



## Talking Points on Ending D.C.'s Social Use Ban

Under D.C. law, **it is illegal to consume marijuana** on the street, in a vehicle, or **in any public place**. The passage of Initiative 71, which legalized cannabis for adult use, did NOT change this. But it also did not limit the consumption of marijuana to “home use.” Rather, its passage would have allowed consumption at private venues and private events. Unfortunately, right after Initiative 71 took effect, the D.C. Council passed a temporary ban on consumption anywhere outside a private home — the “social use ban.” Then, in February, the council created a task force to study the issue. Two council members, Brianne Nadeau (Ward 1, a staunch ally of reform), and Brandon Todd (Ward 4, a staunch ally of Mayor Bowser, who has thus far opposed this reform), have been appointed to the task force. You can let the task force know:

- 1) They should keep an open mind and NOT pass the permanent version of the social use ban, B21-0107, which would make it very difficult to move forward with the Task Force’s work.
- 2) The social use ban needs to be amended to allow regulated places where adults can consume cannabis together, which a January 2016 **poll showed 61% of voters support**.
- 3) The ban could be amended to permit a limited number of regulated businesses that allow cannabis consumption, much like hookah or cigar bars that allow tobacco smoking. In addition, dispensaries could be permitted to allow on-site consumption.

There are **four major problems** with the ban:

- **It helps continue the racially disparate enforcement of low-level marijuana crimes.**
  - a. We now have clear data showing that the law criminalizing public consumption is disparately enforced, with African-Americans constituting 84% of the arrests last year even though they are only 49% of D.C.’s population and use marijuana at similar rates.
  - b. A criminal record carries many collateral consequences, making it more difficult to find a job or housing. Because D.C. cannot eliminate this criminal offense (due to congressional interference with D.C.’s laws), the only way to mitigate the effect of disparate enforcement is to give people a safe, lawful alternative place to use marijuana.
- **It discriminates against low-income residents.**
  - a. Many low-income people live in federally subsidized housing. Because cannabis is illegal under federal law, if residents are caught smoking in their own homes they could lose their housing under “zero tolerance” policies. This problem is especially acute due to the very high cost of housing in D.C.
  - b. In addition, many landlords have adopted rules against using marijuana in their buildings. Low-income people are less likely to be homeowners free of such restrictions.
  - c. As a result of these policies, many people have no legal place to consume cannabis. Allowing private venues and events to permit the use of marijuana would remedy this.
- **It discriminates against D.C.’s cannabis consumers.**
  - a. D.C. has numerous establishments where adults can consume alcohol, a more harmful

substance. Adult marijuana consumers should have similar freedoms.

- **It has unintended consequences.**

- a. As a result of this policy, people who want to consume marijuana socially sometimes have large gatherings in private homes, which do not have capacity limits, exit signs, and other safety features that licensed venues do.