

# **Initiative Measure #71, “Legalization of Possession of Minimal Amounts of Marijuana for Personal Use Act of 2014”**

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## **INITIATIVE MEASURE**

NO. 71

## **SHORT TITLE**

“Legalization of Possession of Minimal Amounts of Marijuana for Personal Use Act of 2014”

## **SUMMARY STATEMENT**

This initiative, if passed, will make it lawful under District of Columbia law for a person 21 years of age or older to:

- possess up to two ounces of marijuana for personal use;
- grow no more than six 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 Act of 2014.”

Sec. 2. Section 401 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), is amended as follows:

(a) Subsection (a)(1) is amended to read as follows: “(a)(1) Except as authorized by this chapter or Chapter 16B or Title 7, 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 chapter to the contrary, it shall be lawful, and shall not be an offense under District of Columbia law, for any person twenty-one (21) years of age or older to :

“(A) Possess, use, purchase or transport marijuana weighing two ounces or less;

“(B) Transfer to another person twenty-one 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 six cannabis plants, with three 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 twelve cannabis plants, with six 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) The following new paragraphs are added to subsection (a) after paragraph (1), and the remaining paragraphs are renumbered accordingly:

“(2) The terms ‘controlled substance’ and ‘controlled substances,’ as used in this Code, shall not include:

“(A) Marijuana that is or was in the personal possession of a person twenty-one 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 two ounces or less;

“(B) Cannabis plants that are or were grown, possessed, harvested, or processed by a person twenty one 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 six cannabis plants with three 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 twelve cannabis plants, with six or fewer being mature, flowering plants; or

“(C) The marijuana produced by the plants which were grown, possessed, harvested or processed by a person who was, pursuant to subparagraph (B) of this paragraph, 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.

Notwithstanding the provisions of this paragraph, the terms ‘controlled substance’ and ‘controlled substances’ as used in this Code shall include any marijuana or cannabis plant sold or offered for sale or made available for sale.

“(3) Notwithstanding any other provision of this 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.

“(4) 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.

“(5) 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 this Code related to driving under the influence of marijuana or driving while impaired by marijuana.

“(6) 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.

“(7) Nothing in this subsection shall be construed to make unlawful any conduct permitted by the District of Columbia Legalization of Marijuana for Medical Treatment Amendment Act of 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) Except as authorized by Chapter 16B of Title 7, 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 twenty-one 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

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 48-904.01(a)(1). Whoever violates this subsection shall be imprisoned for not more than 30 days or fined for not more than \$100, or both.”

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

“(b) Except as authorized by Chapter 16B of Title 7, 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 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 48-904.01(a)(1). Whoever violates this subsection shall be imprisoned for not more than 6 months or fined for not more than \$1,000, or both, unless the violation occurs after the person has been convicted in the District of Columbia of a violation of this subchapter, in which case the person shall be imprisoned for not more than 2 years, or fined not more than \$5,000, or both.”

Sec. 4. The amounts of the fines set forth in District of Columbia Code sections 22-3571.01 and 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 D.C. 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 Self-Government and Government Reorganization Act (Home Rule Act), approved December 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(1)).