

FILE NO.

RESOLUTION NO.

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, On July 23, 2001 Rep. Barney Frank (D-Mass) introduced a Bill in the
13 United States House of Representatives (H.R. 2592) which would move cannabis from
14 schedule I to schedule II of the Controlled Substances Act; and,

15 WHEREAS, H.R. 2592 would also provide that no provision of the Controlled
16 Substances Act or the Federal Food, Drug, and Cosmetic Act shall prohibit a State from
17 allowing physicians to prescribe or recommend cannabis for medical use, from allowing
18 individuals to obtain and use medical cannabis, from allowing pharmacies to obtain and hold
19 cannabis for the prescription or recommendation by a physician, or from establishing an entity
20 which may produce and distribute medical cannabis; and,

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

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

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

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

8 FURTHER RESOLVED, That the District Attorney for the City and County of San
9 Francisco, the San Francisco Police Department, the San Francisco Sheriff's Department, the
10 Attorney General for the State of California, and the California Department of Consumer
11 Affairs – Medical Board of California are urged not to assist in the harassment, arrest or
12 prosecution of physicians, medical cannabis dispensaries, individual patients, or their primary
13 caregivers attempting to comply with section 11362.5 of the California Health and Safety
14 Code.

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