



# INITIATIVE 71 and DC's MARIJUANA LAWS

## Questions and Answers

### **Q. When will Initiative 71 become law?**

A. 12:01 a.m. on Thursday, February 26, 2015.

### **Q. What is legal under Initiative 71 and DC's Marijuana laws?**

A. It is legal for adults 21 years of age or older to:

- Possess two ounces or less of marijuana;
- Grow within their primary residence up to six marijuana plants, no more than three of which are mature;
- Transfer one ounce or less of marijuana to another person as long as: (1) no money, goods, or services are exchanged; and (2) the recipient is 21 years of age or older; and
- Consume marijuana on private property.

### **Q. What will the law still prohibit?**

A. Even with the enactment of Initiative 71, it will remain a crime for anyone to:

- Possess more than two ounces of marijuana;
- Smoke or consume marijuana on public space or anywhere to which the public is invited;
- Sell any amount of marijuana to another person; or
- Operate a vehicle or boat under the influence of marijuana.

### **Q. What is the impact of Initiative 71 on persons under 21?**

A. Anyone under 21 years of age is still prohibited from possessing any amount of marijuana. If marijuana is found in the possession of a youth under 21, police will seize the marijuana. If the person has more than two ounces, the person can also be arrested.

### **Q. How will Initiative 71 apply to federal property in the District?**

A. It doesn't. It will continue to be illegal to use marijuana in public anywhere in the District of Columbia. Under federal law, federal law enforcement officers may arrest anyone in the District for possession of any amount of marijuana.

### **Q. Where can marijuana be bought for personal consumption?**

A. Marijuana can be grown at home or shared; it can't be sold. Home grow; home use.

### **Q. I thought the District was going to tax and regulate marijuana?**

A. Congressional interference means the District can't enact any regulatory framework for the sale or taxation of marijuana. So, for now, marijuana cannot be sold, or taxed.

### **Q. How can I get some marijuana then?**

A. Home cultivation is permitted of up to 3 mature plants or 6 mature plants in a household with multiple adults who are 21 and over. Up to one ounce of marijuana can be shared so long as there is no exchange of money, good or services.

### **Q. Where is it ok to smoke marijuana?**

A. Home grow; home use. Anywhere else isn't allowed.

**Q. Can I smoke in my car?**

A. You cannot smoke in public, even if the car is stopped. And, if you're driving while under the influence of marijuana, you are subject to arrest based on the District's existing impaired driving laws.

**Q. Is it legal to smoke marijuana on a restaurant's patio or at a rooftop bar?**

A. No; whether inside or outside, marijuana cannot be smoked in any public place, including restaurants or bars.

**Q. What about at a cigar or hookah bar; can I smoke marijuana there?**

A. Like restaurants and bars, those are public places, too. So, marijuana use there isn't allowed either.

**Q. Can I eat a marijuana brownie at a park? What about at a bus stop?**

A. No matter the form it takes, marijuana can be consumed only in private homes. Home grow; home use.

**Q. Can members of private clubs smoke marijuana inside the club?**

A. No. The Mayor will introduce legislation in the coming days to make it clear that, for the purposes of marijuana use, private clubs are treated like public places.

**Q. If individuals can smoke only inside private residences, does that mean that marijuana parties are ok?**

A. Subject to existing restrictions on noise and occupancy levels, there is no prohibition on the use of marijuana by multiple people – each of whom must be 21 years of age or older – in the same residence. At no time, should there be two ounces or more of marijuana per adult.

**Q. I'm a renter; can I smoke marijuana in my apartment?**

A. In most instances, that's up to you and your landlord. But, if you live in public housing the answer is no.

**Q. Now that marijuana is legal, can I deny someone a job who has a prior conviction for marijuana use?**

A. Employers may not inquire about a prior conviction until they have made a conditional offer of employment. Same goes for when you can ask a prospective employee to take a drug test.

**Q. Who is responsible for enforcing Initiative 71?**

A. The Metropolitan Police Department will enforce criminal violations, such as selling any amount of marijuana, impaired driving, and consuming any amount of marijuana in public. The Department of Consumer and Regulatory Affairs can revoke business licenses in certain circumstances. The Department of Health has some civil enforcement responsibilities as it relates to food products.

**Q. What training have MPD officers received with respect to marijuana enforcement?**

A. Just as when the marijuana decriminalization law went into effect last year, MPD will issue policy for officers to follow, and will require officers to take online training. MPD officers will also have brief information cards to share with community members.

**Q. What are the penalties?**

A. For an individual arrested for smoking or consuming marijuana in public, he or she, upon conviction, faces up to 60 days in jail or a \$500 fine.

A. For an individual arrested for selling marijuana, he or she, upon conviction, faces 6 months in jail or a \$1,000 fine for a first offense.

A. Restaurant and business owners that allow patrons to use marijuana could lose their business license and certificate of occupancy.