

SPECIAL ORDER



DISTRICT OF COLUMBIA

Title
Medical Marijuana
Number
SO-13-08
Effective Date
August 29, 2013
Related to:
General Order 302.01 (Calls for Service)
GO-SPT-401.01 (Field Reporting System)
GO-PER-100.11 (Medical Services)

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I. BACKGROUND

The “Legalization of Marijuana for Medical Treatment Amendment Act of 2010” became effective in the District of Columbia (D.C.) on July 27, 2010, allowing D.C. residents to enter into the “Medical Marijuana Program” and obtain medical marijuana from an approved medical marijuana dispensary under certain circumstances.

The D.C. Department of Health (DOH) is the lead agency for the Medical Marijuana Program and oversees all aspects of the program including the operations of the cultivation centers and dispensaries, and keeping an accurate account of all registered patients and caregivers authorized by the program. Only cultivation centers, dispensaries, patients, and caregivers authorized by DOH may participate in the program.

The purpose of this order is to provide guidance to members on handling incidents involving medical marijuana, to describe the Metropolitan Police Department’s role in the destruction of unused medical marijuana and medical marijuana by-products, and to outline members’ responsibilities when they are recommended medical marijuana or serve as caregivers.

II. POLICY

It is the policy of the Metropolitan Police Department (MPD) not to interfere, disrupt or impede any citizen who is authorized and legally registered with the D.C. DOH for the possession and use of medical marijuana, and who is in possession of authorized medical marijuana, or any other items in reference to the Medical Marijuana Program provided they are in compliance with relevant laws and regulations including, but not limited to, the D.C. Official Code §7-1671 and DCMR 22-C100 *et seq.*

III. DEFINITIONS

For purposes of this order, the following terms shall have the designated meanings:

1. Caregiver – A person, eighteen (18) years of age or older, designated by a qualifying patient and registered with DOH as the person authorized, on the qualifying patient's behalf, to possess medical marijuana and paraphernalia, obtain from a dispensary, dispense, and assist in the administration of medical marijuana.
2. Cultivation Center – A facility operated by an organization or business registered with the Mayor pursuant to D.C. Official Code §7-1671.05 (Medical Marijuana Program) from or at which medical marijuana is cultivated, possessed, manufactured, and distributed to licensed dispensaries in the form of medical marijuana, and paraphernalia is possessed and distributed to licensed dispensaries.
3. Dispensary – A facility operated by an organization or business registered with the Mayor pursuant to D.C. Official Code §7-1671.05 from or at which medical marijuana is possessed and dispensed and paraphernalia is possessed and distributed to a qualifying patient or a caregiver.
4. Field Report – Incident or offense report [i.e., PD Form 251 (Incident Based Event Report)], generally completed in the MPD Records Management System (RMS).
5. Medical Marijuana – Marijuana cultivated, manufactured, possessed, distributed, dispensed, obtained, or administered in accordance with the rules issued pursuant to D.C. Official Code §7-1671.13 (Rules).
6. Medical Marijuana Program – The program administered by DOH regulating the manufacture, cultivation, distribution, dispensing, purchase, delivery, sale, possession and administration of medical marijuana.
7. Product – Any form of medical marijuana produced and/or distributed as part of the Medical Marijuana Program.

8. Paraphernalia - Objects used, intended for use, or designed for use in preparing, storing, ingesting, inhaling, or otherwise introducing medical marijuana into the human body and kits, objects, devices, or equipment used, intended for use, or designated for use in planting, propagating, manufacturing, cultivating, growing, harvesting, processing, or preparing medical marijuana.
9. Patient – A resident of the District who has a qualifying medical condition or is undergoing a qualifying medical treatment and has been registered as a qualifying medical marijuana patient by DOH.
10. Residence – A dwelling or dwelling unit in which a person lives in a particular locality with the intent to make it a fixed and permanent home.

IV. REGULATIONS

- A. Nothing contained in this special order is intended to negate the fact that non-medical marijuana is an illegal drug in the District of Columbia, and members should continue to make arrests for possession and distribution (e.g., UCSA possession, PWID).
- B. Patients participating in the Medical Marijuana Program:
 1. Must be in possession of a valid patient registration card (Attachment A) issued by DOH whenever in possession of medical marijuana or any paraphernalia associated with the Medical Marijuana Program.
 2. May only possess medical marijuana obtained from the registered dispensary designated on his or her registration identification card.
 3. May only use medical marijuana in their legal residence or a medical treatment facility when receiving medical care for a qualifying medical condition as permitted by the medical facility.
 4. May possess no more than two (2) ounces of dried medical marijuana or its equivalent when sold in any other form (e.g., brownies) at any time.

NOTE: The dispensary applied label will indicate the quantity in the container.
- C. Caregivers must possess a valid caregiver registration card issued by the DOH whenever in possession of or administering medical marijuana or any paraphernalia associated with the program.

- D. Transportation of Medical Marijuana
1. A qualified patient or caregiver shall only transport medical marijuana in a labeled container bearing the required label received from the authorized dispensary or sealed package bearing the required label received from the authorized dispensary.
 2. A qualifying patient or caregiver shall only transport medical marijuana in a container or sealed package bearing the label received from the dispensary.
 3. No driver of a commercial or public vehicle in the District of Columbia shall have in his or her possession, while in or on the vehicle, any opened or unsealed package containing medical marijuana.
 4. The executor of an estate or the relative of a deceased, qualified patient are permitted to transport medical marijuana to a district station for destruction.
 5. Transportation of Medical Marijuana by Cultivation Centers
 - a. Cultivation centers must obtain a transport permit from DOH to transport medical marijuana within D.C. to registered dispensaries or to NSID for destruction.
 - b. An original transport permit is required for each vehicle authorized to transport medical marijuana to a registered dispensary. This permit must be exhibited upon demand by any law enforcement officer or DOH investigator.
 - c. Cultivation centers may permit only employees, directors, officers, members, incorporators, or agents registered with the DOH or its contracted agent to transport medical marijuana.
- E. Members shall direct any public comments, questions, or complaints about cultivation centers, dispensaries, or employees to be submitted in writing to DOH at doh.mmp@dc.gov or to the following address:
- Medical Marijuana Program
Health Regulation and Licensing Administration
899 N. Capitol Street, NE 2nd Floor
Washington, DC 20002
- F. For all incidents or crimes with an articulable nexus between the incident or crime and medical marijuana, members shall ensure that:
1. “Medical Marijuana Incident” is entered in the offense field as one of the classifications.

2. The involvement of medical marijuana is noted in the narrative; and
 3. A copy of the field report (i.e., PD Form 251) is forwarded to NSID.
- G. In the event that a medical marijuana patient dies and a family member of the deceased wishes to turn-in the medical marijuana to a member, the member shall:
1. Take possession of the medical marijuana; and
 2. Turn it over to a member of NSID.

V. PROCEDURES

- A. Handling of Incidents Involving Violations of the Medical Marijuana Program
1. Members handling incidents involving violations of the Medical Marijuana Program shall:
 - a. Verify the individual's registration status by examining their registration card. If the patient does not have their registration card or the member believes a card may be fraudulent, the member shall query WALES to confirm the patient's registration. If the member cannot confirm the registration in WALES, the member shall confirm the return through an Office of Unified Communications (OUC) operator.
 - b. Advise the person of the violation of the Medical Marijuana Program and that the violation will be reported to DOH.
 - c. Complete a field report (i.e., PD Form 251) in accordance with Part V.G of this order and ensure that a copy is forwarded to NSID.
 2. Members who suspect child endangerment as a result of the use of medical marijuana in a residence when such use would or is likely to result in exposure to either the medical marijuana, or the medical marijuana smoke, which may adversely affect the health, safety, or welfare of a minor shall:
 - a. Contact the Youth Investigations Division (YID) who shall then notify Children and Family Services Agency (CFSA) of the suspected child endangerment in accordance with GO-SPT-309.06 (Child Abuse and Neglect).

- b. Complete a field report (i.e., PD Form 251) in accordance with Part IV.G of this order and ensure that a copy is forwarded to NSID.

B. Handling Arrests Involving Medical Marijuana

- 1. Members who arrest persons for offenses involving medical marijuana shall ensure a copy of the field report (i.e., PD Form 251), PD Form 163 (Prosecution Report) and PD Form 81 (Property Record) are forwarded to NSID.

NOTE: Examples of possible arrests involving medical marijuana include, but are not limited to:

- a. A qualified medical marijuana patient is observed selling his/her medical marijuana. In this case, the patient can be charged with possession with intent to distribute; or
 - b. A subject has been arrested for robbing a medical marijuana patient of their medical marijuana product as the patient was leaving the dispensary.
- 2. When conducting a traffic stop involving an impaired medical marijuana patient or caregiver who is operating a vehicle, members shall:
 - a. Handle the incident in accordance with GO-PCA-502.02 [Handling Cases Involving Persons Suspected of “Driving While Intoxicated” and/or “Driving While Under the Influence” (DUI and/or DWI)].
 - b. Process any recovered medical marijuana as evidence.
 - c. Ensure a copy of the field report (i.e., PD Form 251), PD Form 163-A (Prosecution Report – DUI), and PD Form 81 (Property Record) are forwarded to NSID.
 - 3. Members who interact with persons who make fraudulent representations of any fact or circumstance relating to the person’s manufacture, cultivation, possession, administration, dispensing, distribution, or use of medical marijuana, or manufacture, possession, distribution, or use of paraphernalia, shall be charged with “Fraudulent Representation Concerning Medical Marijuana” in addition to any other appropriate charges.
 - 4. NSID shall notify DOH of all medical marijuana arrests and forward DOH a copy of the field report (i.e., PD Form 251).

5. Members who arrest medical marijuana patients shall treat the patient's medical marijuana as prisoner property unless it is otherwise classified as evidence.
6. Medical marijuana arrestees requesting to use their marijuana while in custody shall be transported to the hospital in accordance with GO-PCA-502.07 (Medical Treatment and Hospitalization of Prisoners).

C. Responding to Cultivation Centers and Dispensaries

Members conducting routine business checks and/or entering a cultivation center or dispensary for any reason shall:

1. Notify the OUC that they are entering a medical marijuana establishment and provide the name of the establishment and the address.
2. If violations of the Medical Marijuana Program are observed at the establishment:
 - a. Take any necessary police action.
 - b. Ask to speak with the manager to inform him/her of the violation.
 - c. For administrative violations, complete a field report (i.e., PD Form 251) in accordance with Part IV.G of this order and ensure that a copy is forwarded to NSID.
 - d. In cases involving arrest, ensure a copy of the field report (i.e., PD Form 251), PD Form 163, and PD Form 81 are forwarded to NSID.

D. Processing Medical Marijuana for Destruction

1. District Stations
 - a. Patients and caregivers may bring unused medical marijuana to any District station for destruction.
 - b. Station personnel receiving medical marijuana for destruction shall process the property in accordance with GO-PCA-601.01(Recording, Handling and Disposition of Property Coming into the Custody of the Department) referring to Part I, Section J, disposition of Narcotics and Dangerous Drugs.
 - c. Property Division shall process all medical marijuana product and/or paraphernalia in accordance with GO-PCA-601.01(Recording, Handling and Disposition of Property Coming

into the Custody of the Department) referring to Part I, Section J, disposition of Narcotics and Dangerous Drugs.

2. NSID shall be responsible for processing the destruction of all medical marijuana by-products and unused medical marijuana received from cultivation centers and dispensaries.

E. NSID Responsibilities

NSID shall be responsible for:

1. Ensuring that DOH is notified of all incidents involving the Medical Marijuana Program by e-mailing a copy of each Medical Marijuana Incident Report (PD Form 251) handled by MPD to doh.mmp@dc.gov.
2. Investigating reported violations of the "Legalization of Marijuana for Medical Treatment Amendment Act of 2010" by cultivation centers and dispensaries.
3. Assisting other units in investigating cases related to the Medical Marijuana Program.

VI. CROSS REFERENCES

- A GO-SPT-309-.06 (Child Abuse & Neglect)
- B. GO-PCA-502.02 [Handling Cases Involving Persons Suspected of "Driving While Intoxicated" and/or "Driving While Under the Influence" (DUI and/or DWI)].
- C. GO-PCA-601.01 (Recording, Handling and Disposition of Property Coming into the Custody of the Department)

VII. ATTACHMENT

Attachment A: Sample Medical Marijuana Registration Card



Cathy L. Lanier
Chief of Police

Sample Medical Marijuana Registration Card

DC DEPARTMENT OF HEALTH
MEDICAL MARIJUANA PROGRAM

Patient Name
John Q Public

Caregiver Name
Edward Rooney

Patient Registration Identification Number
91498324987912384

Caregiver Registration Identification Number
092314021340983240

Designated Dispensary
Northeast Dispensary, 1287634 Mocktown Road
Washington, DC 12345

Physician's DC Medical License Number
98149872349912339

DOH Internal Authentication Identifier
01204983124987387

Date of Issuance
12/12/2012

Expiration Date
12/12/2013

Patient Photo Here

This card is the property of DC Department of Health
Health Regulation and Licensing Administration

If found, drop in any mailbox. Postmaster:
Return Postage Guaranteed. Return to:

DC Department of Health
Health Regulation and Licensing Administration
899 N. Capitol Street, NE • Washington, DC 20002