

1 [Supporting Regulated and Safe Patient Access to Medical Cannabis]

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3 **Resolution supporting regulated and safe patient access to medical cannabis in the**
4 **City and County of San Francisco.**

5
6 WHEREAS, The majority of California citizens voted for and approved Proposition 215;
7 The Compassionate Use Act of 1996; and

8 WHEREAS, SB420, AB2650, the California Attorney General Guidelines, and
9 California State Courts acknowledge patient collectives and cooperatives; and

10 WHEREAS, The City and County of San Francisco has adopted a comprehensive
11 regulatory system to permit and control medical cannabis collectives and cooperatives; and,

12 WHEREAS, Those entities who have received a permit to operate in San Francisco
13 participated in a transparent permitting process by their local government agencies, are
14 clearly acting in good faith, in full compliance with state and local laws and as such operate in
15 a not for profit capacity, and take every measure possible to be safe and professional
16 members of their communities; and

17 WHEREAS, San Francisco has an exceptionally high number of HIV positive citizens;
18 and

19 WHEREAS, Research has confirmed the therapeutic benefits of cannabis around the
20 world, demonstrating a clear nexus between debilitating diseases and chronic pain and the
21 use of cannabis as a therapeutic substance; and

22 WHEREAS, 16 states and the District of Columbia have laws allowing for patient use of
23 cannabis and the creation of distribution centers to facilitate the safe, controlled access to this
24 medicinal substance; and

1 WHEREAS, President Barack Obama repeatedly asserted during his campaign a
2 position of recognizing and respecting state medical cannabis laws; and

3 WHEREAS, United States Attorney General Eric Holder, in February of 2009, indicated
4 that the Federal Government's new policy was to treat medical cannabis as a State's rights
5 and responsibility issue, which was reiterated in the *Ogden* Memorandum of that year; and

6 WHEREAS, The Investigation New Drug (IND) program, created by the Federal
7 Government, has provided medical cannabis to a limited number of patients since 1978; and

8 WHEREAS, The Federal government has acknowledged medical cannabis policies
9 from the Department of Veterans, as well as from Housing and Urban Development; and

10 WHEREAS, The American Medical Association in 2009, Student American Medical
11 Association in 2008, and the American Nurses Association in 2008 passed resolutions urging
12 the Federal Government to reexamine the scheduling of cannabis as a Schedule I Controlled
13 Substance; and

14 WHEREAS, The state's largest association of doctors, California Medical Association,
15 which represents more than 35,000 physicians statewide released a new policy on October
16 15, 2011 asking for legalization of cannabis and declaring that current laws have proven to be
17 a failed public health policy; and

18 WHEREAS, Calculations from Harvard Professor Jeffrey Miron estimate that the U.S.
19 spends in excess of \$40 billion dollars annually in enforcement of the current drug policy; and

20 WHEREAS, Organized labor, including United Food and Commercial Workers,
21 recognizes that with current unemployment rates at around 9%, our economy cannot afford to
22 lose more jobs with the closure of law abiding not for profit collectives and cooperatives.
23 Additionally, this would result in loss of revenue to the State Board of Equalization; and

24 WHEREAS, On September 28, 2011 Melinda Haag, United States Attorney for the
25 Northern District of California and the Department of Justice delivered harassing letters to

1 landlords in San Francisco threatening civil forfeiture, and up to 40 years in jail if they do not
2 cease and desist providing safe access to qualified medical cannabis patients within 45 days;
3 now, therefore, be it

4 RESOLVED, That the San Francisco Board of Supervisors urges the federal
5 government to reconsider this bad policy decision and respect California's right to provide
6 medicine to its residents; and, be it

7 FURTHER RESOLVED, That the San Francisco Board of Supervisors does hereby call
8 upon the Federal Government to end the prohibition on medical cannabis and requests the
9 United States Congress pass: HR 1983, the State's Medical Marijuana Protection Act of 2011,
10 introduced by Rep. Barney Frank (D-MA), HR 1984, the Small Business Banking
11 Improvement Act of 2011 by Rep. Jared Polis (D-CO), and HR 1985, the Small Business Tax
12 Equity Act of 2011, introduced by Rep. Pete Stark (D-CA); and, be it

13 FURTHER RESOLVED, That the San Francisco Board of Supervisors stands with
14 Assemblymember Tom Ammiano, Senator Mark Leno, Senator Leland Yee, Attorney General
15 Kamala Harris in protecting our citizens and our rule of law by calling upon the Federal
16 Government to stop the harassment of California medical cannabis patients and their
17 collectives/cooperatives; and, be it

18 FURTHER RESOLVED, That the San Francisco Board of Supervisors encourages the
19 President and Congress of the United States to enact legislation requiring federal law
20 enforcement to respect state medical cannabis laws.



City and County of San Francisco
Tails
Resolution

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 111165

Date Passed: November 01, 2011

Resolution-supporting regulated and safe patient access to medical cannabis in the City and County of San Francisco.

October 31, 2011 City Operations and Neighborhood Services Committee - RECOMMENDED AS COMMITTEE REPORT

November 01, 2011 Board of Supervisors - ADOPTED

Ayes: 8 - Avalos, Campos, Chiu, Cohen, Kim, Mar, Mirkarimi and Wiener

Noes: 3 - Chu, Elsbernd and Farrell

File No. 111165

I hereby certify that the foregoing Resolution was ADOPTED on 11/1/2011 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Unsigned

Mayor Edwin Lee

11/11/11

Date Approved

Date: November 11, 2011

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter.

Angela Calvillo
Clerk of the Board

File No.
111165