

From: Turner, Joshua (OAG) [REDACTED]

Date: Wednesday, March 13, 2024 at 4:45 PM

To: Szymkowicz, JP (SMD 3D07) [REDACTED], Jenkins, Martha (ABCA)
[REDACTED]

Subject: Re: ANC Commissioner Szymkowicz - Formal Letter Regarding Legality of Marijuana Dispensary Licenses - March 9, 2024

Good afternoon Commissioner,

Thank you very much for your questions. The authority to issue medical cannabis licenses stems from the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective February 25, 2010 (D.C. Law 13-315; D.C. Official Code § 7-1671.01 et seq.). With respect to federal law, rules governing the program make clear that "[t]he District of Columbia's law authorizing the District's medical marijuana program will not excuse any registrant from any violation of the federal laws governing marijuana or authorize any registrant to violate federal laws." 22-C DCMR § 200.4(b). Those federal laws include 21 U.S.C. § 860, the provision you reference.

Sincerely,

Joshua A. Turner
Assistant Attorney General
Legal Counsel Division
Office of the Attorney General for the District of Columbia
[REDACTED]

From: Szymkowicz, JP (SMD 3D07) [REDACTED]

Sent: Wednesday, March 13, 2024 8:49 PM

To: Jenkins, Martha (ABCA) [REDACTED]; Turner, Joshua (OAG) [REDACTED]

Subject: ANC Commissioner Szymkowicz - Marijuana Dispensary Licenses (ABCA's Position with regard to OAG's Email) - March 13, 2024

Ms. Jenkins (with a copy to Mr. Turner):


In light of Mr. Turner's email below, does ABCA concur that a medical marijuana dispensary license may not be granted for any such dispensary that is located within the number of feet of a school set forth in 21 U.S.C. § 860?





Please advise ASAP as this issue is causing significant distress in our community and in ANC 3D.

Thank You.

J.P.

J.P. Szymkowicz
ANC Commissioner
Single Member District 3D07



From: Turner, Joshua (OAG) 
Sent: Thursday, March 14, 2024 3:17 PM
To: Jenkins, Martha (ABCA) ; Szymkowicz, JP (SMD 3D07) 
Cc: Berman, Jonathan (ABCA) 
Subject: Re: ANC Commissioner Szymkowicz - Marijuana Dispensary Licenses (ABCA's Position with regard to OAG's Email) - March 13, 2024

Good afternoon Commissioner,

We apologize for any misunderstanding. OAG has not conceded, and does not take the position that, ABCA cannot grant a license for a dispensary within 1000 feet of a school. As our earlier email noted, ABCA has authority under the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective February 25, 2010 (D.C. Law 13-315; D.C. Official Code § 7-1671.01 et seq.), to issue licenses. The applicant/licensee is responsible for compliance with all District and federal laws.

Thanks very much,

Joshua A. Turner
Assistant Attorney General
Legal Counsel Division
Office of the Attorney General for the District of Columbia

