

1 [Sanctuary for Medical Cannabis]

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3 **Resolution declaring the City and County of San Francisco a sanctuary for medical**  
4 **cannabis use, cultivation, and distribution, and urging the District Attorney for the City**  
5 **and County of San Francisco, the San Francisco Police Department, the San Francisco**  
6 **Sheriff's Department, the Attorney General for the State of California, and the California**  
7 **Department of Consumer Affairs – Medical Board of California not to assist in the**  
8 **harassment, arrest or prosecution of physicians, medical cannabis dispensaries,**  
9 **individual patients, or their primary caregivers attempting to comply with section**  
10 **11362.5 of the California Health and Safety Code.**

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12 WHEREAS, In 1972, the voters of the City and County of San Francisco supported by  
13 51 percent Proposition 19, the California Marijuana Initiative, which stated that no one in the  
14 State of California eighteen years of age or older shall be punished in any way for growing,  
15 processing, transporting, or possessing marijuana for personal use, or for using it; and,

16 WHEREAS, In 1978, the voters of the City and County of San Francisco passed by 57  
17 percent Proposition W, which stated that the people of the City and County of San Francisco  
18 demand that the District Attorney and the Chief of Police cease the arrest and prosecution of  
19 individuals involved in the cultivation, transfer or possession of marijuana; and,

20 WHEREAS, In 1991, the voters of the City and County of San Francisco passed by 80  
21 percent Proposition P, which stated that the people of the City and County of San Francisco  
22 recommended that the State of California and the California Medical Association restore hemp  
23 medical preparations to the list of available medicines in California, and that licensed  
24 physicians should not be penalized for or restricted from prescribing hemp preparations for  
25 medical purposes; and,

1           WHEREAS, In 1992, the Board of Supervisors of the City and County of San Francisco  
2 urged the Mayor to urge the Police Commission and the District Attorney of the City and  
3 County of San Francisco to make lowest priority the arrest or prosecution of those involved in  
4 the possession or cultivation of hemp for medicinal purposes; and

5           WHEREAS, In 1996, the voters of the City and County of San Francisco supported by  
6 78 percent Proposition 215, the Compassionate Use Act of 1996, which exempted patients  
7 and defined caregivers who possess or cultivate marijuana for medical treatment  
8 recommended by a physician from criminal laws which otherwise prohibit possession or  
9 cultivation of marijuana; provided that physicians who recommend use of marijuana for  
10 medical treatment shall not be punished or denied any right or privilege; and declared that the  
11 measure not be construed to supercede prohibitions of conduct endangering others or to  
12 condone diversion of marijuana for non-medical purposes; and,

13           WHEREAS, In 1997, the Health Commission of the City and County of San Francisco  
14 resolved that the San Francisco Department of Public Health will facilitate implementation of  
15 the Compassionate Use Act of 1996; and,

16           WHEREAS, In 1997, the Board of Supervisors of the City and County of San Francisco  
17 authorized the City to pay for the defense of Department of Public Health physicians in federal  
18 criminal and administrative proceedings when those physicians recommend medical  
19 marijuana to their patients; and,

20           WHEREAS, In 1998, the Board of Supervisors of the City and County of San Francisco  
21 requested all pertinent City agencies to coordinate an emergency distribution program of  
22 medicinal marijuana to ensure a continuum of access to medicinal marijuana as provided by  
23 the passage of the Compassionate Use Act of 1996; and,

24           WHEREAS, In 1998, the Board of Supervisors of the City and County of San Francisco  
25 urged the San Francisco City Attorney and District Attorney to create legislation establishing a

1 San Francisco Health Model for the Implementation of the Compassionate Use Act of 1996  
2 and allowing the City and County of San Francisco to legally provide medicinal marijuana for  
3 compassionate use purposes; and,

4 WHEREAS, In 1999, the Health Commission of the City and County of San Francisco  
5 supported the development, implementation and monitoring of a voluntary Medical Cannabis  
6 Identification Card Program by the San Francisco Department of Public Health; and,

7 WHEREAS, In 2000, the Board of Supervisors of the City and County of San Francisco  
8 passed an ordinance amending the San Francisco Health Code to authorize the Department  
9 of Public Health of the City and County of San Francisco to issue medical cannabis  
10 identification cards to individuals who qualify under the Compassionate Use Act of 1996 as  
11 users of medical cannabis or as primary caregivers to medical cannabis users; and,

12 WHEREAS, Many residents of the City and County of San Francisco are or will  
13 become seriously ill with cancer, anorexia, AIDS, chronic pain, spasticity, glaucoma, arthritis,  
14 migraine, or other medical conditions for which cannabis may provide relief; and

15 WHEREAS, The medical use of cannabis may benefit the health of residents of the  
16 City and County of San Francisco with medical conditions; and,

17 WHEREAS, The City and County of San Francisco supports the rights of persons with  
18 medical conditions to obtain and use cannabis for medical purposes where that medical use is  
19 deemed appropriate and has been recommended by a physician who has determined that the  
20 person's health would benefit from the use of cannabis in the treatment of an illness or  
21 medical condition for which cannabis provides relief; now, therefore, be it

22 RESOLVED, That the City and County of San Francisco is declared to be a sanctuary  
23 for medical cannabis; and, be it

24 FURTHER RESOLVED, That the District Attorney for the City and County of San  
25 Francisco, the San Francisco Police Department, the San Francisco Sheriff's Department, the

1 Attorney General for the State of California, and the California Department of Consumer  
2 Affairs – Medical Board of California are urged not to assist in the harassment, arrest or  
3 prosecution of physicians, medical cannabis dispensaries, individual patients, or their primary  
4 caregivers attempting to comply with section 11362.5 of the California Health and Safety  
5 Code.

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