



What's up with legalization in DC?

[MPP is significantly involved in this issue, with detailed updates available here.](#)

Here is a quick overview: Voters in the District of Columbia overwhelmingly voted in support of legalization in 2014, but the District does not get to control its own budget, rather, Congress does. And in this instance, Congress has refused to allow local regulatory authorities to implement a system. The result is a system in which adults can be in possession of cannabis, but there is no clearly legal way for them to get it.

The voter initiative in 2014 was called initiative 71, also known as the Legalization of Possession of Minimal Amounts of Marijuana for Personal Use Initiative, and went into effect on February 26, 2015.¹ Under Initiative 71, in the District of Columbia, a person who is at least 21 years old can legally possess two ounces or less of marijuana, transfer one ounce of marijuana or less to another person who is at least 21 years old (as long as no payment or exchange is made), cultivate up to six marijuana plants, possess marijuana-related paraphernalia, and use marijuana on private property.²

It is illegal in Washington D.C. to sell any amount of marijuana to another person, possess more than two ounces of marijuana, operate any vehicle under the influence of marijuana, or consume any form of marijuana in any public space. It remains illegal for anyone under 21 years old to possess marijuana, but if someone underage is caught with less than two ounces of marijuana, it will be seized and the individual will not be arrested or issued a ticket.³

As mentioned, the fact that Congress controls the budget has kept the District from implementing a regulatory system. Rep. Andy Harris from the neighboring state of Maryland included a limitation in the budget of 2015 which prevented the city from establishing a regulated cannabis market. The “Harris Rider” has remained in place since then, and was also left in the funding bill of 2022.⁴

The format of Initiative 71 and the Harris Rider created a gray market. Retail stores began implementing workarounds by selling such things as shirts or books, and pairing each sale with a “gift” of cannabis.⁵ It is not technically illegal, but stops short of a regulatory system to help ensure licensing for businesses, and the testing and labeling of products. Unsurprisingly, D.C. authorities would prefer to regulate (and tax) the industry which would protect businesses and consumers. Sadly, it means that despite the will of the voters, Congress has long prevented regulators from regulating cannabis-related activities, and a gray market emerged in the nation’s capital as a result.

In 2022, the regulatory landscape changed for residents. Local activists sought and won a change in the local system that significantly expands the existing medical marijuana program (which is not limited by the infamous Harris Rider), to make it possible for individuals to self-qualify and get access to a safe and regulated system as a medical consumer.⁶ Unfortunately, this is limited to those who live in the District of Columbia. Nonetheless, it is hoped that we will see a more orderly system that is less dangerous for consumers and businesses than we have seen in previous years.

¹ “The Facts on DC Marijuana Laws,” Metropolitan Police Department, accessed July 11, 2022, <https://mpdc.dc.gov/marijuana#:~:text=What's%20no%20longer%20a%20criminal,effective%20on%20February%2026%2C%202015.>

² Metropolitan Police Department, “The Facts on DC Marijuana Laws.” And note that while this includes places like hotels, owners typically have strict restrictions on use or possession.

³ Metropolitan Police Department, “The Facts on DC Marijuana Laws.”

⁴ Fertig, “Democratic-led Congress keeps ban on D.C. weed.”

⁵ Natalie Fertig, “Democratic-led Congress keeps ban on D.C. weed,” Politico, March 3, 2022, <https://www.politico.com/news/2022/03/09/congress-bans-dc-weed-00015583>

⁶ Michael Brice-Saddler, “D.C. Council allows adults over 21 easier access to medical marijuana,” June 28, 2022, <https://www.washingtonpost.com/dc-md-va/2022/06/28/dc-council-marijuana-vaccines/>