

DEPARTMENT OF HEALTH

FINAL RULEMAKING

The Director of the Department of Health, pursuant to Sections 4(a) and 14 of the Legalization of Marijuana for Medical Treatment Amendment Act of 2010, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code §§ 7-1671.03(a) and 7-1671.13 (2012 Repl.)) respectively, and Mayor's Order 2011-71, dated April 13, 2011, hereby gives notice of the adoption of the following amendments to Chapter 3 (Use of Medical Marijuana) of Subtitle C (Medical Marijuana), Title 22 (Health), of the District of Columbia Municipal Regulations (DCMR).

The purpose of this rulemaking is to address the needs of patients suffering from medical conditions which, based on their physician's recommendation, need to receive medical marijuana, in non-dried forms, in excess of the equivalent of two (2) ounces of dried medical marijuana within a thirty (30) day period.

This rulemaking was adopted on an emergency basis on October 15, 2015, and became effective immediately on that date. The emergency rule will expire one hundred twenty (120) days from the date of adoption (February 11, 2016), or upon publication of a Notice of Final Rulemaking in the *D.C. Register*, whichever occurs first.

These rules were published in the *D.C. Register* as proposed rulemaking on November 13, 2015 at 62 DCR 14939. No comments were received from the public in connection with this publication during the 30-day comment period. Following the required period of Council review, the rules were deemed approved by the D.C. Council on January 12, 2016. These final rules will be effective upon publication of this notice in the *D.C. Register*.

Chapter 3, USE OF MEDICAL MARIJUANA, of Title 22-C, MEDICAL MARIJUANA, is amended as follows:

Section 300, USE BY QUALIFYING PATIENT, TRANSPORTATION BY CAREGIVER, AND LIMITATIONS ON MEDICAL MARIJUANA, is amended as follows:

Subsection 300.9 is amended to read as follows:

- 300.9 Except as provided in § 300.10, the maximum amount of medical marijuana any qualifying patient or caregiver may possess at any time is:
- (a) Two (2) ounces of dried medical marijuana; or
 - (b) The equivalent of two (2) ounces of dried medical marijuana when sold in any other form.

The current Subsections 300.10-300.13 are renumbered as 300.11-300.14.

A new Subsection 300.10 is added to read as follows:

- 300.10 A qualifying patient may petition the Director for approval to possess more than the equivalent of two (2) ounces of dried medical marijuana in a form other than dried by submitting the following to the Department:
- (a) A written request from the qualifying patient's recommending physician containing:
- (1) The qualifying patient's name and age;
 - (2) The qualifying patient's clinical diagnosis;
 - (3) The qualifying patient's clinical history;
 - (4) The physician's treatment plan for the qualifying patient including the duration of treatment;
 - (5) The reason that the waiver is being requested;
 - (6) The recommended form of medical marijuana;
 - (7) The recommended amount, concentration, or dosage of medical marijuana that the qualifying patient needs within a thirty (30) day period; and
- (b) Any other information requested by the Department.