

D.C. ACT 20-565

DECEMBER 3, 2014

INITIATIVE MEASURE

NO. 71

SHORT TITLE

“LEGALIZATION OF POSSESSION OF MINIMAL AMOUNTS OF MARIJUANA FOR PERSONAL USE INITIATIVE OF 2014”

SUMMARY STATEMENT

This initiative changes the laws of the District of Columbia to make it lawful under District of Columbia law for a person 21 years of age or older to:

- possess up to 2 ounces of marijuana for personal use;
- grow no more than 6 cannabis plants with 3 or fewer being mature, flowering plants, within the person's principal residence;
- transfer without payment (but not sell) up to one ounce of marijuana to another person 21 years of age or older; and
- use or sell drug paraphernalia for the use, growing, or processing of marijuana or cannabis.

LEGISLATIVE TEXT

BE IT ENACTED BY THE ELECTORS OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Legalization of Possession of Minimal Amounts of Marijuana for Personal Use Initiative of 2014".

Sec. 2. Section 401(a) of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-904.01(a)), is amended as follows:

(a) Paragraph (1) is amended to read as follows:

"(a)(1) Except as authorized by this act or the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective July 27, 2010 (D.C. Law 18-2010; D.C. Official Code §

7-1671.01 *et seq.*), it is unlawful for any person knowingly or intentionally to manufacture, distribute, or possess, with intent to manufacture or distribute, a controlled substance. Notwithstanding any provision of this act to the contrary, it shall be lawful, and shall not be an offense under District of Columbia law, for any person 21 years of age or older to:

"(A) Possess, use, purchase, or transport marijuana weighing 2 ounces or less;

"(B) Transfer to another person 21 years of age or older, without remuneration, marijuana weighing one ounce or less;

"(C) Possess, grow, harvest, or process, within the interior of a house or rental unit that constitutes such person's principal residence, no more than 6 cannabis plants, with 3 or fewer being mature, flowering plants; provided, that all persons residing within a single house or single rental unit may not possess, grow, harvest, or process, in the aggregate, more than 12 cannabis plants, with 6 or fewer being mature, flowering plants;

"(D) Possess within such house or rental unit the marijuana produced by such plants; provided that, nothing in this subsection shall make it lawful to sell, offer for sale, or make available for sale any marijuana or cannabis plants."

(b) New paragraphs (1A), (1B), (1C), (1D), (1E), and (1F) are added to read as follows:

"(1A)(A) The terms "controlled substance" and "controlled substances," as used in the District of Columbia Official Code, shall not include:

"(i) Marijuana that is or was in the personal possession of a person 21 years of age or older at any specific time if the total amount of marijuana that is or was in the possession of that person at that time weighs or weighed 2 ounces or less;

"(ii) Cannabis plants that are or were grown, possessed, harvested, or processed by a person 21 years of age or older within the interior of a house or rental unit that constitutes or at the time constituted, such person's principal residence, if such person at that time was growing no more than 6 cannabis plants with 3 or fewer being mature flowering plants and if all persons residing within that single house or single rental unit at that time did not possess, grow, harvest, or process, in the aggregate, more than 12 cannabis plants, with 6 or fewer being mature, flowering plants; or

"(iii) The marijuana produced by the plants which were grown, possessed, harvested, or processed by a person who was, pursuant to sub-subparagraph (ii) of this subparagraph, permitted to grow, possess, harvest, and process such plants, if such marijuana is or was in the personal possession of that person who is growing or grew such plants, within the house or rental unit in which the plants are or were grown.

"(B) Notwithstanding the provisions of this paragraph, the terms "controlled substance" and "controlled substances," as used in the District of Columbia Official Code, shall include any marijuana or cannabis plant sold or offered for sale or made available for sale.

"(1B) Notwithstanding any other provision of the District of Columbia Official Code, no District government agency or office shall limit or refuse to provide any facility service, program, or benefit to any person based upon or by reason of conduct that is made lawful by this subsection.

"(1C) Nothing in this subsection shall be construed to require any District government agency or office, or any employer, to permit or accommodate the use, consumption, possession, transfer, display, transportation, sale, or growing of marijuana in the workplace or to affect the ability of any such agency, office, or employer to establish and enforce policies restricting the use of marijuana by employees.

"(1D) Nothing in this subsection shall be construed to permit driving under the influence of marijuana or driving while impaired by use or ingestion of marijuana or to modify or affect the construction or application of any provision of the District of Columbia Official Code related to driving under the influence of marijuana or driving while impaired by marijuana.

"(1E) Nothing in this subsection shall be construed to prohibit any person, business, corporation, organization, or other entity, or District government agency or office, who or which occupies, owns, or controls any real property, from prohibiting or regulating the possession, consumption, use, display, transfer, distribution, sale, transportation, or growing of marijuana on or in that property.

"(1F) Nothing in this subsection shall be construed to make unlawful any conduct permitted by the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective July 27, 2010 (D.C. Law 18-210; D.C. Official Code § 7-1671.01 *et seq.*)."

Sec. 3. Section 4 of the Drug Paraphernalia Act of 1982, effective September 17, 1982 (D.C. Law 4-149; D.C. Official Code § 48-1103), is amended as follows:

(a) Subsection (a) is amended to read as follows:

"(a)(1) Except as authorized by the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective July 27, 2010 (D.C. Law 18-2010; D.C. Official Code § 7-1671.01 *et seq.*), it is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inhale, ingest, or otherwise introduce into the human body a controlled substance; except that it shall be lawful for any person 21 years of age or older to use, or possess with intent to use, drug paraphernalia to possess or use marijuana if such possession or use is lawful under section 401(a) of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-904.01(a)(1)), or to use, or possess with intent to use, drug paraphernalia to grow, possess, harvest, or process cannabis plants, the growth, possession, harvesting or processing of which is lawful under section 401(a) of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-904.01(a)(1)).

"(2) Whoever violates this subsection shall be imprisoned for not more than 30 days or fined not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01), or both."

(b) Subsection (b) is amended to read as follows:

"(b)(1) Except as authorized by the Legalization of Marijuana for Medical Treatment

ENROLLED ORIGINAL

Initiative of 1999, effective July 27, 2010 (D.C. Law 18-2010; D.C. Official Code § 7-1671.01 *et seq.*), it is unlawful for any person to deliver or sell, possess with intent to deliver or sell, or manufacture with intent to deliver or sell drug paraphernalia, knowingly, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance; except that it shall be lawful for any person to deliver or sell, possess with intent to deliver or sell, or manufacture with intent to deliver or sell, drug paraphernalia under circumstances in which one knows or has reason to know that such drug paraphernalia will be used solely for use of marijuana that is lawful under section 401(a) of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-904.01(a)(1)), or that such drug paraphernalia will be used solely for growing, possession, harvesting, or processing of cannabis plants that is lawful under section 401(a) of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-904.01(a)(1)).

“(2) Whoever violates this subsection shall be imprisoned for not more than 6 months or fined not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01), or both, unless the violation occurs after the person has been convicted in the District of Columbia of a violation of this act, in which case the person shall be imprisoned for not more than 2 years, or fined not more than the amount set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01), or both.”

Sec. 4. The amounts of the fines set forth in section 101 of the Criminal Fine Proportionality Amendment Act of 2012, effective June 11, 2013 (D.C. Law 19-317; D.C. Official Code § 22-3571.01), and section 4 of the Drug Paraphernalia Act of 1982, effective September 17, 1982 (D.C. Law 4-149; D.C. Official Code § 48-1103), shall be adjusted through implementing or amending legislation enacted by the Council of the District of Columbia to the extent necessary to ensure that this act does not negate or limit any act of the Council of the District of Columbia pursuant to section 446 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 801; D.C. Official Code § 1-204.46).

Sec. 5. This act shall take effect after a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)).