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## Publication Information

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## Chapter 12. Marijuana Possession Decriminalization.

[Subchapter I. One Ounce or Less of Marijuana.](#)

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### Subchapter I. One Ounce or Less of Marijuana.

#### § 48–1201. Possession or transfer of one ounce or less of marijuana.

(a) Notwithstanding any other District law, the possession or transfer without remuneration of marijuana weighing one ounce or less shall constitute a civil violation.

(b) A violation of subsection (a) of this section shall not constitute a criminal offense or a delinquent act as defined in § [16-2301](#)(7).

(c) The possession of paraphernalia associated with a violation of subsection (a) of this section shall not constitute a violation of § [48-1103](#).

([July 17, 2014, D.C. Law 20-126, § 101, 61 DCR 3482.](#))

### Section References

This section is referenced in § [2-1515.05](#), § [2-1831.03](#), § [4-205.01](#), § [16-2327](#), § [23-1321](#), § [24-304](#), § [24-903](#), § [48-904.01](#), § [48-1103](#), § [48-1213](#), and § [50-1403.02](#).

### Editor's Notes

Section 501 of [D.C. Law 20-126](#) provided that the Mayor, pursuant to subchapter I of Chapter 5 of Title 2 [§ [2-501](#) et seq.], may issue rules to implement the provisions of the act.

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## § 48–1202. Identification of offenders.

(a) A person who is stopped by a police officer for violating § [48-1201](#) shall, upon request, inform the officer of his or her name and address for the purpose of including that information on a notice of violation; provided, that no person shall be required to possess or display any documentary proof of his or her name or address in order to comply with the requirements of this section.

(b) A person who refuses to provide his or her name and address, or who knowingly provides an incorrect name or address, to a police officer in violation of subsection (a) of this section shall, upon conviction, be fined \$100.

([July 17, 2014, D.C. Law 20-126, § 102, 61 DCR 3482.](#))

### Section References

This section is referenced in § [48-1203](#).

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## § 48–1203. Penalties.

(a) A person 18 years of age or older who commits a civil violation of § [48-1201](#) shall be subject to a civil fine of \$25 and seizure of any marijuana and paraphernalia visible to the police officer at the time of the civil violation.

(b)(1) A person under the age of 18 years who commits a civil violation of § [48-1201](#) shall be subject to a civil fine of \$25 and seizure of any marijuana and paraphernalia visible to the police officer at the time of the civil violation.

(2) The Office of Administrative Hearings shall mail a copy of the notice of violation to the parent or guardian of the person to whom the notice of violation is issued at the address provided by the person at the time the citation is issued pursuant to § [48-1202](#).

(3) For the purposes of this subsection, the term “civil violation” shall have the same meaning as a civil Notice of Violation for the purposes of § [16-2333](#)(a)(1A).

(c) Except as provided in this section, the District shall not request or impose any other form of penalty, sanction, forfeiture, or disqualification for violations of § [48-1201](#); provided, that this subsection does not apply to District government employers if drug use is

specifically prohibited as a condition of employment, nor shall this subsection apply to Unit A of Chapter 25 of Title 7 [§ [7-2501.01](#) et seq.] and Chapter 45 of Title 22 [§ [22-4501](#) et seq.].

([July 17, 2014, D.C. Law 20-126, § 103, 61 DCR 3482.](#))

### Section References

This section is referenced in § [48-1204](#) and § [48-1213](#).

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## § 48–1204. Substance Abuse Prevention and Treatment Fund.

(a) There is established as a special fund the Substance Abuse Prevention and Treatment Fund (“Fund”), which shall be administered by the Department of Behavioral Health in accordance with subsections (c) and (d) of this section.

(b) The Fund shall consist of revenue from the payment of fines collected pursuant to § [48-1203](#).

(c) The Fund shall be used for substance abuse prevention and treatment efforts.

(d)(1) The money deposited into the Fund, and interest earned, shall not revert to the unrestricted fund balance of the General Fund at the end of a fiscal year, or at any other time.

(2) Subject to authorization in an approved budget and financial plan, any funds appropriated in the Fund shall be continually available without regard to fiscal year limitation.

([July 17, 2014, D.C. Law 20-126, § 104, 61 DCR 3482.](#))

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### Subchapter II. Civil Violations.

## § 48–1211. Adjudication.

Civil violations of § [48-1201](#) shall be adjudicated by the Office of Administrative Hearings in accordance with this subchapter.

([July 17, 2014, D.C. Law 20-126, § 201, 61 DCR 3482.](#))

### Editor's Notes

Section 501 of [D.C. Law 20-126](#) provided that the Mayor, pursuant to subchapter I of Chapter 5 of Title 2 [§ [2-501](#) et seq.], may issue rules to implement the provisions of the act.

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## § 48–1212. Answer to a notice of violation.

(a) A person shall answer a notice of violation within 14 calendar days of the date the notice of violation was issued.

(b)(1) To answer a notice of violation, a person issued a notice may:

(A) Admit the violation;

(B) Admit the violation, but with an explanation; or

(C) Deny the violation.

(2) No response other than those listed in paragraph (1) of this subsection shall be regarded as an answer.

(c) A person admitting a violation shall, at the time the person submits an answer, pay the applicable civil fine in person or by mail.

(d) A person denying the violation shall receive from the Office of Administrative Hearings within 30 days of the office's receipt of the answer a notice with information about a hearing date.

(e) If a person to whom a notice of violation has been issued fails to respond to the notice within 14 calendar days of the date the notice was issued, the person shall be found liable for the civil violation and in default and shall be assessed both the civil fine for the violation and an additional penalty equal to the amount of that civil fine.

[\(July 17, 2014, D.C. Law 20-126, § 202, 61 DCR 3482.\)](#)

### **Emergency Legislation**

For temporary (90 days) amendment of this section, see § 3062 of the FY 2015 Budget Support Emergency Act of 2014 (D.C. Act 20-377, July 14, 2014, 61 DCR 7598, 20 DCSTAT 3696).

For temporary (90 days) amendment of this section, see § 3062 of the Fiscal Year 2015 Budget Support Congressional Review Emergency Act of 2014 (D.C. Act 20-449, October 10, 2014, 61 DCR 10915).

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## **§ 48-1213. Hearing.**

(a) A hearing for judging a violation of § [48-1201](#) shall be held before an administrative law judge and the hearing shall be conducted accordance with subchapter I of Chapter 5 of Title 2 [[§ 2-501](#) et seq.].

(b)(1) After due consideration of the evidence and arguments made at the hearing, the administrative law judge shall determine whether the violation has been established by a preponderance of evidence.

(2) Where a determination is made that a violation is not established, an order dismissing the violation shall be entered.

(3) Where a determination is made that the violation has been established, an appropriate order shall be entered in the records of the hearing and the administrative law judge shall order the respondent to pay the civil fine set forth in § [48-1203](#).

(c) An order rendered pursuant to a determination that a violation has been established, or pursuant to the receipt of an answer admitting the violation, shall be a civil order.

(d) A person who has answered a notice of violation, but fails, without good cause, to appear at the scheduled hearing shall be found liable for the violation and in default and shall be assessed both the civil fine for the violation and an additional penalty equal to the amount of that civil fine.

(e) For the purposes of this section, the term "evidence" includes the notice of violation, confirmation that the substance seized has tested positive as marijuana, and any records or notes made by the law enforcement officer when the marijuana was seized; provided, that the seized marijuana shall not be required to be presented at the hearing as evidence and may be destroyed as contraband by the law enforcement agency that seized it.

[\(July 17, 2014, D.C. Law 20-126, § 203, 61 DCR 3482; Feb. 26, 2015, D.C. Law 20-155, § 3062, 61 DCR 9990.\)](#)

**Effect of Amendments**

The 2015 amendment by [D.C. Law 20-155](#) deleted “a statement from a law enforcement officer on the weight of the seized marijuana” following “violation” in (e).

**Emergency Legislation**

For temporary (90 days) amendment of this section, see § 3062 of the Fiscal Year 2015 Budget Support Emergency Act of 2014 (D.C. Act 20-377, July 14, 2014, 61 DCR 7598, 20 STAT 3696).

For temporary (90 days) amendment of this section, see § 3062 of the Fiscal Year 2015 Budget Support Congressional Review Emergency Act of 2014 (D.C. Act 20-449, October 10, 2014, 61 DCR 10915, 20 STAT 4188).

For temporary (90 days) amendment of this section, see § 3062 of the Fiscal Year 2015 Budget Support Second Congressional Review Emergency Act of 2014 (D.C. Act 20-566, January 9, 2015, 62 DCR 884, 21 STAT 541).

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