's not --

2 COUNCILMEMBER NADEAU: So for the
3 August meeting, I'll bring the Grasso framework.
4 And, you know, you'll bring -- I'm sorry, for the
5 July meeting. Oh, I thought you wanted to do an
6 extra meeting to define regs?

7 CHAIR NESBITT: Well, we are probably
8 going to have to extend our time convening, so
9 that in August, we're doing our final convening.
10 But in July, that'll be an agenda item for us in
11 July.

12 COUNCILMEMBER NADEAU: Okay, so we'll
13 bring the Grasso regs. I'm sure you're bringing
14 things from other states, and we'll throw it all
15 into the mix. Great.

16 CHAIR NESBITT: But for now, the
17 physician piece should stand, because the primary
18 way that people are being prescribed, or
19 accessing one, of the primary ways people are
20 going to have access is through the medical
21 marijuana program. Or I would vote for it to
22 stand, rather. Any things that are missing from

1 here, in terms of just general business practices
2 that you all can think of?

3 MS. ZANIEL: Well, I assume we think
4 the person will have to have some sort of basic
5 business license. That'll include whatever
6 DCRA's requirements are with respect to that.

7 CHAIR NESBITT: Right.

8 MR. GIL: And that is actually a
9 separate sort of question of, I know for the
10 medical marijuana program, the applicants had to
11 submit financial information, business plans, all
12 sorts of you know, information to show that they
13 actually had the business and financial
14 capabilities to run the business.

15 CHAIR NESBITT: Correct.

16 MR. GIL: But this looks like we're
17 just talking about any of the owners of the
18 business.

19 CHAIR NESBITT: Correct.

20 MR. GIL: Step one, what their
21 qualifications are. Step two would be then the
22 business itself, its feasibility and experience

1 and capacity to actually run a business.

2 CHAIR NESBITT: Correct. So the
3 medical marijuana program ownership, so both from
4 the cultivation center and dispensary side, it's
5 a closed market. So we do solicitations in
6 rounds, into, as the market, as we assess it,
7 demands. But in order to even put forth a
8 application, you have to meet these basic
9 qualifications.

10 In terms of the private club
11 ownership, we would have to, in developing that
12 schematic, make the same decisions in terms of
13 whether or not it would be a closed market. So
14 the set number of establishments would be
15 permitted, whether or not they could open at any
16 time, just like restaurants are permitted to in
17 the District, or whether or not it would be based
18 on solicitations only by the government, and how
19 that process would work.

20 So we have a scoring system that's
21 done by a independent review panel that moves in
22 rounds, that allows the cultivation centers and

1 dispensaries to open. But these are just the
2 basic qualifications that an applicant has to
3 meet. And then to Helder's point, they're judged
4 on their financial plan, their safety plan, all
5 of those things.

6 All right, membership.

7 MR. MOOSALLY: Real quick before you
8 move on.

9 CHAIR NESBITT: Yes.

10 MR. MOOSALLY: And we can come back to
11 these later. But yeah, what are the requirements
12 for ownership and employment? So as it relates
13 to the employment, there would need to be some
14 type of minimum age to work in this place, so.
15 Just want to make sure we --

16 CHAIR NESBITT: Yes. So the
17 employment closely members ownership. So you
18 can't have any of the convictions, you have to be
19 21. And so it varies, similar -- criminal
20 background check pass, you have to pass criminal
21 background check, all of those things is
22 requirements as well.

1 Did I miss anything, Carla, in the
2 employment piece? I know it closely mirrors
3 ownership, you have to pass criminal background
4 check, you have to be 21 --

5 MS. WILLIAMS: And there's a training
6 course for managers.

7 MR. MOOSALLY: Perfect.

8 CHAIR NESBITT: Okay, membership. So
9 we had some initial conversations around how
10 membership is defined, and DCRA has informed us
11 that membership is defined differently by
12 different social clubs, which created a need for
13 us to have a conversation in this space around
14 what these particular private clubs that we are
15 discussing, as it relates to marijuana, if we
16 wanted to create fixed categories or criteria for
17 membership.

18 Whether or not membership would have
19 to be defined for a specified period of time, if
20 they would be permitted to define membership
21 daily, if membership would have to be defined by
22 some group-ness, and we would have to establish

1 that type of criteria.

2 As an affinity group, what exactly
3 would we be defining in terms of membership?
4 From the previous conversations we've had with
5 DCRA, it is not highly specific on their end, and
6 so we would have to create a level of specificity
7 for these particular private clubs.

8 Thoughts?

9 MS. O'MEARA: Well, it seems there's
10 a natural affinity group there, in the interest
11 alone.

12 COUNCILMEMBER TODD: Dr. Nesbitt, when
13 you say daily, does that mean Person A could go
14 to this private marijuana club and say, I want to
15 get a membership, then they would be
16 automatically grant -- would it be, like, pay to
17 go in, like \$25 or whatever the fee was, versus a
18 monthly membership? Is that what daily would,
19 would that be the definition of daily?

20 CHAIR NESBITT: Correct, and that is
21 currently permissible by DCRA regs. But it
22 doesn't mean that we have to allow that to be

1 permissible for this category of private club.

2 MR. MOOSALLY: So my concern with
3 that, I mean, I think membership should be open
4 to members and guests. So I think my concern,
5 having a one-day membership -- I mean, I don't
6 have any issue with members bringing guests in,
7 right. I don't have any problem with that.

8 But my issue with a one-day
9 membership, let's just say I'm really running a
10 night club or whatever, not a club, right. I
11 just have the one-day membership, you pay the
12 \$25, oh look, you're a member, all these people
13 here are members. Right? They're just coming
14 from one party, they're never to be seen again,
15 and they're a member. So that'd be my only
16 concern with the one-day membership.

17 And I also, I don't really know why
18 you'd need one-day membership if members can
19 brings guests, so.

20 MR. GIL: The one-day membership
21 sounds almost like a cover charge, to get --

22 MR. MOOSALLY: Exactly, that's my

1 concern, right. It's just a front.

2 COUNCILMEMBER NADEAU: So I went --
3 oh, go ahead.

4 MS. ZANIEL: I was just going to say,
5 and then that leads to a numbers issue as well.
6 There have to be limitations with respect to the
7 space.

8 COUNCILMEMBER NADEAU: I'd be okay
9 with limiting it to not having one-day
10 membership, as long as same-day membership was
11 permitted. So you could join, you know.

12 MR. MOOSALLY: Sure.

13 COUNCILMEMBER NADEAU: The same way
14 you do, say, with a democratic club. If you want
15 to vote, you join the day before or whatever,
16 yeah, or the week, the day of.

17 MR. MOOSALLY: But my concern is just
18 you show up at, my concern is you just show up at
19 nine o'clock, there's other people in line, and
20 they just pay the cover and they didn't, like,
21 sign a form saying they're signing up to be a
22 member for the day, or.

1 COUNCILMEMBER NADEAU: Have we ever
2 done, with any of our clubs, any sort of regs
3 that prohibit these from being exorbitantly high
4 barrier to membership? I worry, and I suspect
5 the community that would like to have these clubs
6 wants to be inclusive as well, but just, I want
7 to think through a little bit whether we have an
8 option to give guidance on what's too high to
9 charge.

10 CHAIR NESBITT: I don't know the
11 answer to that, but my inclination is that
12 inherent in the term private club --

13 COUNCILMEMBER NADEAU: You have
14 leeway.

15 CHAIR NESBITT: We're limited in our
16 ability to dictate --

17 COUNCILMEMBER NADEAU: Yeah.

18 CHAIR NESBITT: Their charges. We're
19 getting some flak about requiring the sliding
20 scale charge in the medical marijuana program for
21 low-income.

22 COUNCILMEMBER NADEAU: Okay.

1 MR. GIL: It's --

2 COUNCILMEMBER NADEAU: Good for
3 requiring that.

4 MS. O'MEARA: In terms of what we
5 dealt with the medical marijuana, in terms of
6 businesses saying, well, with all the
7 requirements you put in place, we can't stay in
8 business. If we then say, well, we're going to
9 regulate how much you can charge, would be very
10 difficult.

11 COUNCILMEMBER NADEAU: If you're that
12 -- I just wanted to raise it, but I understand
13 that complication.

14 MS. O'MEARA: And that's certainly one
15 of the things we were charged with, well, one of
16 the issues. I'm not quite sure how we get around
17 it.

18 CHAIR NESBITT: Especially given that
19 part of the thing that we also have to talk about
20 is what's going to be permissible in terms of
21 activities inside of these clubs. We have the
22 responsibility of dealing with that, which is an

1 impact to revenue inside the clubs.

2 And so because they're going to be
3 privately owned and operated entities, we have to
4 give them the flexibility to ascertain what their
5 fees need to be at the outset, and on an annual
6 operating basis to be sustainable financially.

7 If we have the authority as government
8 to dictate the frequency by which they can offer
9 membership, the frequency by which -- what
10 activities they can permit to occur within the
11 establishment, I think we have to allow them the
12 latitude to determine what their memberships
13 needs to be in order to be financially viable.

14 MR. GIL: Did we settle on the co-
15 location of clubs? So if I've got a bar, a
16 restaurant --

17 CHAIR NESBITT: We didn't.

18 MR. GIL: Okay.

19 CHAIR NESBITT: That's why I'm talking
20 about we still have to deal with the activities
21 that can occur.

22 MR. MOOSALLY: But I mean, I totally

1 agree with what you're saying. I mean, the main
2 issue here without, not having, you know, a sale
3 and tax system in place, if you're not allowed to
4 sell, right?

5 COUNCILMEMBER NADEAU: Yeah.

6 MR. MOOSALLY: Then, you know, where
7 is your revenue source? I mean, it's really your
8 membership, right? Because if we're not going to
9 let them sell, we haven't really talked about
10 whether they can, you know, other ways they can
11 make money. Sell insurance or whatever else.
12 But if you can't sell, you're somewhat limited in
13 terms of what your revenue, so.

14 COUNCILMEMBER NADEAU: Merch. Yeah.

15 Fair enough, thanks for teasing that out with me,
16 I appreciate it.

17 CHAIR NESBITT: So we've talked about
18 same-day membership and we voted down one-day
19 membership. So what's the frequency of
20 membership that folks are comfortable with?
21 Annual, monthly, quarterly? And how restrictive
22 around the guest piece?

1 MR. GIL: I guess what we're really
2 talking about --

3 CHAIR NESBITT: Like you walk up and
4 I'm standing there and you're my guest for the
5 day.

6 MR. GIL: It sounds like we're really
7 talking about what the minimum amount of time is.
8 So if you want to be an annual member, that's
9 fine. A monthly member, that's fine. Quarterly
10 member that's fine. It's really, what is the
11 minimal amount? We agreed not one day. How
12 about one week, or two weeks?

13 And I don't know where the dividing
14 line is, but it seems like that's what we're
15 talking about, is the minimum amount of time that
16 your membership is required. And can I be a
17 member if we do weekly? I'm a member this week,
18 I'll be a member again in two weeks' time. Well,
19 when is it a club where you're an actual member,
20 versus just a venue where I pay some amount to go
21 and use the marijuana and then --

22 MS. O'MEARA: Like a weekly pass on

1 the Metro or something.

2 MR. GIL: Right.

3 MR. MOOSALLY: Can I ask a question?

4 Because it kind of impacts how I feel about it.

5 I mean, when we talk about being a member, are we

6 going to limit members to District residents, or

7 can you not be a District resident? Because I

8 could see somebody from out of town -- I'm just

9 being honest, I could see somebody out of town

10 saying, Hey I want to sign up as a member for the

11 week. Versus if it's a District resident.

12 I mean, that's kind of, and I don't

13 know if we want to get that, but that's a

14 relevant factor to me, in terms of how long, you

15 know, what we're going to allow or not allow.

16 CHAIR NESBITT: So in the charge that

17 I believe we were tasked to respond to, as a

18 response to our residents asking us to provide a

19 venue for them to be able to smoke in when their

20 homes were not an acceptable place, I feel that

21 our charge is to find a way for them to be able

22 to do that.

1 MR. MOOSALLY: Got it.

2 CHAIR NESBITT: And so it seems to me
3 that our responsibility is to create
4 opportunities for District residents to be able
5 to access a place outside of their homes.

6 MS. O'MEARA: What about the District
7 homeless population? They're residents?

8 CHAIR NESBITT: They're residents. And
9 so we just went through this hearing about
10 getting IDs for District residents, and they're
11 going to be free for the homeless population to
12 get IDs and birth certificates and all of that
13 stuff. So like, soon.

14 MS. ZANIEL: And it wouldn't apply to
15 guests as well, the residency requirement?

16 CHAIR NESBITT: And so that's where I
17 was going with that. So we currently don't have
18 reciprocity in our medical marijuana program.
19 That's one of our summer projects, is working on
20 how that reciprocity piece would work.

21 If we were to grant it, would it be if
22 you had a health care provider in the District

1 but you were a non-District resident, if you were
2 a medical marijuana program in another
3 jurisdiction but here in the District for some
4 other purpose?

5 And so whether or not there is a need
6 for guests to access spaces. Because one of the
7 things that people who were advocating for
8 reciprocity talked about is, if you're a medical
9 participant in California and you come to the
10 District and you're staying in a hotel, you have
11 no place to use, right? Because hotels are
12 smoke-free, large and in part in the District.

13 So, would they need access to a place
14 for a week, right, as a guest. So how would
15 those types of things work? And they can't get
16 marijuana on a plane, so that's one of the
17 reasons people were advocating for reciprocity
18 for people who were participants in another
19 jurisdiction.

20 Here are all these things that I deal
21 with.

22 COUNCILMEMBER NADEAU: We just need

1 the federal government to handle this, then we
2 can all move on, right?

3 CHAIR NESBITT: Welcome to my world.
4 So these are the types of nuances that you really
5 begin to get into.

6 But right now we're talking about much
7 of the responses that have come to us have been
8 around medical marijuana patients who can't smoke
9 in their homes or who don't want to smoke in
10 their homes for whatever reasons, of not exposing
11 other people. And they are asking us to find
12 alternative options for them.

13 MS. O'MEARA: So what if we had
14 something that was, if and when, if the medical
15 marijuana program opens up for reciprocity, then
16 at that time then there can be consideration for
17 the private clubs to allow shorter term
18 membership for people taking advantage of the
19 medical marijuana reciprocity.

20 CHAIR NESBITT: Without having to be
21 a guest.

22 MS. O'MEARA: Right.

1 CHAIR NESBITT: Right. Because we
2 don't want to assume just because you have a need
3 to access medical marijuana that you know
4 somebody in the jurisdiction who would take you
5 as a guest.

6 MS. O'MEARA: Right, yeah. And that
7 way we don't have to decide that until the other
8 group works through the reciprocity issue.

9 MR. MOOSALLY: I'm going to throw out
10 30, just to get the discussion going, I'm going
11 to throw out 30 days. I don't really have an
12 issue.

13 I think that point that was raised is,
14 I mean, if it's annual, quarterly, monthly, I
15 think all those should be fair. I mean, I think
16 people should be able to pick what their
17 membership level is.

18 I think you have to have a minimum.
19 My only concern of a week or a couple days, it's
20 really the same thing, right? I mean, depending
21 on what you charge, even if I can, just showing
22 up at eight o'clock and I'm never coming back

1 again, if the fee's low enough for a week, or I'm
2 just signing up for the week, I don't care. I
3 can just go the one time and pay it.

4 So I mean, think it should be at least
5 a commitment of 30 days or more. And then if
6 they want to do monthly, they can. If they want
7 to do quarterly, they want to do yearly.
8 However, I don't really care. I think that
9 should be their right.

10 CHAIR NESBITT: Because if you need an
11 alternative place, you need an alternative place.

12 MR. MOOSALLY: Right.

13 MS. ZANIEL: Especially in the medical
14 world. But also, it is a burden on the
15 District's resources for people who are not
16 residents. I mean, we just should be aware of
17 that, in terms of police safety and so forth.

18 MR. MOOSALLY: Well, and the other
19 point is, I mean, what I've heard is District
20 residents need a place to go, right. So District
21 residents need a place to go. It really
22 shouldn't be a place they're going just once,

1 right?

2 CHAIR NESBITT: Right.

3 MR. MOOSALLY: I mean there should be
4 a place they can go, right?

5 COUNCILMEMBER TODD: It's like a gym.
6 If you've got a gym, if you don't, you don't.

7 MR. MOOSALLY: Right.

8 CHAIR NESBITT: And I want you to go
9 to your gym more than once.

10 MR. MOOSALLY: Great point.

11 CHAIR NESBITT: All right. I'm sorry,
12 any other pieces around membership criteria? Any
13 other considerations that you all can think of?

14 MR. MOOSALLY: The only one I'd say is
15 that membership is -- I mean, this probably
16 getting a little far afield, but you know, just
17 making, requiring these places to keep a log or a
18 list of their members. So that way you get at
19 least some way to verify, down the road.

20 CHAIR NESBITT: Now here's what we, we
21 make you pick one dispensary.

22 COUNCILMEMBER NADEAU: But let people

1 belong to multiple clubs?

2 CHAIR NESBITT: Right.

3 COUNCILMEMBER NADEAU: Do we care?

4 CHAIR NESBITT: Right, that's why I'm
5 like, yeah, we don't care.

6 COUNCILMEMBER NADEAU: Why make them
7 pick one dispensary?

8 CHAIR NESBITT: Why?

9 COUNCILMEMBER NADEAU: Yes.

10 CHAIR NESBITT: Because you can only
11 get two ounces a month by law.

12 COUNCILMEMBER NADEAU: Got it.

13 CHAIR NESBITT: So, I just want to
14 throw it out there, because we've been bouncing
15 back and forth a lot of the rules between the two
16 programs. So if people -- because I wanted, we
17 were talking about revenue. So we don't want to
18 restrict people to one club. You can join as
19 many clubs as you want to.

20 (Simultaneous speaking.)

21 CHAIR NESBITT: That's right. We're
22 not, yeah. Because you raised the issue of

1 people keeping sort of a membership log or a
2 membership registry. I think this notion of, if
3 you're a private club, people know who their
4 members are. And there's this sense of community
5 in a club.

6 And so we want to make sure that we're
7 being faithful to that concept or construct. But
8 we don't want people to take into, or have the
9 impression that people can't have multiple
10 memberships or be part of multiple communities,
11 as it relates to private clubs.

12 So, it's not the same as with a
13 dispensary, you're only permitted to be assigned
14 to one dispensary at a time, and that's it.

15 MR. MOOSALLY: Right, it's perfect.
16 And but the issue is that if you're a guest of a
17 member, we need to know that they're really a
18 member. So.

19 CHAIR NESBITT: And if MPD went in and
20 wanted to validate that members only were in the
21 club, the guest could actually say who they're a
22 guest of.

1 COUNCILMEMBER NADEAU: Do we need to
2 talk about how many guests?

3 MR. MOOSALLY: I think so.

4 CHAIR NESBITT: Yeah.

5 COUNCILMEMBER NADEAU: I don't think,
6 you don't think limited?

7 MR. MOOSALLY: It can't be unlimited.
8 Because then you just have one member, they bring
9 300 guests, right?

10 CHAIR NESBITT: Like two pool passes
11 per member.

12 MR. MOOSALLY: We should at least
13 discuss. I think the only --

14 CHAIR NESBITT: You can't have a
15 party, right, like you can't have a party in
16 your, I mean that's, like you rent the clubhouse
17 for a day, right?

18 MS. O'MEARA: At a private club you do
19 that.

20 CHAIR NESBITT: At a private club, you
21 could have a party for the day, because you
22 rented the clubhouse. Is that permissible?

1 COUNCILMEMBER NADEAU: I don't know.

2 Maybe.

3 CHAIR NESBITT: You're thinking about
4 seder?

5 COUNCILMEMBER NADEAU: Well, I am.
6 So, right. So I guess it's how do we feel about
7 it. We said we don't want to explore temporary
8 right now, but we are providing a framework for
9 what happens inside the permanent clubs.

10 So that may mean that it's a safer
11 space to do a private event, in the club. If we
12 don't do that, there is nowhere to do a private
13 cannabis-related event.

14 MR. MOOSALLY: Right.

15 COUNCILMEMBER NADEAU: Whether it's a
16 birthday party or anything else, right. And
17 people do those, right. So we certainly want to
18 make everything out in the open if we can.

19 MR. MOOSALLY: Yeah, maybe if it was
20 an alcohol club, you could do it, right. You
21 would have a function at your club, right.
22 You're a member of the club, and you would have a

1 function at your private club that you pay
2 membership for.

3 CHAIR NESBITT: And so you could have,
4 your number of guests that day would be, could be
5 up to whatever the private club's event
6 requirement is for the capacity of the club. And
7 they may have to close to the general body that
8 day because it's closed for a special event.
9 Things of that nature.

10 But on a daily basis, your guest
11 capacity would be limited to two, or what have
12 you, to prevent you from bringing in a bunch of
13 people without it being a special event.

14 COUNCILMEMBER NADEAU: Yes.

15 MR. MOOSALLY: And it may be you have
16 to provide your list of guests you're going to
17 bring like 24 hours in advance, something like
18 that. I mean, my only issue would be I rent the
19 facility, I don't know who my guests are, and I
20 just, I'm doing promoters or flyers or whatever,
21 doing stuff in the community. And then just
22 whoever can come in.

1 I mean, it's got to be some type of
2 guest list that club knows about it in advance.
3 And I don't think I can say whether it's 24
4 hours, an hour, whatever. But they should know,
5 there should be something. It's like, okay,
6 you're on the guest list. Or you know, you're on
7 the -- it can't be just, Hey, you know the
8 promoter flyer says say you're a guest of this
9 member.

10 COUNCILMEMBER NADEAU: No, I mean, we
11 don't like that at --

12 MR. MOOSALLY: At the alcohol clubs.

13 MS. O'MEARA: But another issue is if
14 someone's allowed to just get a month-long
15 membership in order to host a big party, that may
16 be setting up a situation that we're not trying
17 to --

18 MR. MOOSALLY: Promote.

19 MS. O'MEARA: So may want to consider
20 that --

21 CHAIR NESBITT: Events are only for
22 year-long members?

1 MS. O'MEARA: Or something like that,
2 just for consideration.

3 COUNCILMEMBER NADEAU: Well, all
4 right. So when we think about who's accountable
5 at the end of the day, it's the owners of the
6 club. And presumably, you know, as with our ABRA
7 liquor establishments, they want to be able to
8 retain that license. And so we want to make sure
9 we don't create those circumstances.

10 But we also need to give a little bit
11 of credit to the owners that they're going to
12 want to run an establishment that can remain
13 open. So I guess we kind of need to sit with
14 that a little bit.

15 MS. O'MEARA: To that end, we probably
16 want to explore something similar to what, the
17 authority the chief has over alcohol
18 establishments, in terms of the 96-hour temporary
19 close.

20 Well, it's not for violations. It's
21 specifically for criminal events, criminal
22 activity, and for generally for violent crimes.

1 Things, you know, public safety.

2 COUNCILMEMBER NADEAU: I'm not sure
3 I'm bothered by a member who joins for a month
4 for a special event, in that it's captured in
5 some way, who that person is, that they have paid
6 their dues, that they are on the record. And
7 they are accountable in the way that a promoter
8 most certainly isn't. So I'm weighing it.
9 Right, you can probably see my brain do that.

10 MR. GIL: I think we're all doing
11 that.

12 COUNCILMEMBER NADEAU: Yeah, but I'm
13 not sure that worries me in the same way that a
14 typical promoter situation would. Because it
15 just has another layer of accountability that
16 that does not.

17 CHAIR NESBITT: So here's the flip
18 side of it. Let's say this person goes around to
19 all of them, hosting, right, paying. Right, so
20 that's the loophole, right? They're paying
21 monthly at each one. Because what we're seeing
22 now in the unregulated environment is we're

1 having to chase these unsanctioned illegal events
2 that people are misinterpreting Initiative 71.

3 Or at nightclubs that are getting
4 sucked into someone's misinterpretation of
5 Initiative 71. And it's these promoters who are
6 doing these events through Eventbrite and etc.

7 And so it's a little bit of informed
8 worry that you want the people who are, if you're
9 a member of a private club, and the private club
10 is having events that are, you know, are
11 appropriate to having a private club space geared
12 toward its members.

13 Or if you're a member of a private
14 club and you want to have a special convening for
15 your group, that you come to know, you come to
16 appreciate, you want to do something different at
17 that club that night, right?

18 Marketing it with a promoter who's
19 paid a fee for that day, that month, just for the
20 purposes of having something to draw in people
21 there who's going to be there maybe selling
22 something, making a profit and then moving around

1 because it was a hit at that club that night, and
2 then doing it over and over.

3 I'm trying to control for that,
4 because of the public safety risk and all of
5 those other things that come into play. But add
6 to your point, I don't want to unfairly penalize
7 the members of the club who would do something
8 well intentioned and well meaning.

9 MS. O'MEARA: And to that end, we
10 probably have to stipulate that the member cannot
11 charge their guests in order to participate in
12 the event.

13 COUNCILMEMBER NADEAU: That might be
14 a -- it may be that or some other definition of
15 what that special event is. But that might
16 actually --

17 MR. GIL: If you're the promoter, how
18 are you making money? It would have to be by
19 charging, right, your guests.

20 (Simultaneous speaking.)

21 MR. GIL: Because if they're each
22 bringing their own marijuana, or you're giving it

1 away for free.

2 MR. MOOSALLY: But here's how I'm
3 making money. So, we're asking question,
4 depending on what the arrangement is, right. You
5 know, I mean, this might be one way to deal with
6 it, is that the member can't get any of the
7 money, you know, from the fee.

8 Because what I would do, kind of like
9 a cover at the door, right, is like if we're
10 paying, just say it's \$100 to get in. If I get a
11 cut of that, if I'm the promoter throwing the
12 event, right, if I sign up as a member for one
13 month, I invite my 100 people, right, and then
14 they're paying the fee, and then I get a piece of
15 that fee, that's how I make my money.

16 But, I mean, I think if we say that
17 the member can't get the money, all the money's
18 going directly to the owner --

19 MS. O'MEARA: But so you're having the
20 guests pay a fee.

21 CHAIR NESBITT: Only if you attract
22 any new members that night. Right? If you have

1 guests or people who --

2 MS. O'MEARA: They would have to sign
3 up for a month too.

4 CHAIR NESBITT: Yeah.

5 MR. MOOSALLY: Well, you'd have to
6 sign up for a month, right. But see, those are
7 members. So the guests, I guess that's where it
8 gets tricky. The guests, you know. Because
9 otherwise, you'd have to limit on the number of
10 guests.

11 COUNCILMEMBER NADEAU: But I say not
12 charging guests might be the answer, right?
13 You'd be prohibited from charging --

14 CHAIR NESBITT: Them on the night of
15 their attendance.

16 COUNCILMEMBER NADEAU: Yes. I just,
17 yeah, because then, they could, -- I mean, look
18 we all, all of us who do outreach have to do
19 follow-up.

20 MS. O'MEARA: But so then the business
21 model, the only way the business is going to make
22 money is if they are charging very high event

1 fees to their members. And so, I think we still
2 have a situation where the likelihood, unless
3 you're having like marijuana weddings, things
4 like that, is sort of an under the table exchange
5 for a member to host something.

6 MR. GIL: Because we haven't gotten
7 into whether the clubs could be selling food,
8 merchandise, paraphernalia, alcohol, or anything
9 to make up money. Because otherwise, there's no
10 way they're going to be sustainable just on
11 monthly, yearly membership fees.

12 MR. MOOSALLY: Right, but the members
13 shouldn't be making the money off the food. I
14 think that's the point. There's not really, we
15 can go to a balance here. The member, in order
16 to do what we're afraid of, they'd have to be
17 able to make money off it somehow.

18 So they're not getting money at the
19 door. And I think you have to put in they can't
20 get anything from the, you know, the sale of the
21 food or non-alcoholic drinks. Then I think it
22 limits your ability to be profitable and you're

1 not going to do it, right?

2 MS. O'MEARA: Yeah.

3 MR. MOOSALLY: So I think that might
4 be a viable way to do. Because otherwise you got
5 to set a limit on the number of guests.

6 MR. GIL: Yeah.

7 MR. MOOSALLY: Which is, you know,
8 which is a double-edged sword.

9 CHAIR NESBITT: So that sort of, to
10 that point, we're talking about the activities
11 that would be permissible in it. What did you
12 discover? Did you look at anything in the Tax
13 Code around their revenue or challenges with the
14 --

15 MS. ZANIEL: Well, it starts with the
16 fact that they have to be incorporated as a non-
17 profit. And then there is some definition with
18 respect to what they can do, but I think it
19 really doesn't matter for this purpose, because
20 we won't make that requirement.

21 Typically, they could be country
22 clubs, amateur hunting, fishing, tennis,

1 swimming, and other sports clubs. Hobby clubs,
2 ethnic clubs, yacht clubs. Those are some of the
3 examples. And so I don't think that fits with
4 this.

5 The one question is if you already
6 have a private club, what will their ability be
7 to use marijuana at their events? Existing
8 private club.

9 MR. MOOSALLY: Well, our position, I'm
10 just thinking for our agency, to start, our
11 agency's position is that you shouldn't have
12 alcohol and marijuana being sold, served,
13 consumed at the same location. We don't want
14 people mixing substances, I think.

15 CHAIR NESBITT: We concur.

16 MR. MOOSALLY: So we've had a lot of
17 issues with that where we've had licensed
18 establishments where people have driven into them
19 who are on both or incidents where they've been
20 on both. And I just think if you're going to
21 start off, it should either be a marijuana
22 establishment or an alcohol establishment, it

1 shouldn't be both.

2 MR. GIL: Or at least not both at the
3 same time.

4 MR. MOOSALLY: Right, and just to be
5 clear, I'm not saying you can't own an alcohol
6 establishment and a marijuana establishment, just
7 that they wouldn't be operating --

8 MS. O'MEARA: Jointly.

9 MR. MOOSALLY: In the same place.

10 MR. GIL: The same place? Or six
11 o'clock, alcohol stops, seven o'clock, marijuana
12 portion begins?

13 MR. MOOSALLY: Our preference would be
14 --

15 PARTICIPANT: How would we enforce it?

16 MR. MOOSALLY: Yeah, I mean, yeah,
17 exactly. I'd prefer it to be a different
18 facility. I don't want to get into, "Well, you
19 know, we stopped the alcohol two minutes ago, we
20 promise." You know? So, I'm just saying it
21 should be separate facilities.

22 COUNCILMEMBER NADEAU: I mean, I

1 think it's certainly worth spelling it out. I
2 suspect nobody on this list is going to flip over
3 to a marijuana club.

4 MR. MOOSALLY: Right.

5 COUNCILMEMBER NADEAU: I would be very
6 surprised if that, you know, Women's National
7 Democratic Club, Cosmos Club, the Metropolitan
8 Club Sphinx Club, Georgetown Club. I'd be
9 shocked. Right, obviously worth spelling out one
10 way or the other. We all have to make choices.

11 CHAIR NESBITT: Now did you have the
12 chance to look at if we, as our -- well, will you
13 look at, because, especially for the next
14 meeting, as our conversations progress with tax
15 and regulation piece, if they have the
16 opportunity to earn marijuana-related revenue,
17 what will that mean in terms of their club
18 status?

19 I mean we've done some, had to clearly
20 look at some of these things with the
21 establishment of the medical marijuana program.
22 And there are, I believe, two tax pathways that

1 the businesses currently have to follow for us,
2 as it relates to two different tax pathways that
3 have to, the medical marijuana businesses have to
4 follow. Carla do they, yes, no?

5 MS. WILLIAMS: I have to look that one
6 up. I know nothing about it.

7 CHAIR NESBITT: Okay, so the revenue
8 that they generate, if they had marijuana-related
9 sales in these clubs. What's the impact on that
10 from the federal level? I know no bank will take
11 it.

12 MR. GIL: Well, how would, you mean in
13 a taxed and regulated system, that the clubs are
14 also selling?

15 CHAIR NESBITT: Uh huh.

16 MR. GIL: Oh, it's cash only.

17 CHAIR NESBITT: Yeah, I know it's cash
18 only. But there's a part of it in terms of --
19 well, it's not bankable. But they still have to
20 pay taxes on their non-marijuana related revenue.
21 So how do they get --

22 MR. GIL: Technically, you'd have to

1 be paying taxes on your marijuana-related -- it's
2 all income --

3 CHAIR NESBITT: Correct, right. But
4 I think it's two separate things, though, that
5 they have to file taxes for.

6 MR. GIL: The legal stuff and the
7 illegal stuff?

8 MS. O'MEARA: We can take --

9 COUNCILMEMBER NADEAU: While we're
10 looking at that, that raised another question for
11 me too. And that is, if we have establishments
12 that are known to only collect cash and not have
13 a way to deposit that money --

14 MS. O'MEARA: We have that now.

15 CHAIR NESBITT: We have it now.

16 COUNCILMEMBER NADEAU: What public
17 safety concerns should we be thinking through in
18 terms of the security plan they should have, you
19 know, etc.? We probably need to spell that out
20 too.

21 MS. O'MEARA: Yes, and we have that
22 exactly spelled out on the current medical

1 marijuana businesses.

2 COUNCILMEMBER NADEAU: Got it. Okay,
3 great, so that's can carry over.

4 CHAIR NESBITT: So it's part of their
5 -- and that's why the ownership piece is
6 extremely important. Because you've got to have
7 a security plan and a workforce that could comply
8 with all of these things. It is not the same as
9 if you own a bar.

10 MS. O'MEARA: And in reality, the
11 private clubs, they're not going to want to
12 jeopardize their businesses on a model which
13 right now we still don't know, say, what's going
14 to happen in November with the election. We
15 don't know which direction the federal
16 government's going to take on marijuana issues.
17 So.

18 CHAIR NESBITT: So, it, I mean, I
19 think people underestimate the ownership
20 challenges associated with these issues, and we
21 seem highly regulatory and onerous, but --

22 MS. O'MEARA: It's with good reason.

1 CHAIR NESBITT: Yes. And I think
2 those in the states have a healthy appreciation
3 for it.

4 MR. GIL: That's a good point. How
5 are you going to set up a bank account as a
6 business? Will a bank even allow you to open up
7 an account if you acknowledge that your business
8 is a marijuana club?

9 MS. O'MEARA: They don't. I mean this
10 has been a serious issue throughout the country.

11 MR. GIL: If it's not and you just say
12 it's a non-profit with a, you know --

13 MS. O'MEARA: They still have to
14 explain --

15 CHAIR NESBITT: Why they have that
16 much cash.

17 MR. GIL: On a, yes, every single
18 deposit's always cash and it smells kind of
19 funny.

20 MS. O'MEARA: So it's a significant
21 issue with the businesses around the country.
22 And they've been trying, I think it was Colorado.

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CHAIR NESBITT: Colorado.

MS. O'MEARA: Trying to set up their own bank, and they haven't been able to get approval.

CHAIR NESBITT: They have vaults and vaults and vaults of cash. Because at some point, you don't infuse that much cash back into your business. You stop being a cash-only, you know, like. Paying your employees with cash, right. At some point you become profitable enough that --

All right, so if you can look into that for us.

MS. O'MEARA: We'll start to look at that, surely.

COUNCILMEMBER TODD: Do we have the authority to say how much we consume at this club?

CHAIR NESBITT: So that's another interesting challenge that is before us on the other side of the medical marijuana program.

1 We're currently, everything in the District is at
2 two ounces. So our medical marijuana patients
3 get no more than two ounces a month.

4 Legal possession is currently at two
5 ounces. But we are being pressed to increased
6 monthly possession up to four ounces. And so
7 that is --

8 MS. ZANIEL: Is there medical data to
9 support that?

10 CHAIR NESBITT: That is currently
11 before our scientific committee. They are
12 convening next week for the second meeting.

13 MR. GIL: I guess to the
14 Councilmember's point, you can bring two ounces
15 with you into the club. Everybody could bring
16 two ounces.

17 CHAIR NESBITT: Right, everybody can
18 bring two ounces.

19 MR. GIL: How much you actually
20 consume is up to you.

21 MS. O'MEARA: And how do you measure
22 the two ounces when it's in another format? It's

1 not a shoebox.

2 MR. GIL: That's right.

3 CHAIR NESBITT: Edible ingestion is
4 much higher than, the intoxication from people
5 who use edibles tends to be much higher because
6 people underestimate how much they're consuming
7 when they ingest via edibles.

8 The other problem that we have is
9 that, in the private club space, if people bring
10 -- right now, there's only two forms of edibles
11 that are regulated in the District, and that's
12 juices and butter. Soon to possibly be a third
13 thing that also you wouldn't eat all by itself.

14 And so in the private club space, what
15 we have the possibility to happen is that these
16 members will make goods in their personal homes
17 and residences, and then bring them for sharing
18 in these private clubs. Which makes it difficult
19 for us to ascertain what's the THC amount, how
20 much weed is in it, and all this other stuff.

21 And so --

22 MS. O'MEARA: Or even the consumer, if

1 they're consuming --

2 CHAIR NESBITT: Exactly. And then the
3 consumer who's eating it. And so it becomes
4 extremely difficult. And because it's not
5 prepared in a commercial kitchen or anything
6 anywhere, we have no ability to do anything to a
7 commercial entity.

8 It's not prepared in the club itself,
9 so they're not in violation of anything. These
10 are just people bringing from home and sharing it
11 with their group members.

12 And so people will be ingesting these
13 things. And so we're not left to assume that
14 every consumption that happens in a private club
15 will be smoking. Some will likely be these
16 edible products that are brought and shared.
17 Which is why we have both been very clear about
18 not also allowing alcohol consumption in the same
19 space. It becomes then definitely a public
20 health and safety issue.

21 MR. GIL: The other issue is at a bar,
22 the bartender can cut you off.

1 CHAIR NESBITT: Cut you off, right.

2 MR. GIL: At a private club, there
3 isn't, especially at a marijuana private club,
4 because you can't tell how affected the person is
5 to the point they become over-intoxicated, until
6 I guess it's too late.

7 COUNCILMEMBER TODD: So would there be
8 any instance where the club is providing the
9 marijuana?

10 CHAIR NESBITT: Well, there should not
11 be at this point. If we had, when we were
12 talking about the tax and regulation schema, and
13 if that comes into play, would we have legal
14 sales in the District and people are not bringing
15 from home, or people are bringing from home and
16 selling.

17 And we actually had attendants who
18 were in charge of sales. You could place
19 responsibility on those attendants to not sell to
20 people who are obviously intoxicated, in the same
21 way that we place responsibility on bartenders to
22 not continue to sell to people who are obviously

1 intoxicated.

2 But absent those mechanisms, one of
3 the things we can continue to talk about here,
4 now that you've raised this wonderful point, is
5 whether or not there should be attendants with
6 responsibility in these establishments, in the
7 same way that we hold people responsible in bars,
8 even though they're not selling.

9 But should they have some level of
10 responsibility to end ongoing consumption in
11 these establishments, or --

12 MS. O'MEARA: And how do you have like
13 a last call?

14 CHAIR NESBITT: Right.

15 MS. O'MEARA: And then, you know,
16 prevent people from leaving? What's the
17 responsibility if someone is intoxicated in terms
18 of --

19 MR. MOOSALLY: You're raising, we're
20 like crossing so many issues here. So many
21 issues. I mean --

22 CHAIR NESBITT: For as much as people

1 talk about safety profiles with marijuana, it is
2 an intoxicating substance. Right? And so we
3 don't want people impaired and behind the wheel
4 at two o'clock in the morning, or even two
5 o'clock in the afternoon.

6 MR. MOOSALLY: Real quick, so we do,
7 to answer your question, Councilmember, for a
8 wine example, right, you can BYOB, you can bring
9 your own wine. You bring your wine into a
10 restaurant, you know, the restaurant has to serve
11 it for you.

12 I'm not saying we're doing that here,
13 I'm just saying we don't just let you go into a
14 restaurant and pour the wine yourself, right?

15 COUNCILMEMBER TODD: Right.

16 MR. MOOSALLY: So the server actually
17 pours the wine for you when you bring, you know,
18 opens it up, what have you. Does that.

19 The other issue we're talking about,
20 though, is what happens at the end of the night
21 or the end of the day or whenever you leaving,
22 right. Are you going to be able to take your

1 marijuana with you? Is it going to be resealed?

2 For alcohol, I'm not saying we should
3 do that here, the club can give you lockers to
4 store your alcohol so that, you know, you leave
5 it at club, right. When you come back to the
6 club on another visit, you get it. You don't
7 leave with it.

8 So, and then when we, you have like an
9 open bottle of wine, we actually put what we call
10 a doggie bag on it, right, where it gets resealed
11 up. So that way you're not drinking it in
12 public. Because the seal can only be opened
13 once.

14 MS. O'MEARA: But there's no
15 requirement that your marijuana, your personal
16 marijuana --

17 MR. MOOSALLY: Understood.

18 MS. O'MEARA: Be sealed when you're
19 carrying it through the District.

20 MR. MOOSALLY: Totally understand
21 that. I'm just giving you the alcohol --

22 (Laughter.)

1 (Simultaneous speaking.)

2 MR. MOOSALLY: You just created an
3 industry for someone, where they will make a
4 container for like, I'm serious, the doggie bag,
5 it's an actual business, right. It's an actual
6 business, there's a company that does it, right.
7 That's the next company.

8 COUNCILMEMBER TODD: Brianne, what is
9 that new program, Made in DC?

10 COUNCILMEMBER NADEAU: Yes, there you
11 go. Put the logo right on the seal. The seal is
12 broken.

13 MS. O'MEARA: You can have little
14 rings and wax too.

15 CHAIR NESBITT: Any other things in
16 the sort of private club space?

17 COUNCILMEMBER NADEAU: I do like the
18 locker idea.

19 CHAIR NESBITT: I do too, I do too.
20 I like that.

21 COUNCILMEMBER NADEAU: It does make
22 the establishment, again, a bigger target for

1 theft.

2 CHAIR NESBITT: But it also, they'll
3 have a security plan.

4 MS. O'MEARA: One of the things that
5 I've been thinking about is addressing the
6 concern of individuals who live in a building
7 where they're not allowed to have marijuana. If
8 they're supposed to bring it there, how are they
9 --

10 COUNCILMEMBER NADEAU: They could
11 instead bring it to the club and then, yeah,
12 leave it there. That's a good point.

13 CHAIR NESBITT: And of the other
14 things, you know, people have talked about, we
15 require so much security and security cameras and
16 things of that nature around dispensaries and
17 cultivation centers. The neighborhoods that they
18 are in have so much more coverage with cameras
19 and things like that now.

20 So if you're thinking in terms of the
21 context of these private clubs, if we require
22 some of those same things, you're going to

1 increase the amount of the footage that you have.

2 COUNCILMEMBER NADEAU: Right, in the
3 data we looked at, there were no crime incidents
4 at any of the dispensaries, except for a stolen
5 cell phone.

6 CHAIR NESBITT: Correct, phone.

7 COUNCILMEMBER NADEAU: So that's
8 pretty good.

9 MS. O'MEARA: And one of the things we
10 need to make sure is -- so, currently bouncers at
11 alcohol establishments are not regulated
12 security. I think the --

13 CHAIR NESBITT: We need to have
14 regulated security?

15 MS. O'MEARA: Yeah.

16 CHAIR NESBITT: Okay.

17 MS. O'MEARA: So either security
18 officers or special police officers.

19 MR. GIL: Could try our off-duty MPD
20 officers.

21 MS. O'MEARA: I think we said no for
22 the medical marijuana establishments. I'll check

1 on that, but I think we said no to that.

2 PARTICIPANT: Conflict of interest.

3 MS. O'MEARA: Yeah, I mean, if you
4 can't hire them at an ABC establishment, you
5 can't have them at a marijuana establishment.
6 Just go ahead and say that.

7 MR. MOOSALLY: We have off-duty --
8 talking about on-duty or off-duty?

9 MS. O'MEARA: At the restaurants.

10 MR. MOOSALLY: Right, you can -- we
11 have the RDO program.

12 MS. O'MEARA: Yeah, yes, but that's
13 different. Because they're on public space,
14 they're not on private space.

15 MR. MOOSALLY: Correct, correct.

16 MS. O'MEARA: Yeah, yeah.

17 MR. MOOSALLY: Yeah, they're outside.
18 They're not inside, they're outside, correct.

19 MS. O'MEARA: Right, right.

20 MR. GIL: But there's no reimbursable
21 details, though, for medical marijuana.

22 MS. O'MEARA: No, not currently.

1 MS. ZANIEL: And apparently not a need
2 for it. But again, the difference is private
3 space versus public space.

4 MR. GIL: I got you.

5 CHAIR NESBITT: All right, so the next
6 bullet. Identify agencies with a role in
7 licensure enforcement of these entities.

8 So we have the four agencies who are
9 on this task force. Which other agencies can we
10 think of with the licensure and enforcement? The
11 last time we had a big conversation about zoning
12 of space, so Office of Planning have a role in
13 this at all? Or do we think it would all fall
14 under BZA --

15 MR. GIL: It's DCRA.

16 CHAIR NESBITT: DCRA.

17 MR. GIL: Because for the medical
18 marijuana, you had to bring in a zoning
19 determination letter from the DCRA zoning
20 administrator, saying that the location of the
21 facility for either the cultivation center or the
22 dispensary met the zoning requirements.

1 For cultivation centers, you had to be
2 in either a M or CM zones, your industrial zones.
3 And for the dispensaries, it was any commercial
4 zone. So there's no Office of Planning for BZA
5 or anybody else who's solely within the DCRA
6 zoning determinations.

7 CHAIR NESBITT: So let's say we get
8 into a space where we say we're going to have --
9 this number's completely arbitrary. Let's say
10 we're going to have four on each floor, right.
11 Completely arbitrary, this is not a high number,
12 this is not a low number. This is not a high
13 number or a low number, I'm just saying four.

14 And I completely made this up,
15 completely made this number up. If we said that,
16 right, and we found that, like, and we found that
17 Ward 4, for example, wasn't appropriately zoned
18 for four of them, that would not be clustered
19 together all down Georgia Avenue, right?

20 (Simultaneous speaking.)

21 CHAIR NESBITT: So would Office of
22 Planning then have to be involved, or would it

1 still be completely controlled by DCRA offering
2 variances, or like how would that work? I'm just
3 trying to think through.

4 MR. GIL: Because like what you had in
5 Ward 5, with the cultivation centers, was they
6 had to go into the C or the CM zones. There's
7 only limited amount of that. And so if you're
8 trying to go into residential, you can't. If you
9 try and go into just commercial, you can't.

10 So you're limited to just those areas.
11 Once those areas are, your hypothetical four,
12 you're done. So you can't go anymore into that
13 ward, because there's no more space to go into.

14 You could have another ward, for
15 example, Ward 3 I don't think has any industrial
16 zoned land. So you can't put a cultivation
17 center in there, period, because there's no land
18 for it to go into.

19 There's no way for you to go to the
20 Board of Zoning Adjustment or anybody else to
21 petition to go in there, because they'll look at
22 your application and say you have to re-zone that

1 land.

2 Which means you're going to the Zoning
3 Commission. So.

4 MR. MOOSALLY: But, yeah, to make a
5 key point that I think was the important
6 distinction which you absolutely had, we're not
7 talking about manufacturing here. If you were
8 talking manufacturing marijuana, you'd have the
9 same issue all over again.

10 But because you're talking consumption
11 and not manufacturing, all wards except for maybe
12 Ward 4 have commercial streets, right. It's
13 totally different than having manufacturing
14 areas. Because it's stated we have limited
15 amount of CM, M zones, but here you could put,
16 you go to C-1, C-2, C-3, C-4.

17 So in Ward 3, where you couldn't put
18 a manufacturing, there's Wisconsin Avenue,
19 Connecticut Avenue, you can go on and on and on.
20 So, I'm not advocating putting them anywhere in
21 specific --

22 CHAIR NESBITT: It's your hypothetical

1 as well.

2 MR. MOOSALLY: Right, but
3 hypothetical, you have tons of commercial spaces.

4 MS. O'MEARA: Essentially anywhere
5 where we could have an ABRA-licensed
6 establishment.

7 MR. MOOSALLY: Right. For example, we
8 can only issue a license in a commercial zone.
9 We have almost 2000 licenses, so they're spread
10 out in all eight wards.

11 CHAIR NESBITT: So us four, nobody
12 else?

13 PARTICIPANT: I don't think so.

14 MS. O'MEARA: No, one thing I'm
15 wondering about is OTR and whether they have any
16 role.

17 MR. GIL: Yeah, in an all-cash
18 business.

19 CHAIR NESBITT: Definitely, they would
20 want to be involved to make sure they capture all
21 of their --

22 MR. GIL: Fire, I think, would be

1 involved in the review of the building plans, for
2 sprinklers and egress and all that stuff.

3 MR. MOOSALLY: That's what I was
4 thinking, egress.

5 MR. GIL: For DCRA.

6 MS. O'MEARA: Also, if there's storage
7 lockers there, would they be involved, beyond
8 just capacity issues?

9 MR. GIL: I think that would still be
10 through the building permit process, right.

11 MS. O'MEARA: Okay. Do they have any
12 special role with the medical marijuana
13 dispensaries? I'm just trying to figure out
14 whether there's anything in terms of having
15 potentially combustible materials.

16 CHAIR NESBITT: I think they're
17 involved with the design and the safety, the life
18 safety issue piece of it.

19 I think we've covered the authority
20 over private clubs and the regulatory mandate of
21 DCRA and ABRA.

22 MR. GIL: Okay only other possible one

1 would be DDOT, if we're talking about allowing
2 sidewalk café type use at these private clubs.
3 And the whole covered space --

4 MS. O'MEARA: We're not.

5 COUNCILMEMBER NADEAU: That was public
6 consumption. I just think we're following
7 problems by even going there.

8 MR. GIL: So it's just those --

9 COUNCILMEMBER NADEAU: Good question
10 but, yeah.

11 CHAIR NESBITT: Okay. All right, so
12 for our next meeting, so we'll talk about tax and
13 regulation, permitted activities within that we
14 already didn't cover today. Any of today's
15 agenda items that we didn't cover comprehensively
16 you guys want to revisit?

17 MS. O'MEARA: No.

18 CHAIR NESBITT: Any -- yes, Kelly?

19 MS. O'MEARA: Just to what to extent
20 does it fall within our general charge to deal
21 with issues like detailed operational
22 regulations, the way they have for ABRA, you

1 know? Noise, hours of operation, things like
2 that. Is that within our purview, or is that
3 sort of a next step?

4 CHAIR NESBITT: Yeah, so I think in
5 the goals of our initial report, we want to just
6 put forth a general sort of criteria,
7 feasibility, what it would look like. So if they
8 existed, what sort of general context and
9 construct would they exist?

10 So, if they would be permitted, this
11 is sort of we would say that they need to be
12 permitted, that the membership would be defined
13 in this way, ownership would follow along in the
14 same way with the medical marijuana program, etc.

15 So once we talk about, in the report
16 we would talk about how the operational
17 activities, we would have to dive deeper into
18 them. But I don't think the onus is upon us to
19 pull together the detailed sort of regulatory
20 framework we have for the medical marijuana
21 program or ABRA or any of the things like that.

22 I think for where we've had the

1 discussions about, you know, special events and
2 those types of things, saying we acknowledge that
3 we would need to create opportunities for special
4 events to exist and want to work through those
5 types of issues. But having to iron them out, I
6 don't think that we would need to have those
7 things completely resolved.

8 MR. GIL: The only other thing for the
9 agenda for next time would be the DCRA review of
10 the non-profit corporation requirements, and any
11 tie-in to the 501(c)(3)s.

12 CHAIR NESBITT: Thank you. I have
13 that written at the top but not --

14 MR. MOOSALLY: So the one thing, I
15 mean, I think we talked a little bit, just want
16 to get clarification on is, what other items they
17 can sell, include in their membership, what have
18 you. And mainly for me would be food and non-
19 alcoholic beverages. I don't have any problem if
20 that's included in their membership fee. But, I
21 mean, I think we should encourage food, water,
22 other non-alcoholic beverages to be available for

1 consumption.

2 MR. GIL: And for food, whether it
3 would be prepared on site or prepackaged food.

4 MR. MOOSALLY: Right.

5 MS. O'MEARA: But are you talking
6 about adulterated food, or regular food? Because
7 the issue of whether it's prepared on site then
8 becomes sort of a, wouldn't that be just a
9 general DOH licensing if it's not adulterated?

10 MR. MOOSALLY: Yeah, I was talking
11 about food that was not adulterated.

12 CHAIR NESBITT: Right. No adulterated
13 food.

14 MS. ZANIEL: For now.

15 MR. GIL: For now, right.

16 CHAIR NESBITT: So if we resolve
17 number one, it will be adulterated food. All
18 right. All right, okay. Any other thoughts for
19 consideration? All right, thank you all so much
20 for your time today.

21 (Whereupon, the above-entitled matter
22 went off the record at 11:28 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

In the matter of: Meeting

Before: D.C. Marijuana Private Club Task Force

Date: 06-24-16

Place: Washington, DC

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