

1 [Urging support of the Hinchey-Rohrbacher amendment to the Science, State, Justice and  
2 Commerce Appropriations bill to prohibit federal medicinal cannabis enforcement.]

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4 **Resolution urging U.S. Representative of the 8<sup>th</sup> Congressional District of California**  
5 **and Minority Leader of the United States Congress Nancy Pelosi to use all resources at**  
6 **her disposal to pass the Hinchey-Rohrbacher amendment to the Science, State, Justice**  
7 **and Commerce (SSJC) Appropriations bill.**

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9 WHEREAS, The residents of California are still in danger of federal arrest, prosecution  
10 and imprisonment given the recent United States Supreme Court decision in Gonzales v.  
11 Raich (2005); and,

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13 WHEREAS, In 1970, Congress passed the Comprehensive Drug Abuse Prevention  
14 and Control Act of 1970 (Chapter 13 (commencing with Section 801) of Title 21 of the United  
15 States Code), classifying cannabis as a "Schedule I" controlled substance, which means that  
16 the drug or other substance has a high potential for abuse, the drug or other substance has  
17 no currently accepted medicinal use in treatment in the United States, and there is a lack of  
18 accepted safety for use of the drug or other substance under medical supervision; and,

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20 WHEREAS, In the intervening 33 years since cannabis was classified as a Schedule I  
21 controlled substance, studies have indicated that cannabis is therapeutic in the treatment of a  
22 number of serious ailments, and is less toxic and less costly than many conventional  
23 medicines for which it may be substituted; and,

1           WHEREAS, A well-established medicinal use of cannabis is as an antinauseant for  
2 chemotherapy for cancer treatment for patients who do not respond well to other antinausea  
3 medications; and,

4           WHEREAS, A federally commissioned 1999 report by the National Academy of  
5 Sciences determined that the active components of cannabis are potentially effective in  
6 treating pain, nausea, and AIDS wasting, as well as symptoms associated with other  
7 conditions, including multiple sclerosis; and,

8           WHEREAS, The use of cannabis alleviates nausea, vomiting, and loss of appetite  
9 experienced by many AIDS patients, without accelerating the rate at which persons who are  
10 HIV positive develop clinical AIDS or other illnesses; and,

11           WHEREAS, A 1982 report by the National Academy of Sciences suggested that  
12 cannabis reduces interocular pressure in patients suffering from glaucoma, which is the  
13 leading cause of blindness in the United States; and,

14           WHEREAS, Clinical evidence also points to the effectiveness of cannabis as a  
15 therapeutic agent in the treatment of a variety of spastic conditions, such as multiple  
16 sclerosis, paraplegia, epilepsy, and quadriplegia; and,

17           WHEREAS, The 1999 National Academy of Sciences report noted that cannabis  
18 seems to alleviate muscle spasms associated with multiple sclerosis; and,  
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1           WHEREAS, Researchers from the University of San Francisco have found that the use  
2 of cannabis modulates pain signals in much the same way as morphine and other opiates,  
3 and the report from the Institute of Medicine of the National Academy of Sciences concluded  
4 that cannabis use can produce significant analgesic effects; and,

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6           WHEREAS, The results of this research have led the Society for Neuroscience to  
7 pronounce that cannabis could relieve the pain of tens of millions of Americans each year;  
8 and,

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10           WHEREAS, Research indicates that cannabis compounds may protect brain cells  
11 during a stroke, and researchers at the National Institute of Mental Health have called  
12 compounds in cannabis potent antioxidants, which are relied on by doctors to protect stroke  
13 victims from toxic levels of a brain chemical called glutamate; and,

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15           WHEREAS, Despite the legal prohibition against physicians prescribing cannabis,  
16 many medical oncologists accept cannabis's medical use in treatment and therefore  
17 recommend it to patients to ease their pain and suffering; and,

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19           WHEREAS, The 1999 National Academy of Sciences report concluded that cannabis  
20 is "promising for treating wasting syndrome in AIDS patients," and that for patients who are  
21 undergoing chemotherapy and who suffer simultaneously from severe pain, nausea, and  
22 appetite loss, "cannabinoid drugs might offer broad-spectrum relief not found in any other  
23 single medication," and that "[t]here will likely always be a subpopulation of patients who do  
24 not respond well to other medications"; and,

1           WHEREAS, Between 1978 and 1996, legislatures in 34 states and the District of  
2 Columbia passed laws recognizing the therapeutic value of cannabis, and 23 of those laws  
3 remain in effect today; and,

4           WHEREAS, Since 1996, nine states have accepted the medical use of cannabis in  
5 treatment and have passed laws allowing a seriously ill patient with a recommendation from  
6 his or her physician to possess and use cannabis for medicinal purposes; and,

7           WHEREAS, The nine states that have adopted compassionate medical cannabis laws  
8 by voter initiative include California, Alaska, Arizona, Colorado, Maine, Nevada, Oregon,  
9 Washington, and Montana; and,

10           WHEREAS, The Legislatures of the States of Hawaii and Vermont passed similar  
11 medical cannabis law; and,

12           WHEREAS, On November 5, 1996, the people of the State of California adopted the  
13 Compassionate Use Act of 1996 (Proposition 215), codified in Section 11362.5 of the Health  
14 and Safety Code, in order to allow seriously ill residents of the state who have the oral or  
15 written recommendation of a physician to use cannabis for medicinal purposes without fear of  
16 criminal liability under state law; and,

17           WHEREAS, These laws do not legalize cannabis or alter criminal penalties regarding  
18 the possession or cultivation of cannabis for recreational use, they do not establish a legal  
19 supply for patients to obtain the drug, and they do not authorize physicians to prescribe  
20 cannabis, which remains classified as a Schedule I drug under California law; and,

1           WHEREAS, These laws merely provide a narrow exemption from prosecution for  
2 patients who use cannabis for medicinal purposes; and,

3           WHEREAS, Although these laws protect patients physicians from state criminal  
4 penalties, they do not shield patients or their physicians from federal prosecution; and

5           WHEREAS, Despite the adoption of this initiative in California, a terminally ill patient  
6 may be prosecuted under federal law for possessing cannabis for medicinal use; and,  
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8           WHEREAS, A majority of Americans support legalizing the medicinal use of cannabis  
9 for seriously ill patients, and the results of a March 26, 1999, Gallup poll show that 73 percent  
10 of Americans support making cannabis available to doctors so they may prescribe it; and,  
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12           WHEREAS, Compassion demands that we allow seriously ill citizens of the United  
13 States to gain access to, possess, and use cannabis to alleviate their pain and suffering; and,  
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15           WHEREAS, Medical professionals in our society should not be required to subject  
16 themselves to the threat of federal criminal prosecution in order to treat patients with a  
17 substance that has been widely accepted by their profession as an effective treatment for  
18 certain symptoms or conditions; and,  
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20           WHEREAS, The Los Angeles Cannabis Resource Center (LACRC) operated, pursuant  
21 to a resolution of the City Council of West Hollywood and in accordance with California law as  
22 a patients' cooperative that provides medical cannabis to bona fide patients, many of whom  
23 are too ill to grow cannabis themselves for medical use; and,  
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1           WHEREAS, The LACRC operated in cooperation and conjunction with the duly elected  
2 Mayor and City Council of the City of West Hollywood, and with the Los Angeles County  
3 Sheriff's Department and its duly elected sheriff, in order to provide seriously ill, bona fide  
4 patients with cannabis to be used for medicinal purposes; and,

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6           WHEREAS, The United States Drug Enforcement Administration, in violation of the will  
7 of the California voters, entered the LACRC premises on October 25, 2001, closed down the  
8 clinic, and seized property and the confidential medical records of registered patients; and,

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10           WHEREAS, The United States Attorney subsequently convened a grand jury to indict  
11 the patient-operators of the LACRC, to the detriment of several hundred seriously ill  
12 Californians who must now rely on unregulated black-market sources if they wish to access  
13 cannabis to treat their symptoms; and,

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15           WHEREAS, In July of 2002, Bryan Epis, who was associated with the Chico Medical  
16 Marijuana Caregivers, was sentenced to 10 years in prison after a trial in which the federal  
17 court judge excluded medical evidence, and Mr. Epis was convicted of conspiracy to grow  
18 cannabis; and,

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20           WHEREAS, On September 5, 2002, armed agents of the United States Drug  
21 Enforcement Administration entered onto the private premises and home of Valerie and Mike  
22 Corral, threatening the Corrals and other sleeping patients of the Wo/Men's Alliance for  
23 Medical Marijuana in Santa Cruz, California; and,

1           WHEREAS, Federal agents arrested the Alliance directors, handcuffed handicapped  
2 patients at gunpoint, and destroyed a cannabis crop intended for the medical treatment of the  
3 approximately 250 gravely ill patients of the nonprofit, patient-run cooperative; and,

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5           WHEREAS, In February 2003, Edward Rosenthal was convicted in a federal court in  
6 California, and thus he could be sentenced to many years in federal prison for growing  
7 cannabis starter plants for people who were too ill to start the plants themselves, in violation  
8 of federal laws, by a jury whose members have said subsequently that had the federal court  
9 allowed discussion of state law and Mr. Rosenthal's deputation by the City of Oakland, they  
10 would not have convicted him; and,

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12           WHEREAS, There appears to be an ever-quickening pace of arrest, intimidation, and  
13 harrassment of bona fide patients, providers, physicians, and caregivers in our state, by the  
14 agents of the federal government; and,

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16           WHEREAS, Federal authorities have already arrested, detained, or confiscated the  
17 property of over 40 California residents, many of whom were working in cooperation with local  
18 elected leaders and law enforcement officials under rights given to them under Proposition  
19 215; and,

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21           WHEREAS, The federal attorneys and judges responsible for prosecution of California  
22 residents and adjudication of medical cannabis cases under federal law have kept from juries  
23 evidence that the use of cannabis for medical purposes in certain cases has been in  
24 accordance with state statutes and case law; and,

1           WHEREAS, Members of juries comprised of California residents have expressed  
2 outrage at the conduct of the federal attorneys and judges, whom the jury members believe  
3 actively mislead them, causing them to hand down inappropriate verdicts against defendants  
4 who cultivated cannabis in accordance with state laws and local ordinances; and,  
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6           WHEREAS, This egregious conduct against California residents has led to an  
7 undermining of confidence in the courts and the American judicial system; and,  
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9           WHEREAS, The Hinchey-Rohrbacher amendment to the Science-State-Justice-  
10 Commerce Appropriations bill states that "None of the funds made available in this Act to the  
11 Department of Justice may be used to prevent the states of Alaska, Arizona, California,  
12 Colorado, Hawaii, Maine, Maryland, Nevada, Oregon, Vermont, or Washington from  
13 implementing State laws authorizing the use of medical marijuana in those States"; and,  
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15           WHEREAS, Congresswoman and House Democratic Leader Nancy Pelosi is a  
16 long-standing and forceful advocate for making medical marijuana available to patients who  
17 suffer from debilitating illnesses, and has consistently supported regulatory and statutory  
18 efforts to change federal law to permit states to authorize medical marijuana to alleviate  
19 painful suffering; and,  
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21           WHEREAS, Congresswoman Nancy Pelosi supports the Hinchey-Rohrbacher  
22 amendment and is actively working to pass it, and strongly opposes the Bush Administration's  
23 misuse of scarce federal resources to prevent patients from obtaining medical marijuana  
24 pursuant to state law, and to even target these patients now, therefore, be it  
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1           RESOLVED, That The Board of Supervisors of the City and County of San Francisco  
2 hereby urges U.S. Representative of the 8<sup>th</sup> Congressional District of California and Minority  
3 Leader of the United States Congress Nancy Pelosi to use all resources at her disposal to  
4 pass the Hinchey-Rohrbacher amendment to the Science, State, Justice and Commerce  
5 (SSJC) Appropriations bill; and, be it

6           FURTHER RESOLVED, That The Board of Supervisors of the City and County of San  
7 Francisco urges the House of Representatives and Senate of the United States to vote  
8 affirmatively on and pass the amendment; and, be it

9           FURTHER RESOLVED, That The Board of Supervisors of the City and County of San  
10 Francisco urges the President of the United States to sign the bill into law.



# City and County of San Francisco

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

## Tails

## Resolution

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**File Number:** 051132

**Date Passed:**

Resolution urging U.S. Representative of the 8th Congressional District of California and Minority Leader of the United States Congress Nancy Pelosi to use all resources at her disposal to pass the Hinchey-Rohrbacher amendment to the Science, State, Justice and Commerce (SSJC) Appropriations bill.  
Version.

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June 14, 2005 Board of Supervisors — ADOPTED

Ayes: 11 - Alioto-Pier, Ammiano, Daly, Dufty, Elsbernd, Ma, Maxwell,  
McGoldrick, Mirkarimi, Peskin, Sandoval

File No. 051132

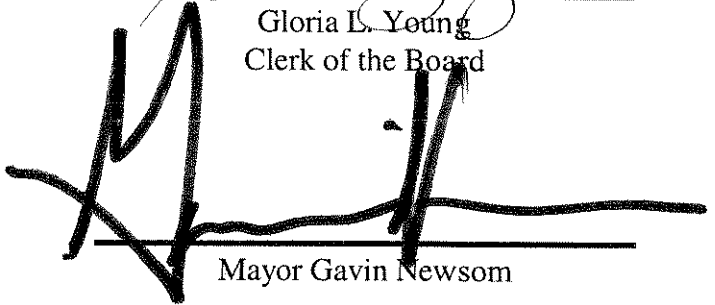
I hereby certify that the foregoing Resolution was ADOPTED on June 14, 2005 by the Board of Supervisors of the City and County of San Francisco.

JUN 23 2005

\_\_\_\_\_  
Date Approved



\_\_\_\_\_  
Gloria L. Young  
Clerk of the Board



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Mayor Gavin Newsom