Resolution reaffirming that the City and County of San Francisco is a sanctuary for medical cannabis, an integral component of which are property owners who, pursuant to City regulations, lease space to authorized Medical Cannabis Dispensaries ("MCD"s) that provide needed services to qualified medical cannabis patients and their caregivers, and that the City vehemently condemns the Drug Enforcement Agency (DEA) for issuing sensational letters to these property owners threatening asset forfeiture and imprisonment.

WHEREAS, House Judiciary Chairman John Conyers, Jr. has issued a pointed statement regarding the DEA’s ratcheting up its draconian tactic of threatening City and County of San Francisco property owners with asset forfeiture and imprisonment for leasing to lawfully operating MCDs that provide medical cannabis to patients qualified under laws of the State of California; and,

WHEREAS, the City and County of San Francisco has incorporated many safeguards against profiteering and patient exploitation into its medical cannabis regulations and policies and on November 6, 2007 passed a resolution endorsing compassionate care for non- and low-income patients; and,

WHEREAS, in 1997 the Board of Supervisors authorized the City and County of San Francisco to pay for defending physicians in federal criminal and administrative proceedings after recommending the use medical cannabis to qualified patients; and,
WHEREAS, the DEA has repeatedly subverted and undermined California's, and many other states', laws governing medical cannabis by increasingly acting on its irrational policy and hysteria regarding medical cannabis specifically, and the so-called War on Drugs in general; and,

WHEREAS, this DEA heightened activity and policy directly violates the will of the vast majority of the State of California on a matter directly related to health and safety, an issue whose discretion is left to the State under the Constitution of the United States; and,

WHEREAS, the State of California's Board of Equalization collects sales tax from permitted MCDs; now, therefore be it

RESOLVED, That Board of Supervisors condemns the DEA's misguided and sensationally threatening harassment of property owners by issuing letters to property owners threatening asset forfeiture and imprisonment for leasing to lawfully operating MCDs; and, be it

FURTHER RESOLVED, That Board of Supervisors should employ every reasonable measure to secure and reaffirm the City and County of San Francisco's status as a medical cannabis sanctuary status by supporting lawfully operating MCDs, and property owners who lease to them, if and when the DEA acts on their threats; and, be it

FURTHER RESOLVED, That Board of Supervisors signs onto Chairman John Conyers, Jr.'s statement condemning the DEA's threatening letters to property owners and we fully support his convening of hearings into the DEA's alarming tactics to undermine California state law; and, be it

FURTHER RESOLVED, That property owners who lease to lawfully operating MCDs, and the MCDs themselves, should be supported by the City Attorney in any criminal prosecution or property forfeiture action not unlike in 1997 when the City

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authorized assistance in defending physicians recommending medical cannabis to qualified patients from possible zealous DEA prosecution; and be it

FURTHER RESOLVED, That the San Francisco Board of Supervisors call on Congress to investigate the DEA’s conduct and to amend federal law to respect the power of state to legalize medical cannabis, and, be it

FURTHER RESOLVED, That the Board of Supervisors requests that Mayor Gavin Newsom, San Francisco’s State legislators, Attorney General Jerry Brown, and Governor Arnold Schwarzeneggar join with Oakland Mayor and former Congressman Ron Dellums in denouncing the DEA tactics surrounding property right of landlords who rent to MCDs.

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February 12, 2008 Board of Supervisors — CONTINUED
   Ayes: 9 - Alioto-Pier, Ammiano, Chu, Daly, Dufty, Elsbernd, Maxwell, Mirkarimi, Peskin
   Absent: 2 - McGoldrick, Sandoval

February 26, 2008 Board of Supervisors — ADOPTED
   Ayes: 7 - Ammiano, Daly, Maxwell, McGoldrick, Mirkarimi, Peskin, Sandoval
   Noes: 2 - Chu, Elsbernd
   Absent: 1 - Alioto-Pier
   Excused: 1 - Dufty
I hereby certify that the foregoing Resolution was ADOPTED on February 26, 2008 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

2·29·08
Date Approved

Mayor Gavin Newsom