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

WHEREAS, The majority of California citizens voted for and approved Proposition 215; The Compassionate Use Act of 1996; and
WHEREAS, SB420, AB2650, the California Attorney General Guidelines, and California State Courts acknowledge patient collectives and cooperatives; and
WHEREAS, The City and County of San Francisco has adopted a comprehensive regulatory system to permit and control medical cannabis collectives and cooperatives; and,
WHEREAS, Those entities who have received a permit to operate in San Francisco participated in a transparent permitting process by their local government agencies, are clearly acting in good faith, in full compliance with state and local laws and as such operate in a not for profit capacity, and take every measure possible to be safe and professional members of their communities; and
WHEREAS, San Francisco has an exceptionally high number of HIV positive citizens; and
WHEREAS, Research has confirmed the therapeutic benefits of cannabis around the world, demonstrating a clear nexus between debilitating diseases and chronic pain and the use of cannabis as a therapeutic substance; and
WHEREAS, 16 states and the District of Columbia have laws allowing for patient use of cannabis and the creation of distribution centers to facilitate the safe, controlled access to this medicinal substance; and
WHEREAS, President Barack Obama repeatedly asserted during his campaign a position of recognizing and respecting state medical cannabis laws; and

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

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

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

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

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

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

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

WHEREAS, On September 28, 2011 Melinda Haag, United States Attorney for the Northern District of California and the Department of Justice delivered harassing letters to
landlords in San Francisco threatening civil forfeiture, and up to 40 years in jail if they do not cease and desist providing safe access to qualified medical cannabis patients within 45 days; now, therefore, be it RESOLVED, That the San Francisco Board of Supervisors urges the federal government to reconsider this bad policy decision and respect California's right to provide medicine to its residents; and, be it FURTHER RESOLVED, That the San Francisco Board of Supervisors does hereby call upon the Federal Government to end the prohibition on medical cannabis and requests the United States Congress pass: HR 1983, the State's Medical Marijuana Protection Act of 2011, introduced by Rep. Barney Frank (D-MA), HR 1984, the Small Business Banking Improvement Act of 2011 by Rep. Jared Polis (D-CO), and HR 1985, the Small Business Tax Equity Act of 2011, introduced by Rep. Pete Stark (D-CA); and, be it FURTHER RESOLVED, That the San Francisco Board of Supervisors stands with Assemblymember Tom Ammiano, Senator Mark Leno, Senator Leland Yee, Attorney General Kamala Harris in protecting our citizens and our rule of law by calling upon the Federal Government to stop the harassment of California medical cannabis patients and their collectives/cooperatives; and, be it FURTHER RESOLVED, That the San Francisco Board of Supervisors encourages the President and Congress of the United States to enact legislation requiring federal law enforcement to respect state medical cannabis laws.
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