

ENROLLED ORIGINAL

AN ACT
D.C. ACT 18-413

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 21, 2010

*Codification
 District of
 Columbia
 Official Code*

2001 Edition

2010 Fall
 Supp.

West Group
 Publisher

To amend An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes to exempt any District-owned real property from new disposition requirements if certain criteria are met; and to amend the Department of Real Estate Services Establishment Act of 1998 to require that the Mayor prepare and submit to the Council a Master Public Facilities Plan.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Master Public Facilities Plan Amendment Act of 2010".

Sec. 2. Section 1(a-1) of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801(a-1)), is amended by adding a new paragraph (5) to read as follows:

Amend
 § 10-801

"(5) The Mayor shall be deemed to have met the requirements of paragraphs (2)(C) and (4) of this subsection if, prior to April 19, 2010, the Mayor submitted the proposed resolution pursuant to this subsection to the Council and, prior to March 10, 2010, the Mayor engaged in community outreach efforts regarding the real property's proposed redevelopment; provided, that the community outreach:

* "(A) Occurred in an accessible location, or accessible locations, in the vicinity of the real property; and

"(B) Involved a discussion of the proposed redevelopment plan for real property."

Sec. 3. The Department of Real Estate Services Establishment Act of 1998, effective March 26, 1999 (D.C. Law 12-175; D.C. Official Code § 10-1001 *et seq.*), is amended by adding a new section 1806g-1 to read as follows:

"Sec. 1806g-1. Master Public Facilities Plan.

"(a)(1) The Department of Real Estate Services, in collaboration with the Office of Planning and the Office of the City Administrator, shall prepare a Master Public Facilities Plan based on facilities needs requests provided by each District government agency that uses real

ENROLLED ORIGINAL

property titled or leased in the name of the District ("agencies") for a period of at least 5 years.

"(2) The Master Public Facilities Plan shall include the following:

"(A) Identification of long-term and short-term facilities needs, as known at the time;

"(B) The integration and adoption of relevant elements in the District's Comprehensive Plan for the National Capital that provide goals, objectives, and policies for land use issues;

"(C) An assessment of all District-owned or maintained facilities and property and the identification of improvements needed to correct deficiencies;

"(D) Opportunities for the substitution of District-owned space for leased space;

"(E) Real properties of facilities proposed for demolition, surplus, or disposition, which have potential for other uses;

"(F) Significant energy and sustainability initiatives;

"(G) A summary of all leases and capital projects, including future planning goals and objectives of all leases and capital projects; and

"(H) Consideration of recommendations of the District Facilities Planning Advisory Committee and District residents.

"(3) The Department of Real Estate Services shall provide agencies with instructions for preparing the facilities needs requests. Before developing facilities needs requests, agencies with significant community services functions shall, as part of their facilities needs review, solicit public input in their review process, as appropriate, such as by conducting a public hearing. All agencies shall:

"(A) Base their facilities needs requests on anticipated program operations;

"(B) Submit their facilities needs requests to the Department of Real Estate Services, including the types of facilities and, if applicable, the general location for the facilities, on or before September 1st of each 5th year in the 5-year cycle, commencing in 2012; and

"(C) Identify space requests associated with all types of uses, including:

"(i) Office;

"(ii) Industrial;

"(iii) Recreational;

"(iv) Housing and community service space; and

"(v) Community service facilities.

"(4) The Department of Real Estate Services, in collaboration with the Office of Planning and the Office of the City Administrator, shall review the requests and prepare a draft Master Public Facilities Plan that meets the aggregate facilities needs of the District.

"(b) The Department of Real Estate Services shall transmit the draft Master Public Facilities Plan to the District Facilities Planning Advisory Committee once every 5 years, on or

ENROLLED ORIGINAL

before February 15th of each 5th year in the 5-year cycle, commencing in 2013, for review and comment. The Department of Real Estate Services, in collaboration with the Office of Planning and the Office of the City Administrator, may revise the draft Master Public Facilities Plan based on the comments received.

“(c) The Department of Real Estate Services shall hold at least one public hearing, upon 30 days’ notice published in the District of Columbia Register and 30 days’ notice to the affected Advisory Neighborhood Commission, to receive comment or input into the draft Master Public Facilities Plan, as revised under subsection (b) of this section, and to publicize a 30-day public comment period during which time the public may view the draft Master Public Facilities Plan and submit written comments for consideration. After taking into consideration these comments, the Department of Real Estate Services, in collaboration with the Office and Planning and the Office of the City Administrator, shall prepare a final Master Public Facilities Plan.

“(d) The Mayor shall submit the Master Public Facilities Plan to the Council. The Council shall hold a public hearing on the Master Public Facilities Plan within 60 days of receipt from the Mayor. Not more than 90 days after the completion of the public hearing required by this subsection, the Council shall approve or disapprove the Master Public Facilities Plan. If the Council does not take action to approve or disapprove the Master Public Facilities Plan within 90 days of the public hearing on the Master Public Facilities Plan, the Master Public Facilities Plan shall be deemed approved.

“(e)(1) The Master Public Facilities Plan shall guide the Department of Real Estate Services in its implementation of real estate and capital projects, including formulation of the Capital Improvements Plan. Notwithstanding the foregoing, changes in agency programs and operations, District government priorities, the real estate and financial markets, grant availability and other factors, may make it necessary or advisable to take actions not included in, or fully consistent with, the Master Public Facilities Plan.

“(2) The Department of Real Estate Services shall report to the Council at least annually on the implementation of the Master Public Facilities Plan.”

Sec. 4. Applicability.

Section 3 shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.

Sec. 5. Fiscal impact statement.

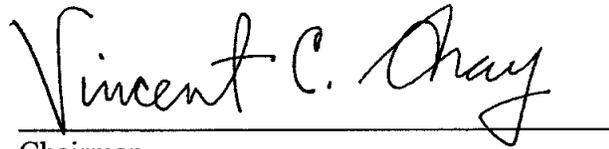
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

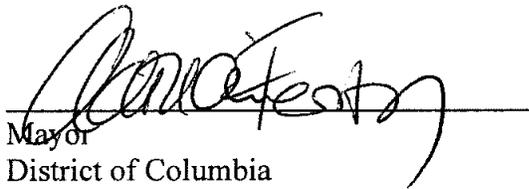
This act shall take effect following approval by the Mayor (or in the event of veto by the

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Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
May 21, 2010

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AN ACT

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To amend Chapter 18 of Title 47 of the District of Columbia Official Code to create a job growth tax credit, to establish how businesses qualify for the job growth tax credit, to establish the method for determining the value of the job growth tax credit, and to establish the procedure for granting and administering the job growth tax credit.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Job Growth Incentive Act of 2010".

Sec. 2. Chapter 18 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended as follows:

(1) A new section designation is added to read as follows: "47-1807.09. Job growth tax credit."

(2) A new subchapter VII-A is added to read as follows:

"Subchapter VII-A. Job Growth Tax Credit.

"47-1807.51. Definitions.

"47-1807.52. Job growth tax credit.

"47-1807.53. Job growth tax credit eligibility.

"47-1807.54. Job growth tax credit application, approval, and calculation.

"47-1807.55. Job growth tax credit administration.

"47-1807.56. Rules."

(3) A new section designation is added to read as follows: "47-1808.09. Job growth tax credit."

(b) A new section 47-1807.09 is added to read as follows:

"47-1807.09. Job growth tax credit.

"A job growth tax credit shall be allowed as provided in subchapter VII-A of this chapter."

(c) A new subchapter VII-A is added to read as follows:

"Subchapter VII-A. Job Growth Tax Credit.

"§ 47-1807.51. Definitions.

New
§ 47-1807.09

New
§ 47-1807.51

ENROLLED ORIGINAL

“For the purposes of this subchapter, the term:

“(1) “Credit certificate” means a statement issued by the Mayor, issued under § 47-1807.55, certifying that a project qualifies for the job growth tax credit and specifying the amount of the job growth tax credit allowed.

“(2) “Credit period” means a period of up to 60 consecutive months for which a taxpayer may claim the job growth tax credit that is calculated annually by the Mayor. The credit period shall not extend past December 31, 2020.

“(3) “Chief Financial Officer” means the Office of the Chief Financial Officer created by § 1-204.24a.

“(4) “FICA taxes” means the taxes imposed by section 3111(a) and (b) of the Internal Revenue Code of 1986.

“(5) “Job growth tax credit” means the credit against the franchise taxes imposed by subchapters VII and VIII of this chapter allowed pursuant to this subchapter.

“(6) “Mayor” means the Mayor of the District of Columbia

“(7) “Net job growth” means the difference between the total number of full-time equivalent employees, who are residents of the District of Columbia, employed by the taxpayer in the District of Columbia for the project at the end of each calendar year of the project and the total number of full-time equivalent employees, who are residents of the District of Columbia, employed by the taxpayer in the District of Columbia for the project at the commencement of the project.

“(8) “Project” means any business project that encourages, promotes, and stimulates economic development in key economic sectors and that is approved by the Mayor as specified in § 47-1807.54.

“(9) “Taxpayer” means a taxpayer engaged in trade or business.

§ 47-1807.52. Job growth tax credit.

“For tax years beginning on or after January 1, 2010, but prior to January 1, 2015, upon application by a taxpayer, in the order of priority received and not to exceed the annual amount allocated therefor in the budget and financial plan, the Mayor, in accordance with this subchapter, shall approve, and there may be allowed, to any taxpayer an annual job growth tax credit with respect to the franchise taxes imposed by subchapters VII and VIII of this chapter, for a credit period in an amount determined by the Mayor pursuant to § 47-1807.54.

“§ 47-1807.53. Job growth tax credit eligibility.

“The Mayor shall approve any job growth tax credits allowed by § 47-1807.52 if, during a credit period, a project shall:

“(1) Bring a net job growth of at least 10 new jobs to the District of Columbia with an average yearly wage of at least 120% of the average yearly wage of residents of the District of Columbia;

“(2) Increase income tax and payroll revenue for the District of Columbia;

“(3) Result in the retention of any new positions proposed by the project for at least one year; and

New
§ 47-1807.52

New
§ 47-1807.53

ENROLLED ORIGINAL

"(4) Be approved by the Mayor only if the project would not occur but for the job growth tax credit.

"§ 47-1807.54. Job growth tax credit application, approval, and calculation.

New
§ 47-1807.54

"(a) A taxpayer shall apply for, and the Mayor shall approve, the job growth tax credit as follows:

"(1) A taxpayer shall submit a complete written application for a job growth tax credit to the Mayor before the project commences in the District of Columbia. The application shall include:

"(A) A detailed description of the project;

"(B) An identification of the specific jobs that will be created and the anticipated salary range for each job; and

"(C) Documentation to demonstrate that, without the job growth tax credit, the project would not occur in the District of Columbia, which documentation shall include information that indicates:

"(i) Receipt of the job growth tax credit is a major factor in the taxpayer's decision; and

"(ii) Without the job growth tax credit, the taxpayer is not likely to commence the project in the District of Columbia.

"(2) The Mayor shall review each application submitted for a job growth tax credit. Based on the application submitted, the Mayor shall approve the job growth tax credit as provided by § 47-1807.52. The approval shall include the maximum amount of the credit available to the taxpayer for the entire credit period calculated pursuant to subsection (b) of this section and the specific terms that shall be met to qualify for the job growth tax credit.

"(b) The job growth tax credit allowed shall be calculated by the Mayor as follows:

"(1) For the maximum amount of the job growth tax credit available to the taxpayer for the credit period, the Mayor shall multiply the estimated net job growth for each of the years in the credit period by 50% of the taxpayer's total estimated FICA taxes each year for all new employees of the project who are residents of the District of Columbia.

"(2) For the annual amount of the job growth tax credit allowed, the Mayor shall multiply the actual net job growth for that year by 50% of the taxpayer's FICA taxes for the new employees of the project who are residents of the District of Columbia; provided, that a job growth tax credit shall not be allowed, and a credit certificate shall not be issued, in an amount that exceeds the maximum amount of the approved job growth tax credits as calculated pursuant to paragraph (1) of this subsection.

"(3) If the amount of the credit allowed under paragraph (2) of this subsection exceeds the amount of franchise taxes otherwise due on the taxpayer's income in the tax year for which the job growth tax credit is being claimed, the unused amount of the job growth tax credit may be carried forward and used as a credit against subsequent years' franchise tax liability for a period not to exceed 10 years and shall be applied first to the earliest tax years possible. Any credit remaining after this period shall not be refunded or credited to the

ENROLLED ORIGINAL

taxpayer.

“(4) A taxpayer who uses a job growth tax credit that is subsequently disallowed shall be liable for the resulting tax deficiency, interest, and penalties as otherwise provided by law.

“§ 47-1807.55. Job growth tax credit administration.

New
§ 47-1807.55

“(a) A taxpayer that receives approval for a job growth tax credit shall notify the Mayor promptly if the project is canceled or otherwise becomes ineligible for the job growth tax credit, in which case the approval may be canceled. The approval shall be void if the taxpayer that receives approval does not commence the project within 1½ years after the receipt of the approval or fails to meet the specific terms established by the Mayor under § 47-1807.54(a)(2).

“(b)(1) On or before March 1 of the calendar year after the commencement of the project, and each March 1 of any calendar year following a year of the credit period, a taxpayer that received approval under § 47-1807.54(a)(2) shall submit an annual request for a credit certificate to the Mayor. The request shall include documents that detail the number of employees hired for the project, the net job growth for the project, all documentation necessary to calculate the job growth tax credit, and any other information requested by the Mayor.

“(2) If the project has commenced and the project meets or exceeds the conditions of a project as specified in § 47-1807.53 and the specific terms established by the Mayor under § 47-1807.54(a)(2), the Mayor shall, on an annual basis, certify the project's compliance with § 47-1807.53 and § 47-1807.54(a)(2), calculate the annual amount of the credit allowed as specified in § 47-1807.54(b)(2), and issue a credit certificate for that calendar year in that amount to the taxpayer. The credit certificate shall be submitted by the taxpayer to the Chief Financial Officer with the taxpayer's income tax return for the tax year that includes December 31 of the calendar year for which the credit certificate is issued.

“(c) The Chief Financial Officer may audit the accounts of a taxpayer receiving a job growth tax credit up to 12 months following the issuance of any credit certificate.

“(d) The Mayor shall transmit an annual report to the Council, including information regarding all approvals granted and credit certificates issued in reference to the job growth tax credit, including the names of the recipients of the credits, the credit amounts claimed, and the total net job growth for each recipient.

“§ 47-1807.56. Rules.

New
§ 47-1807.56

The Mayor, pursuant to Chapter 5 of Title 2, shall issue rules necessary to implement the provisions of this subchapter.”

(d) A new section 47-1808.09 is added to read as follows:

“47-1808.09. Job growth tax credit.

New
§ 47-1808.09

“A job growth tax credit shall be allowed as provided in subchapter VII-A of this chapter.”

Sec. 3. Sunset.

This act shall expire on January 1, 2030.

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Sec. 4. Applicability.

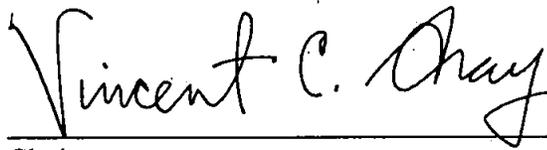
This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.

Sec. 5. Fiscal impact statement.

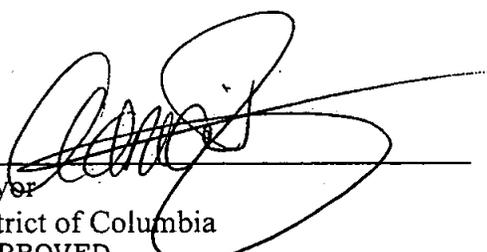
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
May 21, 2010

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-415

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 21, 2010

To require, on a temporary basis, group health plans, individual health plans, and health insurers to provide health insurance coverage for dependents under 26 years of age on the same terms that insurance benefits are provided to other covered dependents.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Health Insurance for Dependents Temporary Act of 2010".

Sec. 2. Definitions.

For the purposes of this act, the term:

- (1) "Dependent child" means an insured's child by blood or by law who:
 - (A) Is under 26 years of age;
 - (B) Is unmarried;
 - (C) Has no dependent of his own;
 - (D) Is a resident of the District of Columbia or is enrolled as a full-time student at an accredited public or private institution of higher education; and
 - (E) Is not provided coverage, or eligible to receive coverage, as a named subscriber, insured, enrollee, or covered person under any other group health plan or individual health plan, or entitled to benefits under Title XVIII of the Social Security Act, approved July 30, 1965 (Pub. L. 89-871; 42 U.S.C. § 1395 *et seq.*), at the time dependent coverage pursuant to this act begins.
- (2) "Group health plan" means an employee welfare plan (as defined in section 3 (1) of the Employee Retirement Income Security Act of 1974, approved September 2, 1974 (88 Stat. 829; 29 U.S.C. § 1002(1)), to the extent that the plan provides medical care and includes items and services paid for as medical care to employees or their dependents (as defined under the terms of the plan) directly or through insurance, reimbursement, or otherwise.
- (3) "Health insurance coverage" means benefits consisting of medical care (provided directly, through insurance or reimbursement, or otherwise and includes items and

ENROLLED ORIGINAL

services paid for as medical care) under any hospital or medical service policy or certificate, hospital, or medical service plan contract, or health maintenance organization contract offered by a health insurer.

(4) "Health insurer" means any person that provides one or more health benefit plans or insurance in the District, including an insurer, a hospital and medical services corporation, a fraternal benefit society, a health maintenance organization, a multiple employer welfare arrangement, or any other person providing a plan of health insurance subject to the authority of the Commissioner of Insurance, Securities, and Banking.

Sec. 3. Dependent child coverage.

(a) A group health plan or an individual health plan, and a health insurer offering health insurance coverage that provides coverage for dependent children, that delivers, issues for delivery, amends, or renews a health insurance policy in the District of Columbia shall make health insurance coverage available and, if requested by the policyholder, extend health insurance coverage to any dependent child of a policyholder until the dependent child is no longer a dependent child.

(b) The health insurance coverage shall provide:

(1) The same health insurance coverage benefits to a dependent child that are available to any other covered dependent; and

(2) Health insurance coverage benefits to a dependent child at the same rate or premium applicable to any other covered dependent.

(c) Nothing in this act shall be construed to require:

(1) Coverage for services provided to a dependent before the effective date of this act; or

(2) That an employer or other group policyholder pay all or part of the cost of coverage for a dependent as provided pursuant to this section.

Sec. 4. Limitations on other coverage.

This act shall not limit or alter any right to dependent coverage or to the continuation of coverage that is otherwise provided for in the District of Columbia.

Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

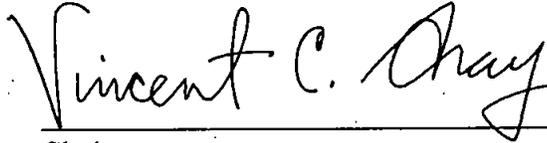
Sec. 6. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review

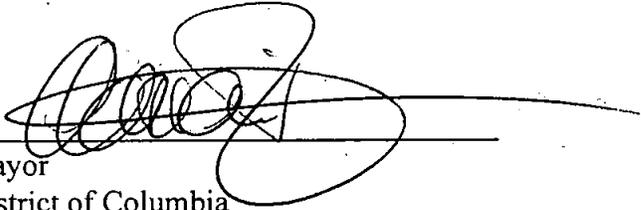
ENROLLED ORIGINAL

as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
May 21, 2010

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-416

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 21, 2010

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To amend, on a temporary basis, An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes to deem the Old Naval Hospital renovation project, located in Ward 6, to have met new community meeting and notice requirements and to allow the lease to be submitted for Council review.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Old Naval Hospital Community Obligation Requirements Temporary Amendment Act of 2010".

Sec. 2. Section 1(a-1) of An Act Authorizing the sale of certain real estate in the District of Columbia no longer required for public purposes, approved August 5, 1939 (53 Stat. 1211; D.C. Official Code § 10-801(a-1)), is amended by adding a new paragraph (6) to read as follows:

Note,
§ 10-801

"(6) The Mayor is deemed to have met the requirements of paragraph (2)(C) and paragraph (4) of this subsection with respect to the District-owned real property known as the Old Naval Hospital, located at 921 Pennsylvania Avenue, S.E., in Square 0948, for which the Mayor engaged in community outreach efforts regarding the property's proposed redevelopment plan, and which followed notice to and consent from the applicable Advisory Neighborhood Commission."

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

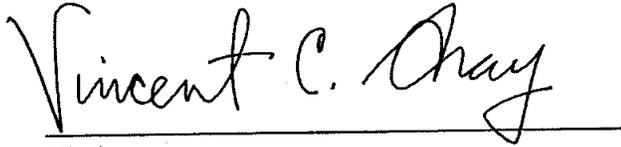
Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved

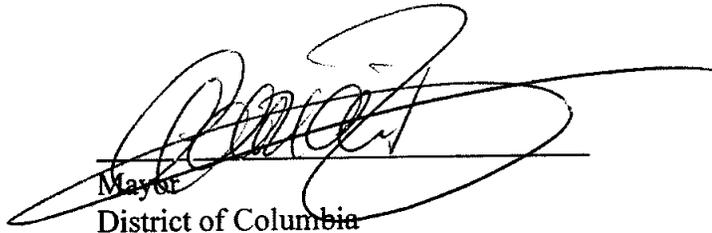
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December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
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AN ACT

D.C. ACT 18-417

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend, on a temporary basis, the Health Maintenance Organization Act of 1996 to require publicly funded health maintenance organizations and prepaid health plans to comply with the prevailing premium assessment on commercial health maintenance organizations, and to direct associated revenues to enhance and expand publicly funded health coverage; to amend the Hospital and Medical Services Corporation Regulatory Act of 1996 to rename the Healthy DC Fund the Healthy DC and Health Care Expansion Fund and to expand the purpose of the fund to provide increased funding to all public health-care programs administered by the Department of Health Care Finance; to amend the Insurance Regulatory Trust Fund Act of 1993 to exclude any policy or membership fee, net premium receipts, or consideration received from or paid by the Department of Health Care Finance from the definition of "direct gross receipts"; and to amend the Healthy DC Act of 2008 to make conforming amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Medicaid Resource Maximization Temporary Amendment Act of 2010".

Sec. 2. Section 4a of the Health Maintenance Organization Act of 1996, effective August 16, 2008 (D.C. Law 17-219; D.C. Official Code § 31-3403.01), is amended as follows:

*Note,
§ 31-3403.01*

(a) Subsection (a) is amended by striking the phrase "the District Medicaid Program, the Healthy DC Program, the DC HealthCare Alliance,".

(b) Subsection (d) is amended to read as follows:

"(d) Any revenues generated from this section arising from contracts for services under the District's Medicaid program, DC HealthCare Alliance program, or Healthy DC program shall be deposited in the Healthy DC and Health Care Expansion Fund, established by section 15b of the Hospital and Medical Services Corporation Regulatory Act of 1996, effective March 2, 2007 (D.C. Law 16-192; D.C. Official Code § 31-3514.02)."

(c) New subsections (e) and (f) are added to read as follows:

ENROLLED ORIGINAL

“(e) Of all other revenues generated pursuant to this section, 75% shall be deposited in the Healthy DC and Health Care Expansion Fund and 25% shall be deposited in the General Fund of the District of Columbia.

“(f) For the purposes of this section, the term, “health maintenance organization” shall include prepaid health plans.”.

Sec. 3. The Hospital and Medical Services Corporation Regulatory Act of 1996, effective April 9, 1997 (D.C. Law 11-245; D.C. Official Code § 31-3501 *et seq.*), is amended as follows:

(a) Section 2(3A) (D.C. Official Code § 31-3501(3A)) is amended by striking the phrase “Healthy DC Fund” both times it appears and inserting the phrase “Healthy DC and Health Care Expansion Fund” in its place.

Note,
§ 31-3501

(b) Section 15(j)(2) (D.C. Official Code § 31-3514(j)(2)) is amended by striking the phrase “Healthy DC Fund” and inserting the phrase “Healthy DC and Health Care Expansion Fund” in its place.

Note,
§ 31-3514

(c) Section 15b (D.C. Official Code § 31-3514.02) is amended as follows:

(1) The section heading is amended by striking the phrase “Healthy DC Fund” and inserting the phrase “Healthy DC and Health Care Expansion Fund” in its place.

Note,
§ 31-3514.02

(2) Subsection (a) is amended as follows:

(A) Strike the phrase “Healthy DC Fund (“Fund”)” and insert the phrase “Healthy DC and Health Care Expansion Fund (“Fund”)” in its place.

(B) Strike the phrase “Title 4 without” and insert the phrase “Title 4, and other medical assistance programs administered by the Department of Health Care Finance, without” in its place.

(3) Subsection (b)(2) is amended to read as follows:

“(2) Any other local funds, including any fees, penalties, or other tax revenues required by District law, including the premium tax imposed on health maintenance organizations, as required by section 4a of the Health Maintenance Organization Act of 1996, effective August 16, 2008 (D.C. Law 17-219; D.C. Official Code § 31-3403.01).”.

Sec. 4. Section 2(2) of the Insurance Regulatory Trust Fund Act of 1993, effective October 21, 1993 (D.C. Law 10-40; D.C. Official Code § 31-1201(2)), is amended by adding the following sentence at the end:

Note,
§ 31-1201

“Direct gross receipts shall not include any policy or membership fees, net premium receipts, or consideration received from or paid by the Department of Health Care Finance.”.

Sec. 5. The Healthy DC Act of 2008, effective August 16, 2008 (D.C. Law 17-219; D.C. Official Code § 4-631 *et seq.*), is amended as follows:

ENROLLED ORIGINAL

(a) Section 5042(c) (D.C. Official Code § 4-632(c)) is amended by striking the phrase "Healthy DC Fund" and inserting the phrase "Healthy DC and Health Care Expansion Fund" in its place.

Note,
§ 4-632

(b) Section 5047 (D.C. Official Code § 4-637) is amended by striking the phrase "Healthy DC Fund" and inserting the phrase "Healthy DC and Health Care Expansion Fund" in its place.

Note,
§ 4-637

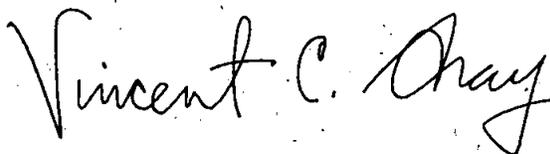
Sec. 6. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

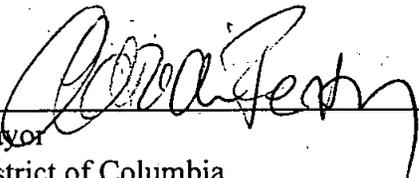
Sec. 7. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
May 21, 2010

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-418

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 21, 2010

Codification
District of
Columbia
Official Code

2001 Edition

2010 Fall
Supp.West Group
Publisher

To amend, on a temporary basis, section 47-1812.08 of the District of Columbia Official Code to require the District of Columbia Lottery and Charitable Games Control Board, or any payor, for certain lottery winnings, to deduct and withhold an amount equal to the highest tax rate as specified in section 47-1806.03, 47-1807.02, or 47-1808.03 of the District of Columbia Official Code.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Withholding of Tax on Lottery Winnings Temporary Act of 2010".

Sec. 2. Section 47-1812.08 of the District of Columbia Official Code is amended by adding a new subsection (l) to read as follows:

Note,
§ 47-1812.08

"(l) *Withholding from lottery winnings.* -

"(1) For the purposes of this subsection, the term:

"(A) "Constructive receipt" or "constructively received" means that payments of lottery winnings, although not actually within a taxpayer's possession, are deemed to be received by the payee and subject to District tax in the taxable year during which the lottery winner is determined by Powerball or other lottery drawing.

"(B) "Lottery winnings" means winnings which are subject to withholding as defined in section 3402(q) of the Internal Revenue Code of 1986, whether as a lump sum or annuitized payment.

"(C) "Payment" means the payment of lottery winnings.

"(D) "Payor" means a person responsible to make a payment subject to withholding under section 3402(q) of the Internal Revenue Code of 1986.

"(2) In making payments, whether actually or constructively received by the payee, of lottery winnings taxable under § 47-1803.02, 47-1807.02, or 47-1808.02, the District of Columbia Lottery and Charitable Games Control Board, or any payor, shall deduct and withhold from such payments an amount equal to the tax on such payments computed at the highest rate of tax under § 47-1806.03, 47-1807.02, or 47-1808.03, as applicable, in accordance with procedures to be established by the Chief Financial Officer.

ENROLLED ORIGINAL

“(3) Except as provided in paragraph (4) of this subsection, the withholding required by this section shall apply to any of the following payments:

“(A) A lump sum payment in the year the payment is made; or

“(B) A payment of an annuitized amount in the year the payment is made by any payor to a payee.

“(4) The withholding required by this subsection shall not apply to a payment to a nonresident, corporation, partnership, or limited liability company if the individual, shareholder, partner, or member of such entities provides the payor with a statement and documentary evidence, subject to review and approval by the Chief Financial Officer, that the income earned is not subject to District tax.”.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.

Vincent C. Gray

Chairman
Council of the District of Columbia

[Signature]

Mayor
District of Columbia
APPROVED
May 21, 2010

ENROLLED ORIGINAL

AN ACT
D.C. ACT 18-419

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 21, 2010

*Codification
 District of
 Columbia
 Official Code*

2001 Edition

2010 Fall
 Supp.

West Group
 Publisher

To amend, on a temporary basis, the Third & H Streets, N.E. Economic Development Act of 2010 to clarify that the project receiving the tax exemption includes leasing and to make a technical change.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Third & H Streets, N.E. Economic Development Technical Clarification Temporary Amendment Act of 2010".

Sec. 2. Section 2(b) of the Third & H Streets, N.E. Economic Development Act of 2010, signed by the Mayor on April 2, 2010 (D.C. Act 18-353; 57 DCR 3026), is amended as follows:

Note,
 § 47-4634

- (a) Strike the phrase "including the financing, refinancing, or reimbursing" and insert the phrase "including the leasing, financing, refinancing, or reimbursing" in its place.
- (b) Strike the phrase "§ 42-1102" and insert the phrase "§ 42-1103" in its place.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

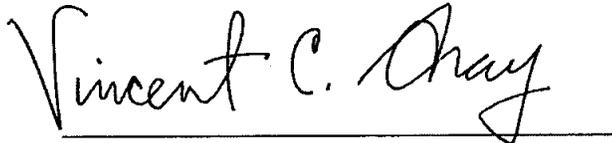
Sec. 4. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

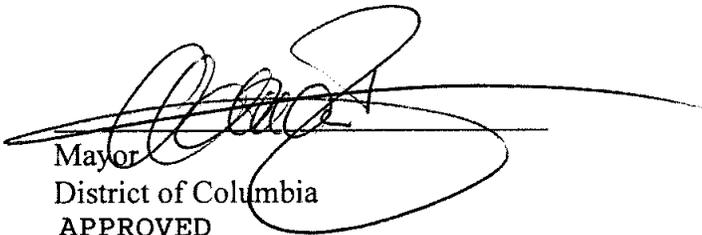
ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
May 21, 2010

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-420

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA.

MAY 21, 2010

*Codification
District of
Columbia
Official Code*

2001 Edition

2010 Fall
Supp.

West Group
Publisher

To amend, on a temporary basis, An act to provide for the care of dependent children in the District of Columbia and to create a board of children's guardians to extend the adoption subsidy for a child from 18 years of age to 21 years of age; and to amend Chapter 23 of Title 16 of the District of Columbia Official Code to extend the guardianship subsidy for a child from 18 years of age to 21 years of age, and to clarify that a child who exits foster care to a guardianship or an adoption may not reenter foster care.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Adoption and Guardianship Subsidy Temporary Amendment Act of 2010".

Sec. 2. Section 3(e) of An act to provide for the care of dependent children in the District of Columbia and to create a board of children's guardians, approved July 26, 1892 (27 Stat. 269; D.C. Official Code § 4-301(e)), is amended as follows:

Note,
§ 4-301

(a) Designate the existing text as paragraph (1).

(b) The newly designated paragraph (1) is amended by striking the phrase "Eligibility for payments" and inserting the phrase "Except as provided in paragraph (2) of this subsection, eligibility for payments" in its place.

(c) A new paragraph (2) is added to read as follows:

"(2) For adoptions that are finalized on or after the effective date of the Adoption and Guardianship Subsidy Emergency Amendment Act of 2010, passed on emergency basis on April 20, 2010 (Enrolled version of Bill 18-759), eligibility for payments shall continue until the child reaches 21 years of age."

Sec. 3. Chapter 23 of Title 16 of the District of Columbia Official Code is amended as follows:

(a) Section 16-2390 is amended to read as follows:

"§ 16-2390. Jurisdiction.

Note,
§ 16-2390

"(a) Subject to subsection (b) of this section, the court shall retain jurisdiction to enforce, modify, or terminate a guardianship order until a child reaches 18 years of age; provided, that the court may retain jurisdiction until the child reaches 21 years of age if the child consents and the court finds it is in the best interest of the child.

"(b) A child who exits foster care to guardianship or adoption may not reenter

ENROLLED ORIGINAL

foster care after age 18.”.

(b) Section 16-2399 is amended as follows:

Note,
§ 16-2399

(1) Subsection (b) is amended as follows:

(A) Paragraph (2) is amended by adding the word “and” at the end.

(B) Paragraph (3) is repealed.

(2) Subsection (d) is amended as follows:

(A) Designate the existing text as paragraph (1).

(B) The newly designated paragraph (1) is amended by striking the phrase “Eligibility for subsidy” and inserting the phrase “Except as provided in paragraph (2) of this subsection, eligibility for subsidy” in its place.

(C) A new paragraph (2) is added to read as follows:

“(2) For guardianships that are finalized on or after the effective date of the Adoption and Guardianship Subsidy Emergency Amendment Act of 2010, passed on emergency basis on April 20, 2010 (Enrolled version of Bill 18-759), eligibility for subsidy payments under this section may continue during the period of the guardianship order until the child reaches 21 years of age.”.

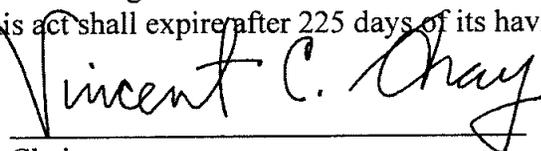
Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

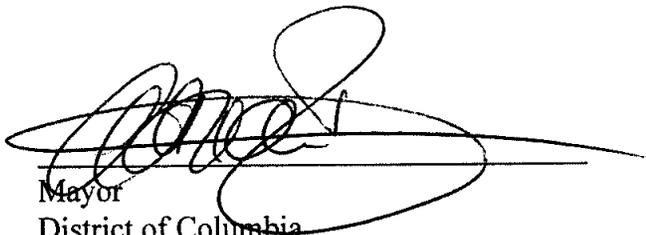
Sec. 5. Effective date.

(a) This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

(b) This act shall expire after 225 days of its having taken effect.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED

May 21, 2010
Codification District of Columbia Official Code, 2001 Edition

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-421

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 21, 2010

To approve, on an emergency basis, Modification Nos. 29, 30, and 31 to Contract No. DCHC-2000-C-0037 to provide continued operation of the Medicaid Management Information System to the District, and to authorize payment for the services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Modifications to Contract No. DCHC-2000-C-0037 Approval and Payment Authorization Emergency Act of 2010".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), the Council approves Modification Nos. 29; 30, and 31 to Contract No. DCHC-2000-C-0037 with ACS State Healthcare, LLC, to provide the continued operation of the Medicaid Management Information System and authorizes payment in the amount of \$2,760,376.83 for services received since October 1, 2009, and to be received under that contract.

Sec. 3. Fiscal impact statement,

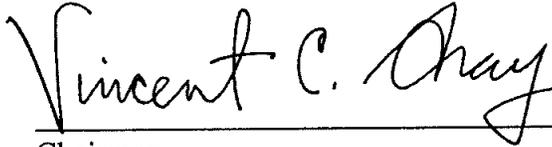
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

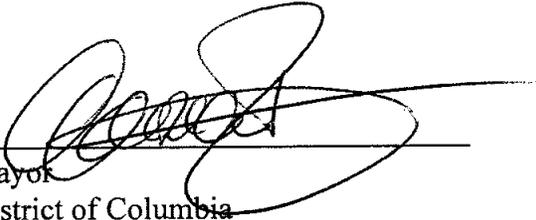
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
May 21, 2010

ENROLLED ORIGINAL

AN ACT
D.C. ACT 18-422

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 21, 2010

Codification
District of
Columbia
Official Code

2001 Edition

2010 Summer
Supp.

West Group
Publisher

To amend, on an emergency basis, the Clean and Affordable Energy Act of 2008 to expand the statutory authority for expenditures from the Sustainable Energy Trust Fund on the Renewable Energy Incentive Program to account for unexpended amounts from fiscal year 2009.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Renewable Energy Incentive Program Fund Balance Rollover Emergency Amendment Act of 2010".

Sec. 2. The Clean and Affordable Energy Act of 2008, effective October 22, 2008 (D.C. Law 17-250; D.C. Official Code § 8-1773.01 *et seq.*), is amended as follows:

(a) Section 209(e) (D.C. Official Code § 8-1774.09(e)) is amended by striking the phrase "every 6 months" and inserting the phrase "every 6 months; provided, that this subsection shall not apply to fiscal year 2011" in its place.

Note,
§ 8-1774.09

(b) Section 210(c)(8) (D.C. Official Code § 8-1774.10(c)(8)) is amended by striking the phrase "systems; and" and inserting the phrase "systems; provided, that the amount for fiscal year 2010 shall be \$3.167 million; and" in its place.

Note,
§ 8-1774.10

Sec. 3. Fiscal impact statement.

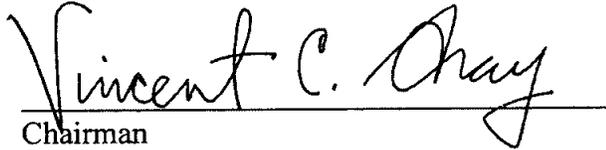
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c)(3)).

Sec. 4. Effective date.

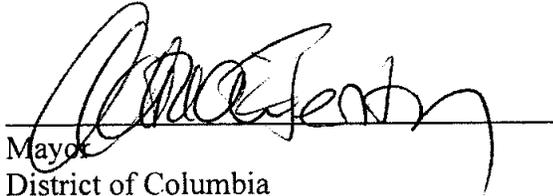
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
May 21, 2010

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-423

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 21, 2010

To approve, on an emergency basis, modifications to Contract No. DCHC-2008-D-5052 with DC Chartered Health Plan, Inc., to provide healthcare services to District residents enrolled in Medicaid managed care, and to authorize payment for the services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. DCHC-2008-D-5052 Modifications Approval and Payment Authorization Emergency Act of 2010".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), the Council approves Modification No. 10 and proposed Modification No. 11 to Contract No. DCHC-2008-D-5052 to provide healthcare services to District residents enrolled in Medicaid managed care and authorizes payment in the not-to-exceed amount of \$322,809,071 for services received and to be received under that contract.

Sec. 3. Fiscal impact statement.

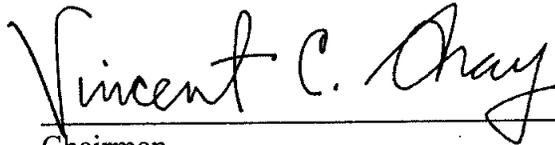
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

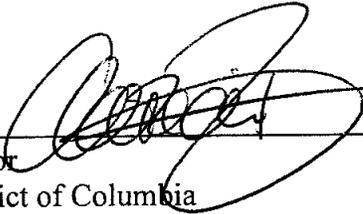
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
May 21, 2010

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-424

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 21, 2010

To approve, on an emergency basis, modifications to Contract No. DCHC-2008-D-5054 with Unison Health Plan of the Capital Area to provide healthcare services to District residents enrolled in Medicaid managed care, and to authorize payment for the services received and to be received under the contract.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Contract No. DCHC-2008-D-5054 Modifications Approval and Payment Authorization Emergency Act of 2010".

Sec. 2. Pursuant to section 451 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51), and notwithstanding the requirements of section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), the Council approves Modification No. 10 and proposed Modification No. 11 to Contract No. DCHC-2008-D-5054 to provide healthcare services to District residents enrolled in Medicaid managed care and authorizes payment in the not-to-exceed amount of \$198,748,240 for services received and to be received under that contract.

Sec. 3. Fiscal impact statement.

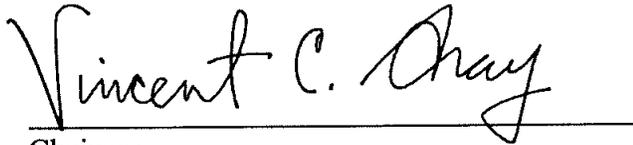
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

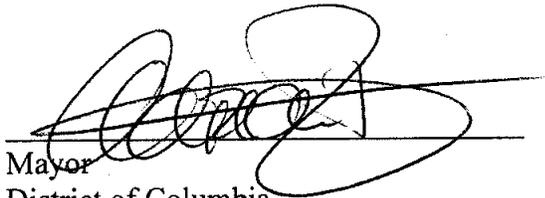
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
May 21, 2010

ENROLLED ORIGINAL

AN ACT
D.C. ACT 18-425

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
MAY 26, 2010

*Codification
District of
Columbia
Official Code*

2001 Edition

2010 Summer
Supp.

West Group
Publisher

To require, on an emergency basis, that the Office of the Chief Financial Officer submit to the Council a written determination on whether the District of Columbia Public Schools has a surplus in its fiscal year 2010 budget and if its reduction-in-force action was based on an accounting error, and if so, to require the District of Columbia Public Schools to submit a feasibility plan on the possible reinstatement of separated faculty and staff.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Public Schools Teacher Reinstatement Emergency Act of 2010".

Sec. 2. (a) Within 14 days of the effective date of this act, the Office of the Chief Financial Officer shall submit a written determination on whether the District of Columbia Public Schools ("DCPS") has a surplus in its fiscal year 2010 budget, including, if applicable, the amount of the surplus and the reason for the surplus.

(b) If the Office of Chief Financial Officer determines there is a budget surplus in DCPS based in part, or in whole, on an accounting error resulting in a reduction-in-force action ("RIF"), the DCPS shall submit to the Council, within 30 days of the effective date of this act, a feasibility plan on whether DCPS plans to reinstate faculty and staff separated from service pursuant to the RIF. The plan shall include:

(1) A legal review of the RIF laws, rules, guidelines, and regulations, including the budgetary criteria necessary for a RIF in DCPS;

(2) If DCPS acts to reinstate separated faculty and staff, the length of time necessary to reinstate separated faculty and staff;

(3) If DCPS acts to reinstate separated faculty and staff, the criteria used for a competitive scale for reinstatement if the Office of the Chief Financial Officer determines that funding is available to reinstate fewer than all of the separated faculty and staff; and

(4) A written analysis on whether or not DCPS plans to reinstate separated faculty and staff, and the criteria for that decision.

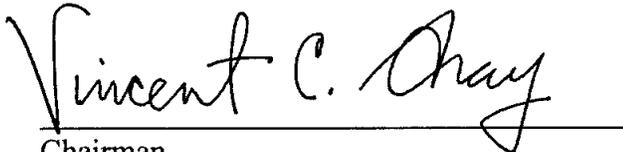
ENROLLED ORIGINAL

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman

Council of the District of Columbia

UNSTIGNED

Mayor
District of Columbia
May 21, 2010

ENROLLED ORIGINAL

AN ACT
D.C. ACT 18-426

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
MAY 21, 2010

Codification
District of
Columbia
Official Code

2001 Edition

2010 Summer
Supp.

West Group
Publisher

To amend, on an emergency basis, the Renewable Energy Portfolio Act of 2004 to allow solar thermal systems located within the District to generate solar renewable energy credits.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Solar Thermal Incentive Emergency Amendment Act of 2010".

Sec. 2. The Renewable Energy Portfolio Act of 2004, effective April 12, 2005 (D.C. Law 15-340; D.C. Official Code § 34-1431 *et seq.*), is amended as follows:

(a) The lead-in text of section 3(10) (D.C. Official Code § 34-1431(10)) is amended by striking the word "consumed".

Note,
§ 34-1431

(b) Section 4(e) (D.C. Official Code § 34-1432(e)) is amended as follows:

(1) Strike the phrase "interconnected to the distribution grid serving the District of Columbia" and insert the phrase "located within the District" in its place.

Note,
§ 34-1432

(2) Strike the phrase "that the solar energy systems be connected to the grid within the District of Columbia,".

Sec. 3. Fiscal impact statement.

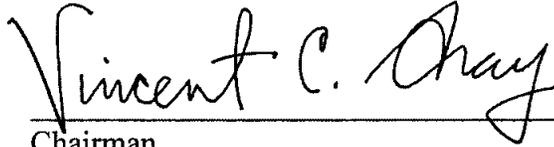
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

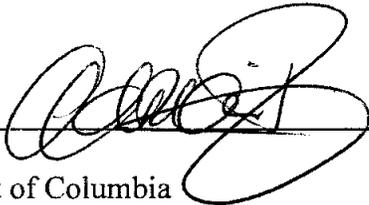
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section :

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412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
May 21, 2010

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-427

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 26, 2010

*Codification
District of
Columbia
Official Code*

2001 Edition

2010 Summer
Supp.West Group
Publisher

To require, on an emergency basis, the Office of the Chief Financial Officer to determine the funds remaining for the 12th Street streetscape project, and for the District Department of Transportation to have a 90-day moratorium on any expenditures of non-committed funds for the 12th Street streetscape project in order to work with Advisory Neighborhood Commission 5A on a plan for the remaining phases for the 12th Street streetscape project, including the option of placing utility lines underground.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Brookland Streetscape Emergency Act of 2010".

Sec. 2. (a) Within 14 days of the effective date of this act, the Office of the Chief Financial Officer ("OCFO") shall submit a written determination on the amount of funds expended and encumbered on the 12th Street streetscape project ("Project") by the District Department of Transportation ("Department"), and the amount of funds initially approved for the Project.

(b) The Department shall not expend or encumber any non-committed funds remaining for the Project, including any funds for a retaining wall on Otis Street, N.E., for 90 days, excluding weekends and holidays, from the effective date of this act.

(c) Within 45 days of the effective date of this act, the OCFO shall work with the Department to determine the cost of burying utility lines along part or all of the length of the Project and share that determination with Advisory Neighborhood Commission 5A ("ANC 5A"), the Brookland Neighborhood Civic Association, and the Council.

(d)(1) If the OCFO determines remaining funds are sufficient to bury the utility lines, the Department shall meet with the ANC 5A to present the following:

(A) The Department's original planned use of the remaining funds for the Project; and

(B) A plan on using the remaining funds to bury the utility lines along the length of the Project.

ENROLLED ORIGINAL

(2) The Mayor shall give the opinion of ANC 5A great weight with respect to the plan that will be implemented.

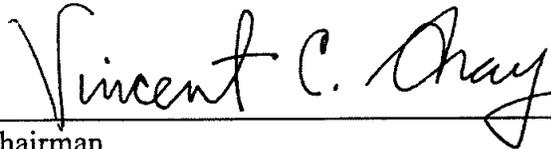
(e) The Mayor may submit a resolution to the Council to reprogram funds from the Department's Ward 5 general improvement budget authority and allotment to assist in placing the utility lines underground along the length of the Project.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a))



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
May 21, 2010

ENROLLED ORIGINAL

AN ACT
D.C. ACT 18-428

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAY 21, 2010

*Codification
District of
Columbia
Official Code*

2001 Edition

2010 Fall
Supp.

West Group
Publisher

To establish a Healthy Schools Fund to fund certain programs and requirements under this act; to establish local nutritional standards for school meals, to establish healthy vending, fundraising, marketing, and prize requirements in public schools, to require public schools to participate in federal meal programs whenever possible, to solicit feedback about healthy meals, to require public disclosure of ingredients, origin of fruits and vegetables, and the nutritional content of school meals, and to provide at least 30 minutes to eat lunch; to establish a farm-to-school program, to create a preference and a monetary incentive to serve locally grown, unprocessed foods, to require teaching about the benefits of fresh, local foods, to require programs such as a local flavor week and a harvest of the month, and to require an annual report and recommendations on farm-to-school initiatives; to establish minimum levels of physical education and activity for students, to provide for exemptions for students with disabilities, students with other diagnosed health problems, or schools that lack the facilities, to provide schools with equal access to recreation facilities, to prohibit physical education to be used as punishment, to require minimum amounts of health education, and to require an annual report about the compliance with these requirements; to amend section 19-717 of the District of Columbia Municipal Regulations to make a conforming amendment; to establish an environmental programs office within the Office of the Public Education Facilities Modernization that would establish comprehensive recycling, energy reduction, and integrated pest management programs, to require District of Columbia Public Schools to use environmentally friendly cleaning supplies, to require an annual report and recommendations on sustainability, to encourage schools to use more sustainable products in their meal service, to create an environmental literacy plan, to establish a school gardens program; to issue grants to support the development of school gardens, to require a report and recommendations about school gardens, and to permit the sale and consumption of food grown in school gardens when safe; to amend the Green Building Act of 2006 to encourage school construction to achieve LEED Gold certification; to amend the Food Production and Urban Gardens Program Act of 1986, the Office of Public Education Facilities Modernization Establishment Act of 2007, and section 20-3501 of the District of Columbia Municipal Regulations to make conforming

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amendments; to require schools to collaborate to adopt local wellness policies and update them triennially, to require the inclusion of sustainability and farm-to-school initiatives in local wellness policies, to require local wellness policies to be promoted and shared, to require information regarding health programs, nutrition programs, physical and health education programs, and wellness policy to be reported to the State Superintendent of Education, to require a plan to establish and operate school health centers by 2015; to amend the Student Health Care Act of 1985 to change the requirements for certificates of health; to amend sections 18-2148 and 20-900 of the District of Columbia Municipal Regulations to prohibit vehicles from idling near schools; to implement the Indoor Air Quality Tools for Schools program; to establish the Healthy Youth and Schools Commission, to define its function, to require an annual report and recommendations, to set forth the composition and organization of the commission, to set forth rules of procedure, to provide administrative and technical support, and to provide rulemaking authority.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Healthy Schools Act of 2010".

TITLE I. DEFINITIONS; ESTABLISHMENT OF HEALTHY SCHOOLS FUND.

Sec. 101. Definitions.

For the purposes of this act, the term:

- (1) "Healthy Schools Fund" means the fund established by section 102.
- (2) "Healthy Schools and Youth Commission" or "Commission" means the body established by section 701.
- (3) "Locally grown" means grown in Delaware, the District of Columbia, Maryland, New Jersey, North Carolina, Pennsylvania, Virginia, or West Virginia.
- (4) "Locally processed" means processed at a facility in Delaware, the District of Columbia, Maryland, New Jersey, North Carolina, Pennsylvania, Virginia, or West Virginia.
- (5) "Meals" means breakfast, lunch, or after-school snacks served as a part of the National School Lunch Program, School Breakfast Program, or Summer Food Service Program, or after-school meals served as part of the Child and Adult Care Food Program.
- (6) "Moderate-to-vigorous physical activity" means movement resulting in a substantially increased heart rate and breathing.
- (7) "Public charter school" means a school chartered under the District of Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321-107; D.C. Official Code § 38-1800.01 *et seq.*). The term "public charter school" shall not include private or parochial schools.
- (8) "Public school" means a school operated by the District of Columbia Public Schools, established by section 102 of the District of Columbia Public Schools Agency

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Establishment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-171).

(9) "Sustainable agriculture" means an integrated system of plant and animal production practices having a site-specific application that will, over the long-term:

- (A) Satisfy human food and fiber needs;
- (B) Enhance environmental quality and the natural resource base upon which the agricultural economy depends;
- (C) Make the most efficient use of nonrenewable resources and on-farm resources and integrate, where appropriate, natural biological cycles and controls;
- (D) Sustain the economic viability of farm operations; and
- (E) Enhance the quality of life for farmers and society as a whole.

(10)(A) "Unprocessed" means foods that are nearest their whole, raw, and natural state, and contain no artificial flavors or colors, synthetic ingredients, chemical preservatives, or dyes.

(B) For the purposes of this paragraph, food which undergoes the following processes shall be deemed to be unprocessed:

- (i) Cooling, refrigerating, or freezing;
- (ii) Size adjustment through size reduction made by peeling, slicing, dicing, cutting, chopping, shucking, or grinding;
- (iii) Drying or dehydration;
- (iv) Washing;
- (v) The application of high water pressure or "cold pasteurization";
- (vi) Packaging, such as placing eggs in cartons, and vacuum packing and bagging, such as placing vegetables in bags;
- (vii) Butchering livestock, fish, or poultry; and
- (viii) The pasteurization of milk.

Sec. 102. Establishment of the Healthy Schools Fund.

(a) There is established as a nonlapsing fund the Healthy Schools Fund ("Fund"), which shall be used solely as provided in subsection (c) of this section and administered by the Office of the State Superintendent of Education. The Fund shall be funded by annual appropriations, which shall be deposited into the Fund.

(b) All funds deposited into the Fund, and any interest earned on those funds, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in subsection (c) of this section without regard to fiscal year limitation, subject to authorization by Congress.

(c) The funds in the Fund shall be used as follows:

- (1) To provide additional funding for healthy school meals, the Office of the

ENROLLED ORIGINAL

State Superintendent of Education shall reimburse public schools and public charter schools as follows:

(A) Ten cents for each breakfast meal served that meets the requirements of sections 202 and 203; and

(B) Ten cents for each lunch meal served that meets the requirements of sections 202 and 203.

(2) To provide free breakfast meals in public charter schools under section 203(a), the Office of the State Superintendent of Education shall reimburse public charter schools as follows:

(A) Thirty cents for each breakfast meal served to students who qualify for reduced-price meals; and

(B) The difference between the free and paid rates for breakfasts served in severe-needs schools in the District of Columbia, as determined by the U.S. Department of Agriculture, to students who do not qualify for free or reduced-price meals.

(3) To eliminate the reduced-price copayment under section 203(b)(1), the Office of the State Superintendent of Education shall reimburse public schools and public charter schools 40 cents for each lunch meal served to students who qualify for reduced-price meals.

(4) To provide resources to implement the breakfast-in-the-classroom program under section 203(a)(2), for the 2010-2011 school year, the Office of the State Superintendent of Education shall provide \$7 per student to public schools and public charter schools participating in the National School Lunch Program, in which more than 40% of students qualify for free or reduced-price meals.

(5) To encourage local foods to be served in schools, the Office of the State Superintendent of Education shall provide an additional 5 cents per lunch meal reimbursement to public schools and public charter schools when at least one component of a reimbursable lunch meal is comprised entirely of locally grown and unprocessed foods; provided, that the schools report the name and address of the farms where the locally grown foods were grown to the Office of the State Superintendent of Education.

(6) To increase physical activity in schools, the Office of the State Superintendent of Education shall make grants available through a competitive process to public schools and public charter schools; provided, that schools shall meet the requirements of section 402 and seek to increase the amount of physical activity in which their students engage.

(7) To support school gardens, the Office of the State Superintendent of Education shall make grants available through a competitive process to public schools, public charter schools, and other organizations.

(d) The Office of the State Superintendent of Education may, by rule, increase the amounts, as set forth in subsection (c) of this section, to further improve the quality and nutrition of school meals.

(e) The Office of the State Superintendent of Education may withhold local funds

ENROLLED ORIGINAL

provided by subsection (c) of this section from public schools and public charter schools that do not meet the requirements of sections 202, 203, 205, and 206.

TITLE II. SCHOOL NUTRITION.

Sec. 201. Goals.

(a) Public schools and public charter schools shall serve healthy and nutritious meals to students. Schools are strongly encouraged to consider serving vegetarian food options each week.

(b) Public schools and public charter schools are strongly encouraged to participate in the United States Department of Agriculture's HealthierUS School Challenge program and achieve Gold Award Level certification.

Sec. 202. Nutritional standards for school meals.

(a) All breakfast, lunch, and after-school meals served to students in public schools and public charter schools or by organizations participating in the Afterschool Meal Program shall meet or exceed the federal nutritional standards set forth in:

(1) The Child Nutrition Act of 1996, approved October 11, 1996 (80 Stat. 885; 42 U.S.C. § 1771 *et seq.*);

(2) The Richard B. Russell National School Lunch Act, approved June 4, 1946 (60 Stat. 230; 42 U.S.C. § 1751 *et seq.*);

(3) 7 C.F.R. Parts 210, 215, 220, 225, and 226; and

(4) Other applicable federal law.

(b) In addition to the requirements of subsection (a) of this section, breakfast and lunch meals served to students in each public school and public charter school shall meet or exceed:

(1) The following nutritional requirements per serving:

(A) Saturated fat: Fewer than 10% of total calories;

(B) Trans fat: Zero grams; and

(C)(i) Sodium:

(I) For breakfast meals:

(aa) Less than 430 milligrams for Grades

Kindergarten through 5;

(bb) Less than 470 milligrams for Grades 6

through 8; and

(cc) Less than 500 milligrams for Grades 9

through 12; and

(II) For lunch meals:

(aa) Less than 640 milligrams for Grades

Kindergarten through 5;

(bb) Less than 710 milligrams for Grades 6

through 8; and

ENROLLED ORIGINAL

through 12. (cc) Less than 740 milligrams for Grades 9

(ii) The requirements of this subparagraph shall not apply until August 1, 2020; provided, that public schools and public charter schools shall gradually reduce the amount of sodium served in school meals; and

(2) The serving requirements of the United State Department of Agriculture's HealthierUS School Challenge program at the Gold Award Level for vegetables, fruits, whole grains, milk, and other foods served in school meals, as may be revised from time to time, notwithstanding any termination of the program.

(c) The Office of the State Superintendent of Education may adopt standards that exceed the requirements of this section.

Sec. 203. Additional requirements for public school meals.

(a)(1) Public schools and public charter schools shall offer free breakfast to all students.

(2) If more than 40% of the students at a school qualify for free or reduced-price meals:

(A) A public elementary school and a public charter elementary school shall offer breakfast in the classroom each day; and

(B) A public middle and high school and a public charter middle and high school shall offer alternative serving models, such as breakfast in the classroom or grab-and-go carts, each day to increase breakfast participation.

(b) Public schools and public charter schools shall:

(1) Not charge students for meals if the students qualify for reduced-price meals;

(2) Provide meals that meet the dietary needs of children with diagnosed medical conditions as required by a physician;

(3) Solicit input from students, faculty, and parents, through taste tests, comment boxes, surveys, a student nutrition advisory council, or other means, regarding nutritious meals that appeal to students;

(4) Promote healthy eating to students, faculty, staff, and parents;

(5) Provide at least 30 minutes for students to eat lunch; and

(6) Participate in federal nutritional and commodity foods programs whenever possible.

(c) Public schools and public charter schools are encouraged to make cold, filtered water available free to students, through water fountains or other means, when meals are served to students in public schools and public charter schools.

Sec. 204. Central kitchen.

(a) The District of Columbia Public Schools shall establish a central facility in the District to:

ENROLLED ORIGINAL

(1) Prepare, process, grow, and store healthy and nutritious foods for schools and nonprofit organizations;

(2) Support nutrition education programs; and

(3) Provide job-training programs for students and District residents.

(b) The District of Columbia Public Schools shall provide reasonable access to charter schools that wish to use the facility.

(c) The Department of Real Estate Services shall assist the District of Columbia Public Schools in selecting real property for the facility and the Office of Public Education Facilities Modernization shall convert the real property into the facility.

Sec. 205. Public disclosure.

(a) Food service providers shall provide the following information to public schools and public charter schools:

(1) The menu for each breakfast and lunch meal served;

(2) The nutritional content of each menu item;

(3) The ingredients for each menu item; and

(4) The location where fruits and vegetables served in schools are grown and processed and whether growers are engaged in sustainable agriculture practices.

(b)(1) Public schools and public charter schools shall post the information provided to them under subsection (a) of this section:

(A) In the school's office; and

(B) Online if the school has a website.

(2) Public schools and public charter schools shall inform families that vegetarian food options and milk alternatives are available upon request.

Sec. 206. Healthy vending, fundraising, and prizes in public schools.

(a) Except as provided by subsection (b) of this section, all beverages and snack foods provided by or sold in public schools and public charter schools or provided by organizations participating in the Afterschool Meal Program, whether through vending machines, fundraisers, snacks, after-school meals, or other means, shall meet the requirements of the United States Department of Agriculture's HealthierUS School Challenge program at the Gold Award Level for competitive foods, as may be revised from time to time and notwithstanding any termination of the HealthierUS School Challenge program.

(b) The requirements of subsection (a) of this section shall not apply to:

(1) Food and drinks available only to faculty and staff members; provided, that school employees shall be encouraged to model healthy eating;

(2) Food provided at no cost by parents;

(3) Food sold or provided at official after-school events; and

(4) Adult education programs.

(c) The Office of the State Superintendent of Education may adopt standards that

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exceed the requirements set forth in subsections (a) and (b) of this section.

(d) Foods and beverages sold in public school and public charter school stores shall meet the requirements of subsection (a) of this section.

(e) Public schools and public charter schools shall not permit third parties, other than school-related organizations and school meal service providers, to sell foods or beverages of any type to students on school property from 90 minutes before the school day begins until 90 minutes after the school day ends.

(f) Foods and beverages that do not meet the nutritional requirements of subsection (a) of this section shall not be:

(1) Used as incentives, prizes, or awards in public schools or public charter schools; or

(2) Advertised or marketed in public schools and public charter schools through posters, signs, book covers, scoreboards, supplies, equipment, or other means.

(g) After first issuing a warning, the Office of the State Superintendent of Education may impose a penalty, not to exceed \$500 per day paid to the Healthy Schools Fund, on public schools and public charter schools that violate this section, subject to the right to a hearing requested within 10 days after the notice of imposition of the penalty is sent.

Sec. 207. Triennial review.

The Healthy Schools and Youth Commission shall review school nutrition and the requirements of this title at least every 3 years and recommend improvements to the Mayor and the Council.

TITLE III. FARM-TO-SCHOOL PROGRAM.

Sec. 301. Local food sourcing, reimbursement, and education.

Public schools and public charter schools shall serve locally grown, locally processed, and unprocessed foods from growers engaged in sustainable agriculture practices whenever possible. Preference shall be given to fresh unprocessed agricultural products grown and processed in the District of Columbia, Maryland, and Virginia.

Sec. 302. Programs.

The Office of the State Superintendent of Education shall, in conjunction with the Department of Health, the Department of Parks and Recreation, the District Department of the Environment, the University of the District of Columbia, community organizations, food service providers, public schools, and public charter schools, develop programs to promote the benefits of purchasing and eating locally grown and unprocessed foods that are from growers engaged in sustainable agriculture practices. At minimum, the Office of the State Superintendent of Education shall conduct at least one program per year, such as an annual local flavor week or a harvest of the month program, in collaboration with other District agencies and nonprofit organizations.

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Sec. 303. Mandatory reporting.

On or before September 30 of each year, the Office of the State Superintendent of Education shall submit to the Mayor, the Council, and the Healthy Schools and Youth Commission a comprehensive report on the District's farm-to-school initiatives and recommendations for improvement.

Sec. 304. Section 19-729 of the District of Columbia Municipal Regulations (19 DCMR § 729) is amended by adding a new subsection 729.3 to read as follows: Amend
DCMR

"729.3 The provisions of this section shall not preclude the use of public recreation facilities by programs to provide community access to healthy foods, such as farmers' markets."

TITLE IV. PHYSICAL AND HEALTH EDUCATION.

Sec. 401. Physical activity goals.

- (a) It shall be the goal of the District of Columbia for children to engage in physical activity for 60 minutes each day.
- (b) Public schools and public charter schools shall promote this goal.
- (c) Public schools and public charter schools shall seek to maximize physical activity by means including:
- (1) Extending the school day;
 - (2) Encouraging students to walk or bike to school;
 - (3) Promoting active recess;
 - (4) Including physical activity in after-school activities;
 - (5) Supporting athletic programs; and
 - (6) Integrating movement into classroom instruction.

Sec. 402. Physical and health education requirements.

- (a) Public schools and public charter schools shall provide physical education as follows:
- (1) For students in Kindergarten through Grade 5:
 - (A) School years 2010-2011 to 2013-2014: an average of at least 30 minutes per week or the same level of physical education as provided in school year 2009-2010, whichever is greater; and
 - (B) School year 2014-2015 and after: an average of at least 150 minutes per week;
 - (2) For students in Grades 6 through 8:
 - (A) School years 2010-2011 to 2013-2014: an average of at least 45 minutes per week or the same level of physical education as provided in school year 2009-2010, whichever is greater; and
 - (B) School year 2014-2015 and after: an average of at least 225 minutes

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per week.

(3) At least 50% of physical education class time shall be devoted to actual physical activity, with as much class time as possible spent in moderate-to-vigorous physical activity.

(b) Public schools and public charter schools shall provide health education to students in Grades Kindergarten through 8 as follows:

(1) School years 2010-2011 to 2013-2014: an average of at least 15 minutes per week or the same level of health education as provided in school year 2009-2010, whichever is greater; and

(2) School year 2014-2015 and after: an average of at least 75 minutes per week;

(c) The State Board of Education, with assistance from the Office of the State Superintendent of Education, shall consider ways to expand physical education in high schools.

(d) The physical education and health education required by this section shall meet the curricular standards adopted by the State Board of Education.

Sec. 403. Additional requirements.

(a) A student with disabilities shall have suitably adapted physical education incorporated as part of the individualized education program developed for the student. With a written note from a physician, public schools and public charter schools may provide suitably adapted physical education for any other student with special needs that preclude the student from participating in regular physical education instruction.

(b) Requiring or withholding physical activity shall not be used to punish students; provided, that students who are not wearing appropriate athletic clothing may be prohibited from participating in physical activity until properly dressed.

Sec. 404. Access to public facilities.

The Department of Parks and Recreation shall provide equal access and shall charge equal fees to both public schools and public charter schools for the use of its recreation centers, fields, playgrounds, and other facilities.

Sec. 405. Mandatory reporting.

Beginning in 2011, on or before September 30 of each year, the Office of the State Superintendent of Education shall report to the Mayor, the Council, and the Healthy Schools and Youth Commission annually regarding:

(1) Compliance of public schools and public charter schools with the physical and health education requirements in this title; and

(2) Student achievement with respect to health and physical education standards.

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Sec. 406. Conforming amendment.

Amend
DCMR

Section 19-717.1 of the District of Columbia Municipal Regulations (19 DCMR § 717.1) is amended to read as follows: "717.1 The recreational use of properties under the direct control of the Department shall have direct precedence over use for other purposes, except where recreation properties in the immediate vicinity of a public school or charter school are the only recreation facilities available for school use."

TITLE V. ENVIRONMENT.

Sec. 501. Environmental programs office.

(a)(1) An environmental programs office is established in the Office of Public Education Facilities Modernization and shall:

(A) Contract with vendors to recycle all materials required by District law at all public schools, including food services, by December 31, 2010, and provide technical assistance to public charter schools about recycling.

(B) Develop a master recycling plan for public schools on or before December 31, 2010 to reach a system-wide diversion rate of 45% by August 1, 2015;

(C) Analyze utility usage at each public school and develop a plan to reduce that amount by 20% on or before August 1, 2015;

(D) Establish an integrated pest management program;

(E) Test drinking water in public schools for lead and promptly take any remedial action required;

(F) Comply with the Environmental Protection Agency's Lead; Renovation, Repair, and Painting Program, established by 40 C.F.R. Part 745;

(G) Post the results of its environmental testing online; and

(H) Promote the Environmental Protection Agency's Indoor Air Quality Tools for Schools Program to reduce exposure to environmental factors that impact asthma among children and adults in public schools.

(2) The contracts under paragraph (1)(A) of this subsection shall be negotiated to provide a financial incentive to reduce the amount of waste created in public schools and, when possible, to increase diversion rates in public schools;

(b) The District of Columbia Public Schools shall:

(1) Use environmentally friendly cleaning supplies in public schools; provided, that the agency may exhaust its current supply of conventional cleaners; and

(2) Prepare and transmit to the Mayor, the Council, and the Healthy Schools and Youth Commission, on or before December 31, 2010, a plan to use sustainable products in serving meals to students.

(c) On or before December 31, 2010, the Mayor shall prepare and transmit to the Council a comprehensive report describing the implementation of recycling, composting, energy-reduction, pest management, air quality, and environmentally friendly cleaning supplies

ENROLLED ORIGINAL

programs in public schools. The report shall include:

- (1) A thorough, school-by-school breakdown of the waste stream in public schools, including tonnages, components, and diversion rates;
 - (2) Baseline energy usage, an analysis of usage patterns, and savings achieved;
 - (3) Recommendations and a timeline for further implementing these programs;
- and
- (4) A proposal for recognizing and rewarding schools that significantly improve their environmental portfolio.

Sec. 502. Environmental literacy plan.

The District Department of the Environment, in conjunction with the District of Columbia Public Schools, the Department of Parks and Recreation, the Public Charter School Board, the Office of the State Superintendent of Education, the State Board of Education, and the University System of the District of Columbia, shall develop an environmental literacy plan for public schools and public charter schools.

Sec. 503. School Gardens Program.

(a) A School Gardens Program is established within the Office of the State Superintendent of Education. The School Gardens Program shall:

- (1) Coordinate the efforts of community organizations, the Department of Parks and Recreation, the District Department of the Environment, the District of Columbia Public Schools, the Office of Public Education Facilities Modernization, the Public Charter School Board, and the University System of the District of Columbia to establish gardens as integral components of public schools and public charter schools;
- (2) Complement the Food Production and Urban Gardens Program, established by section 3 of the Food Production and Urban Gardens Program Act of 1986, effective February 28, 1987 (D.C. Law 6-210; D.C. Official Code § 48-402);
- (3) Establish and convene a Garden Advisory Committee, composed of community organizations, District government agencies, and other interested persons;
- (4) Collect data on the location and types of gardens in public schools and public charter schools;
- (5) Provide horticultural guidance and technical assistance to public schools and public charter schools;
- (6) Coordinate curricula for school gardens and related projects; and
- (7) Provide training, support, and assistance to gardens in public schools and public charter schools.

(b) On or before June 30, 2011, the School Gardens Program shall issue a report to the Mayor, the Council, and the Healthy Schools and Youth Commission about the state of school gardens in the District of Columbia, plans for expanding them, and recommendations for improving the program.

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(c) The University of the District of Columbia shall assist the School Gardens Program by providing technical expertise, curricula, and soil testing for school gardens.

(d) As permitted by federal law, when tests show that the soil is safe and when produce is handled safely, produce grown in school gardens may be identified and served to students at the school, including in the cafeteria. Produce grown in school gardens may be sold and the proceeds from such sales shall be expended for the benefit of the public school where the produce was grown.

(e) School gardens shall include a demonstration compost pile when feasible.

Sec. 504. The Green Building Act of 2006, effective March 8, 2007 (D.C. Law 16-234; D.C. Official Code § 6-1451.01 *et seq.*), is amended as follows:

(a) Section 3(b)(1)(C)(iii) (D.C. Official Code § 6-1451.02(b)(1)(C)(iii)) is amended by adding a new sentence at the end to read as follows:

Amend
§ 6-1451.02

“Notwithstanding the foregoing sentence, the District shall meet LEED for Schools certification at the Gold level or higher if sufficient funding for the construction or renovation is provided.”

(b) Section 4(b)(2)(B) (D.C. Official Code § 6-1451.03(b)(2)(B)) is amended by adding a new sentence at the end to read as follows:

Amend
§ 6-1451.03

“Schools shall aspire to meet LEED for Schools certification at the Gold level or higher.”

Sec. 505. Section 3(3)(D) of the Food Production and Urban Gardens Program Act of 1986, effective February 28, 1987 (D.C. Law 6-210; D.C. Official Code § 48-402 (3)(D)), is amended by striking the phrase “Board of Education of the District of Columbia” and inserting the phrase “Office of the State Superintendent of Education” in its place.

Amend
§ 48-402

Sec. 506. Section 20-3501 of the District of Columbia Municipal Regulations (20 DCMR § 3501) is amended by adding a new subsection 3501.3 to read as follows:

Amend
DCMR

“3501.3 For both newly constructed and substantially improved public schools, the District shall aspire to meet LEED for Schools certification at the Gold level or higher.”

Sec. 507. Section 704 of the Office of Public Education Facilities Modernization Establishment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-453), is amended by adding a new paragraph (7B) to read as follows:

Amend
§ 38-453

“(7B) Direct and supervise the environmental programs office established pursuant to section 501 of the Healthy Schools Act of 2010, passed on 2nd reading on May 4, 2010 (Enrolled version of Bill 18-564).”

TITLE VI. HEALTH AND WELLNESS.

Sec. 601. Local wellness policies.

(a) As required by federal law, each local educational agency shall collaborate with

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parents, students, food service providers, and community organizations to develop, adopt, and update a comprehensive local wellness policy. Local wellness policies shall be revised at least once every 3 years.

(b) Local wellness policies shall include:

- (1) The requirements set forth in federal law; and
- (2) Goals for:
 - (A) Improving the environmental sustainability of schools;
 - (B) Increasing the use of locally grown, locally processed, and unprocessed foods from growers engaged in sustainable agriculture practices; and
 - (C) Increasing physical activity.

(c) Public schools and public charter schools shall promote their local wellness policy to faculty, staff, parents, and students. A copy shall be:

- (1) Posted on each school's website, if it has one;
- (2) Distributed to food service staff members;
- (3) Distributed to the school's parent/teacher organization, if it has one; and
- (4) Made available in each school's office.

(d) The Office of the State Superintendent of Education shall review each local wellness policy to ensure that it complies with federal requirements and shall examine whether schools comply with their policies.

Sec. 602. School health profiles.

(a) On or before January 15 of each year, each public school and public charter school shall submit the following information to the Office of the State Superintendent of Education regarding each of its campuses:

- (1) Health programs:
 - (A) Whether the school has full-time, part-time, or no nurse coverage;
 - (B) The name and contact information of the school's nurse;
 - (C) Whether the school has a school-based mental health program or offers similar services on site;
 - (D) Whether there is a certified health teacher on staff; and
 - (E) Whether there is a school-based health center;
- (2) Nutrition programs:
 - (A) The name of the school's food service vendor;
 - (B) Whether the school's meals meet the nutritional standards required by federal and District law;
 - (C) Where the information required by section 205 can be found;
 - (D) Whether the school participates in the farm-to-school program under section 301; and
 - (E) Whether the school participates in the School Gardens Program under section 503;

ENROLLED ORIGINAL

- (3) Physical and health education:
- (A) The average amount of weekly physical education that students receive in each grade;
 - (B) The average amount of weekly health education that students receive in each grade; and
 - (C) How the school promotes physical activity;
- (4) Wellness policy:
- (A) Whether the school is in compliance with its local wellness policy; and
 - (B) Where a copy of the school's local wellness policy can be found.
- (b) The Office of the State Superintendent of Education may, by rule, change the information, as set forth in subsection (a) of this section, to be included in the healthy schools profile form.
- (c) On or before January 15 of each year, each public school and public charter school shall post the information required by subsection (a) of this section online if the school has a website and make the form available to parents in its office.
- (d) The Office of the State Superintendent of Education shall post the information required by subsection (a) of this section on its website within 14 days of receipt.

Sec. 603. School health centers.

(a) The Department of Health, in conjunction with the Department of Healthcare Finance, the District of Columbia Public Schools, the Office of Public Education Facilities Modernization, and the Public Charter School Board, shall develop a plan to establish and operate school health centers in public schools and public charter schools on or before December 31, 2015.

(b) The plan shall include the following:

(1) A needs assessment to determine where school health centers shall be located, including a justification for any determination that a school health center is not needed at a public high school; and

(2) A proposal for financial sustainability for the school health centers.

(c) The plan shall be submitted to the Mayor, the Council, and the Healthy Schools and Youth Commission on or before December 31, 2010.

Sec. 604. School nurses.

The square footage of a nurse's suite shall not be a determining factor as to whether or not a school nurse is placed at a public charter school; provided, that all other conditions as required by the Department of Health are met.

Sec. 605. Section 3 of the Student Health Care Act of 1985, effective December 3, 1985 (D.C. Law 6-66; D.C. Official Code § 38-602), is amended as follows:

Amend
§ 38-602

ENROLLED ORIGINAL

(a) Subsection (a) is amended to read as follows:

“(a) Except as provided in section 4, each student attending prekindergarten through grade 12 in a public, public charter, private, or independent school in the District of Columbia shall furnish the school annually with a certificate of health completed and signed by a physician or advanced practice nurse who has examined the student during the 12-month period immediately preceding the 1st day of the school year or the date of the student’s enrollment in the school, whichever occurs later. The examination shall cover all items required by the certificate of health form for the student's particular age group.”

(b) Subsection (c) is amended to read as follows:

“(c) The Mayor shall develop standard forms for certificates of health, testing for lead poisoning, and dental health, and shall make blank forms available in sufficient quantities to carry out the purposes of this act. The certificate of health form shall contain, at a minimum, the following:

“(1) All items required by the American Academy of Pediatrics for each relevant age group; and

“(2) A plain language explanation of the following:

“(A) Body mass index;

“(B) How to access health insurance programs; and

“(C) How to contact school nurses.”

Sec. 606. Sections 18-2148.3 and 20-900.1 of the District of Columbia Municipal Regulations (18 DCMR § 2148.3 and 20 DCMR § 900.1) are amended to read as follows:

Amend
DCMR

“No person owning, operating, or having control over the engine of a gasoline or diesel powered motor vehicle on public or private space, including the engine of a public vehicles for hire, buses with a seating capacity of twelve (12) or more persons, and school buses or any vehicle transporting students, shall allow that engine to idle for more than three (3) minutes while the motor vehicle is parked, stopped, or standing, including for the purpose of operating air conditioning equipment in those vehicles, except as follows:

“(a) To operate private passenger vehicles;

“(b) To operate power takeoff equipment, including dumping, cement mixers, refrigeration systems, content delivery, winches, or shredders; or

“(c) To idle the engine for no more than five (5) minutes to operate heating equipment when the ambient air temperature is thirty-two degrees Fahrenheit (32°F) or below.”

TITLE VII. – HEALTHY YOUTH AND SCHOOLS COMMISSION.

Sec. 701. Establishment of the Healthy Youth and Schools Commission.

(a) There is established the Healthy Youth and Schools Commission with the purpose of advising the Mayor and the Council on health, wellness, and nutritional issues concerning youth and schools in the District, including:

(1) School meals;

ENROLLED ORIGINAL

- (2) Farm-to-school programs;
- (3) Physical activity and physical education;
- (4) Health education;
- (5) Environmental programs;
- (6) School gardens;
- (7) Sexual health programming;
- (8) Chronic disease prevention;
- (9) Emotional, social, and mental health services;
- (10) Substance abuse; and
- (11) Violence prevention.

(b) Specific functions of the Commission shall include the following:

- (1) Advising on the operations of all District health, wellness, and nutrition programs;
- (2) Reviewing and advising on the best practices in health, wellness, and nutrition programs across the United States;
- (3) Recommending standards, or revisions to existing standards, concerning the health, wellness, and nutrition of youth and schools in the District;
- (4) Advising on the development of an ongoing program of public information and outreach programs on health, wellness, and nutrition;
- (5) Making recommendations on enhancing the collaborative relationship between the District government, the federal government, the University of the District of Columbia, local nonprofit organizations, colleges and universities, and the private sector in connection with health, wellness, and nutrition;
- (6) Identifying gaps in funding and services, or methods of expanding services to District residents; and
- (7) Engaging students in improving health, wellness, and nutrition in schools.

(c) On or before September 30 of each year, the Commission shall submit to the Mayor and the Council a comprehensive report on the health, wellness, and nutrition of youth and schools in the District. The report shall:

- (1) Explain the efforts made within the preceding year to improve the health, wellness, and nutrition of youth and schools in the District;
- (2) Discuss the steps that other states have taken to address the health, wellness, and nutrition of youth and schools; and
- (3) Make recommendations about how to further improve the health, wellness, and nutrition of youth and schools in the District.

Sec. 702. Composition and organization of the Commission.

(a) The Commission shall be composed of 13 members who are experts in health, wellness, or nutrition; parents; teachers; or students. The Mayor shall appoint 10 members, no more than 5 of whom shall represent District agencies. The Chairman of the Council shall

ENROLLED ORIGINAL

appoint one member. The chair of the Council committee with oversight of education shall appoint one member. The Chair of the Public Charter School Board shall appoint one member.

(b) Members shall serve 3-year terms on the Commission, except that:

(1) Of the Mayor's first 10 persons appointed, 4 shall be appointed to serve 3-year terms, 3 shall be appointed to serve 2-year terms, and 3 shall be appointed to serve one-year terms; and

(2) Students shall serve for one year.

(c) The Mayor shall designate one member of the Commission to serve as its Chairperson.

(d) A member shall serve for no more than 2 consecutive, full terms.

(e) Unless excused by the Chairperson, any member who fails to attend 3 consecutive meetings shall be deemed to be removed from the Commission, creating a vacancy.

(f) Each member of the Commission shall serve without compensation; provided, that each member may be reimbursed for actual expenses pursuant to section 1108 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-611.08).

Sec. 703. Rules of procedure.

(a) The Chairperson of the Commission, or his or her designated representative, who shall be a member of the Commission, shall convene all meetings of the Commission. Seven members of the Commission shall constitute a quorum. Voting by proxy shall not be permitted.

(b) All meetings, reports, and recommendations shall be a matter of public record.

(c) The Commission shall establish its meeting schedule; provided, that the Commission shall meet at least 4 times during each calendar year.

(d) The Commission may establish subcommittees as needed. Subcommittees may include persons who are not members of the Commission; provided, that each subcommittee shall be chaired by a Commission member.

Sec. 704. Administration.

Subject to appropriations, the Office of the State Superintendent of Education shall provide administrative and technical support to the Commission as necessary.

TITLE VIII. RULES; APPLICABILITY; FISCAL IMPACT STATEMENT; EFFECTIVE DATE.

Sec. 801. Rules.

The Mayor, pursuant to Title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this act.

ENROLLED ORIGINAL

Sec. 802. Applicability.

(a) Title II shall apply as of August 1, 2010.

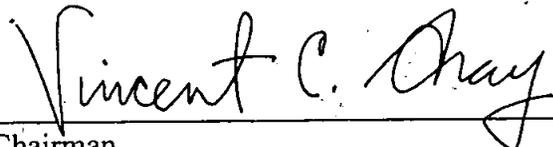
(b) This act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.

Sec. 803. Fiscal impact statement.

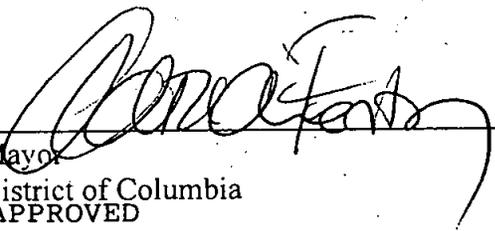
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c)(3)).

Sec. 804. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
May 21, 2010

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AN ACT
D.C. ACT 18-429

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
MAY 21, 2010

*Codification
District of
Columbia
Official Code*

2001 Edition

2010 Fall
Supp.

West Group
Publisher

To amend the Legalization of Marijuana for Medical Treatment Initiative of 1999 to define key terms, to clarify who is permitted to cultivate, possess, dispense, or use medical marijuana, to require a written recommendation from one's physician, to restrict the use of medical marijuana, to protect physicians from sanctions for recommending medical marijuana, to establish a medical marijuana program, to establish requirements for dispensaries and cultivation centers, to authorize the Board of Medicine to audit physician recommendations and to discipline physicians who act outside of the law, to set out penalties for violating this act, to prohibit the public use of medical marijuana, to establish a Medical Marijuana Advisory Committee, to require fees collected to be applied toward administering this act, to establish liability provisions, to clarify that this act does not require any public or private insurance to cover medical marijuana, and to authorize the Mayor to issue rules; and to amend the District of Columbia Health Occupations Revision Act of 1985, the Health Clarifications Act of 2001, the District of Columbia Uniform Controlled Substances Act of 1981, and the Drug Paraphernalia Act of 1982 to make conforming amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Legalization of Marijuana for Medical Treatment Amendment Act of 2010".

Sec. 2. The Legalization of Marijuana for Medical Treatment Initiative of 1999, effective February 25, 2010 (D.C. Law 13-315; 57 DCR 3360), is amended to read as follows:

"Sec. 2. Definitions.

"For the purposes of this act, the term:

"(1) "Administer" or "administration" means the direct introduction of medical marijuana, whether by inhalation, ingestion, or any other means, into the body of a person.

"(2) "Bona fide physician-patient relationship" means a relationship between a physician and patient in which the physician:

ENROLLED ORIGINAL

“(A) Has completed a full assessment of the patient's medical history and current medical condition, including a personal physical examination; and

“(B) Has responsibility for the ongoing care and treatment of the patient.

“(3) “Caregiver” means a person who:

“(A) Is designated by a qualifying patient as the person authorized, on the qualifying patient's behalf, to possess, obtain from a dispensary, dispense, and assist in the administration of medical marijuana;

“(B) Is registered with the Department as the qualifying patient's caregiver;

“(C) Is not currently serving as the caregiver for another qualifying patient; and

“(D) Is at least 18 years of age.

“(4) “Controlled Substances Act” means the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-901.02 *et seq.*).

“(5) “Cultivation center” means a facility operated by an organization or business registered with the Mayor pursuant to section 6 from or at which medical marijuana is cultivated, possessed, manufactured, and distributed in the form of medical marijuana, and paraphernalia is possessed and distributed to dispensaries.

“(6) “Department” means the Department of Health.

“(7) “Dispensary” means a facility operated by an organization or business registered with the Mayor pursuant to section 6 from or at which medical marijuana is possessed and dispensed and paraphernalia is possessed and distributed to a qualifying patient or a caregiver.

“(8) “Dispense” means to distribute medical marijuana to a qualifying patient or caregiver pursuant to this act and the rules issued pursuant to section 14.

“(9) “Distribute” means the actual, constructive, or attempted transfer from one person to another.

“(10) “Manufacture” means the production, preparation, propagation, compounding, conversion, or processing of marijuana, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or re-labeling of its container.

“(11) “Marijuana” shall have the same meaning as provided in section 102(3)(A) of the Controlled Substances Act.

“(12) “Medical marijuana” means marijuana cultivated, manufactured, possessed, distributed, dispensed, obtained, or administered in accordance with this act and the rules issued pursuant to section 14.

ENROLLED ORIGINAL

"(13) "Minor" means any person under 18 years of age, but does not include an emancipated minor.

"(14) "Paraphernalia" means:

"(A) Objects used, intended for use, or designed for use in preparing, storing, ingesting, inhaling, or otherwise introducing medical marijuana into the human body; and

"(B) Kits, objects, devices, or equipment used, intended for use, or designed for use in planting, propagating, manufacturing, cultivating, growing, harvesting, processing, or preparing medical marijuana.

"(15) "Physician" means an individual who is licensed and in good standing to practice medicine or osteopathy under District law.

"(16) "Program" means the medical marijuana program established by section 6.

"(17) "Qualifying medical condition" means:

"(A) Human immunodeficiency virus;

"(B) Acquired immune deficiency syndrome;

"(C) Glaucoma;

"(D) Conditions characterized by severe and persistent muscle spasms, such as multiple sclerosis;

"(E) Cancer; or

"(F) Any other condition, as determined by rulemaking, that is:

"(i) Chronic or long-lasting;

"(ii) Debilitating or interferes with the basic functions of life; and

"(iii) A serious medical condition for which the use of medical

marijuana is beneficial:

"(I) That cannot be effectively treated by any ordinary medical or surgical measure; or

"(II) For which there is scientific evidence that the use of medical marijuana is likely to be significantly less addictive than the ordinary medical treatment for that condition.

"(18) "Qualifying medical treatment" means:

"(A) Chemotherapy;

"(B) The use of azidothymidine or protease inhibitors;

"(C) Radiotherapy; or

"(D) Any other treatment, as determined by rulemaking, whose side effects require treatment through the administration of medical marijuana in the same manner as a qualifying medical condition.

"(19) "Qualifying patient" means a resident of the District who has a qualifying medical condition or is undergoing a qualifying medical treatment.

ENROLLED ORIGINAL

“(20) “Residence” means 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.

“Sec. 3. Use of medical marijuana.

“(a) Notwithstanding any other District law, a qualifying patient may possess and administer medical marijuana, and possess and use paraphernalia, in accordance with this act and the rules issued pursuant to section 14.

“(b) Notwithstanding any other District law, a caregiver may possess and dispense medical marijuana to a qualifying patient, and possess and use paraphernalia, for the sole purpose of assisting in the administration of medical marijuana to a qualifying patient in accordance with this act and the rules issued pursuant to section 14.

“(c) A qualifying patient may possess and administer medical marijuana, and possess and use paraphernalia, only for treatment of a qualifying medical condition or the side effects of a qualifying medical treatment and only after having:

“(1) Obtained a signed, written recommendation from a physician in accordance with section 5; and

“(2) Registered with the Mayor pursuant to section 6.

“(d) A qualifying patient or caregiver shall only possess, administer, or dispense medical marijuana, or possess or use paraphernalia, obtained from a dispensary registered with the Mayor pursuant to section 6.

“(e) A qualifying patient who is a minor may possess and administer medical marijuana only if the parent or legal guardian of the minor has signed a written statement affirming that the parent or legal guardian:

“(1) Understands the qualifying medical condition or qualifying medical treatment of the minor;

“(2) Understands the potential benefits and potential adverse effects of the use of medical marijuana, generally, and, specifically, in the case of the minor;

“(3) Consents to the use of medical marijuana for the treatment of the minor's qualifying medical condition or treatment of the side effects of the minor's qualifying medical treatment; and

“(4) Consents to, or designates another adult to, serve as the caregiver for the qualifying patient and the caregiver controls the acquisition, possession, dosage, and frequency of use of medical marijuana by the qualifying patient.

“Sec. 4. Restrictions on use of medical marijuana.

“(a) The maximum amount of medical marijuana that any qualifying patient or caregiver may possess at any moment is 2 ounces of dried medical marijuana; provided, that the Mayor, through rulemaking, may increase the quantity of dried medical marijuana that may be possessed up to 4 ounces; and shall promulgate through rulemaking limits on medical marijuana of a form, other than dried.

ENROLLED ORIGINAL

“(b)(1) Medical marijuana shall not be administered by or to a qualifying patient anywhere other than the qualifying patient’s residence, if permitted, or at a medical treatment facility when receiving medical care for a qualifying medical condition, if permitted by the facility.

“(2) A qualifying patient or caregiver shall not administer medical marijuana at a dispensary or cultivation center.

“(3) Notwithstanding paragraph (1) of this subsection, a qualifying patient shall not use medical marijuana if exposure to the medical marijuana or the medical marijuana smoke would adversely affect the health, safety, or welfare of a minor.

“(c) A qualifying patient or caregiver shall transport medical marijuana in a labeled container or sealed package in a manner and method established by rulemaking.

“(d) Nothing in this act permits a person to:

“(1) Undertake any task under the influence of medical marijuana when doing so would constitute negligence or professional malpractice; or

“(2) Operate, navigate, or be in actual physical control of any motor vehicle, aircraft, or motorboat while under the influence of medical marijuana.

“(e) The use of medical marijuana as authorized by this act and the rules issued pursuant to section 14 does not create a defense to any crime and does not negate the mens rea element for any crime except to the extent of the voluntary-intoxication defense recognized in District of Columbia law.

“(f) Notwithstanding any other law, a person or entity may provide information about the existence or operations of a cultivation center or dispensary to another person pursuant to this law.

“(g) A qualified patient, caregiver, or an employee of a cultivation center or a dispensary who is stopped by the police upon reasonable suspicion or probable cause that the stopped individual is in possession of marijuana may not be further detained or arrested on this basis alone if the police determine that he or she is in compliance with this act and the rules issued pursuant to section 14.

“Sec. 5. Recommending physician; protections.

“(a) A physician may recommend the use of medical marijuana to a qualifying patient if the physician:

“(1) Is in a bona fide physician-patient relationship with the qualifying patient; and

“(2) Makes the recommendation based upon the physician's assessment of the qualifying patient's medical history, current medical condition, and a review of other approved medications and treatments that might provide the qualifying patient with relief from a qualifying medical condition or the side effects of a qualifying medical treatment.

“(b)(1) A physician’s recommendation that a qualifying patient may use medical marijuana shall be signed by the physician and include:

ENROLLED ORIGINAL

“(A) The physician’s medical license number; and

“(B) A statement that the use of medical marijuana is necessary for the treatment of a qualifying medical condition or the side effects of a qualifying medical treatment.

“(2) A physician’s recommendation shall be valid only if it is written on a form prescribed by the Mayor.

“(c) Except as provided in section 8, a physician shall not be subject to any penalty, including arrest, prosecution, or disciplinary proceeding, or denial of any right or privilege, for advising a qualifying patient about the use of medical marijuana or recommending the use of medical marijuana to a qualifying patient pursuant to this act and the rules issued pursuant to section 14.

“(d) A physician recommending the use of medical marijuana by a qualifying patient shall not have a professional office located at a dispensary or cultivation center or receive financial compensation from a dispensary or cultivation center, or a director, officer, member, incorporator, agent, or employee of a dispensary or cultivation center.

“Sec. 6. Medical marijuana program.

“There is established a medical marijuana program, which shall regulate the manufacture, cultivation, distribution, dispensing, purchase, delivery, sale, possession, and administration of medical marijuana and the manufacture, possession, purchase, sale, and use of paraphernalia. The Program shall be administered by the Mayor and shall:

“(1)(A) Require the registration with the Department of all:

“(i) Qualifying patients; and

“(ii) Caregivers; and

“(B) As part of the registration process, require a qualifying patient to:

“(i) Designate the dispensary from which the qualifying patient will receive medical marijuana; provided, that the qualifying patient may change the designation with 14 days written notice to the Department; and

“(ii) Provide a copy of the physician’s recommendation for the qualifying patient’s use of medical marijuana;

“(2) Require the registration of all:

“(A) Dispensaries;

“(B) Cultivation centers; and

“(C) Directors, officers, members, incorporators, agents, and employees of dispensaries and cultivation centers;

“(3) Issue nontransferable registration identification cards that expire annually to registered persons and entities, which may be presented to and used by law enforcement to confirm whether a person or entity is authorized to administer, cultivate, dispense, distribute, or possess medical marijuana, or manufacture, possess, or distribute paraphernalia;

“(4) Require all dispensaries and cultivation centers to:

“(A) Maintain true, complete, and current records of the following:

ENROLLED ORIGINAL

- of each employee;
- “(i) The name, address, home telephone number, and date of birth
- dispensed;
- “(ii) A record of each transaction, including:
- “(I) The quantity of medical marijuana distributed or
- and
- “(II) The consideration given for the medical marijuana;
- “(III) The recipient of the medical marijuana;
- “(iii) The quantity of medical marijuana at the dispensary or cultivation center;
- “(iv) The disposal method used for any medical marijuana that was cultivated or acquired but not sold, including evidence of the disposal of the medical marijuana; and
- “(v) Any other information required by the Mayor;
- “(B) Notify the Chief of the Metropolitan Police Department in writing and immediately of the loss, theft, or destruction of any medical marijuana;
- “(5) Require all dispensaries to maintain true, complete, and current records of:
- “(A) The name and address of the qualifying patient authorized to obtain the distribution or dispensing of medical marijuana; and
- “(B) The name and address of the caregiver who receives the medical marijuana;
- “(6) Develop educational materials about potential harmful drug interactions that could occur from using medical marijuana concurrently with other medical treatments and the importance of informing health care providers and pharmacists of the use of medical marijuana to help avoid harmful drug interactions;
- “(7) Revoke or suspend the registration of any person or entity if the Mayor determines that the person or entity has violated a provision of this act or the rules issued pursuant to section 14;
- “(8) Conduct announced and unannounced inspections of dispensaries and cultivation centers;
- “(9) Establish sliding-scale registration and annual renewal fees for all persons and entities required to register pursuant to this act; provided, that the registration and annual renewal fees for dispensaries and cultivation centers and for the directors, officers, members, incorporators, agents, and employees of dispensaries and cultivation centers shall be sufficient to offset the costs of administering this act;
- “(10) Establish a system to provide for the safe and affordable dispensing of medical marijuana to qualifying patients who are unable to afford a sufficient supply of medical marijuana based upon the qualifying patient’s income and existing financial resources that:

ENROLLED ORIGINAL

“(A) Allows qualifying patients to apply to the Mayor to be eligible to purchase medical marijuana on a sliding scale from dispensaries; and

“(B) Requires each dispensary to devote a percentage of its gross revenue, as determined by the Mayor, to providing medical marijuana on the sliding scale to qualifying patients determined eligible pursuant to subparagraph (A) of this paragraph;

“(11) Submit to the Council an annual report that does not disclose any identifying information about qualifying patients, caregivers, or physicians, but that includes:

“(A) The number of applications filed for a registration identification card;

“(B) The number of qualifying patients and caregivers registered;

“(C) The qualifying medical condition or qualifying medical treatment for each qualifying patient;

“(D) The number of registration identification cards suspended and the number revoked; and

“(E) The number of physicians providing written recommendations for qualifying patients;

“(12) Establish standards by which applicants for dispensary and cultivation center registration will be evaluated to determine which applicants will be accepted for registration and renewal of registration, which shall include the following factors:

“(A) Knowledge of District and federal law relating to marijuana;

“(B) Suitability of the proposed facility;

“(C) A proposed staffing plan;

“(D) A security plan that has been assessed by the Metropolitan Police Department;

“(E) A cultivation plan; and

“(F) A product safety and labeling plan;

“(13)(A) Provide notice through the mail to all Advisory Neighborhood Commissions in the affected ward at least 30 days prior to approval of a location for a dispensary or cultivation center; and

“(B) Accord great weight to input provided by the Advisory Neighborhood Commission regarding the proposed location of a dispensary or cultivation center when approving or rejecting an application for registration; and

“(14) Require caregivers and qualifying patients to notify the Department immediately and in writing of the loss, theft, or destruction of a registration identification card.

“Sec. 7. Dispensaries and cultivation centers.

“(a) Notwithstanding any other District law, a dispensary may possess medical marijuana for the purpose of dispensing the medical marijuana to a qualifying patient or caregiver and may manufacture, purchase, possess, distribute, and use paraphernalia, in accordance with this act and the rules issued pursuant to section 14.

ENROLLED ORIGINAL

“(b) Notwithstanding any other District law, a cultivation center may cultivate and possess medical marijuana for the purpose of distribution to a dispensary and may manufacture, purchase, possess, and use paraphernalia in accordance with this act and the rules issued pursuant to section 14.

“(c) A dispensary may dispense medical marijuana and distribute paraphernalia to a qualifying patient or the qualifying patient’s caregiver, and a qualifying patient or the qualifying patient’s caregiver may obtain medical marijuana and paraphernalia from a dispensary, only if the qualifying patient is registered to receive medical marijuana from that dispensary.

“(d)(1) Each dispensary and cultivation center shall be registered with the Mayor prior to manufacturing, cultivating, dispensing, possessing, or distributing medical marijuana, or manufacturing, possessing, using, or distributing paraphernalia.

“(2) No more than 5 dispensaries shall be registered to operate in the District; provided, that the Mayor may increase the number to as many as 8 by rulemaking to ensure that qualifying patients have adequate access to medical marijuana.

“(3) The number of cultivation centers that may be registered to operate in the District shall be determined by rulemaking.

“(e)(1) A dispensary may not dispense more than 2 ounces of medical marijuana in a 30-day period to a qualifying patient, either directly or through the qualifying patient’s caregiver; provided, that the Mayor, through rulemaking, may increase the quantity of medical marijuana that may be dispensed to up to 4 ounces.

“(2) A cultivation center shall not possess more than 95 living marijuana plants at any time.

“(3) It shall be unlawful for a dispensary to dispense or possess more than the quantity of medical marijuana needed to support the number of qualifying patients or caregivers registered to receive medical marijuana at that dispensary, as determined by the Mayor pursuant to rules issued under section 14; provided, that the Mayor may allow a dispensary to possess a higher quantity of medical marijuana in anticipation of additional qualifying patients or caregivers registering.

“(f) No marijuana or paraphernalia at a dispensary or a cultivation center shall be visible from any public or other property.

“(g) A dispensary or cultivation center shall not locate within any residential district or within 300 feet of a preschool, primary or secondary school, or recreation center.

“(h) Each dispensary and cultivation center shall:

“(1) Be either a for-profit or nonprofit corporation incorporated within the District;

ENROLLED ORIGINAL

“(2) Implement a security plan to prevent the theft or diversion of medical marijuana, including maintaining all medical marijuana in a secure, locked room that is accessible only by authorized persons; and

“(3) Ensure that all of its employees receive training on compliance with District law, medical marijuana use, security, and theft prevention.

“(i) Each dispensary shall regularly distribute to all qualifying patients and caregivers the educational materials regarding potential harmful drug interactions developed as part of the Program.

“(j) No director, officer, member, incorporator, agent, or employee of a dispensary or cultivation center who has access to the medical marijuana at the dispensary or cultivation center shall have:

“(1) A felony conviction; or

“(2) A misdemeanor conviction for a drug-related offense.

“(k) A person found to have violated any provision in this act shall not be a director, officer, member, incorporator, agent, or employee of a dispensary or cultivation center, and the registration identification card of the person shall be immediately revoked and the registration of the dispensary or cultivation center shall be suspended until the person is no longer a director, officer, member, incorporator, agent, or employee of the dispensary or cultivation center.

“Sec. 8. Board of Medicine review of medical marijuana physician recommendations.

“(a) The Board of Medicine shall have the authority to review and audit the written physician recommendations submitted to the Department as part of the registration process and shall have the authority to discipline physicians who act outside of the scope of this act.

“(b) The Board of Medicine shall audit the recommendations submitted by any physician who provides more than 250 recommendations in any 12-month period to patients for the use of medical marijuana.

“(c) Submitting a false statement regarding a qualifying patient’s eligibility to participate in the Program on the form developed pursuant to section 5(b)(2) shall be grounds for the revocation, suspension, or denial of a license to practice medicine or osteopathy, or the imposition of a civil fine pursuant to section 514(c) of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1205.14(c)), or both.

“Sec. 9. Penalties.

“(a) Any person who manufactures, cultivates, possesses, administers, dispenses, distributes, or uses marijuana, or manufactures, possesses, distributes, or uses paraphernalia, in a manner not authorized by this act or the rules issued pursuant to section 14 shall be subject to criminal prosecution and sanction under the Controlled Substances Act and the Drug Paraphernalia Act of 1982, effective September 17, 1982 (D.C. Law 4-149; D.C. Official Code § 48-1101 *et seq.*).

“(b) Any person who makes a fraudulent representation to a law enforcement official of

ENROLLED ORIGINAL

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, to avoid arrest or prosecution shall be subject to a criminal fine not to exceed \$1,000. The imposition of the fine shall be in addition to any other penalties that may otherwise apply for the making of a false statement or for the manufacture, cultivation, possession, administration, dispensing, distribution, or use of marijuana, or the manufacture, possession, distribution, or use of paraphernalia.

"(c) It shall be an affirmative defense to a criminal charge of possession or distribution of marijuana, or possession with intent to distribute marijuana, that the person charged with the offense is a person who:

"(1) Was in possession of medical marijuana only inside the qualifying patient's residence or a medical treatment facility;

"(2) Only administered or assisted in administering the medical marijuana to the qualifying patient and only within the qualifying patient's residence or at a permitted medical treatment facility;

"(3) Assisted the qualifying patient only when the caregiver was not reasonably available to provide assistance; and

"(4) Is 18 years of age or older.

"(d) Civil fines, penalties, and fees may be imposed as sanctions for any infraction of the provisions of this act, or any rules issued under section 14, pursuant to the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*) ("Civil Infractions Act"). Adjudication of any infraction of this act shall be pursuant to the Civil Infractions Act.

"Sec. 10. Medical Marijuana Advisory Committee.

"(a) The Mayor shall establish a Medical Marijuana Advisory Committee ("Committee"), which shall monitor:

"(1) Best practices in other states that allow the use of medical marijuana;

"(2) Scientific research on the medical use of marijuana; and

"(3) The effectiveness of the District's medical marijuana program.

"(b) No later than January 1, 2012, the Committee shall submit a report to the Mayor and the Council recommending:

"(1) Whether the District of Columbia should allow qualifying patients and caregivers to cultivate medical marijuana;

"(2) How to implement and regulate cultivation of medical marijuana by qualifying patients and caregivers; and

"(3) Any other comments the Committee believes to be important.

"Sec. 11. Fees.

"(a) The Mayor is authorized to establish, by rulemaking, fees for the registration of caregivers, cultivation centers, dispensaries, and qualifying patients and for the inspection and

ENROLLED ORIGINAL

“(b) The Mayor shall submit the proposed rules to the Council for a 30-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution, within this 30-day review period, the proposed rules shall be deemed approved.”

Sec. 3. Conforming amendments.

(a) Section 203 of the District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1202.03), is amended by adding a new subsection (a-2) to read as follows:

Amend
§ 3-1202.03

“(a-2) Pursuant to section 8 of the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective February 25, 2010 (D.C. Law 13-315; 57 DCR 3360) (“Initiative”), the Board shall review and audit written recommendations for the use of medical marijuana issued by physicians pursuant to section 5 of the Initiative and shall have the authority to discipline any physician who has acted outside the scope of the physician’s authority under the Initiative.”

(b) Section 4902 of the Health Clarifications Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 7-731), is amended by adding a new subsection (d) to read as follows:

Amend
§ 7-731

“(d) Notwithstanding any provision in this section or any other District law, the Mayor may regulate the manufacture, cultivation, distribution, dispensing, possession, and administration of medical marijuana as authorized in the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective February 25, 2010 (D.C. Law 13-315; 57 DCR 3360).”

(c) Section 401 of the District of Columbia Uniform Controlled Substances Act of 1981, effective August 5, 1981 (D.C. Law 4-29; D.C. Official Code § 48-904.01), is amended as follows:

Amend
§ 48-904.01

(1) Subsection (a)(1) is amended by striking the phrase “Except as authorized by this act,” and inserting the phrase “Except as authorized by this act or the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective February 25, 2010 (D.C. Law 13-315; 57 DCR 3360),” in its place.

(2) Subsection (d) is amended by striking the phrase “except as otherwise authorized by this act” and inserting the phrase “except as otherwise authorized by this act or the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective February 25, 2010 (D.C. Law 13-315; 57 DCR 3360)” in its place.

(d) Section 4 of the Drug Paraphernalia Act of 1982, effective September 17, 1982 (D.C. Law 4-149; D.C. Official Code § 48-1103), is amended as follows:

Amend
§ 48-1103

(1) Subsection (a) is amended by striking the phrase “It is unlawful” and inserting the phrase “Except as authorized by the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective February 25, 2010 (D.C. Law 13-315; 57 DCR 3360), it is unlawful” in its place.

ENROLLED ORIGINAL

audit of cultivation centers and dispensaries.

“(b) Any of the fees collected pursuant to this act shall be applied first toward the cost of administering this act.

“Sec. 12. Liability.

“(a) No liability shall be imposed by virtue of this act upon any duly authorized District officer engaged in the enforcement of any law relating to controlled substances.

“(b) The District shall not be held liable for any deleterious outcomes from the use of medical marijuana, including the acts or omissions of any qualifying patient attributed to the use of medical marijuana.

“Sec. 13. Public and private insurance.

“Nothing in this act shall require a governmental, private, or any other health insurance provider or health care service plan to be liable for any claim for reimbursement for the use of medical marijuana.

“Sec. 14. Rules.

“(a) The Mayor, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules to implement the provisions of this act, including rules to:

“(1) Adopt manufacturing practices that cultivation centers and dispensaries shall be required to comply with to ensure that medical marijuana sold by cultivation centers and dispensaries is of pharmaceutical grade;

“(2) Ensure that the labeling on medical marijuana sold by cultivation centers and dispensaries provides sufficient information for qualifying patients to be able to make informed choices;

“(3) Ensure that each cultivation center and dispensary has appropriate signage and outdoor lighting and an appropriate security system, security plan, and theft prevention plan;

“(4) Limit the hours during which dispensaries and cultivation centers may operate;

“(5) Determine, for the purpose of ensuring that qualifying patients have adequate access to medical marijuana, the number of cultivation centers that may operate in the District, based on the number of qualifying patients expected to register in the first year of the Program's operation; provided, that the Mayor may adjust this number through rulemaking based on:

“(A) The number of registered qualifying patients; and

“(B) The number of qualifying patients expected to register in the subsequent 180 days;

“(6) Determine the amount of any registration fee for any dispensary or cultivation center; and

“(7) Determine the forms of medical marijuana that dispensaries and cultivation centers shall be permitted to dispense or distribute.

ENROLLED ORIGINAL

(2) Subsection (b) is amended by striking the phrase "It is unlawful" and inserting the phrase "Except as authorized by the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective February 25, 2010 (D.C. Law 13-315; 57 DCR 3360) , it is unlawful" in its place.

(3) Subsection (e) is amended as follows:

(A) Paragraph (1) is amended by striking the phrase "Except as provided in paragraphs (2) and (3) of this subsection," and inserting the phrase "Except as provided in paragraphs (2), (3), and (4) of this subsection," in its place.

(B) A new paragraph (4) is added to read as follows:

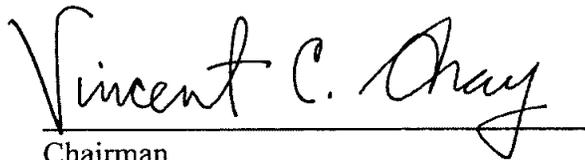
"(4) A cultivation center or dispensary may sell cigarette rolling papers in accordance with the Legalization of Marijuana for Medical Treatment Initiative of 1999, effective February 25, 2010 (D.C. Law 13-315; 57 DCR 3360) .".

Sec. 4. Fiscal impact statement.

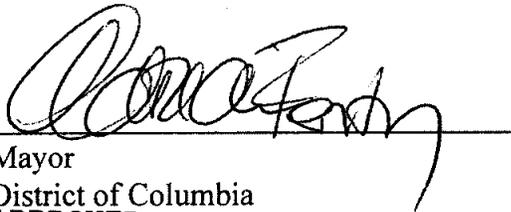
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.



Chairman
Council of the District of Columbia



Mayor

District of Columbia
APPROVED

May 21, 2010

Codification District of Columbia Official Code, 2001 Edition