

LEGISLATIVE DIGEST

[Administrative Code - Establishing a Cannabis Commission and Cannabis Department]

Ordinance amending the Administrative Code to establish a Cannabis Commission and Cannabis Department.

Existing Law

On November 8, 2016, the voters of the State of California approved Proposition 64, enacting the Control, Regulate and Tax Adult Use of Marijuana Act (“AUMA”). AUMA legalizes the non-medical use of cannabis by adults, and creates a state regulatory and licensing system governing the commercial cultivation, testing, distribution, and sale of non-medical cannabis, and the manufacture of non-medical cannabis products.

Under Proposition 64, localities retain authority to regulate the non-medical cannabis industry, including but not limited to the authority to prohibit commercial activities relating to non-medical cannabis entirely, or to authorize such activities, and impose licensing requirements and land use restrictions.

Article 33 of the San Francisco Health Code regulates medical cannabis, and authorizes the San Francisco Department of Public Health to oversee the permitting of medical cannabis dispensaries. Currently, there is no City law that regulates non-medical cannabis, or that authorizes any department or commission to oversee the permitting of businesses that engage in commercial activities relating to non-medical cannabis.

Amendments to Current Law

This ordinance will create a Department of Cannabis, with authority to oversee the implementation of laws and regulations relating to non-medical cannabis and to coordinate with other City departments as necessary. The proposal specifies that it does not intend to limit or abridge the current authority of the Public Health Department, the Planning Department, or any other City department, to regulate medical cannabis dispensaries, or the authority of any other City department to regulate commercial businesses or real property in San Francisco.

This proposal will also establish a new Cannabis Commission, consisting of seven members appointed by the Mayor, which will have the authority to grant, withhold, condition, revoke or deny the permits of commercial non-medical cannabis businesses in San Francisco.