

File No. 201265

Committee Item No. 2

Board Item No. 14

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Comm: Public Safety & Neighborhood Services

Date: Nov. 12, 2020

Board of Supervisors Meeting:

Date: Dec. 8, 2020

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input type="checkbox"/> | Resolution |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance - VERSION 3 |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest - VERSION 3 |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
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| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
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OTHER

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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>CEQA Determination – November 5, 2020</u> |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Referrals CEQA and FYI – November 5 and 6, 2020</u> |
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Prepared by: John Carroll

Date: Nov. 6, 2020

Prepared by: John Carroll

Date: Nov. 25, 2020

Prepared by: John Carroll

Date: Dec. 4, 2020

1 [Health Code - No Smoking in Multi-Unit Housing Complexes]

2

3 **Ordinance amending the Health Code to prohibit smoking inside all private dwelling**
4 **units in multi-unit housing complexes containing 3three or more units and all common**
5 **areas; remove the exception for child care facilities located in private homes; exempt**
6 **~~smoking of medicinal cannabis for a medicinal cannabis patient who possesses a~~**
7 **~~physician’s recommendation to smoke medicinal cannabis for medical purposes;~~**
8 **exempt smoking of medicinal cannabis and adult use cannabis; require the Department**
9 **of Public Health (DPH) to initiate a public information campaign to raise awareness of**
10 **the smoking prohibition; require DPH to initiate the imposition of administrative**
11 **penalties by issuance of a notice of violation in lieu of a citation; suspend the provision**
12 **of the Health Code (mooted by this ordinance) which requires owners or managers of**
13 **multi-unit housing complexes to provide certain disclosures regarding whether**
14 **smoking is authorized in certain units; and affirm the Planning Department’s**
15 **determination under the California Environmental Quality Act.**

16 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
17 **Additions to Codes** are in *single-underline italics Times New Roman font*.
18 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
19 **Board amendment additions** are in double-underlined Arial font.
20 **Board amendment deletions** are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code
subsections or parts of tables.

21 Be it ordained by the People of the City and County of San Francisco:

22

23 Section 1. Environmental Findings.

24 The Planning Department has determined that the actions contemplated in this
25 ordinance comply with the California Environmental Quality Act (California Public Resources

1 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
2 Supervisors in File No. 201265 and is incorporated herein by reference. The Board affirms
3 this determination.

4 Section 2. The Health Code is hereby amended by revising Sections 1009.20,
5 1009.21, 1009.22, 1009.23, 1009.25, 1009.26, 1009.29, and 1009.37, to read as follows:

6
7 **SEC. 1009.20. FINDINGS.**

8 * * * *

9 (d) The Board of Supervisors finds and declares:

10 (1) Nonsmokers have no adequate means to protect themselves from the damage
11 inflicted upon them by secondhand smoke.

12 (2) Regulation of smoking in public places and all private dwelling units in multi-unit
13 housing complexes containing 3 or more units is necessary to protect the health, safety, welfare,
14 comfort, and environment of nonsmokers.

15 (e) It is, therefore, the intent of the Board of Supervisors, in enacting this Article 19F,
16 to protect nonsmokers from secondhand smoke and to eliminate smoking, as much as
17 possible, in public places, and certain residential settings.

18
19 **SEC. 1009.21. DEFINITIONS.**

20 * * * *

21 (k) "Multi-unit housing complex" means a public or private building, or portion thereof,
22 containing ~~two~~ three two or more dwelling or other housing units. This definition includes, but
23 is not limited to: 1) a building with live/work units, as defined in the Planning Code; 2)
24 apartment buildings, condominiums, senior citizen residences, nursing homes, housekeeping
25 room/units, residential or single room occupancy hotels, "other housing" as defined in the

1 Planning Code, and other multiple unit residential dwellings, except as permitted under
2 Section 1009.23~~(a)~~ of this Article 19F. "Other housing" as defined in the Planning Code
3 includes (a) group housing, boarding (which covers rooming houses where lodging is provided
4 without individual cooking facilities, by prearrangement for a week or more at a time and for
5 six or more persons in a space not defined as a dwelling unit), (b) group housing for religious
6 orders, (c) group housing for medical and educational institutions, (d) a hotel, inn or hostel;
7 and (e) a motel, including an auto court, motor lodge, tourist court or other facility similarly
8 identified.

9 * * * *

10 **SEC. 1009.22. PROHIBITING SMOKING IN BUILDINGS, CERTAIN VEHICLES,**
11 **CERTAIN UNENCLOSED AREAS, ENCLOSED STRUCTURES CONTAINING CERTAIN**
12 **USES, AND SPORTS STADIUMS.**

13 (a) Smoking is prohibited in buildings and enclosed structures, throughout the building
14 or structure and in the common areas, such as the elevators, hallways, stairways, restrooms,
15 conference and meeting rooms, and eating and break rooms, and certain unenclosed areas
16 that contain any of the facilities or uses set forth below.

17 * * * *

18 (9) Child care facilities, ~~except when located in private homes,~~ including those located
19 in private homes;

20 * * * *

21 (f) Smoking in residential buildings.

22 (1) Smoking is prohibited in ~~enclosed common areas of~~ enclosed common
23 areas of multi-unit housing complexes, as defined in Section 1009.21(k), including, but not
24 limited to, private apartment buildings, residential hotels, including Single Resident
25 Occupancy hotels, SF Housing Authority buildings, HUD housing, senior housing, and

1 condominiums. This prohibition shall extend to private dwelling units in multi-unit housing
2 complexes, and to all common areas in multi-unit housing complexes (including, without
3 limitation, ~~Enclosed common areas are those areas accessible to and usable by residents of different~~
4 ~~units and include but are not limited to~~ Enclosed common areas are those accessible to and
5 usable by residents of different units and include but are not limited to common halls,
6 elevators, covered parking areas, lobbies, waiting areas, ~~interior~~ stairwells, and bathrooms,
7 cooking, dining, lounge, laundry facilities, recreation and lobby areas, patios, and balconies),
8 except that smoking is permitted 15 ~~ten~~ feet or more away from a door or window, in an
9 outdoor common area within the perimeter, ~~a common hall open to the outdoors on at least one~~
10 ~~side, or courtyard of any multi-unit housing complex. Except for purposes of ingress and egress, the~~
11 ~~entry doors of private residential units shall be closed at any time that smoking is occurring within an~~
12 ~~individual dwelling unit of either a multi-unit housing complex or a mixed-use building where the door~~
13 ~~opens into an area where smoking is prohibited under this Section.~~

14 (2) — In multi-unit housing complexes containing three or more dwelling or
15 other housing units, smoking is prohibited in the private dwelling or housing units.
16 Notwithstanding the foregoing sentence, it is not prohibited for a medicinal cannabis patient
17 who possesses a physician's recommendation to smoke medicinal cannabis for medical
18 purposes in such private dwelling or housing units. For purposes of this subsection (f)(2),
19 "medicinal cannabis" has the meaning set forth in Section 1602 of the Police Code, as may be
20 amended from time to time.

21 (2) In multi-unit housing complexes containing three or more dwelling or
22 other housing units, smoking is prohibited in the private dwelling or housing units.
23 Notwithstanding the foregoing sentence, it is not prohibited to smoke medicinal cannabis or
24 adult use cannabis in such private dwellings or housing units. For purposes of this subsection
25

1 (f)(2), “medicinal cannabis” and “adult use cannabis” have the meaning set forth in Section
2 1602 of the Police Code, as may be amended from time to time.

3 * * * *

4 (h) It is unlawful for any person to smoke in any area where this Article 19F prohibits
5 smoking. It is unlawful for the owner of any property, facility, or establishment subject to this
6 Article 19F, or if a different person has the right to possession or management of such
7 property, facility, or establishment, for that person, to permit any person to smoke in any area
8 where smoking is prohibited by this Article 19F, *and if* the owner or manager had or should
9 have had actual or constructive knowledge acquired by due diligence of the smoking. This
10 subsection (h) does not require a property owner or manager of a business to enforce a
11 smoking prohibition outside the business against persons who are not patrons of the
12 business, or a property owner or manager of a multi-unit housing complex to enforce a
13 smoking prohibition outside the building against persons who are not tenants or owners of
14 owner-occupied units of the building.

15 (i) Any person who owns, operates, or manages property is required to take the
16 following steps to prevent smoking on that property where it is prohibited under this ~~Code~~
17 Article 19F:

18 (1) Post clear and prominent signs at each entrance to the premises no higher
19 than eight 8 feet and no lower than five 5 feet, and within 10 feet of the door or the most
20 appropriate place for visibility from outside, that read "Smoking only 1) at the curb, or 2) if no
21 curb, at least 15 ft. from entrances, exits, operable windows, and vents" in letters no less than
22 one-half inch in height and include 1) the international "No Smoking" symbol, consisting of a
23 pictorial representation of a burning cigarette enclosed in a circle, with a diameter of at least
24 three inches, with a bar across it, and 2) a statement at the bottom of the sign that reads "SF
25 Health Code Article 19F" in font no less than one-eighth inch in height. Persons that own,

1 manage, or operate property that is LEED ("Leadership in Energy and Environmental Design")
2 certified that has a smoking distance requirement greater than that specified in this Article 19F
3 shall post signs conforming to all the requirements in this subsection (i)(1) ~~Section~~ that state that
4 smoking ~~only~~ is allowed only at that greater distance from the exists, entrances, and operable
5 windows.

6 (2) Post clear and prominent "no smoking" signs in any area on the premises
7 where smoking is prohibited. For multi-unit housing complexes, the signs need only be posted
8 in ~~the~~ all common areas ~~building lobby, common mailbox area, or common elevator.~~

9 (3) Request that any person smoking in areas where smoking is prohibited under
10 this Article 19F refrain from smoking. But this subsection (i)(3) does not ~~require a property~~
11 ~~owner or manager of a multi-unit housing complex of less than 16 units to make the request that a~~
12 ~~person refrain from smoking unless the owner or manager observes the person smoking in areas where~~
13 ~~smoking is prohibited under this Article 19F, nor does this subsection (i)(3)~~ require a property owner
14 or manager of a business to enforce the smoking prohibition in Section 1009.22(d) outside a
15 business by persons who are not patrons of the business, or a property owner or manager of
16 a multi-unit housing complex to enforce a smoking prohibition outside the building by persons
17 who are not tenants or owners of owner-occupied units of the building.

18 Upon receipt of a written complaint from a tenant, owner of an owner-occupied unit,
19 or the Department of Public Health, or when any person is observed smoking where smoking
20 is prohibited, an owner or manager of a multi-unit housing complex must post a notice in the
21 building lobby, common mailbox area, or common elevator for a period of not less than 10 ~~ten~~
22 days, advising that a person ~~tenant~~ has been observed smoking ins-a portion of the building
23 where smoking is prohibited under ~~San Francisco Health Code~~ this Article 19F, and requesting
24 that all people ~~tenants~~ refrain from smoking in those areas. If there is no common building
25 lobby, common mailbox area, or common elevator, then the owner or manager of a multi-unit

1 housing complex may provide notice to tenants or owners of owner-occupied units in another
2 reasonable manner. If the owner or manager of a multi-unit housing complex knows the identity
3 of the person ~~tenant~~ who was smoking in a prohibited area, the owner or manager of a multi-unit
4 housing complex must additionally make the request to the tenant or owner of an owner-occupied
5 unit in writing, and keep a record of the request for a ~~reasonable~~ period of two-years ~~time~~. For
6 purposes of this subsection (i)(3), a request that someone refrain from smoking does not
7 require the physical ejection of a person from the premises.

8 (4) Notify all tenants and owners of owner-occupied units ~~existing tenants~~ of a multi-unit
9 housing complex, within 90 days of the effective date of the ordinance in Board File No. 201265,
10 amending this Section 1009.22(f) ~~this legislation~~, of the smoking prohibitions contained in this
11 Article 19F. In addition, notify all prospective tenants and prospective owners of owner-occupied units
12 of the smoking prohibitions contained in this Article 19F.

13 (5) Remove any ashtrays or ash receptacles from all common areas in multi-unit
14 housing complexes where smoking is prohibited ~~inside the premises~~. No persons, employer,
15 business, or nonprofit entity shall knowingly or intentionally permit the presence or placement
16 of any ashtrays or ash receptacles within any enclosed common area in a multi-unit housing
17 complex where smoking is prohibited.

18 The duties described in ~~Sections (1)-(5) of this subsection (i) Section~~ are baseline
19 requirements and are not the only responsibilities of owners or managers to prevent smoking
20 in multi-unit housing complexes.

21 (j) Violation of any part of this Article 19F is not grounds for eviction of residential
22 tenants. Nor does it require a landlord to change terms of an existing tenancy so as to prohibit
23 smoking in a multi-unit housing complex.

24 (k) If the owner or manager has complied with all the requirements in this Article
25 19F, smoking in a multi-unit housing complex where prohibited under this Article 19F shall not

1 be considered a substantial reduction in housing services that would qualify a tenant for a
2 reduction in rent under ~~San Francisco~~ Administrative Code Chapter 37.

3
4 **SEC. 1009.23. EXCEPTIONS.**

5 The following places shall not be subject to this Article 19F:

6 * * * *

7 (b) ~~Residential buildings that contain one or two dwelling units. Private homes,~~
8 ~~including but not limited to dwelling units, but not the common areas, of multi-unit housing complexes~~
9 ~~and mixed-use buildings.~~ Residential buildings containing only one dwelling or housing unit,
10 except where such building is used as a child care facility.

11 * * * *

12
13 **SEC. 1009.25. VIOLATIONS AND PENALTIES.**

14 (a) **Civil Enforcement.** The Director of Public Health may enforce the provisions of
15 this Article 19F against violators by serving ~~a notice~~ Notice of Violation as described in subsection
16 (b) requiring the correction of any violation within a reasonable time specified by the Director.
17 Upon the violator's failure to comply with the ~~notice~~ Notice of Violation within the time period
18 specified, ~~(1)~~ the Director may request the City Attorney to maintain an action for injunction to
19 enforce the provisions of this Article 19F and for assessment and recovery of a civil penalty for
20 such violation. ~~and (2) the owner of the premises or the person with the right to possession and~~
21 ~~management of the property may maintain an action for injunctive relief to enforce the provisions of~~
22 ~~this Article 19F and an action for damages. Damages may be awarded up to \$500 a day for each day~~
23 ~~the violation occurs or is permitted to continue. It is necessary to specify the amount of such damages~~
24 ~~because of the extreme difficulty that the owner or other authorized person would have in establishing~~
25 ~~injury based on lost business, lost productivity due to health injuries caused by tobacco smoke, and~~

1 ~~other costs arising because of the health problems created by smoking.~~ Any civil penalties collected
2 under this Article 19F shall be credited to the Public Health Environmental Health Code
3 Compliance Fund, authorized by ~~San Francisco~~ Administrative Code Section 10.100-193.
4 ~~—(b) Administrative Enforcement. The Director also may enforce the provisions of this Article by:~~
5 ~~—(1) Serving a Notice of Violation requesting a person to appear at an administrative hearing~~
6 ~~before the Director at least 20 days after the Notice of Violation is mailed. At the hearing, the person~~
7 ~~cited with violating the provisions of this Article shall be provided an opportunity to refute all evidence~~
8 ~~against him or her. The Director shall oversee the hearing and issue a ruling within 20 days of its~~
9 ~~conclusion. The Director's ruling shall be final; or,~~
10 ~~—(2) Issuing a citation under San Francisco Administrative Code Chapter 100, "Procedures~~
11 ~~Governing the Imposition of Administrative Fines," which is hereby incorporated in its entirety and~~
12 ~~shall govern the imposition, enforcement, collection, and review of administrative citations issued to~~
13 ~~enforce this Article, and any rule or regulation adopted pursuant to this Article, in addition to the other~~
14 ~~enforcement mechanisms authorized by this Article, provided, however, that:~~
15 ~~—(i) Each day a violation is committed or permitted to continue shall constitute a separate~~
16 ~~violation;~~
17 ~~—(ii) The Director of Public Health shall appoint the hearing officer to conduct hearings for~~
18 ~~appeals;~~
19 ~~—(iii) The fine for any violation issued pursuant to this section shall be paid to the Treasurer of~~
20 ~~the City and County of San Francisco and credited to the Public Health Environmental Health Code~~
21 ~~Compliance Fund, authorized by San Francisco Administrative Code Section 10.100-193;~~
22 ~~—(iv) The Director may recover any costs and fees, including but not limited to attorneys' fees, for~~
23 ~~enforcement initiated through this Section and authorized under this Article; and,~~
24 ~~—(v) The penalty amounts for citations issued under Administrative Code Chapter 100 shall be the~~
25 ~~same as those set forth in subsection (c).~~

1 (b) **Administrative Enforcement.** Administrative penalties shall be assessed and collected
2 by the Department of Public Health as set forth in this subsection (b).

3 (1) Any Person who violates this Article 19F shall be subject to an administrative
4 penalty imposed by order of the Director of Public Health, not to exceed \$1,000. Each and every day
5 that a violation exists constitutes a separate and distinct violation for which an administrative penalty
6 may be imposed. In assessing the amount of the administrative penalty, the Director of Public Health
7 may consider any one or more of the following: the nature and seriousness of the misconduct, the
8 number of violations, the persistence of the misconduct, the length of time over which the misconduct
9 occurred, and the willfulness of the violator's misconduct.

10 (2) If the Director of Public Health determines that a person violated this Article
11 19F, the Director shall issue a Notice of Violation to the person. The Notice of Violation shall contain
12 the following information: a description of circumstances or conditions constituting the violation; the
13 date by which the person must correct the violation; the amount of the administrative penalty that the
14 Director will impose daily until such time as the person has demonstrated to the satisfaction of the
15 Director that the violation has been corrected; and the right to seek administrative review of the Notice
16 of Violation by filing an appeal within 30 days of the date that the Notice of Violation is served, to
17 challenge the Director's determination and/or the proposed administrative penalty.

18 (3) If no appeal is timely filed, the right to appeal shall be waived, and the
19 Director's determination shall become final. The failure to timely file an appeal shall constitute a
20 failure to exhaust administrative remedies and shall preclude judicial review of the validity of the
21 enforcement action. Absent a timely appeal, the Director shall issue an order imposing the
22 administrative penalty, which shall be due and payable within 15 days of the date of the order.

23 (4) Administrative penalties assessed by the Director of Public Health shall be paid
24 to the Treasurer of the City and County of San Francisco and credited to the Public Health
25 Environmental Health Code Compliance Fund, authorized by Administrative Code Section 10.100-193.

1 ~~—(c) Any person who violates or refuses to comply with the provisions of this Article 19F shall be~~
2 ~~liable for a civil or administrative penalty in the amounts set forth in Cal. Labor Code Sec. 6404.5 for~~
3 ~~each day such violation is committed or permitted to continue. A civil penalty shall be assessed and~~
4 ~~recovered in a civil action brought in the name of the people of the City and County of San Francisco,~~
5 ~~by the City Attorney, in any court of competent jurisdiction. Any penalty assessed and recovered in a~~
6 ~~civil or administrative action brought pursuant to this Section shall be paid to the Treasurer of the City~~
7 ~~and County of San Francisco and credited to the Public Health Environmental Health Code~~
8 ~~Compliance Fund. An administrative penalty shall be assessed following an administrative hearing as~~
9 ~~described in subsection (b).~~

10
11 **SEC. 1009.26. COST RECOVERY.**

12 Any person who is found by an administrative hearing officer or a civil court to have
13 violated the requirements of this Article 19F or State law pertaining to smoking shall be liable
14 to the City for costs incurred in abating the effects of the violation, taking other remedial
15 action, or imposing and collecting penalties, including but not limited to administrative costs,
16 costs of issuing an order, inspection costs, hearing officer costs, and reasonable attorneys'
17 fees. ~~The Controller's Office shall set the amount of actual costs, based on an accounting submitted by~~
18 ~~the Department of Public Health within ten business days of the hearing or trial.~~

19 The hearing officer shall require in any order issued under this Section 1009.26 that the
20 responsible party pay to the City the costs of any inspection or monitoring deemed necessary
21 by the Hearing Officer because of the violation.

22
23 **SEC. 1009.29. AUTHORITY TO ADOPT RULES AND REGULATIONS; PUBLIC**
24 **INFORMATION CAMPAIGN.**

1 (a) The Director may issue and amend rules, regulations, standards, guidelines, or
2 conditions to implement and enforce this Article 19F.

3 (b) Due to the addictive nature of nicotine, some tenants or owners of owner-occupied units
4 in multi-unit housing complexes may struggle to comply with Section 1009.22(f) of this Article 19F and
5 may need assistance and support. During the first year of the effective date of the ordinance in Board
6 File No. 201265 amending Section 1009.22(f) of this Article 19F, the Department of Public Health
7 shall initiate a multilingual and culturally responsive public information campaign to raise awareness
8 of the smoking prohibition and cessation resources.

9
10 **SEC. 1009.37. RELATIONSHIP TO OTHER SMOKING RESTRICTIONS.**

11 The provisions of this Article 19F are intended to supersede the smoking regulations
12 set forth in Articles 19A, 19B, 19C, ~~and 19E,~~ and 19M. The provisions of the foregoing Articles
13 ~~19A, 19B, 19C and 19E~~ are hereby suspended. Notwithstanding the above, if the provisions of
14 this Article 19F are determined invalid in whole or substantial part for any reason, the
15 provisions of the suspended Articles ~~19A, 19B, 19C and 19E~~ shall no longer be suspended and
16 shall become immediately operative. The suspended Articles ~~19A, 19B, 19C, and 19E~~ encompass
17 Sections 1006, 1006.1, 1006.2, 1006.3, 1006.4, 1006.5, 1007, 1007.1, 1007.2, 1007.3,
18 1007.4, 1007.5, 1008, 1008.1, 1008.2, 1008.3, 1008.4, 1008.5, 1008.6, 1008.7, 1008.8,
19 1009.5, 1009.6, 1009.7, 1009.8, 1009.9, ~~and~~ 1009.10, 19M.1, 19M.2, 19M.3, 19M.4, and 19M.5.
20 The Clerk of the Board shall cause to be printed appropriate notations in the Health Code
21 indicating that the provisions of Articles 19A, 19B, 19C, ~~and 19E,~~ and 19M are suspended,
22 unless and until such time that these provisions become operative again.

23
24 Section 3. Effective Date. This ordinance shall become effective 30 days after
25 enactment. Enactment occurs when the Mayor signs this ordinance, the Mayor returns this

1 ordinance unsigned or does not sign this ordinance within 10 days of receiving it, or the Board
2 of Supervisors overrides the Mayor's veto of this ordinance.

3
4 Section 4. Severability. If any section, subsection, sentence, clause, phrase, or word
5 of this ordinance, or any application thereof, to any person or circumstance, is held to be
6 invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision
7 shall not affect the validity of the remaining portions or applications of the ordinance. The
8 Board of Supervisors hereby declares that it would have passed this ordinance and each and
9 every section, subsection, sentence, clause, phrase, or word not declared invalid or
10 unconstitutional without regard to whether any other portion of this ordinance or application
11 thereof would be subsequently declared invalid or unconstitutional.

12
13 Section 5. Undertaking for the General Welfare. In enacting and implementing this
14 ordinance, the City is assuming an undertaking only to promote the general welfare. It is not
15 assuming, nor is it imposing on its officers and employees, an obligation for breach of which it
16 is liable in money damages to any person who claims that such breach proximately caused
17 injury.

18
19 Section 6. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
20 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
21 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
22 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment

23 ///

24 ///

1 additions, and Board amendment deletions in accordance with the "Note" that appears under
2 the official title of the ordinance.

3

4 APPROVED AS TO FORM:
5 DENNIS J. HERRERA, City Attorney

6

7 By: /s/ Valerie J. Lopez
8 VALERIE J. LOPEZ
9 Deputy City Attorney

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REVISED LEGISLATIVE DIGEST

(Amended in Board, 12/1/2020)

[Health Code - No Smoking in Multi-Unit Housing Complexes]

Ordinance amending the Health Code to prohibit smoking inside all private dwelling units in multi-unit housing complexes containing three or more units and all common areas; remove the exception for child care facilities located in private homes; exempt smoking of medicinal cannabis for a medicinal cannabis patient who possesses a physician's recommendation to smoke medicinal cannabis for medical purposes; require the Department of Public Health (DPH) to initiate a public information campaign to raise awareness of the smoking prohibition; require DPH to initiate the imposition of administrative penalties by issuance of a notice of violation in lieu of a citation; suspend the provision of the Health Code (mooted by this Ordinance) which requires owners or managers of multi-unit housing complexes to provide certain disclosures regarding whether smoking is authorized in certain units; and affirm the Planning Department's determination under the California Environmental Quality Act.

Existing Law

Article 19F of the Health Code regulates smoking in public places and certain residential settings. Local law prohibits smoking in enclosed and certain unenclosed common areas of multi-unit housing complexes containing 2 or more units, except that smoking is permitted 10 feet or more away from a door or window in an outdoor common area, a common hall open to the outdoors on at least one side, or a courtyard. Currently, smoking is prohibited in child care facilities except when located in private homes.

DPH is specifically charged with enforcement of Article 19F. DPH, property owners, and property managers are authorized to pursue injunctive relief to enforce Article 19F. DPH may also pursue administrative enforcement by initiating the imposition of an administrative penalty by service of a notice of violation or a citation in accordance with Chapter 100 of the Administrative Code.

Article 19M requires property owners or property managers of multi-unit housing complexes that maintain less than one hundred percent smoke free residential units to designate units as either smoke free or smoking optional, and provide certain disclosures regarding whether smoking is authorized in certain units.

Amendments to Current Law

The proposed ordinance would amend the Health Code to revise DPH's regulation and enforcement of smoking by:

- Prohibiting the smoking of tobacco products in all private dwelling units in multi-unit housing complexes containing three or more units and all common areas, while permitting the smoking of cannabis in such multi-unit housing;
- Permitting smoking 15 feet or more away from a door or window in an outdoor common area;
- Removing the exception for child care facilities located in private homes;
- Requiring DPH to initiate the imposition of administrative penalties by service of a notice of violation in lieu of a citation;
- Eliminating a property owner or property manager's ability to pursue injunctive relief; and,
- Clarifying that landlords are not required to change terms of existing tenancies to prohibit smoking in multi-unit housing complexes.

The proposed ordinance would require DPH to initiate a multilingual and culturally responsive public information campaign to raise awareness of the expanded smoking prohibition.

The proposed ordinance suspends Article 19M of the Health Code which requires owners or managers of multi-unit housing complexes to provide certain disclosures regarding whether smoking is authorized in certain units.

Background Information

On November 12, 2020, the Public Safety and Neighborhood Services Committee adopted the following amendments which amend the legislation by:

- Prohibiting smoking in all common areas of multi-unit housing complexes with two or more dwelling units;
- Prohibiting smoking in child care facilities including those located in private homes;
- Exempting from the prohibition on smoking in multi-unit housing the smoking of medicinal cannabis for a medicinal cannabis patient who possesses a physician's recommendation to smoke medicinal cannabis for medical purposes; and,
- Clarifying that landlords are not required to change terms of existing tenancies to prohibit smoking in multi-unit housing complexes.

On December 1, 2020, the Board of Supervisors adopted the following amendment which amends the Health Code by:

- Exempting from the prohibition on smoking in multi-unit housing the smoking of adult use cannabis.

n:\legana\as2020\2000042\01496047.docx



SECOND-HAND SMOKE EXPOSURE IN SAN FRANCISCO



Maryna Spiegel, MPH

San Francisco Tobacco-Free Project -
Community Health Equity & Promotion
Branch



POPULATION HEALTH DIVISION
SAN FRANCISCO DEPARTMENT OF PUBLIC HEALTH

Smoking, Vaping and Cannabis Use in SF

San Francisco Adults (2018)


12.1% current smokers




20.8% ever tried an e-cigarette




currently smoke e-cigarettes



59.7% ever used cannabis



SFUSD High School Students (Fall 2018)

 no change
6.5% are current smokers

 Increased
31% ever tried an e-cigarette

 ~ 2x more than in 2017
16% currently smoke e-cigarettes

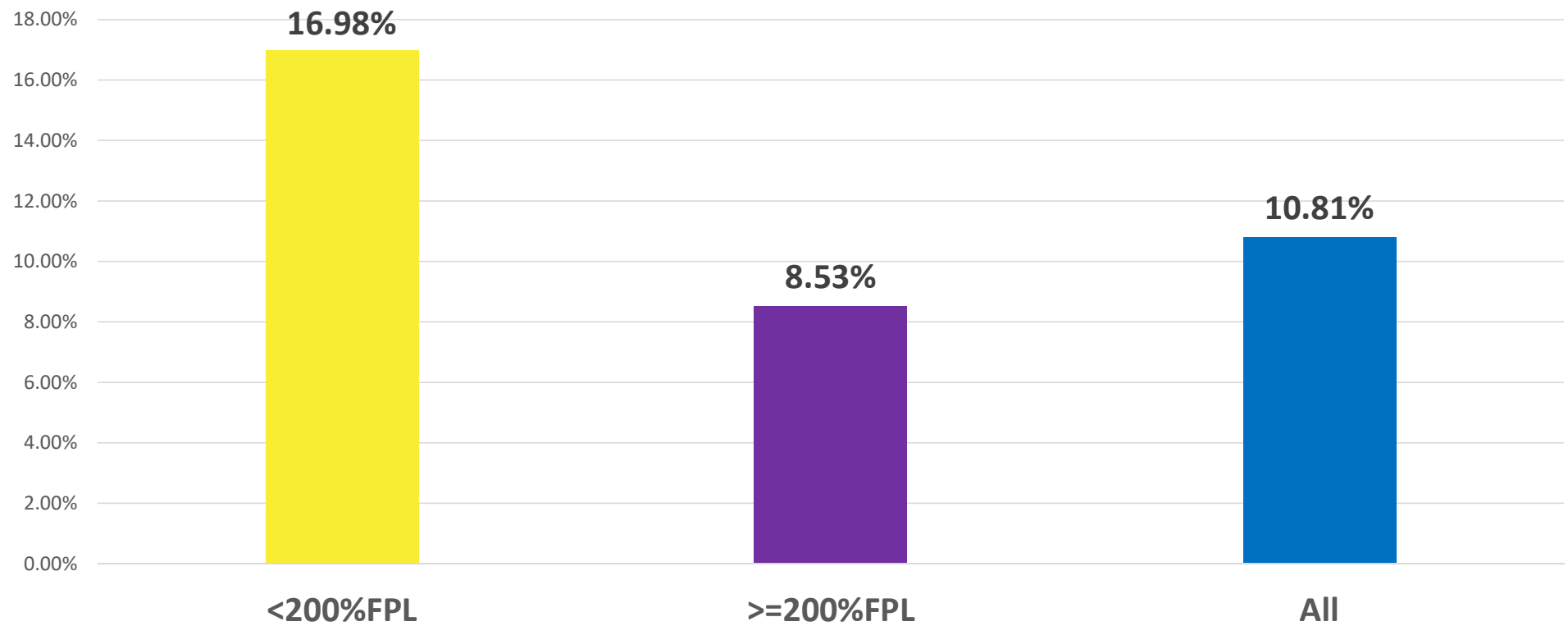

27.3% ever used cannabis



POPULATION HEALTH DIVISION
SAN FRANCISCO DEPARTMENT OF PUBLIC HEALTH

Data Sources: CHIS- California Health Interview Survey (2018), and YRBS - Youth Risk Behavior Survey (2018)

% of Adults Who Were Current Cigarette Users by Household Poverty Level in San Francisco, 2014-2016



Data Source: California Health Interview Survey (CHIS), UCLA Center for Health Policy Research

Second Hand Exposure in California 2016-18

California Adults (18-64 years old)



- More than half of CA adults exposed to second-hand tobacco smoke
- Exposure to Second-hand cannabis smoke and e-cigarette aerosol **increased** between 2016-2018 for adults
- 1 in 3 California high school students report exposure to second-hand smoke, e-cigarette aerosol, and cannabis smoke (2017-2018)

ZSFGH inpatient pediatric patients exposure to Second-Hand Smoke (2019)

- 22% exposed to second hand smoke
- 9% exposed to cannabis smoke

Harms of Second-Hand Cigarette/ Cigar Smoke

- There is **no risk-free level** of second hand smoke exposure
- 7,000+ chemicals, including 70 known carcinogens
- Exposed non-smokers increase risk of stroke, heart disease and lung cancer by 20-30%
- Risk of SIDS and asthma attacks in babies and children increased
- Higher risks for children, elderly, and those with health issues



POPULATION HEALTH DIVISION
SAN FRANCISCO DEPARTMENT OF PUBLIC HEALTH

Harms of Second-Hand E-Cigarette Aerosol

- NOT harmless water vapor
- Aerosol nanoparticles: nicotine, 10+ on Prop 65 list of toxins, more easily and deeply breathed in
- Propylene glycol base solution can result in *development* of asthma
- Damaging to lung tissue, and blood vessels



POPULATION HEALTH DIVISION
SAN FRANCISCO DEPARTMENT OF PUBLIC HEALTH

Harms of Second-Hand Cannabis Smoke

- Contains carcinogens like cadmium, chromium, benzene
- 33+ on Prop 65 list of toxins
- May have harmful effects on cardiovascular system
- Exposed children have detectable levels of THC; Exposure also associated with breathing issues, ear infections, asthma and eczema



POPULATION HEALTH DIVISION
SAN FRANCISCO DEPARTMENT OF PUBLIC HEALTH

Third-Hand Smoke

- Tobacco smoke and e-cigarette aerosol particles leftover on surfaces after smoking has stopped
- Contains nicotine and carcinogenic materials that add up over time
- Exposure through re-inhalation, ingestion, or skin contact
- Especially dangerous to newly-mobile infants/toddlers

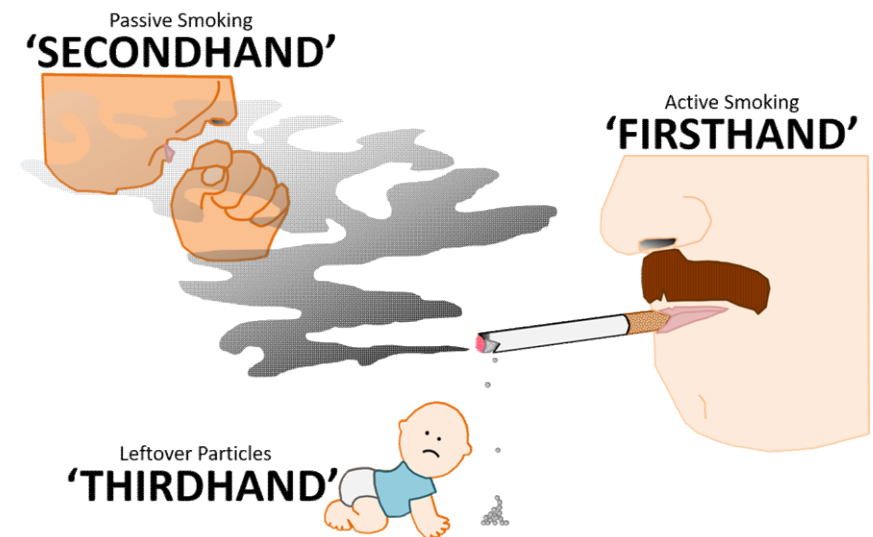


Image Source: Thirdhand Smoke Resource Center, thirdhandsmoke.org



POPULATION HEALTH DIVISION
SAN FRANCISCO DEPARTMENT OF PUBLIC HEALTH

Second-Hand Smoke Disparities

Locally

- 22% of all children admitted for care at ZSFG (4/2019 - 7/2019) were exposed to secondhand tobacco smoke, and 9% to secondhand cannabis smoke
- In 2013, more than half (52%) of Latinx San Franciscans reported drifting secondhand smoke in their homes

Nationally

- 7 out of 10 Black/African American children are exposed to secondhand smoke vs. 4/10 of all children (CDC)



POPULATION HEALTH DIVISION
SAN FRANCISCO DEPARTMENT OF PUBLIC HEALTH

Multi-Unit Housing

People of color, young adults, low-income residents, and smokers are more likely to live in Multi-Unit Housing

53 % San Franciscans live in multi-unit housing (MUH) with 2+ more units (CHIS, 2013-18)

3.5 X San Francisco residents who live in buildings with five (5) or more units are 3.5 times more likely to report drifting smoke exposure (Chambers, 2014)

48 % Districts 3 and 6 residents reported being exposed to drifting second hand smoke in 2013 (SF Healthy Neighborhoods Survey, 2013)



POPULATION HEALTH DIVISION
SAN FRANCISCO DEPARTMENT OF PUBLIC HEALTH

Second-Hand Smoke & Vape in Multi-Unit Housing

- Second-hand exposure through windows, vents, pipes, tiny cracks in home from a smoking neighbor or someone outside
- Windows, air ventilation, air conditioning and fans **cannot completely eliminate exposure** to second-hand smoke/vape



POPULATION HEALTH DIVISION
SAN FRANCISCO DEPARTMENT OF PUBLIC HEALTH

Thank You

Maryna Spiegel, MPH
San Francisco Tobacco Free Project
Maryna.Spiegel@sfdph.org
628 215 3833



BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

November 5, 2020

File No. 201265

Lisa Gibson
Environmental Review Officer
Planning Department
1650 Mission Street, 4th Floor
San Francisco, CA 94103

Dear Ms. Gibson:

On November 3, 2020, Supervisor Yee introduced the following legislation:

File No. 201265

Ordinance amending the Health Code to prohibit smoking inside all private dwelling units in multi-unit housing complexes containing three or more units and all common areas; remove the exception for child care facilities located in private homes; require the Department of Public Health (DPH) to initiate a public information campaign to raise awareness of the smoking prohibition; require DPH to initiate the imposition of administrative penalties by issuance of a notice of violation in lieu of a citation; suspend the provision of the Health Code (mooted by this Ordinance) which requires owners or managers of multi-unit housing complexes to provide certain disclosures regarding whether smoking is authorized in certain units; and affirming the Planning Department's determination under the California Environmental Quality Act.

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

By: John Carroll, Assistant Clerk
Public Safety and Neighborhood Services Committee

Attachment

c: Devyani Jain, Deputy Environmental Review Officer
Joy Navarrete, Environmental Planner
Don Lewis, Environmental Planner

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment.

11/05/2020

A handwritten signature in black ink, appearing to be "John Carroll", written over the date.

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

TO: Dr. Grant Colfax, Director, Department of Public Health
Eric D. Shaw, Director, Mayor's Office of Housing and Community Development
Tonia Lediju, Acting Executive Director, San Francisco Housing Authority

FROM: John Carroll, Assistant Clerk,
Public Safety and Neighborhood Services Committee,
Board of Supervisors

DATE: November 6, 2020

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following proposed legislation, introduced by Supervisor Yee on November 2, 2020:

File No. 201265

Ordinance amending the Health Code to prohibit smoking inside all private dwelling units in multi-unit housing complexes containing three or more units and all common areas; remove the exception for child care facilities located in private homes; require the Department of Public Health (DPH) to initiate a public information campaign to raise awareness of the smoking prohibition; require DPH to initiate the imposition of administrative penalties by issuance of a notice of violation in lieu of a citation; suspend the provision of the Health Code (mooted by this Ordinance) which requires owners or managers of multi-unit housing complexes to provide certain disclosures regarding whether smoking is authorized in certain units; and affirming the Planning Department's determination under the California Environmental Quality Act.

If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Office of Chair Mandelman
Office of Supervisor Yee
Dr. Naveena Bobba, Department of Public Health
Greg Wagner, Department of Public Health
Sneha Patil, Department of Public Health
Eugene Flannery, Mayor's Office of Housing and Community Development
Amy Chan, Mayor's Office of Housing and Community Development
Cindy Gamez, San Francisco Housing Authority
Nancy Rodriguez, San Francisco Housing Authority
Linda Martin-Mason, San Francisco Housing Authority

San Francisco Cannabis Oversight Committee
c/o Chair Nina Parks
ninaparksconsulting@gmail.com

November 18, 2020

San Francisco Board of Supervisors
c/o Clerk Angela Calvillo
Angela.calvillo@sfgov.org

RE: Please Vote “No” on Supe. Yee’s Classist Ordinance to Prohibit Smoking by San Franciscans who Cannot Afford to Buy Single-Family Homes (File No. 201265)

Honorable Members of the Board of Supervisors:

The San Francisco Cannabis Oversight Committee opposes proposed ordinance File No. 201265 (Yee)¹, and asks that you reject this well-intentioned legislation based on its discriminatory socioeconomic impact. The legislation seeks to protect air quality for non-smokers, but would do so at the cost of the health and civil liberties of cannabis users including seriously ill medical cannabis patients—the vast majority of whom do not have physician’s recommendations because cannabis use is supposed to be legal for all adults. The ordinance would disallow smoking, but only for people in multi-unit residential buildings, meaning that San Franciscans who can afford to buy free-standing homes would be unaffected and could still smoke in peace. The \$1,000/day penalty adds insult to injury, since only wealthy people can pay such fines, but wealthy people are already exempted by virtue of owning their own free-standing homes.

The Cannabis Oversight Committee was appointed by the Board of Supervisors pursuant to Ordinance No. 260-18 (2018), to advise the Board and the Mayor regarding cannabis laws. The Board specifically created the Cannabis Oversight Committee in the context of social equity, including undoing and repairing the harms of discrimination and economic disenfranchisement. Thus it is not only our duty, but also our very purpose, to offer our recommendation about the proposed ordinance: that you reject it.

I. This Inhalation Ban Would Exacerbate Racial and Economic Inequality.

This proposed ban on both smoking and vaporizing both tobacco and cannabis would only apply to apartments and condominiums buildings with more than two residential units, not single-family homes. The penalties for violations are up to \$1,000 *per day* and, while these fines are appealable, unsuccessful appellants are required to pay the City’s costs including attorneys’ fees.

¹ <https://sfgov.legistar.com/View.ashx?M=F&ID=8897595&GUID=D3BA1521-2CAB-40CA-97C2-995B544F6765>.

San Francisco already has notoriously high rent prices, and now many San Franciscans have become unemployed during the COVID-19 pandemic. San Francisco has allowed cannabis smoking in private residences for over twenty-four years since the passage of Proposition 215 (1996). If this ordinance is enacted, San Franciscan renters will be liable for many thousands of dollars in fines and fees that we cannot afford. Further, this will make it harder to rent in San Francisco, let alone afford food, other medicine, and utilities. In effect, a ban on smoking in private homes will simply force people to smoke outdoors in public, subjecting the public to even more secondhand smoke and subjecting smokers to increased fines and increased risk of police interaction.

Racial disparities in San Francisco's economic inequality are well-documented. People of color are more likely to be renters and more likely to have difficulty affording rent. This ban would only affect people who live in multi-unit buildings, explicitly exempting people who can afford their own free-standing house. It is already unfair to discriminate against people who are not wealthy enough to afford to rent or buy a whole home, but especially so in San Francisco where housing is so expensive, and especially so during the pandemic when employment is scarcer.

II. The Proposed Ordinance Would Invite Litigation, Because Proposition 215 Prevents Localities from Prohibiting Patients from Inhaling Cannabis at Home.

In 1996, California voters enacted Proposition 215, the Compassionate Use Act. California Health and Safety Code Section 11362.5(b)(1) declares that the Act's purposes include "To ensure that seriously ill Californians have the right to obtain and use marijuana for medical purposes..." and "To ensure that patients and their primary caregivers who obtain and use marijuana for medical purposes upon the recommendation of a physician are not subject to criminal prosecution or sanction."

By prohibiting smoking and vaporizing cannabis in private homes, proposed ordinance File No. 201265 would violate patients' rights by illegally abridging patients' "right to obtain and use marijuana for medical purposes" and by impermissibly "sanction[ing]" them.² This would invite seriously ill San Franciscans to sue the City for this violation of their civil rights, and the proposed ordinance would not withstand legal challenge.

Further, Proposition 64 (2016) specifically reaffirmed these rights of medical patients, by saying that the proposition shall not "be construed or interpreted to amend, repeal, affect,

² Cal. H&S Code § 11362.5(b)(1), https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=11362.5.&lawCode=HSC.

restrict, or preempt... Laws pertaining to the Compassionate Use Act of 1996.”³ The stated primary purpose of Proposition 64 was to legalize cannabis consumption, which includes smoking. Since Proposition 64 already explicitly bans cannabis smoking in public and in the wide range of places where tobacco smoking is banned such as restaurants, bars, and workplaces, it is clear that voters supporting Proposition 64 did not intend to ban cannabis smoking in private homes. Since cannabis inhalation is already banned in all public places, banning it in private homes would amount to a total ban, contravening the voters’ will in Proposition 64.

III. The Proposed Exception for Doctor’s Recommendation Holders is Insufficient.

We understand the proposed ordinance has been amended to provide an exemption for those few seriously ill San Franciscans who hold a doctor’s recommendation, which was necessary for obtaining a Medical Marijuana Identification Card (MMIC) until 2016’s Proposition 64. This exception is not enough: the doctor’s recommendation is no longer necessary for *adult* patients to possess cannabis, and the MMIC was already expensive and complicated to obtain—not to mention impossible to obtain during Shelter-in-Place.⁴ Since virtually none of the City’s thousands of patients have a doctor’s recommendation, and the City does not currently offer the MMIC, the proposed exception is all but meaningless.

The exception for patients with a doctor’s recommendation for medical cannabis, is not enough because, even though anyone can get a recommendation in California, healthcare is not free either. Many people struggle to afford health insurance and co-pays for medical appointments and medications, let alone a special piece of paper to be allowed to cannabis at home legally. Since the passage of Proposition 64 in 2016 allowing all adults to use cannabis at home without fear of criminal penalty, most patients in San Francisco have ceased consulting specialist physicians about cannabis recommendations.

Further, many adult San Franciscans use cannabis at home for reasons other than medical relief, including spiritual and recreational purposes, which would be inappropriately prohibited by this ordinance.

IV. Inhaled Cannabis is Medicine, and Edibles Are Inadequate Substitutes.

Besides banning inhaling (smoking and vaping) tobacco in residences, this ordinance would ban inhaling cannabis. Many clinical studies, including many studies funded by the State

³ Cal. H&S § 11362.45(i), https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=11362.45.&lawCode=HSC.

⁴ “[D]ue to Shelter-in-Place order, our office is currently closed to the public, and we are not processing Medical Marijuana ID cards,” <https://www.sfdph.org/dph/comupg/oservices/medSvs/MCID/default.asp>.

of California⁵ and some right here in San Francisco,⁶ have shown that both smoked and vaporized cannabis are efficacious medicine. It is cruel to prohibit people from using the medicine that works best for them, especially after decades of allowing it.

Patients who use cannabis for acute or severe symptoms, such as cachexia or nausea, need fast-acting relief. Inhalation takes less than a minute to deliver this symptom relief, whereas ingested edible medical cannabis products can take over an hour. Patients suffering from gastrointestinal distress, experiencing nausea or vomiting, may use medical cannabis in order to be able to eat, and may be unable to consume baked goods or liquid preparations.⁷

Further, a major advantage of inhalation is dose titration. People whose symptoms vary day-to-day may need more or less cannabis to relieve their symptoms than they did yesterday. Inhalation's quick onset makes it possible to titrate the dose (meaning, decide whether they need more or not), whereas ingestion takes much longer before knowing whether increasing the dose is necessary. The June 4, 2014 Forbes article, "Is Eating Marijuana Really Riskier Than Smoking it?", quotes Professor Franson of the University of Colorado on this topic:

One of the issues lies in how the two forms of the drug are absorbed and metabolized, and how quickly the high comes on. "The major difference is in the absorption of the [edible] product into the blood stream," says Kari Franson, PharmD, PhD, Clinical Pharmacologist and Associate Dean for Professional Education, Department of Clinical Pharmacy, at University of Colorado Skaggs

⁵ See, e.g., Wallace M, Schulteis G, Atkinson JH, Wolfson T, Lazzaretto D, Bentley H, Gouaux B, Abramson I (November 2007) Dose-dependent Effects of Smoked Cannabis on Capsaicin-induced Pain and Hyperalgesia in Healthy Volunteers. *Anesthesiology*. 2007 Nov;107(5):785-96. <http://www.ncbi.nlm.nih.gov/pubmed/18073554>.

Wilsey B, Marcotte T, Tsodikov A, Millman J, Bentley H, Gouaux B, Fishman S. (2008) A Randomized, Placebo-Controlled, Crossover Trial of Cannabis Cigarettes in Neuropathic Pain. *J Pain*. 2008 Jun;9(6):506-21. <http://www.ncbi.nlm.nih.gov/pubmed/18403272>.

Wallace MS, Marcotte TD, Umlauf A, Gouaux B, Atkinson JH. (2015). Efficacy of Inhaled Cannabis on Painful Diabetic Neuropathy. *J Pain*. 2015 Jul;16(7):616-27. <http://www.ncbi.nlm.nih.gov/pubmed/25843054>.

Wilsey B, Marcotte T, Deutsch R, Gouaux B, Sakai S, Donaghe H. (2013). Low-Dose Vaporized Cannabis Significantly Improves Neuropathic Pain. *J Pain*. 2013 Feb;14(2):136-48. <http://www.ncbi.nlm.nih.gov/pubmed/23237736>.

⁶ See, e.g., Abrams DI, Jay CA, Shade SB, Vizoso H, Reda H, Press S, Kelly ME, Rowbotham MC, Petersen KL. Cannabis in painful HIV-associated sensory neuropathy: A randomized placebo-controlled trial. *Neurology*. 2007 Feb 13;68(7):515-21. <http://www.ncbi.nlm.nih.gov/pubmed/17296917>.

⁷ See "Gastrointestinal Disorders and Medical Marijuana" by Americans for Safe Access, at <https://www.safeaccessnow.org/gastrointestinal-disorders>.

School of Pharmacy. "Once it is in the blood, it quickly goes to and has an effect on the brain. With smoking, the peak blood levels happen within 3-10 minutes, and with eating, it's 1-3 hours."⁸

Thus ingesting medical cannabis, by virtue of its less rapid onset, provides inferior symptom relief for patients seeking to address acute symptoms as rapidly as possible.

Supervisors, please reject File No. 201265, because it is unfair to treat more harshly those San Franciscans who cannot afford their own free-standing home.

We look forward to being in dialogue with you about this important issue; please direct questions about it to Cannabis Oversight Committee member Jesse Stout at JesseStout@gmail.com.

Thank you.

Regards,

San Francisco Cannabis Oversight Committee

A handwritten signature in black ink, appearing to read 'Nina Parks', is written over a horizontal line. The signature is stylized and somewhat abstract.

By: Nina Parks, Chair

⁸ <https://www.forbes.com/sites/alicegwalton/2014/06/04/is-eating-marijuana-really-riskier-than-smoking-it>.

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Carroll, John \(BOS\)](#)
Subject: FW: smoking ban
Date: Thursday, December 3, 2020 8:35:09 AM

From: Melissa Bray <MBraywork@outlook.com>
Sent: Thursday, December 3, 2020 5:10 AM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: smoking ban

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Board of Supervisors:

Congratulations on the ban. Instead of helping to end homelessness, you have now come up with a way to massively increase it. I live in a SRO and am a smoker. I am a 65 year old smoker who has smoked since I was 8 years old. I am also handicapped and having to go outside each time I want to smoke is NOT an option (stay at home and mask order, not to mention arthritic hips and knees). Also, pot is not banned. Funny about that, because I am allergic to it, which is why I stay in my apartment most of the time. I am on loratadine and an albuterol inhaler because of this. Apparently, I will need to move out of San Francisco (where I have lived the majority of my adult life) due to discrimination. Fantastic!

Melissa Bray

Sent from [Mail](#) for Windows 10

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Carroll, John \(BOS\)](#)
Subject: FW: YES on Banning Smoking in Apartment Buildings
Date: Wednesday, December 2, 2020 9:35:47 AM

From: Chloe <cxjmeister@yahoo.com>
Sent: Wednesday, December 2, 2020 8:48 AM
To: MandelmanStaff, [BOS] <mandelmanstaff@sfgov.org>
Cc: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: YES on Banning Smoking in Apartment Buildings

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Good day,

I would like to say that I am all for banning smoking in apartment buildings. And that includes weed. Those who partake in the smoking of weed have options, and can either cook it into food, buy edibles, or add it to beverages such as tea. Personally, I detest the smell of weed. Every now and then, I can smell it when someone else in the building is smoking it because of the shared air ducts, or when my window is open and they are out on the fire escape smoking. It's not okay for some residents to have rights which directly interfere with the rights of others.

Smoking is a privilege, breathing and being healthy are a right.

Thank you,
Chloe Jager
340 Church Street #9
San Francisco, CA 94114

"The Animals of the planet are in desperate peril. Without free animal life I believe we will lose the spiritual equivalent of oxygen."

~Alice Walker

*There are always those who need our support as they keep our country free.
If you would like to learn more, please visit...*

<http://soldiersangels.org/>

Carroll, John (BOS)

From: Bruce Mirken <sftroubl@att.net>
Sent: Saturday, November 28, 2020 6:37 PM
To: Calvillo, Angela (BOS)
Subject: Don't Attack Cannabis Users Rights in San Francisco

Follow Up Flag: Follow up
Flag Status: Completed

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Angela Calvillo,

As a San Francisco resident, I am stunned that restrictions on cannabis smoking and vaping in private apartments could be included in a proposed anti-smoking ordinance.

Such an ordinance would constitute a de facto ban on cannabis use for most San Francisco residents. Unlike tobacco, which can be smoked outside on public streets, cannabis consumption is illegal in all public places under state law. The proposed ordinance would thus leave apartment dwellers with no legal place to enjoy marijuana, a legal substance in California.

An exemption for medical cannabis only is unacceptable. Obtaining a doctor's recommendation is costly and inconvenient, especially in this time of COVID; likewise obtaining a city ID card. With cannabis legal for general adult use many medical marijuana patients have chosen not to pay for this legal certification, and would now be forced to waste time and money for no valid reason.

The scientific evidence is clear that cannabis does not present a secondhand smoke hazard like tobacco. Unlike tobacco, not a single human study has found second-hand cannabis smoke or vaping to be harmful to health. In general, cannabis users tend to smoke much smaller quantities than tobacco smokers, and cannabis smoke does not leave behind prolonged, residual "third-hand" odors like nicotine. This proposal is a solution in search of a problem.

The city of West Hollywood recently rejected a proposal to ban cannabis smoking in multi-unit dwellings. San Francisco should do likewise. For over forty years, San Francisco has been a beacon of tolerance for marijuana users. To trash this tradition now is an insult to countless long-term renters who can't afford their own homes.

Bruce Mirken

sftroubl@att.net

1237 Alemany Blvd

San Francisco, California 94112

Carroll, John (BOS)

From: Martin Olive <martin@vaporroom.com>
Sent: Tuesday, December 1, 2020 8:53 AM
To: Mandelman, Rafael (BOS)
Cc: BOS-Legislative Aides; BOS-Supervisors; Carroll, John (BOS); Calvillo, Angela (BOS); Board of Supervisors, (BOS)
Subject: Cannabis Exemption from Smoking Ban.

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisor Mandelman and Board of Supervisors,

My name is Martin Olive, I own Vapor Room, the City's oldest cannabis dispensary. I am one of your constituents and supporters, having voted for your election in your last run.

I am writing to you in regards to today's vote on passing legislation that would ban smoking and vaporizing in residential apartments in buildings of three or more units.

We seek an amendment for an exemption for all cannabis consumers. As written, Yee's legislation only exempts medical cannabis patients with a valid physician's recommendation. When Proposition 64 was implemented in 2018, most medical cannabis patients did not renew their medical cannabis recommendation. Moreover, the smoke from a medical cannabis patient is indistinguishable from the smoke from an adult consumer of cannabis. So, if a neighbor has an issue with a person's cannabis smoke, they only have recourse if the person smoking is just an adult consumer of cannabis. They have no recourse if the person smoking is a medical cannabis patient with a valid physician's recommendation. Thus, Yee's legislation as written, attacks the cannabis smoker's status, not the smoke itself. I find this to be totally irrational.

In addition, laws against public consumption have been targeted against communities of color. And most folks live in multiple unit dwellings. Only wealthier folks can afford to live in one or two unit buildings, making the law discriminatory against lower income folks.

We all live in a city with a lot of compromises and frustrations. Punishing cannabis consumers and imposing expensive fines (\$1000?!!) for doing something that was voted legal in this state by an overwhelming majority is unfair. Even more so, during a pandemic in winter!

Will you really support fining cannabis consumers who may be unemployed, utilizing the few modes of relief from their trauma to ease the burdens of this past year while stuck at home during another quarantine?!

I truly hope you find the thought as reprehensible as I do. Of all the things the City needs to take care of at this crucial time, to punish cannabis smokers citywide because of 1 complaint to 1 Supervisor seems like a waste of resources and time. Please focus your efforts on more important issues at hand.

I trust you to do the right thing, Supervisor.

Thank you for your time and consideration.

Martin Olive

Carroll, John (BOS)

From: Phil Points <plpoints48@gmail.com>
Sent: Sunday, November 29, 2020 10:47 AM
To: Fewer, Sandra (BOS); Stefani, Catherine (BOS); Peskin, Aaron (BOS); Mar, Gordon (BOS); Preston, Dean (BOS); Haney, Matt (BOS); Yee, Norman (BOS); Mandelman, Rafael (BOS); Ronen, Hillary; Walton, Shamann (BOS); Safai, Ahsha (BOS)
Cc: BOS-Supervisors; BOS-legislative@sfgov.org; Board of Supervisors, (BOS); Carroll, John (BOS); Calvillo, Angela (BOS)
Subject: Cannabis

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I am a 72 y/o male, 43 year resident of San Francisco, 35 yr survivor of HIV/AIDS, and rely on cannabis as part of my regiment to stimulate appetite and fight insomnia. I am fortunate to be able to afford to pay for a Medical Card from the San Francisco Department of Public Health. There are many who use cannabis medicinally who cannot afford to pay for a card.

I urge the Board of Supervisors to allow cannabis to be consumed in apartment buildings by *everyone in need*. I am respectful of my neighbors and allow ventilation to not impose on them. Many years ago, a local reporter spent 5 hours in a closed room at a dispensary interviewing patients while they smoked. A blood draw after breathing the air for 5 hours, showed no signs of cannabis in his blood. Lastly, I don't think we want people in need outside and smoking on the street, which I believe is illegal.

Thank you for reading.

Phillip Points
San Francisco

Carroll, John (BOS)

From: Board of Supervisors, (BOS)
Sent: Wednesday, November 25, 2020 5:02 PM
To: BOS-Supervisors
Cc: Carroll, John (BOS)
Subject: FW: Please Protect Cannabis Users Rights in San Francisco

Follow Up Flag: Follow up
Flag Status: Completed

From: Christ Lynch <info@email.actionnetwork.org>
Sent: Tuesday, November 24, 2020 6:19 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Please Protect Cannabis Users Rights in San Francisco

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

San Francisco Supervisors,

As a San Francisco resident, I urge that restrictions on cannabis smoking and vaping in private apartments be dropped from any proposed anti-smoking ordinance.

The proposed ordinance would constitute a de facto ban on cannabis use for most San Francisco residents. Unlike tobacco, which can be smoked outside on public streets, cannabis consumption is illegal in all public places under state law. The proposed ordinance would thus leave apartment dwellers with no legal place to enjoy marijuana.

An exemption for medical cannabis only is unacceptable. Obtaining a doctor's recommendation is costly and inconvenient, especially in this time of COVID; likewise obtaining a city ID card.

The scientific evidence is clear that cannabis does not present a secondhand smoke hazard like tobacco. Unlike tobacco, not a single human study has found second-hand cannabis smoke or vaping to be harmful to health. In general, cannabis users tend to smoke much smaller quantities than tobacco smokers. In addition, cannabis smoke does not leave behind prolonged, residual "third-hand" odors like nicotine.

The city of West Hollywood recently rejected a proposal to ban cannabis smoking in multi-unit dwellings. San Francisco should do likewise. For over forty years, San Francisco has been a beacon of tolerance for marijuana users. To trash this tradition now is an insult to countless long-term renters who can't afford their own homes.

Christ Lynch

crlynch@mac.com

288 8th Avenue

San Francisco, California 94118

Carroll, John (BOS)

From: Adrian Hinojosa <adrianhinojosa@ymail.com>
Sent: Tuesday, December 1, 2020 8:32 AM
To: Yee, Norman (BOS); Breed, London (MYR); BOS-Supervisors
Subject: Don't ban cannabis smoke

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello Mr Yee, I am a San Francisco resident and native living in a rented apartment. Housing costs have gone up in San Francisco over the years and it is not affordable. I rent in my beautiful city. Cannabis helps in many forms and I use it for medicinal purposes. I don't know why you are trying to ban cannabis smoke and vapor when the LAW tells us to consume in our own home. Cannabis consumption is illegal in public. If I have to smoke I would not like that. I live around the corner from the school and have a lot of homeless and people with drug addiction around me. Plus I am an immune compromised person and do not want to consume in public. Especially being a minority, when consuming publicly was my only option, I have discriminated by San Francisco Police officers, while there are people doing hard and worse drugs on the street in my neighborhood. I don't know why you want to pass this if you are a San Francisco native and resident. You of all people should know that San Francisco has many cannabis users. If you want us to break the law and smoke in public, I suggest you pay for everyone and anyone caught consuming in public.

Pronouns: He/Him

Adrian Hinojosa-Chavarría

[Sent from Yahoo Mail for iPhone](#)

Carroll, John (BOS)

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Adrian Hinojosa-Chavarría

[Sent from Yahoo Mail for iPhone](#)

Carroll, John (BOS)

From: Emilio Pi <herecacha@yahoo.es>
Sent: Tuesday, November 24, 2020 10:25 AM
To: BOS-Supervisors; Safai, Ahsha (BOS)
Cc: BOS-Legislative Aides; Board of Supervisors, (BOS); Carroll, John (BOS); Calvillo, Angela (BOS); DPH - kevinreed
Subject: Oppose Ordinance 201265
Attachments: Emilio letter to the board pdf.pdf

Follow Up Flag: Follow up
Flag Status: Completed

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

(Please see attached letter)

Carroll, John (BOS)

From: Board of Supervisors, (BOS)
Sent: Wednesday, November 25, 2020 5:02 PM
To: BOS-Supervisors
Cc: Carroll, John (BOS)
Subject: FW: Please Protect Cannabis Users Rights in San Francisco

Follow Up Flag: Follow up
Flag Status: Completed

From: Margot Wampler <info@email.actionnetwork.org>
Sent: Wednesday, November 25, 2020 9:27 AM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Please Protect Cannabis Users Rights in San Francisco

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

San Francisco Supervisors,

As a San Francisco resident, I urge that restrictions on cannabis smoking and vaping in private apartments be dropped from any proposed anti-smoking ordinance.

The proposed ordinance would constitute a de facto ban on cannabis use for most San Francisco residents. Unlike tobacco, which can be smoked outside on public streets, cannabis consumption is illegal in all public places under state law. The proposed ordinance would thus leave apartment dwellers with no legal place to enjoy marijuana.

An exemption for medical cannabis only is unacceptable. Obtaining a doctor's recommendation is costly and inconvenient, especially in this time of COVID; likewise obtaining a city ID card.

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The city of West Hollywood recently rejected a proposal to ban cannabis smoking in multi-unit dwellings. San Francisco should do likewise. For over forty years, San Francisco has been a beacon of tolerance for marijuana users. To trash this tradition now is an insult to countless long-term renters who can't afford their own homes.

Margot Wampler

margot.wampler@gmail.com

1001 pine st #1008

San Francisco, California 94109

Carroll, John (BOS)

From: Board of Supervisors, (BOS)
Sent: Wednesday, November 25, 2020 5:03 PM
To: BOS-Supervisors
Cc: Carroll, John (BOS)
Subject: FW: Please Protect Cannabis Users Rights in San Francisco

Follow Up Flag: Follow up
Flag Status: Completed

From: Akshay Patel <info@email.actionnetwork.org>
Sent: Tuesday, November 24, 2020 6:14 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Please Protect Cannabis Users Rights in San Francisco

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

San Francisco Supervisors,

STOP TRYING TO REGULATE MY HOUSE AND TRYING TO TELL ME WHATS BEST FOR ME. I AM A GROWN ASS MAN.

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Akshay Patel

shayusc@gmail.com

39 Fort Mason

San Francisco, California 94123

Carroll, John (BOS)

From: Board of Supervisors, (BOS)
Sent: Wednesday, November 25, 2020 5:02 PM
To: BOS-Supervisors
Cc: Carroll, John (BOS)
Subject: FW: SF Chamber File #201265 Cannabis Amendment
Attachments: File #201265 "No Smoking in Multi-Unit Housing Complexes." SF Chamber Cannabis Amendment.pdf

Follow Up Flag: Follow up
Flag Status: Completed

From: Emily Abraham <eabraham@sfchamber.com>
Sent: Wednesday, November 25, 2020 9:06 AM
To: Emily Abraham <eabraham@sfchamber.com>
Subject: SF Chamber File #201265 Cannabis Amendment

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear President Norman Yee and Board of Supervisors,

The San Francisco Chamber of Commerce represents hundreds of local businesses, including cannabis retailers, manufacturers, and cultivators. Our cannabis small business members urge you to amend proposed File #201265 "No Smoking in Multi-Unit Housing Complexes" to exclude cannabis-related smoking. While good intentioned, this legislation would be a step back in cannabis reform, which San Francisco has fought so hard to make progressive steps forward in. We urge you to consider this exemption for socioeconomic, racial, and health related reasons.

Please see attached for our full letter.

Thank you I hope you all have a wonderful Thanksgiving!

Respectfully,

Emily Abraham

Emily Abraham
Public Policy Manager
SF Chamber of Commerce

Carroll, John (BOS)

From: John Hinman <JHinman@beveragelaw.com>
Sent: Tuesday, November 24, 2020 5:03 PM
To: Fewer, Sandra (BOS); Stefani, Catherine (BOS); Peskin, Aaron (BOS); Mar, Gordon (BOS); Preston, Dean (BOS); Haney, Matt (BOS); Yee, Norman (BOS); Mandelman, Rafael (BOS); Ronen, Hillary; Walton, Shamann (BOS); Safai, Ahsha (BOS)
Cc: BOS-Supervisors; BOS-Legislative Aides; Board of Supervisors, (BOS); Carroll, John (BOS); Calvillo, Angela (BOS); board@cmacsf.org
Subject: OPPOSE #201265 CANNABIS SMOKING BAN

Follow Up Flag: Follow up
Flag Status: Completed

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors

On behalf of the Board of Directors of the California Music and Culture Association (CMAC), please reject File No. 201265; our shared San Francisco values support equal legal access to cannabis, not access to only those who can afford a free-standing home.

We strongly oppose the smoking ban legislation unless it is amended to exempt all cannabis consumers, not just medical cannabis patients who still have a medical cannabis recommendation from their physician.

- **Disproportionately impacts low income residents, minorities, and patients in chronic pain.** You can smoke if you are rich enough to own your own home.
- **Massive negative impact on an industry that should be supported by our city government.** Deemed essential to sell but not to medicate?
- **What about the equity program?** How can we advance equity by making cannabis use impossible for most? Isn't that another version of the failed war on drugs?
- **Where do People Smoke?** Prop 64 bans public cannabis consumption, COVID closed consumption lounges. Without a place to smoke this ban encourages lawlessness.
- **Cannabis IS NOT Tobacco. Don't lump them together.** Cannabis is a known and verified for mitigating health problems – Tobacco Kills

Please **oppose this legislation** unless it is amended to exempt all cannabis consumers, not just medical cannabis patients with a physician's recommendation.

Thank you,

California Music and Culture Association

+--+

John A. Hinman
Hinman & Carmichael LLP
260 California Street, Suite 700
San Francisco, CA 94111
jhinman@beveragelaw.com

Phone: 415.362.1215 x101

FAX: 415.362.1494

<http://www.beveragelaw.com>

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Carroll, John (BOS)

From: Chris Conrad <case@chrisconrad.com>
Sent: Sunday, November 29, 2020 9:53 AM
To: BOS-Supervisors; BOS-Legislative Aides; Board of Supervisors, (BOS)
Cc: Carroll, John (BOS); Calvillo, Angela (BOS)
Subject: Oppose ban on smoking/vaping cannabis at home

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors,

I very strongly oppose San Francisco's proposal to ban smoking / vaping at home, including for cannabis for the following reasons.

- 1) Banning residential smoking is an extreme action that intrudes into the privacy of the home.
- 2) The “dangers” of second hand cannabis smoke may be inferred but they have not been proved. In other words, the term “dangers” refers to a value judgement that is a matter of opinion and is not proven to be a fact.
- 3) Whatever health exposure risks (eg., CO₂, CO, benzene, ash, particulate, etc.) are known to be inherent to any combustion and all smoke would be mitigated by vaporization, which does not involve combustion or generate those compounds.
- 4) The ban does not deal uniformly with second hand smoke, excluding fumes from vehicles, barbecues or incense, just to name a few. It is selective and discriminatory to go after only tobacco and cannabis but not other combustion fumes.
- 5) There are ways to mitigate all smoke and even odor issues related to cannabis without resorting to such an extreme step as prohibition. Simply requiring adequate ventilation or portable air filtration systems would solve the problems or you could have a mediator respond when nuisances are reported and let them resolve and abate the problem.
- 6) I would point out that California voters explicitly made it legal to smoke or ingest cannabis and states that activity “shall not be a violation of state or local law.” Health and Safety Code 11362.1(a)(4). No such protection exists for tobacco, so excepting cannabis could resolve the conflict. Localities have the right to ban onsite consumption for businesses per the Business and Professions Code, but that does not apply to residential properties.

For all the above and other reasons, I believe that the proposed ban violates state law and places extreme and unnecessary restrictions on the lawful behavior of responsible adults.

The measure should be rejected or amended to allow for cannabis use. Please oppose the proposed ban, as written, and vote accordingly. Thank you,

— Chris Conrad, Editor 510-275-9311

theLeafOnline.com and Leaf Radio are part of West Coast Leaf Your trusted news source about cannabis.
Send your press materials for consideration to: News@theLeafOnline.com

Carroll, John (BOS)

From: Mikki Norris <mikki@hr95.org>
Sent: Wednesday, November 25, 2020 10:36 AM
To: BOS-Supervisors; BOS-Legislative Aides; Board of Supervisors, (BOS)
Cc: Carroll, John (BOS); Calvillo, Angela (BOS)
Subject: Oppose ban on smoking/vaping cannabis in the privacy of your home

Follow Up Flag: Follow up
Flag Status: Completed

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors,

When the voters of California and San Francisco endorsed Prop. 64, it was with the understanding that adults would be allowed to consume cannabis in the privacy of their home and other sanctioned areas like a permitted consumption lounge or event.

Sup. Yee's proposed ban on smoking or vaping cannabis in your home in a multi-dwelling residence as part of an anti-tobacco campaign is wrong-headed and violates that personal right. While tobacco smokers have other options to consume their desired product in condoned public spaces, this is not true for cannabis consumers, whose options are severely restricted. Yet, Prop. 64 explicitly enshrined the right to smoke cannabis in the California Health and Safety Code:

CA Health and Safety Code HSC 11362.1. (a) Subject to Sections 11362.2, 11362.3, 11362.4, and 11362.45, but notwithstanding any other provision of law, it shall be lawful under state and local law, and shall not be a violation of state or local law, for persons 21 years of age or older to: (4) Smoke or ingest marijuana or marijuana products;

The proposed ban before you effectively disenfranchises our rights to consume cannabis and discriminates against those who can't afford to live in a single-family residence. It discriminates against patients who have found no need to spend money to get a doctor's recommendation any longer, as cannabis is legal for adults to use and the lawful quantities are sufficient for their medical use. Inhaled cannabis (smoked or vaporized) is a preferred method of ingestion for many who find edibles or other methods too difficult to titrate and can't wait for up to two hours for an effect to happen. We shouldn't be forced to use other methods when we can easily smoke or vape cannabis for the desired effect either medicinally or for personal or spiritual reasons.

Dr. Donald Abrams, a respected physician and researcher found that cannabis smoke either as primary or second-hand has not been proven harmful to others. To equate second-hand cannabis smoke with tobacco smoke is a false and misleading premise.

In addition, simple home air purifiers could be used to mitigate any concerns of smoke. I urge you to vote to exempt cannabis smoking from Supervisor Yee's proposed smoking ban in the interest of equal rights for cannabis consumers, social justice, and compassion.

Respectfully,

-- Mikki Norris,
Educator on Prop. 64's Campaign

Carroll, John (BOS)

From: Merrill Gilbert <merrilgilbert@gmail.com>
Sent: Saturday, November 28, 2020 10:11 AM
To: Fewer, Sandra (BOS); Stefani, Catherine (BOS); Peskin, Aaron (BOS); Mar, Gordon (BOS); Preston, Dean (BOS); Haney, Matt (BOS); Yee, Norman (BOS); MandelmanStaff, [BOS]; Ronen, Hillary; Walton, Shamann (BOS); Safai, Ahsha (BOS); Calvillo, Angela (BOS)
Subject: Vote No On In-Door Smoking Ban
Follow Up Flag: Follow up
Flag Status: Completed

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors:

I strongly oppose this ban especially for legal cannabis. This is an infringement of privacy and creates undue hardship during a year of extreme healthy and financial losses. It appears that Supervisor Yee is not fully informed and taking a drastic step that is not acceptable and based on bias. A recent quote from former assistant director of the UCSF Zuckerberg General Hospital AIDS Program, Dr. Donald Abrams...

“I feel somewhat qualified to understand the risks and benefits of inhaled cannabis,” Dr. Abrams wrote, noting he’s reviewed 10,000 medical journal articles on the topic. “The proposed ordinance, insofar as it would ban cannabis smoking and cannabis vaporizing in private residences in multi-unit buildings in order to reduce the harms of secondhand smoke, lacks scientific basis and would do more harm than good.”

I respectfully ask that this Ban proposal be stopped and not go forward.

Merril Gilbert
[Merril Gilbert](#)

Carroll, John (BOS)

From: DPH - sara2
Sent: Wednesday, November 25, 2020 12:12 PM
To: BOS-Supervisors; BOS-Legislative Aides; Board of Supervisors, (BOS); Fewer, Sandra (BOS); Stefani, Catherine (BOS); Peskin, Aaron (BOS); Mar, Gordon (BOS); Preston, Dean (BOS); Haney, Matt (BOS); Yee, Norman (BOS); Mandelman, Rafael (BOS); Ronen, Hillary; Walton, Shamann (BOS); Safai, Ahsha (BOS)
Cc: Carroll, John (BOS); Calvillo, Angela (BOS)
Subject: Please Protect Cannabis Users Rights in San Francisco

Follow Up Flag: Follow up
Flag Status: Completed

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

As a member of the SF Cannabis Oversight Committee, an educator and advocate for the chronically and critically ill, I urge that restrictions on cannabis smoking and vaping in private apartments be dropped from any proposed anti-smoking ordinance.

The proposed ordinance would constitute a de facto ban on cannabis use for most San Francisco residents. Unlike tobacco, which can be smoked outside on public streets, cannabis consumption is illegal in all public places under state law. The proposed ordinance would thus leave apartment dwellers with no legal place to enjoy marijuana. Smoking cannabis outdoors unmasked also creates a dangerous opportunity for exposure to COVID and many people using cannabis at home are already vulnerable with other health complications.

An exemption for medical cannabis only is unacceptable. Obtaining a doctor's recommendation is costly and inconvenient, especially in this time of COVID; likewise obtaining a city ID card. Many more people are using cannabis for symptom management even prior to COVID and are doing so because it is much easier to obtain in an adult use market.

The scientific evidence is clear that cannabis does not present a secondhand smoke hazard like tobacco. Unlike tobacco, not a single human study has found second-hand cannabis smoke or vaping to be harmful to health. In general, cannabis users tend to smoke much smaller quantities than tobacco smokers. In addition, cannabis smoke does not leave behind prolonged, residual "third-hand" odors like nicotine.

This proposed legislation is dangerous for those on fixed incomes with illness as it unfavorably fixates on those who cannot afford their own homes, whose loss of a home would create unsurmountable hardship and the fines further this hardship. These are not San Francisco values, especially in a pandemic!

The city of West Hollywood recently rejected a proposal to ban cannabis smoking in multi-unit dwellings. San Francisco should do likewise. For over forty years, San Francisco has been a beacon of tolerance for marijuana users. To trash this tradition now is an insult to countless long-term renters who can't afford their own homes.

Sincerely,

Sara Payan
Seat 16, San Francisco Cannabis Oversight Committee



Sara Payan

EDUCATOR | PUBLIC POLICY ADVOCATE | WRITER

Sara Payan Consulting

415-377-9577

www.sarapayan.com

www.plantedwithsara.com

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Carroll, John (BOS)

From: Margot Wampler <info@email.actionnetwork.org>
Sent: Wednesday, November 25, 2020 9:27 AM
To: Calvillo, Angela (BOS)
Subject: Please Protect Cannabis Users Rights in San Francisco

Follow Up Flag: Follow up
Flag Status: Completed

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Angela Calvillo,

As a San Francisco resident, I urge that restrictions on cannabis smoking and vaping in private apartments be dropped from any proposed anti-smoking ordinance.

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Margot Wampler
margot.wampler@gmail.com
1001 pine st #1008
San Francisco, California 94109

Carroll, John (BOS)

From: Christ Lynch <info@email.actionnetwork.org>
Sent: Tuesday, November 24, 2020 6:19 PM
To: Calvillo, Angela (BOS)
Subject: Please Protect Cannabis Users Rights in San Francisco

Follow Up Flag: Follow up
Flag Status: Completed

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Christ Lynch
crlynch@mac.com
288 8th Avenue
San Francisco, California 94118

Carroll, John (BOS)

From: Akshay Patel <info@email.actionnetwork.org>
Sent: Tuesday, November 24, 2020 6:14 PM
To: Calvillo, Angela (BOS)
Subject: Please Protect Cannabis Users Rights in San Francisco

Follow Up Flag: Follow up
Flag Status: Completed

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Angela Calvillo,

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Akshay Patel

shayusc@gmail.com

39 Fort Mason

San Francisco, California 94123

Carroll, John (BOS)

From: Josh Bunnell <info@email.actionnetwork.org>
Sent: Tuesday, November 24, 2020 4:48 AM
To: Calvillo, Angela (BOS)
Subject: Please Protect Cannabis Users Rights in San Francisco

Follow Up Flag: Follow up
Flag Status: Completed

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Josh Bunnell

frant1ck@protonmail.com

1006 funston ave

Pacific Grove, California 93950

Carroll, John (BOS)

From: John Parise <info@email.actionnetwork.org>
Sent: Monday, November 23, 2020 7:29 PM
To: Calvillo, Angela (BOS)
Subject: Please Protect Cannabis Users Rights in San Francisco

Follow Up Flag: Follow up
Flag Status: Completed

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Angela Calvillo,

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John Parise

parise.john@gmail.com

Bush street

SAN FRANCISCO, California 94108

Carroll, John (BOS)

From: Mamuka Mdivani <info@email.actionnetwork.org>
Sent: Monday, November 23, 2020 2:58 PM
To: Calvillo, Angela (BOS)
Subject: Please Protect Cannabis Users Rights in San Francisco

Follow Up Flag: Follow up
Flag Status: Completed

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Angela Calvillo,

As a San Francisco resident, I urge that restrictions on cannabis smoking and vaping in private apartments be dropped from any proposed anti-smoking ordinance.

The proposed ordinance would constitute a de facto ban on cannabis use for most San Francisco residents. Unlike tobacco, which can be smoked outside on public streets, cannabis consumption is illegal in all public places under state law. The proposed ordinance would thus leave apartment dwellers with no legal place to enjoy marijuana.

An exemption for medical cannabis only is unacceptable. Obtaining a doctor's recommendation is costly and inconvenient, especially in this time of COVID; likewise obtaining a city ID card.

The scientific evidence is clear that cannabis does not present a secondhand smoke hazard like tobacco. Unlike tobacco, not a single human study has found second-hand cannabis smoke or vaping to be harmful to health. In general, cannabis users tend to smoke much smaller quantities than tobacco smokers. In addition, cannabis smoke does not leave behind prolonged, residual "third-hand" odors like nicotine.

The city of West Hollywood recently rejected a proposal to ban cannabis smoking in multi-unit dwellings. San Francisco should do likewise. For over forty years, San Francisco has been a beacon of tolerance for marijuana users. To trash this tradition now is an insult to countless long-term renters who can't afford their own homes.

Mamuka Mdivani
Jiko61@hotmail.com
777 Broadway
San Francisco, California

Carroll, John (BOS)

From: Betsy Kabaker <info@email.actionnetwork.org>
Sent: Tuesday, December 1, 2020 11:04 AM
To: Calvillo, Angela (BOS)
Subject: Please Protect Cannabis Users Rights in San Francisco

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Angela Calvillo,

As a San Francisco resident, I urge that restrictions on cannabis smoking and vaping in private apartments be dropped from any proposed anti-smoking ordinance.

The proposed ordinance would constitute a de facto ban on cannabis use for most San Francisco residents. Unlike tobacco, which can be smoked outside on public streets, cannabis consumption is illegal in all public places under state law. The proposed ordinance would thus leave apartment dwellers with no legal place to enjoy marijuana.

An exemption for medical cannabis only is unacceptable. Obtaining a doctor's recommendation is costly and inconvenient, especially in this time of COVID; likewise obtaining a city ID card.

The scientific evidence is clear that cannabis does not present a secondhand smoke hazard like tobacco. Unlike tobacco, not a single human study has found second-hand cannabis smoke or vaping to be harmful to health. In general, cannabis users tend to smoke much smaller quantities than tobacco smokers. In addition, cannabis smoke does not leave behind prolonged, residual "third-hand" odors like nicotine.

The city of West Hollywood recently rejected a proposal to ban cannabis smoking in multi-unit dwellings. San Francisco should do likewise. For over forty years, San Francisco has been a beacon of tolerance for marijuana users. To trash this tradition now is an insult to countless long-term renters who can't afford their own homes.

Betsy Kabaker
betsykabaker@gmail.com

556 19th Avenue
San Francisco, California 94121

Carroll, John (BOS)

From: Harry S. Pariser <editorial@savethemanatee.com>
Sent: Friday, November 27, 2020 2:00 PM
To: Breed, Mayor London (MYR); Fewer, Sandra (BOS); Stefani, Catherine (BOS); Peskin, Aaron (BOS); Mar, Gordon (BOS); Preston, Dean (BOS); Yee, Norman (BOS); Mandelman, Rafael (BOS); Ronen, Hillary; Walton, Shamann (BOS); Safai, Ahsha (BOS); Haney, Matt (BOS); BOS-Supervisors; BOS-Legislative Aides
Subject: Please reject the Orwellian fines on smoking in apartments!
Importance: High
Follow Up Flag: Follow up
Flag Status: Completed

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Officials and Staff:

Please reject the horrific legislation to charge anyone smoking any substance in their apartment \$1,000-per-day as a fine!

This is legislation in search of a problem.

Maintaining that second-hand smoke from marijuana will give someone lung cancer is beyond parody!

While there might be problems, on a rare basis, with chronic smokers having their smoke spread to neighboring apartments, there are other alternatives (such as talking to your neighbor) available.

This could be used punitively and is a horrific idea.

What has Norman been smoking?

Thank you,

Harry S. Pariser
San Francisco

Carroll, John (BOS)

From: Casey McManis <caseymcmanis@gmail.com>
Sent: Saturday, November 28, 2020 4:27 PM
To: BOS-Legislative Aides; BOS-Supervisors; Haney, Matt (BOS); Board of Supervisors, (BOS)
Subject: Regarding Norman Yee's smoking / cannabis legislation

Follow Up Flag: Follow up
Flag Status: Completed

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors / Matt Haney

I am writing to you in regards to legislation that would ban smoking and vaporizing in residential apartments in buildings of three or more units.

We seek an amendment for an exemption for all cannabis consumers. As written, Yee's legislation only exempts medical cannabis patients with a valid physician's recommendation. When Proposition 64 was implemented in 2018, most medical cannabis patients did not renew their medical cannabis recommendation. Moreover, the smoke from a medical cannabis patient is indistinguishable from the smoke from an adult consumer of cannabis. So, if a neighbor has an issue with a person's cannabis smoke, they only have recourse if the person smoking is just an adult consumer of cannabis. They have no recourse if the person smoking is a medical cannabis patient with a valid physician's recommendation. Thus, Yee's legislation as written, attacks the cannabis smoker's status, not the smoke itself. I find this to be totally irrational.

In addition, laws against public consumption have been targeted against communities of color. And most folks live in multiple unit dwellings. Only wealthier folks can afford to live in one or two unit buildings, making the law discriminatory against lower income folks.

Thanks

Casey McManis

District 6

Carroll, John (BOS)

From: Chuck John <gaybicycle@earthlink.net>
Sent: Tuesday, November 24, 2020 9:25 PM
To: BOS-Supervisors; Board of Supervisors, (BOS); BOS-Legislative Aides; Carroll, John (BOS); Calvillo, Angela (BOS)
Cc: Gail Whitty
Subject: Smoking Ban for Marijuana

Follow Up Flag: Follow up
Flag Status: Completed

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

I frankly don't mind pot smoke. The landlord's son lives in the building and I smell it quite often.

I do mind tobacco smoke. We chase folks off our front step of our apartment when we can smell it coming through our window above the door. I'm glad our building owner's son doesn't smoke cigarettes. I think his smoking pot is good compared with cigarettes.

I was tested for allergies twice and scored positive reaction for tobacco allergy with respiratory issues like sinuses headaches when I'm in the middle of it.

In tobacco they've isolated cancer causing chemicals just as they have in fragrances for laundry detergent, softeners, and dryer sheets. There's no regulation nor disclosure for these fragrance chemical molecules. They reek with a sickly sweet smell that is nauseating when it wafts from the laundry into our apartment through gaps in planks.

To my knowledge, marijuana does not have similar cancer molecules like they've found in tobacco and corporate chemistry fragrances.

Why not work on something like tobacco and fragrances in public spaces rather than harmless marijuana smoke that doesn't make one nauseated when smelling it 2nd hand?

I think the idea of banning pot smoking in SF is ridiculous. That's what it would be for those who couldn't afford to buy a \$2 million house here.

So it's banned outside, and now for apartment dwellers, they want to ban it inside too?

I see no reason for the rich to have special rights in SF with anything including marijuana rights to smoke. Don't these billionaires have enough?

Cheers, John Daniel San Francisco

From: [Betsy Kabaker](#)
To: [Calvillo, Angela \(BOS\)](#)
Subject: Please Protect Cannabis Users Rights in San Francisco
Date: Tuesday, December 1, 2020 11:04:41 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Angela Calvillo,

As a San Francisco resident, I urge that restrictions on cannabis smoking and vaping in private apartments be dropped from any proposed anti-smoking ordinance.

The proposed ordinance would constitute a de facto ban on cannabis use for most San Francisco residents. Unlike tobacco, which can be smoked outside on public streets, cannabis consumption is illegal in all public places under state law. The proposed ordinance would thus leave apartment dwellers with no legal place to enjoy marijuana.

An exemption for medical cannabis only is unacceptable. Obtaining a doctor's recommendation is costly and inconvenient, especially in this time of COVID; likewise obtaining a city ID card.

The scientific evidence is clear that cannabis does not present a secondhand smoke hazard like tobacco. Unlike tobacco, not a single human study has found second-hand cannabis smoke or vaping to be harmful to health. In general, cannabis users tend to smoke much smaller quantities than tobacco smokers. In addition, cannabis smoke does not leave behind prolonged, residual "third-hand" odors like nicotine.

The city of West Hollywood recently rejected a proposal to ban cannabis smoking in multi-unit dwellings. San Francisco should do likewise. For over forty years, San Francisco has been a beacon of tolerance for marijuana users. To trash this tradition now is an insult to countless long-term renters who can't afford their own homes.

Betsy Kabaker
betsykabaker@gmail.com
556 19th Avenue
San Francisco, California 94121

Lew, Lisa (BOS)

From: Martin Olive <martin@vaporroom.com>
Sent: Tuesday, December 1, 2020 8:53 AM
To: Mandelman, Rafael (BOS)
Cc: BOS-Legislative Aides; BOS-Supervisors; Carroll, John (BOS); Calvillo, Angela (BOS); Board of Supervisors, (BOS)
Subject: Cannabis Exemption from Smoking Ban.

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisor Mandelman and Board of Supervisors,

My name is Martin Olive, I own Vapor Room, the City's oldest cannabis dispensary. I am one of your constituents and supporters, having voted for your election in your last run.

I am writing to you in regards to today's vote on passing legislation that would ban smoking and vaporizing in residential apartments in buildings of three or more units.

We seek an amendment for an exemption for all cannabis consumers. As written, Yee's legislation only exempts medical cannabis patients with a valid physician's recommendation. When Proposition 64 was implemented in 2018, most medical cannabis patients did not renew their medical cannabis recommendation. Moreover, the smoke from a medical cannabis patient is indistinguishable from the smoke from an adult consumer of cannabis. So, if a neighbor has an issue with a person's cannabis smoke, they only have recourse if the person smoking is just an adult consumer of cannabis. They have no recourse if the person smoking is a medical cannabis patient with a valid physician's recommendation. Thus, Yee's legislation as written, attacks the cannabis smoker's status, not the smoke itself. I find this to be totally irrational.

In addition, laws against public consumption have been targeted against communities of color. And most folks live in multiple unit dwellings. Only wealthier folks can afford to live in one or two unit buildings, making the law discriminatory against lower income folks.

We all live in a city with a lot of compromises and frustrations. Punishing cannabis consumers and imposing expensive fines (\$1000?!!) for doing something that was voted legal in this state by an overwhelming majority is unfair. Even more so, during a pandemic in winter!

Will you really support fining cannabis consumers who may be unemployed, utilizing the few modes of relief from their trauma to ease the burdens of this past year while stuck at home during another quarantine?!

I truly hope you find the thought as reprehensible as I do. Of all the things the City needs to take care of at this crucial time, to punish cannabis smokers citywide because of 1 complaint to 1 Supervisor seems like a waste of resources and time. Please focus your efforts on more important issues at hand.

I trust you to do the right thing, Supervisor.

Thank you for your time and consideration.

Martin Olive

From: [Adrian Hinojosa](#)
To: [Yee, Norman \(BOS\)](#); [Breed, London \(MYR\)](#); [BOS-Supervisors](#)
Subject: Don't ban cannabis smoke
Date: Tuesday, December 1, 2020 8:32:38 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello Mr Yee, I am a San Francisco resident and native living in a rented apartment. Housing costs have gone up in San Francisco over the years and it is not affordable. I rent in my beautiful city. Cannabis helps in many forms and I use it for medicinal purposes. I don't know why you are trying to ban cannabis smoke and vapor when the LAW tells us to consume in our own home. Cannabis consumption is illegal in public. If I have to smoke I would not like that. I live around the corner from the school and have a lot of homeless and people with drug addiction around me. Plus I am an immune compromised person and do not want to consume in public. Especially being a minority, when consuming publicly was my only option, I have discriminated by San Francisco Police officers, while there are people doing hard and worse drugs on the street in my neighborhood. I don't know why you want to pass this if you are a San Francisco native and resident. You of all people should know that San Francisco has many cannabis users. If you want us to break the law and smoke in public, I suggest you pay for everyone and anyone caught consuming in public.

Pronouns: He/Him
Adrian Hinojosa-Chavarría
[Sent from Yahoo Mail for iPhone](#)

Lew, Lisa (BOS)

From: Phil Points <plpoints48@gmail.com>
Sent: Sunday, November 29, 2020 10:47 AM
To: Fewer, Sandra (BOS); Stefani, Catherine (BOS); Peskin, Aaron (BOS); Mar, Gordon (BOS); Preston, Dean (BOS); Haney, Matt (BOS); Yee, Norman (BOS); Mandelman, Rafael (BOS); Ronen, Hillary; Walton, Shamann (BOS); Safai, Ahsha (BOS)
Cc: BOS-Supervisors; BOS-legislative@sfgov.org; Board of Supervisors, (BOS); Carroll, John (BOS); Calvillo, Angela (BOS)
Subject: Cannabis

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I am a 72 y/o male, 43 year resident of San Francisco, 35 yr survivor of HIV/AIDS, and rely on cannabis as part of my regiment to stimulate appetite and fight insomnia. I am fortunate to be able to afford to pay for a Medical Card from the San Francisco Department of Public Health. There are many who use cannabis medicinally who cannot afford to pay for a card.

I urge the Board of Supervisors to allow cannabis to be consumed in apartment buildings by *everyone in need*. I am respectful of my neighbors and allow ventilation to not impose on them. Many years ago, a local reporter spent 5 hours in a closed room at a dispensary interviewing patients while they smoked. A blood draw after breathing the air for 5 hours, showed no signs of cannabis in his blood. Lastly, I don't think we want people in need outside and smoking on the street, which I believe is illegal.

Thank you for reading.

Phillip Points
San Francisco

Lew, Lisa (BOS)

From: Chris Conrad <case@chrisconrad.com>
Sent: Sunday, November 29, 2020 9:53 AM
To: BOS-Supervisors; BOS-Legislative Aides; Board of Supervisors, (BOS)
Cc: Carroll, John (BOS); Calvillo, Angela (BOS)
Subject: Oppose ban on smoking/vaping cannabis at home

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors,

I very strongly oppose San Francisco's proposal to ban smoking / vaping at home, including for cannabis for the following reasons.

- 1) Banning residential smoking is an extreme action that intrudes into the privacy of the home.
- 2) The “dangers” of second hand cannabis smoke may be inferred but they have not been proved. In other words, the term “dangers” refers to a value judgement that is a matter of opinion and is not proven to be a fact.
- 3) Whatever health exposure risks (eg., CO₂, CO, benzene, ash, particulate, etc.) are known to be inherent to any combustion and all smoke would be mitigated by vaporization, which does not involve combustion or generate those compounds.
- 4) The ban does not deal uniformly with second hand smoke, excluding fumes from vehicles, barbecues or incense, just to name a few. It is selective and discriminatory to go after only tobacco and cannabis but not other combustion fumes.
- 5) There are ways to mitigate all smoke and even odor issues related to cannabis without resorting to such an extreme step as prohibition. Simply requiring adequate ventilation or portable air filtration systems would solve the problems or you could have a mediator respond when nuisances are reported and let them resolve and abate the problem.
- 6) I would point out that California voters explicitly made it legal to smoke or ingest cannabis and states that activity “shall not be a violation of state or local law.” Health and Safety Code 11362.1(a)(4). No such protection exists for tobacco, so excepting cannabis could resolve the conflict. Localities have the right to ban onsite consumption for businesses per the Business and Professions Code, but that does not apply to residential properties.

For all the above and other reasons, I believe that the proposed ban violates state law and places extreme and unnecessary restrictions on the lawful behavior of responsible adults.

The measure should be rejected or amended to allow for cannabis use. Please oppose the proposed ban, as written, and vote accordingly. Thank you,

— Chris Conrad, Editor 510-275-9311

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Send your press materials for consideration to: News@theLeafOnline.com

Lew, Lisa (BOS)

From: Bruce Mirken <sftroubl@att.net>
Sent: Saturday, November 28, 2020 6:37 PM
To: Calvillo, Angela (BOS)
Subject: Don't Attack Cannabis Users Rights in San Francisco

Follow Up Flag: Follow up
Flag Status: Completed

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Angela Calvillo,

As a San Francisco resident, I am stunned that restrictions on cannabis smoking and vaping in private apartments could be included in a proposed anti-smoking ordinance.

Such an ordinance would constitute a de facto ban on cannabis use for most San Francisco residents. Unlike tobacco, which can be smoked outside on public streets, cannabis consumption is illegal in all public places under state law. The proposed ordinance would thus leave apartment dwellers with no legal place to enjoy marijuana, a legal substance in California.

An exemption for medical cannabis only is unacceptable. Obtaining a doctor's recommendation is costly and inconvenient, especially in this time of COVID; likewise obtaining a city ID card. With cannabis legal for general adult use many medical marijuana patients have chosen not to pay for this legal certification, and would now be forced to waste time and money for no valid reason.

The scientific evidence is clear that cannabis does not present a secondhand smoke hazard like tobacco. Unlike tobacco, not a single human study has found second-hand cannabis smoke or vaping to be harmful to health. In general, cannabis users tend to smoke much smaller quantities than tobacco smokers, and cannabis smoke does not leave behind prolonged, residual "third-hand" odors like nicotine. This proposal is a solution in search of a problem.

The city of West Hollywood recently rejected a proposal to ban cannabis smoking in multi-unit dwellings. San Francisco should do likewise. For over forty years, San Francisco has been a beacon of tolerance for marijuana users. To trash this tradition now is an insult to countless long-term renters who can't afford their own homes.

Bruce Mirken

sftroubl@att.net

1237 Alemany Blvd

San Francisco, California 94112

Lew, Lisa (BOS)

From: Casey McManis <caseymcmanis@gmail.com>
Sent: Saturday, November 28, 2020 4:27 PM
To: BOS-Legislative Aides; BOS-Supervisors; Haney, Matt (BOS); Board of Supervisors, (BOS)
Subject: Regarding Norman Yee's smoking / cannabis legislation

Follow Up Flag: Follow up
Flag Status: Completed

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors / Matt Haney

I am writing to you in regards to legislation that would ban smoking and vaporizing in residential apartments in buildings of three or more units.

We seek an amendment for an exemption for all cannabis consumers. As written, Yee's legislation only exempts medical cannabis patients with a valid physician's recommendation. When Proposition 64 was implemented in 2018, most medical cannabis patients did not renew their medical cannabis recommendation. Moreover, the smoke from a medical cannabis patient is indistinguishable from the smoke from an adult consumer of cannabis. So, if a neighbor has an issue with a person's cannabis smoke, they only have recourse if the person smoking is just an adult consumer of cannabis. They have no recourse if the person smoking is a medical cannabis patient with a valid physician's recommendation. Thus, Yee's legislation as written, attacks the cannabis smoker's status, not the smoke itself. I find this to be totally irrational.

In addition, laws against public consumption have been targeted against communities of color. And most folks live in multiple unit dwellings. Only wealthier folks can afford to live in one or two unit buildings, making the law discriminatory against lower income folks.

Thanks

Casey McManis

District 6

Lew, Lisa (BOS)

From: Merrill Gilbert <merrilgilbert@gmail.com>
Sent: Saturday, November 28, 2020 10:11 AM
To: Fewer, Sandra (BOS); Stefani, Catherine (BOS); Peskin, Aaron (BOS); Mar, Gordon (BOS); Preston, Dean (BOS); Haney, Matt (BOS); Yee, Norman (BOS); MandelmanStaff, [BOS]; Ronen, Hillary; Walton, Shamann (BOS); Safai, Ahsha (BOS); Calvillo, Angela (BOS)
Subject: Vote No On In-Door Smoking Ban

Follow Up Flag: Follow up
Flag Status: Completed

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors:

I strongly oppose this ban especially for legal cannabis. This is an infringement of privacy and creates undue hardship during a year of extreme healthy and financial losses. It appears that Supervisor Yee is not fully informed and taking a drastic step that is not acceptable and based on bias. A recent quote from former assistant director of the UCSF Zuckerberg General Hospital AIDS Program, Dr. Donald Abrams...

“I feel somewhat qualified to understand the risks and benefits of inhaled cannabis,” Dr. Abrams wrote, noting he’s reviewed 10,000 medical journal articles on the topic. “The proposed ordinance, insofar as it would ban cannabis smoking and cannabis vaporizing in private residences in multi-unit buildings in order to reduce the harms of secondhand smoke, lacks scientific basis and would do more harm than good.”

I respectfully ask that this Ban proposal be stopped and not go forward.

Merril Gilbert
[Merril Gilbert](#)

Lew, Lisa (BOS)

From: Harry S. Pariser <editorial@savethemanatee.com>
Sent: Friday, November 27, 2020 2:00 PM
To: Breed, Mayor London (MYR); Fewer, Sandra (BOS); Stefani, Catherine (BOS); Peskin, Aaron (BOS); Mar, Gordon (BOS); Preston, Dean (BOS); Yee, Norman (BOS); Mandelman, Rafael (BOS); Ronen, Hillary; Walton, Shamann (BOS); Safai, Ahsha (BOS); Haney, Matt (BOS); BOS-Supervisors; BOS-Legislative Aides
Subject: Please reject the Orwellian fines on smoking in apartments!
Importance: High
Follow Up Flag: Follow up
Flag Status: Completed

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Officials and Staff:

Please reject the horrific legislation to charge anyone smoking any substance in their apartment \$1,000-per-day as a fine!

This is legislation in search of a problem.

Maintaining that second-hand smoke from marijuana will give someone lung cancer is beyond parody!

While there might be problems, on a rare basis, with chronic smokers having their smoke spread to neighboring apartments, there are other alternatives (such as talking to your neighbor) available.

This could be used punitively and is a horrific idea.

What has Norman been smoking?

Thank you,

Harry S. Pariser
San Francisco

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Carroll, John \(BOS\)](#)
Subject: FW: Please Protect Cannabis Users Rights in San Francisco
Date: Wednesday, November 25, 2020 5:02:20 PM

From: Christ Lynch <info@email.actionnetwork.org>
Sent: Tuesday, November 24, 2020 6:19 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Please Protect Cannabis Users Rights in San Francisco

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

San Francisco Supervisors,

As a San Francisco resident, I urge that restrictions on cannabis smoking and vaping in private apartments be dropped from any proposed anti-smoking ordinance.

The proposed ordinance would constitute a de facto ban on cannabis use for most San Francisco residents. Unlike tobacco, which can be smoked outside on public streets, cannabis consumption is illegal in all public places under state law. The proposed ordinance would thus leave apartment dwellers with no legal place to enjoy marijuana.

An exemption for medical cannabis only is unacceptable. Obtaining a doctor's recommendation is costly and inconvenient, especially in this time of COVID; likewise obtaining a city ID card.

The scientific evidence is clear that cannabis does not present a secondhand smoke hazard like tobacco. Unlike tobacco, not a single human study has found second-hand cannabis smoke or vaping to be harmful to health. In general, cannabis users tend to smoke much smaller quantities than tobacco smokers. In addition, cannabis smoke does not leave behind prolonged, residual "third-hand" odors like nicotine.

The city of West Hollywood recently rejected a proposal to ban cannabis smoking in multi-unit dwellings. San Francisco should do likewise. For over forty years, San Francisco has been a beacon of tolerance for marijuana users. To trash this tradition now is an insult to countless long-term renters who can't afford their own homes.

Christ Lynch
crlynch@mac.com
288 8th Avenue
San Francisco, California 94118

From: [DPH - sara2](#)
To: [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Board of Supervisors, \(BOS\)](#); [Fewer, Sandra \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Haney, Matt \(BOS\)](#); [Yee, Norman \(BOS\)](#); [Mandelman, Rafael \(BOS\)](#); [Ronen, Hillary](#); [Walton, Shamann \(BOS\)](#); [Safai, Ahsha \(BOS\)](#)
Cc: [Carroll, John \(BOS\)](#); [Calvillo, Angela \(BOS\)](#)
Subject: Please Protect Cannabis Users Rights in San Francisco
Date: Wednesday, November 25, 2020 12:12:21 PM
Attachments: [image001.png](#)
[image002.png](#)

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

As a member of the SF Cannabis Oversight Committee, an educator and advocate for the chronically and critically ill, I urge that restrictions on cannabis smoking and vaping in private apartments be dropped from any proposed anti-smoking ordinance.

The proposed ordinance would constitute a de facto ban on cannabis use for most San Francisco residents. Unlike tobacco, which can be smoked outside on public streets, cannabis consumption is illegal in all public places under state law. The proposed ordinance would thus leave apartment dwellers with no legal place to enjoy marijuana. Smoking cannabis outdoors unmasked also creates a dangerous opportunity for exposure to COVID and many people using cannabis at home are already vulnerable with other health complications.

An exemption for medical cannabis only is unacceptable. Obtaining a doctor's recommendation is costly and inconvenient, especially in this time of COVID; likewise obtaining a city ID card. Many more people are using cannabis for symptom management even prior to COVID and are doing so because it is much easier to obtain in an adult use market.

The scientific evidence is clear that cannabis does not present a secondhand smoke hazard like tobacco. Unlike tobacco, not a single human study has found second-hand cannabis smoke or vaping to be harmful to health. In general, cannabis users tend to smoke much smaller quantities than tobacco smokers. In addition, cannabis smoke does not leave behind prolonged, residual "third-hand" odors like nicotine.

This proposed legislation is dangerous for those on fixed incomes with illness as it unfavorably fixates on those who cannot afford their own homes, whose loss of a home would create unsurmountable hardship and the fines further this hardship. These are not San Francisco values, especially in a pandemic!

The city of West Hollywood recently rejected a proposal to ban cannabis smoking in multi-unit dwellings. San Francisco should do likewise. For over forty years, San Francisco has been a beacon of tolerance for marijuana users. To trash this tradition now is an insult to countless long-term renters who can't afford their own homes.

Sincerely,

Sara Payan
Seat 16, San Francisco Cannabis Oversight Committee



Sara Payan

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Lew, Lisa (BOS)

From: Mikki Norris <mikki@hr95.org>
Sent: Wednesday, November 25, 2020 10:36 AM
To: BOS-Supervisors; BOS-Legislative Aides; Board of Supervisors, (BOS)
Cc: Carroll, John (BOS); Calvillo, Angela (BOS)
Subject: Oppose ban on smoking/vaping cannabis in the privacy of your home

Follow Up Flag: Follow up
Flag Status: Completed

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors,

When the voters of California and San Francisco endorsed Prop. 64, it was with the understanding that adults would be allowed to consume cannabis in the privacy of their home and other sanctioned areas like a permitted consumption lounge or event.

Sup. Yee's proposed ban on smoking or vaping cannabis in your home in a multi-dwelling residence as part of an anti-tobacco campaign is wrong-headed and violates that personal right. While tobacco smokers have other options to consume their desired product in condoned public spaces, this is not true for cannabis consumers, whose options are severely restricted. Yet, Prop. 64 explicitly enshrined the right to smoke cannabis in the California Health and Safety Code:

CA Health and Safety Code HSC 11362.1. (a) Subject to Sections 11362.2, 11362.3, 11362.4, and 11362.45, but notwithstanding any other provision of law, it shall be lawful under state and local law, and shall not be a violation of state or local law, for persons 21 years of age or older to: (4) Smoke or ingest marijuana or marijuana products;

The proposed ban before you effectively disenfranchises our rights to consume cannabis and discriminates against those who can't afford to live in a single-family residence. It discriminates against patients who have found no need to spend money to get a doctor's recommendation any longer, as cannabis is legal for adults to use and the lawful quantities are sufficient for their medical use. Inhaled cannabis (smoked or vaporized) is a preferred method of ingestion for many who find edibles or other methods too difficult to titrate and can't wait for up to two hours for an effect to happen. We shouldn't be forced to use other methods when we can easily smoke or vape cannabis for the desired effect either medicinally or for personal or spiritual reasons.

Dr. Donald Abrams, a respected physician and researcher found that cannabis smoke either as primary or second-hand has not been proven harmful to others. To equate second-hand cannabis smoke with tobacco smoke is a false and misleading premise.

In addition, simple home air purifiers could be used to mitigate any concerns of smoke. I urge you to vote to exempt cannabis smoking from Supervisor Yee's proposed smoking ban in the interest of equal rights for cannabis consumers, social justice, and compassion.

Respectfully,

-- Mikki Norris,
Educator on Prop. 64's Campaign

From: [Margot Wampler](#)
To: [Calvillo, Angela \(BOS\)](#)
Subject: Please Protect Cannabis Users Rights in San Francisco
Date: Wednesday, November 25, 2020 9:32:29 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Angela Calvillo,

As a San Francisco resident, I urge that restrictions on cannabis smoking and vaping in private apartments be dropped from any proposed anti-smoking ordinance.

The proposed ordinance would constitute a de facto ban on cannabis use for most San Francisco residents. Unlike tobacco, which can be smoked outside on public streets, cannabis consumption is illegal in all public places under state law. The proposed ordinance would thus leave apartment dwellers with no legal place to enjoy marijuana.

An exemption for medical cannabis only is unacceptable. Obtaining a doctor's recommendation is costly and inconvenient, especially in this time of COVID; likewise obtaining a city ID card.

The scientific evidence is clear that cannabis does not present a secondhand smoke hazard like tobacco. Unlike tobacco, not a single human study has found second-hand cannabis smoke or vaping to be harmful to health. In general, cannabis users tend to smoke much smaller quantities than tobacco smokers. In addition, cannabis smoke does not leave behind prolonged, residual "third-hand" odors like nicotine.

The city of West Hollywood recently rejected a proposal to ban cannabis smoking in multi-unit dwellings. San Francisco should do likewise. For over forty years, San Francisco has been a beacon of tolerance for marijuana users. To trash this tradition now is an insult to countless long-term renters who can't afford their own homes.

Margot Wampler
margot.wampler@gmail.com
1001 pine st #1008
San Francisco, California 94109

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Carroll, John \(BOS\)](#)
Subject: FW: Please Protect Cannabis Users Rights in San Francisco
Date: Wednesday, November 25, 2020 5:01:54 PM

From: Margot Wampler <info@email.actionnetwork.org>
Sent: Wednesday, November 25, 2020 9:27 AM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Please Protect Cannabis Users Rights in San Francisco

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

San Francisco Supervisors,

As a San Francisco resident, I urge that restrictions on cannabis smoking and vaping in private apartments be dropped from any proposed anti-smoking ordinance.

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Margot Wampler
margot.wampler@gmail.com
1001 pine st #1008
San Francisco, California 94109

Lew, Lisa (BOS)

From: Board of Supervisors, (BOS)
Sent: Wednesday, November 25, 2020 5:02 PM
To: BOS-Supervisors
Cc: Carroll, John (BOS)
Subject: FW: SF Chamber File #201265 Cannabis Amendment
Attachments: File #201265 "No Smoking in Multi-Unit Housing Complexes." SF Chamber Cannabis Amendment.pdf

Follow Up Flag: Follow up
Flag Status: Completed

From: Emily Abraham <eabraham@sfchamber.com>
Sent: Wednesday, November 25, 2020 9:06 AM
To: Emily Abraham <eabraham@sfchamber.com>
Subject: SF Chamber File #201265 Cannabis Amendment

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear President Norman Yee and Board of Supervisors,

The San Francisco Chamber of Commerce represents hundreds of local businesses, including cannabis retailers, manufacturers, and cultivators. Our cannabis small business members urge you to amend proposed File #201265 "No Smoking in Multi-Unit Housing Complexes" to exclude cannabis-related smoking. While good intentioned, this legislation would be a step back in cannabis reform, which San Francisco has fought so hard to make progressive steps forward in. We urge you to consider this exemption for socioeconomic, racial, and health related reasons.

Please see attached for our full letter.

Thank you I hope you all have a wonderful Thanksgiving!

Respectfully,

Emily Abraham

Emily Abraham
Public Policy Manager
SF Chamber of Commerce

Lew, Lisa (BOS)

From: Chuck John <gaybicycle@earthlink.net>
Sent: Tuesday, November 24, 2020 9:25 PM
To: BOS-Supervisors; Board of Supervisors, (BOS); BOS-Legislative Aides; Carroll, John (BOS); Calvillo, Angela (BOS)
Cc: Gail Whitty
Subject: Smoking Ban for Marijuana

Follow Up Flag: Follow up
Flag Status: Completed

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

I frankly don't mind pot smoke. The landlord's son lives in the building and I smell it quite often.

I do mind tobacco smoke. We chase folks off our front step of our apartment when we can smell it coming through our window above the door. I'm glad our building owner's son doesn't smoke cigarettes. I think his smoking pot is good compared with cigarettes.

I was tested for allergies twice and scored positive reaction for tobacco allergy with respiratory issues like sinuses headaches when I'm in the middle of it.

In tobacco they've isolated cancer causing chemicals just as they have in fragrances for laundry detergent, softeners, and dryer sheets. There's no regulation nor disclosure for these fragrance chemical molecules. They reek with a sickly sweet smell that is nauseating when it wafts from the laundry into our apartment through gaps in planks.

To my knowledge, marijuana does not have similar cancer molecules like they've found in tobacco and corporate chemistry fragrances.

Why not work on something like tobacco and fragrances in public spaces rather than harmless marijuana smoke that doesn't make one nauseated when smelling it 2nd hand?

I think the idea of banning pot smoking in SF is ridiculous. That's what it would be for those who couldn't afford to buy a \$2 million house here.

So it's banned outside, and now for apartment dwellers, they want to ban it inside too?

I see no reason for the rich to have special rights in SF with anything including marijuana rights to smoke. Don't these billionaires have enough?

Cheers, John Daniel San Francisco

From: [Christ Lynch](#)
To: [Calvillo, Angela \(BOS\)](#)
Subject: Please Protect Cannabis Users Rights in San Francisco
Date: Tuesday, November 24, 2020 6:19:10 PM

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Angela Calvillo,

As a San Francisco resident, I urge that restrictions on cannabis smoking and vaping in private apartments be dropped from any proposed anti-smoking ordinance.

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The city of West Hollywood recently rejected a proposal to ban cannabis smoking in multi-unit dwellings. San Francisco should do likewise. For over forty years, San Francisco has been a beacon of tolerance for marijuana users. To trash this tradition now is an insult to countless long-term renters who can't afford their own homes.

Christ Lynch
crlynch@mac.com
288 8th Avenue
San Francisco, California 94118

From: [Akshay Patel](#)
To: [Calvillo, Angela \(BOS\)](#)
Subject: Please Protect Cannabis Users Rights in San Francisco
Date: Tuesday, November 24, 2020 6:14:10 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Angela Calvillo,

STOP TRYING TO REGULATE MY HOUSE AND TRYING TO TELL ME WHATS BEST FOR ME. I AM A GROWN ASS MAN.

As a San Francisco resident, I urge that restrictions on cannabis smoking and vaping in private apartments be dropped from any proposed anti-smoking ordinance.

The proposed ordinance would constitute a de facto ban on cannabis use for most San Francisco residents. Unlike tobacco, which can be smoked outside on public streets, cannabis consumption is illegal in all public places under state law. The proposed ordinance would thus leave apartment dwellers with no legal place to enjoy marijuana.

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Akshay Patel
shayusc@gmail.com
39 Fort Mason
San Francisco, California 94123

Lew, Lisa (BOS)

From: John Hinman <JHinman@beveragelaw.com>
Sent: Tuesday, November 24, 2020 5:03 PM
To: Fewer, Sandra (BOS); Stefani, Catherine (BOS); Peskin, Aaron (BOS); Mar, Gordon (BOS); Preston, Dean (BOS); Haney, Matt (BOS); Yee, Norman (BOS); Mandelman, Rafael (BOS); Ronen, Hillary; Walton, Shamann (BOS); Safai, Ahsha (BOS)
Cc: BOS-Supervisors; BOS-Legislative Aides; Board of Supervisors, (BOS); Carroll, John (BOS); Calvillo, Angela (BOS); board@cmacsf.org
Subject: OPPOSE #201265 CANNABIS SMOKING BAN

Follow Up Flag: Follow up
Flag Status: Completed

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors

On behalf of the Board of Directors of the California Music and Culture Association (CMAC), please reject File No. 201265; our shared San Francisco values support equal legal access to cannabis, not access to only those who can afford a free-standing home.

We strongly oppose the smoking ban legislation unless it is amended to exempt all cannabis consumers, not just medical cannabis patients who still have a medical cannabis recommendation from their physician.

- **Disproportionately impacts low income residents, minorities, and patients in chronic pain.** You can smoke if you are rich enough to own your own home.
- **Massive negative impact on an industry that should be supported by our city government.** Deemed essential to sell but not to medicate?
- **What about the equity program?** How can we advance equity by making cannabis use impossible for most? Isn't that another version of the failed war on drugs?
- **Where do People Smoke?** Prop 64 bans public cannabis consumption, COVID closed consumption lounges. Without a place to smoke this ban encourages lawlessness.
- **Cannabis IS NOT Tobacco. Don't lump them together.** Cannabis is a known and verified for mitigating health problems – Tobacco Kills

Please **oppose this legislation** unless it is amended to exempt all cannabis consumers, not just medical cannabis patients with a physician's recommendation.

Thank you,

California Music and Culture Association

+--+

John A. Hinman
Hinman & Carmichael LLP
260 California Street, Suite 700
San Francisco, CA 94111
jhinman@beveragelaw.com

Phone: 415.362.1215 x101

FAX: 415.362.1494

<http://www.beveragelaw.com>

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Lew, Lisa (BOS)

From: Emilio Pi <herecacha@yahoo.es>
Sent: Tuesday, November 24, 2020 10:25 AM
To: BOS-Supervisors; Safai, Ahsha (BOS)
Cc: BOS-Legislative Aides; Board of Supervisors, (BOS); Carroll, John (BOS); Calvillo, Angela (BOS); DPH - kevinreed
Subject: Oppose Ordinance 201265
Attachments: Emilio letter to the board pdf.pdf

Follow Up Flag: Follow up
Flag Status: Completed

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(Please see attached letter)

From: [Josh Bunnell](#)
To: [Calvillo, Angela \(BOS\)](#)
Subject: Please Protect Cannabis Users Rights in San Francisco
Date: Tuesday, November 24, 2020 4:48:01 AM

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Angela Calvillo,

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The city of West Hollywood recently rejected a proposal to ban cannabis smoking in multi-unit dwellings. San Francisco should do likewise. For over forty years, San Francisco has been a beacon of tolerance for marijuana users. To trash this tradition now is an insult to countless long-term renters who can't afford their own homes.

Josh Bunnell
frant1ck@protonmail.com
1006 funston ave
Pacific Grove, California 93950

From: [John Parise](#)
To: [Calvillo, Angela \(BOS\)](#)
Subject: Please Protect Cannabis Users Rights in San Francisco
Date: Monday, November 23, 2020 7:29:39 PM

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Angela Calvillo,

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John Parise
parise.john@gmail.com
Bush street
SAN FRANCISCO, California 94108

From: [Mamuka Mdivani](#)
To: [Calvillo, Angela \(BOS\)](#)
Subject: Please Protect Cannabis Users Rights in San Francisco
Date: Monday, November 23, 2020 2:58:09 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

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Mamuka Mdivani
Jiko61@hotmail.com
777 Broadway
San Francisco, California

From: [landra](#)
To: [Board of Supervisors, \(BOS\)](#)
Subject: RE: BOS meeting 12/1/20 Item #42, File #201265
Date: Tuesday, December 1, 2020 4:51:40 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello members of the Board of Supervisors,

I was disturbed to hear about the new proposal to make smoking marijuana illegal inside SF apartment units and though I'm a bit late coming to the table, I really hope you do not pass it on first reading. I was particularly alarmed to see that most articles I've read about this proposal did not address what seems one of the most important of several issues at stake here. The most overarching and important in my view is the right to privacy in our own homes/dwelling units and the right to make our own health decisions about our own bodies. I feel we should be deeply concerned that the city of SF is considering imposing a law/adding weight to existing law about what choices we are allowed to make regarding our own health inside our own private dwelling units when contagion is not at issue in this matter. Such proposals are an authoritarian approach to concerns for the public/private health with potentially serious negative consequences for residents/tenants. This heavy handed approach should not be taken and seems that it could have complex future legal complications for the city itself as well as it's residents.

Is it not true that you would be setting another dangerous legal precedent to allow local governing entities and private land owners to decide what we are allowed or not allowed to do inside our own homes? Restriction of cigarette smoking in public areas is understandable as it is a known carcinogen. However, even though I personally don't like cigarette smoking, the CC code 1947.5 is still of great concern to myself and many others as it restricts the choices people are allowed to make about their own health in their own homes and gives landowners excessive powers over tenants. If you enact this law and thus support this restrictive and authoritarian legal precedent even further; then there is grave concern for what might become possible as far as what else someone could decide we should not be allowed to do inside our own dwellings in the future. We have already seen precedents exploited in grievous ways to suppress peoples rights in government on the

national level in recent years and that trend needs to be curtailed especially in a democratically oriented city like SF. Give this proposal an inch and it seems that someone could take a mile in the future. Isn't that what's already starting to happen here? Isn't this law building on the law already restricting us from smoking cigarettes? Where will the limitations that renters have to live with inside their own units end? Why does the city want to now impose on our own private lives ever further and push for something that does NOT have absolutely conclusive evidence to its necessity?

Why such a heavy handed approach to this issue? What about people that live alone? Why should we be subject to such a restrictive law about smoking/marihuana use, especially now during the pandemic when persons living alone are mostly if not always alone in their units anyway and may want/need to partake of what is now a legal substance in a perfectly responsible manner.

This issue is also of significant concern for the housing crisis in SF. This proposal will disproportionately restrict the rights of renters as opposed to homeowners and is therefore inherently prejudicial when there is already a social, cultural and very real financial and pragmatic disparity that favors homeowners and their freedoms and denies them to renters who most often are people who have no other financial choice but to rent.

Tenants already face problems from large corporate landlords harassing SF tenants. Tenants are understandably concerned that this legislation could become another means by which large speculative corporate landlords striving to maximize profits will harass tenants as a means of inducing them to vacate so they can raise the rents. False allegations about tenants alleged actions of various sorts from such landlords have forced tenants to have to spend precious time and energy fighting to defend themselves. A recent lawsuit against the largest residential landlord in SF which included harassment claims was recently settled in the tenants favor and there are other similar suits that are ongoing that include tenants from buildings all over the city. It's highly distressing for renters but disproportionately exhausting and distressing to the lives of lower income minorities, people with disabilities, etc. It also sets up yet another means by which landowners/building managers can target specific tenants and not treat them with equal regard. It socially/culturally lends itself to illegitimizing marihuana smoking again and can lead to backsliding into social prejudices

towards those who do even if they have medical reasons as has been the case previously. Marihuana and cigarette smoking should not be lumped together.

To my understanding the evidence of damage from second hand marihuana smoke that seems to be the basis for this unnecessary proposal is also fairly unsubstantiated and *definitely* inconclusive. Laws should generally not be proposed without solid evidence as to their necessity wherever possible and should certainly not be passed without fully substantiated cause especially when the negative implications as to how it may affect residents/tenants *are* indeed considerable.

Arguments that there are other means than smoking to obtain marihuana or CBD, etc. benefits are not taking into consideration the significant negative financial impact that will have on people. Edibles and other non-raw, non smoking forms of ingesting marihuana, THC, CBD, etc. are far more expensive per weight, dose, product, etc. and would create significant financial burden. It will disproportionately impact bipoc, low income, disabled, etc. residents as well. This would currently be true for many people who are not even minorities as well due to current pandemic situations creating financial difficulty for many in the community.

Imposing such severe restrictions on ALL residents/tenants in their PRIVATE units gives excess powers to landlords, lawmakers and lobbyists, financially burdens marihuana users and marihuana businesses. Even if it turns out that marihuana smoke is a genuine significant danger, alcohol is definitely far more dangerous than marihuana; (people can lose their motor skills on alcohol, physically endanger others, etc.) We are allowed to drink in our own homes but we will not be able to smoke marihuana; how does that make any sense? The city should not be overseeing this aspect of our lives. If there are people that are concerned about second hand smoke, then they can take measures to ensure their OWN safety in their own way, such as wear N95 masks to help protect themselves (we are all wearing masks a lot anyway these days) but that should be each individual's choice INSIDE their own dwellings.

Where are people supposed to be able to partake of a legal substance if not in their own homes and they can't legally do it on the street or even be safe to do so at all given pandemic conditions and with invasive camera's on

buildings everywhere in SF? Private camera footage is increasingly being used against citizens in various ways. This proposal seems like a possible way to circumvent the legalization of marihuana that so many people worked hard to make legal in the first place. Could it not potentially really damage the finances of the marihuana industry as well? The more difficult the city makes it for people to use marihuana, etc, the more it makes it hard for those types of businesses to make a living thus potentially inducing displacement, if not failure.

Please do not pass this legislation. This proposal paints the situation with broad strokes and the details and precedent do indeed matter. Some restrictions in PUBLIC areas are perhaps understandable in certain situations where sensitive members of the population are involved such as children but to restrict our behavior in our own private residences to this extreme degree is going too far. The majority of people who smoke in this city do so in a responsible manner as they have done so for years and they should not be penalized. I'm disappointed in the supervisors who are supporting this regressive and authoritarian approach to concerns about smoking in private residences when there are so many other serious problems that the city is facing that need attention.

Sincerely,

Landra Tankha, Veritas Tenants Association
520 Buchanan St. Apt. 11
San Francisco, CA 94102 (D5)

May true peace prevail throughout creation...

From: [landra](#)
To: [Breed, Mayor London \(MYR\)](#)
Subject: Stop the ban on smoking marihuana in rental housing units!
Date: Tuesday, December 1, 2020 3:41:42 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Mayor Breed and members of the Board of Supervisors,

I was disturbed to hear about this new proposal to make smoking marihuana illegal inside SF apartment units. I was particularly alarmed to see that most articles I've read about it did not address what seems one of the most important of several issues at stake here. The most overarching and important in my view is the right to privacy in our own homes/dwelling units and the right to make our own health decisions about our own bodies. We should all be deeply concerned that the city of SF is considering imposing a law/adding weight to existing law about what choices we are allowed to make regarding our own health inside our own private dwelling units when contagion is not at issue in this matter. Such proposals are an authoritarian approach to concerns for the public/private health with potentially serious negative consequences for residents/tenants. This heavy handed approach should be taken seriously by all concerned and could have complex future legal complications for the city itself as well as it's residents.

To my understanding the evidence of damage from second hand marihuana smoke that seems to be the basis for this unnecessary proposal is also fairly unsubstantiated and *definitely* inconclusive. Laws should generally not be proposed without solid evidence as to their necessity wherever possible and should certainly not be passed without fully substantiated cause especially when the negative implications as to how it may affect residents/tenants *are* indeed considerable.

Imposing such severe restrictions on ALL residents/tenants in their PRIVATE units gives excess powers to landlords, lawmakers and lobbyists, financially burdens marihuana users and marihuana businesses. Even if it turns out that the smoke is a potential danger, alcohol definitely is a danger which is far more dangerous than marihuana; (people can lose their motor skills, endanger their children, etc.) We are allowed to drink in our own

homes but not to smoke marijuana; how does that make sense? The city should not be overseeing this aspect of our lives. If there are people that are concerned about second hand smoke, then they can wear N95 masks to help protect themselves (we are all wearing masks a lot anyway these days) but that should be each individual's choice inside their own homes.

Is it not true that you would be setting another dangerous legal precedent to allow local governing entities and private land owners to decide what we are allowed or not allowed to do inside our own homes? Restriction of cigarette smoking in public areas is understandable as it is a known carcinogen. However, even though I personally don't like cigarette smoking, the CC code 1947.5 is still of great concern to myself and many others as it restricts the choices people are allowed to make about their own health in their own homes and gives landowners excessive powers over tenants. If you enact this law and thus support this restrictive and authoritarian precedent even further; then there is grave concern for what might become possible as far as what else someone could decide we should not be allowed to do inside our own homes in the future. We have already seen precedents exploited in grievous ways to subvert peoples rights in government a on the national level in recent years and that trend needs to be curtailed especially in a democratically oriented city like SF. Give this proposal an inch and it seems obvious that someone could take a mile in the future. Isn't that what's already starting to happen here? Isn't this law building on the law already restricting us from smoking cigarettes in our own apartments? Where will the limitations that renters have to live with inside their own units end? Why does the city want to now impose on our own private lives ever further and push for something that does NOT have absolutely conclusive evidence to its necessity and even then should be questionable?

Where are people supposed to be able to partake of a legal substance if not in their own homes and they can't legally do it on the street or even be safe to do so with invasive camera's on buildings everywhere in SF? Private camera footage has been known to be increasingly used against citizens in various ways. This proposal seems like a way to circumvent the legalization of marijuana that so many people worked hard to make legal in the first place. Could it not potentially really damage the finances of the marijuana industry as well? The more difficult the city makes it for people to use marijuana, etc, the more it makes it hard for those types of businesses to make a living thus potentially inducing displacement, if not failure.

Why such a heavy handed approach to this issue? What about people that live alone? Why should we be subject to such a restrictive law about marihuana use, especially now during the pandemic when persons living alone are mostly if not always alone in their units anyway and may want/need to partake of what is now a legal substance.

This issue is of significant concern for the housing crisis in SF. This proposal will disproportionately restrict the rights of renters as opposed to homeowners and is therefore inherently prejudicial when there is already a social, cultural and very real financial and pragmatic disparity that favors homeowners and their freedoms and denies them to renters who most often have no choice but to rent.

Tenants already face many problems from large corporate landlords harassing SF tenants. Tenants are understandably concerned that this law could become another means by which large speculative corporate landlords striving to maximize profits will harass tenants as a means of inducing them to vacate so they can raise the rents. A recent lawsuit against the largest residential landlord in SF which included harassment claims was recently settled in the tenants favor and there are other similar suits that are ongoing that include tenants from buildings all over the city. False allegations about tenants alleged actions of various sorts from such landlords have forced tenants to have to spend precious time and energy fighting to defend themselves. It's highly distressing for renters but disproportionately exhausting and distressing to the lives of lower income minorities, people with disabilities, etc. It also sets up yet another means by which landowners/building managers can target specific tenants and not treat them with equal respect. It also culturally lends itself to illegitimizing marihuana smoking again and can lead to backsliding into social prejudices towards those who do.

Arguments that there are other means than smoking to obtain marihuana or CBD, etc. benefits are not taking into consideration the significant negative financial impact that will have on people. Edibles and other non-raw, non smoke forms of ingesting marihuana, THC, CBD, etc. are far more expensive per weight, dose, product, etc. and would create significant financial burden. It will disproportionately impact bipoc, low income, disabled, etc. residents as well. This would currently be true for many people who are not even minorities as well due to current pandemic

situations creating financial difficulty for many in the community.

Please do not pass this legislation. Please do not merely amend it unless you are going to stop the aspect of this legislation that prohibits people from smoking in their own units. Some restrictions in PUBLIC areas are perhaps understandable in certain situations where sensitive members of the population are involved such as children but to restrict our behavior in our own private residence is going too far. This issue should not even be on the table and I'm very disappointed in the supervisors who are supporting this regressive and authoritarian approach when there are so many other serious problems that the city is facing.

Sincerely,

Landra Tankha
520 Buchanan St. Apt. 11
San Francisco, CA 94102 (D5)

May true peace prevail throughout creation...

From: [landra](#)
To: [Breed, Mayor London \(MYR\)](#)
Subject: Stop the ban on smoking marihuana in rental housing units!
Date: Tuesday, December 1, 2020 3:41:42 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Mayor Breed and members of the Board of Supervisors,

I was disturbed to hear about this new proposal to make smoking marihuana illegal inside SF apartment units. I was particularly alarmed to see that most articles I've read about it did not address what seems one of the most important of several issues at stake here. The most overarching and important in my view is the right to privacy in our own homes/dwelling units and the right to make our own health decisions about our own bodies. We should all be deeply concerned that the city of SF is considering imposing a law/adding weight to existing law about what choices we are allowed to make regarding our own health inside our own private dwelling units when contagion is not at issue in this matter. Such proposals are an authoritarian approach to concerns for the public/private health with potentially serious negative consequences for residents/tenants. This heavy handed approach should be taken seriously by all concerned and could have complex future legal complications for the city itself as well as it's residents.

To my understanding the evidence of damage from second hand marihuana smoke that seems to be the basis for this unnecessary proposal is also fairly unsubstantiated and *definitely* inconclusive. Laws should generally not be proposed without solid evidence as to their necessity wherever possible and should certainly not be passed without fully substantiated cause especially when the negative implications as to how it may affect residents/tenants *are* indeed considerable.

Imposing such severe restrictions on ALL residents/tenants in their PRIVATE units gives excess powers to landlords, lawmakers and lobbyists, financially burdens marihuana users and marihuana businesses. Even if it turns out that the smoke is a potential danger, alcohol definitely is a danger which is far more dangerous than marihuana; (people can lose their motor skills, endanger their children, etc.) We are allowed to drink in our own

homes but not to smoke marijuana; how does that make sense? The city should not be overseeing this aspect of our lives. If there are people that are concerned about second hand smoke, then they can wear N95 masks to help protect themselves (we are all wearing masks a lot anyway these days) but that should be each individual's choice inside their own homes.

Is it not true that you would be setting another dangerous legal precedent to allow local governing entities and private land owners to decide what we are allowed or not allowed to do inside our own homes? Restriction of cigarette smoking in public areas is understandable as it is a known carcinogen. However, even though I personally don't like cigarette smoking, the CC code 1947.5 is still of great concern to myself and many others as it restricts the choices people are allowed to make about their own health in their own homes and gives landowners excessive powers over tenants. If you enact this law and thus support this restrictive and authoritarian precedent even further; then there is grave concern for what might become possible as far as what else someone could decide we should not be allowed to do inside our own homes in the future. We have already seen precedents exploited in grievous ways to subvert peoples rights in government a on the national level in recent years and that trend needs to be curtailed especially in a democratically oriented city like SF. Give this proposal an inch and it seems obvious that someone could take a mile in the future. Isn't that what's already starting to happen here? Isn't this law building on the law already restricting us from smoking cigarettes in our own apartments? Where will the limitations that renters have to live with inside their own units end? Why does the city want to now impose on our own private lives ever further and push for something that does NOT have absolutely conclusive evidence to its necessity and even then should be questionable?

Where are people supposed to be able to partake of a legal substance if not in their own homes and they can't legally do it on the street or even be safe to do so with invasive camera's on buildings everywhere in SF? Private camera footage has been known to be increasingly used against citizens in various ways. This proposal seems like a way to circumvent the legalization of marijuana that so many people worked hard to make legal in the first place. Could it not potentially really damage the finances of the marijuana industry as well? The more difficult the city makes it for people to use marijuana, etc, the more it makes it hard for those types of businesses to make a living thus potentially inducing displacement, if not failure.

Why such a heavy handed approach to this issue? What about people that live alone? Why should we be subject to such a restrictive law about marihuana use, especially now during the pandemic when persons living alone are mostly if not always alone in their units anyway and may want/need to partake of what is now a legal substance.

This issue is of significant concern for the housing crisis in SF. This proposal will disproportionately restrict the rights of renters as opposed to homeowners and is therefore inherently prejudicial when there is already a social, cultural and very real financial and pragmatic disparity that favors homeowners and their freedoms and denies them to renters who most often have no choice but to rent.

Tenants already face many problems from large corporate landlords harassing SF tenants. Tenants are understandably concerned that this law could become another means by which large speculative corporate landlords striving to maximize profits will harass tenants as a means of inducing them to vacate so they can raise the rents. A recent lawsuit against the largest residential landlord in SF which included harassment claims was recently settled in the tenants favor and there are other similar suits that are ongoing that include tenants from buildings all over the city. False allegations about tenants alleged actions of various sorts from such landlords have forced tenants to have to spend precious time and energy fighting to defend themselves. It's highly distressing for renters but disproportionately exhausting and distressing to the lives of lower income minorities, people with disabilities, etc. It also sets up yet another means by which landowners/building managers can target specific tenants and not treat them with equal respect. It also culturally lends itself to illegitimizing marihuana smoking again and can lead to backsliding into social prejudices towards those who do.

Arguments that there are other means than smoking to obtain marihuana or CBD, etc. benefits are not taking into consideration the significant negative financial impact that will have on people. Edibles and other non-raw, non smoke forms of ingesting marihuana, THC, CBD, etc. are far more expensive per weight, dose, product, etc. and would create significant financial burden. It will disproportionately impact bipoc, low income, disabled, etc. residents as well. This would currently be true for many people who are not even minorities as well due to current pandemic

situations creating financial difficulty for many in the community.

Please do not pass this legislation. Please do not merely amend it unless you are going to stop the aspect of this legislation that prohibits people from smoking in their own units. Some restrictions in PUBLIC areas are perhaps understandable in certain situations where sensitive members of the population are involved such as children but to restrict our behavior in our own private residence is going too far. This issue should not even be on the table and I'm very disappointed in the supervisors who are supporting this regressive and authoritarian approach when there are so many other serious problems that the city is facing.

Sincerely,

Landra Tankha
520 Buchanan St. Apt. 11
San Francisco, CA 94102 (D5)

May true peace prevail throughout creation...

From: [Sharon Krinsky](#)
To: [Board of Supervisors, \(BOS\)](#)
Subject: 201265 [Health Code - No Smoking in Multi-Unit Housing Complexes]
Date: Tuesday, December 1, 2020 2:11:07 PM

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Dear Supervisors,

I live in San Francisco, and I vehemently oppose the proposed ordinance amending the Health Code to prohibit smoking inside all private dwelling units in multi-unit housing complexes of three or more units.

The ordinance is classist and discriminatory, as it only applies to residents unable to afford a free-standing home. In addition, the heavy-handed, over-reaching ban leapfrogs attempts at remediation of second-hand smoke in multi-unit dwellings. For example, why not ask the Planning Department to investigate possible solutions for mitigating the spread of smoke/smells from one unit to another before we start banning things?

Moreover, the ordinance is suspiciously specific, targeting only tobacco and cannabis smoke. What about the smoke from burning incense, or candles or firewood or barbecue or burnt popcorn? What about emissions from vehicles and gas pumps? Will you now require residents to keep their windows closed at all times?

Finally, the ban conflates (without merit or proof) the health problems associated with second-hand tobacco smoke and second-hand cannabis smoke. San Francisco's Department of Public Health should be able to enlighten you to the significant differences between the two. My strong hunch is that this ordinance is a thinly veiled attempt to chip away at rights afforded to us with the passing of Proposition 64:

...it shall be lawful under state and local law, and shall not be a violation of state or local law, for persons 21 years of age or older to: smoke or ingest marijuana products..."

In closing, I urge you to dismiss this classist, discriminatory, heavy-handed, ill-conceived ordinance.

Sincerely,

Sharon Krinsky
San Francisco, CA

From: [Kate Clevenger](#)
To: [Yee, Norman \(BOS\)](#); [Fewer, Sandra \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Marstaff \(BOS\)](#); [PrestonStaff \(BOS\)](#); [Haneystaff \(BOS\)](#); [MandelmanStaff, \[BOS\]](#); [RonenStaff \(BOS\)](#); [Waltonstaff \(BOS\)](#); [Safaj, Ahsha \(BOS\)](#); [Board of Supervisors, \(BOS\)](#)
Subject: Pass Smoke-Free Multi-Unit Housing without Exemptions
Date: Tuesday, December 1, 2020 2:04:03 PM

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Dear Board Supervisors,

As a resident of San Francisco's Richmond District and an American Cancer Society Cancer Action Network Volunteer, I was thrilled to hear that a smoke-free multi-unit housing ordinance passed out of committee, but I am deeply concerned that it does not go far enough in two major ways.

One, a comprehensive ordinance should include protections for those who live in multi-unit housing of 2 or more units from the harmful effects of secondhand smoke. And two, it should not include special exemptions for marijuana.

Two years ago, I was diagnosed with oral cancer at age 33. To save my life, I had part of my tongue cut out and couldn't eat properly for months. I lost 8 pounds in the first week alone.

The first question every doctor asked me was the same: "Do you smoke?" I didn't. I still don't.

But now, in my apartment building, I--a cancer survivor--through no fault of my own, am habitually exposed to known carcinogens. My neighbors smoke downstairs. Their smoke seeps through the crack in my front door, through my heating vent. It makes my apartment reek of tobacco and marijuana.

The U.S. Surgeon General has declared that there is NO safe level of exposure to secondhand smoke. Even brief exposure to secondhand smoke can cause serious health effects, especially for the very young, the elderly, or those who are ill.

I know what it's like to hear those three devastating words: "you have cancer." I saw what that diagnosis did to my family, and I would never wish that on anyone. But I'm the lucky one. At the time of diagnosis, I had stable housing, health benefits, and access to good medical care. My cancer was caught early, and my odds of hitting the 5 year survival mark are good.

But not everyone is as lucky as me, an upper middle class white woman. Youth, communities of color, LGBTQA+ and those from low-income communities are impacted by tobacco-related disease at higher rates. Exposure to secondhand smoke in the home amplifies health inequities and disproportionately impacts communities of color. The right to be able to breathe safely in your home should exist for everyone in our city - regardless of whether you live in a single family home or multi-unit housing. Reducing secondhand smoke is an important part of reducing health disparities in our city.

I strongly urge you to pass this ordinance without exemptions.

Everyone has the right to breathe clean air, especially in their own home. ACS CAN

supports passage of comprehensive smoke-free ordinance will help to protect all residents from the harmful effects of secondhand smoke.

Sincerely,

Kate Clevenger
241 23rd Avenue
San Francisco, CA 94121
kate.clevenger@gmail.com

From: [Marc Bruno](#)
To: [Board of Supervisors, \(BOS\)](#); [Board of Supervisors BOS](#); [Yee, Norman \(BOS\)](#); [YeeStaff, \(BOS\)](#); [Fewer, Sandra \(BOS\)](#); [Sandra Lee Fewer](#); [FewerStaff \(BOS\)](#); [Waltonstaff \(BOS\)](#); [Shannon.Walton@sfgov.org](#); [Stefani, Catherine \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Supervisor Aaron Peskin & D3 Office](#); [Mandelman, Rafael \(BOS\)](#); [MandelmanStaff, \(BOS\)](#); [Ronen, Hillary](#); [Peskin, Aaron \(BOS\)](#); [Dean Preston](#); [Preston, Dean \(BOS\)](#)
Cc: [Marc Bruno](#); [angela.cavillo@sfgov.org](#)
Subject: Witness Statement in Favor of Item (42), "Health Code - No Smoking in Multi-Unit Housing"
Date: Tuesday, December 1, 2020 2:03:55 PM
Attachments: [2016 Voter Guide.png](#)
[NonMed Marj w. Restrictions V.G..png](#)
[Get the Facts on Prop 64 #1 C.U..png](#)
[Get the Facts on Prop 64 #2.png](#)
[Get the Facts on Prop 64 #3.png](#)
[AUMA Explained Drug Policy Action.pdf](#)
[Chris Conrad-Penalty Chart.pdf](#)
[Cannabis Letter 112920.pdf](#)

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Witness Statement in Favor of Item (42), "Health Code - No Smoking in Multi-Unit Housing Complexes" Sponsors: Yee - Fewer - Walton
San Francisco B.O.S. Meeting 12/01/20

My name is Marc Bruno and I am an apartment dweller who lives in District 3. I also am one of many Californians who voted "YES" on Prop 64, but who does **not** smoke cigarettes or marijuana myself.

For the following reasons, I am in support of Supervisor Yee, Fewer and Walton's legislation:

- (1) There are many other places outside of apartment units for tobacco and cannabis users to smoke.
- (2) As Trisha Thadani noted in the *Chronicle* yesterday, the public use law regarding cannabis is barely enforced in San Francisco.
- (3) Prop 64 added significant locations for people to smoke cannabis; namely, privately licensed clubs, *a venue that was roundly promoted by proponents of Prop as an alternative to private apartments. F*
[See Attachments 5, 6 below.]
- (4) Tobacco's second hand smoke consequences are well-known. Until the second hand smoke effects of cannabis are thoroughly researched, California *apartment dwellers should not asked to be guinea pigs.*
- (5) Prop 64 made an unequivocal promise in 2016: Namely, wherever tobacco smoke is prohibited, so would cannabis smoke be prohibited.
[See Attachments 1, 2, 3 and 4, below.]

* * * *

At the time of the vote in 2016, CBS News stated that California was 13th in the percentage of adult residents using cannabis in some form. Their survey shows the total percentage of adults using cannabis at that time to be 12.88%.

Were this figure highly conservative-- were the actual number twice as large, 26% of adult residents-- *even then, less than half those who voted in favor of Prop 64, the Adult Use of*

Marijuana Act, were actual cannabis users.

My vote in favor of Prop 64 was not an outlier. It was typical of many Californians who voted to favor tolerance. We are against imposing our own social mores, habits and cultural choices on others. And we don't want them imposed on us.

(As you know, the final vote was 57.13% to 42.87% in favor of Prop 64.)

In 2016, the State Legislative Analyst stated, "**Nothing in Section 11362.1 shall be construed to permit any person to [...] (2) Smoke marijuana or marijuana products where smoking tobacco is prohibited.**"

The text of the law reiterates this [See attachment #1] and a chart in the *California Voter Guide* for Prop 64 summarizes this prohibition in no uncertain terms. [See Chart from Voter Guide, Attachment #2]

Campaign literature we received by mail in 2016 repeated this same prohibition; Namely, "No tobacco smoking!" also means "No cannabis smoking!"

[Attachments 3, 4, 5: "High Times." Attachment 6, 7: "Drug Policy Action." These attachments are **all** from **proponents** of Prop 64.]

Now, in a letter to the Board of Supervisors from the Cannabis Oversight Committee, we are told the 2016 Tobacco-Equals Cannabis-Smoking Prohibition really means only places and situations which prohibited tobacco smoke in 2016.'

This interpretation is something Amy Coney Barrett would love: To freeze law in such a way that it becomes meaningless, erasing protections for those who are not wealthy or represented by lobbyists.

[See San Francisco Cannabis Oversight Committee to Board of Supervisors, 11/18/20, P. 3; see Attachment #8]

This claim by the Cannabis Committee makes no sense whatsoever. To agree with it would make other prohibitions in the State Analyst's chart meaningless also. Are only schools which existed in 2016 protected? Are the only day care centers and youth centers protected those existing in 2016?

This is not a commonsense reading of the law, and it is not the way it was presented at the time to me and other California voters.

* * * * *

determination by the California Attorney General that nonmedical use of marijuana is lawful in the State of California under federal law, and an act taken by a city, county, or city and county under paragraph (3) shall be deemed repealed upon the date of such determination by the Attorney General.

(5) For purposes of this section, "private residence" means a house, an apartment unit, a mobile home, or other similar dwelling.

SEC. 4.6. Section 11362.3 is added to the Health and Safety Code, to read:

11362.3. (a) Nothing in Section 11362.1 shall be construed to permit any person to:

(1) Smoke or ingest marijuana or marijuana products in any public place, except in accordance with Section 26200 of the Business and Professions Code.

(2) Smoke marijuana or marijuana products in a location where smoking tobacco is prohibited.

(3) Smoke marijuana or marijuana products within 1,000 feet of a school, day care center, or youth center while children are present at such a school, day care center, or youth center, except in or upon the grounds of a private residence or in accordance with Section 26200 of, or Chapter 3.5 (commencing with Section 19300) of Division 8 of, the Business and Professions Code and only if such smoking is not detectable by others on the grounds of such a school, day care center, or youth center while children are present.

(d) For purposes of this section, "volatile solvent" means volatile organic compounds, including: (1) explosive gases, such as Butane, Propane, Xylene, Styrene, Gasoline, Kerosene, O₂ or H₂; and (2) dangerous poisons, toxins, or carcinogens, such as Methanol, Iso-propyl Alcohol, Methylene Chloride, Acetone, Benzene, Toluene, and Trichloro-ethylene.

(e) For purposes of this section, "youth center" has the same meaning as in Section 11353.1.

(f) Nothing in this section shall be construed or interpreted to amend, repeal, affect, restrict, or preempt laws pertaining to the Compassionate Use Act of 1996.

SEC. 4.7. Section 11362.4 is added to the Health and Safety Code, to read:

11362.4. (a) A person who engages in the conduct described in paragraph (1) of subdivision (a) of Section 11362.3 is guilty of an infraction punishable by no more than a one hundred dollar (\$100) fine; provided, however, that persons under the age of 18 shall instead be required to complete four hours of a drug education program or counseling, and up to 10 hours of community service, over a period not to exceed 60 days once the drug education program or counseling and community service opportunity are made available to the person.

(b) A person who engages in the conduct described in paragraphs (2) through (4) of subdivision (a) of Section 11362.3 shall be guilty of an infraction punishable by no more than a two-hundred-fifty-dollar (\$250) fine,

using marijuana and preventing marijuana from being taken to other states.

or youth center, unless allowed by a local government. In addition, businesses selling

Figure 2
Proposition 64 Legalizes Nonmedical Marijuana Activities, With Restrictions

Activity	Activities Allowed Under the Measure	Activities Not Allowed Under the Measure
Smoking marijuana	Smoking marijuana in a private home or at a business licensed for on-site marijuana consumption.	Smoking marijuana (1) while driving a car, (2) in any public place (other than at a business licensed for on-site consumption), or (3) anywhere that smoking tobacco is prohibited.
Possessing marijuana for personal use	Possession of up to 28.5 grams (about one ounce) of marijuana and up to 8 grams of concentrated marijuana (such as hash).	Possession of marijuana on the grounds of a school, day care center, or youth center while children are present.
Growing marijuana	Growing up to six marijuana plants and keeping the marijuana produced by the plants within a private home.	Growing in an area that is unlocked or visible from a public place.
Giving away marijuana	Giving away to other adults up to 28.5 grams of marijuana and up to 8 grams of concentrated marijuana.	Providing marijuana to minors under the age of 21 for nonmedical use.

California penalties now as compared to Adult Use of Marijuana Act

This comparison chart applies to non-medical adults at age 21. State medical marijuana laws are preserved.

<i>Adult cannabis use activity</i>	<i>Current criminal penalties</i>	<i>AUMA 2016 voter initiative</i>
Possess < 1 ounce of cannabis	\$100 ticket	Legal
Possess < 8 grams concentrate	One year, \$500 or both	Legal
Transport < 1 ounce / 8 grams	\$100 misdemeanor	Legal
Give away < 1 ounce / 8 grams	\$100 misdemeanor	Legal
Homegrow 1 cannabis plant	16 months, two/ three years	Legal
Homegrow < 6 cannabis plants	16 months, two/ three years	Legal
Harvest > 1 ounce and keep it	16 months, two/ three years	Legal
Smoking where tobacco banned	\$100 ticket	\$250 ticket
Public smoking <u>or</u> Underage use	\$100 ticket	\$100 ticket
Age 18-20 grow < 6 plants	16 months, two/ three years	\$100 ticket



Get the Facts on Prop 64, California's Cannabis Legalization Ballot Initiative

**Wait, you mean on-site
consumption like at a
coffeeshop in Amsterdam?!**

HIGH TIMES

▶ ▶| 🔊 3:46 / 7:45

CC ⚙️ 🗨️ 🔍

Get the Facts on Prop 64, California's Cannabis Legalization Ballot Initiative



▶ ⏪ 🔊 4:09 / 7:45

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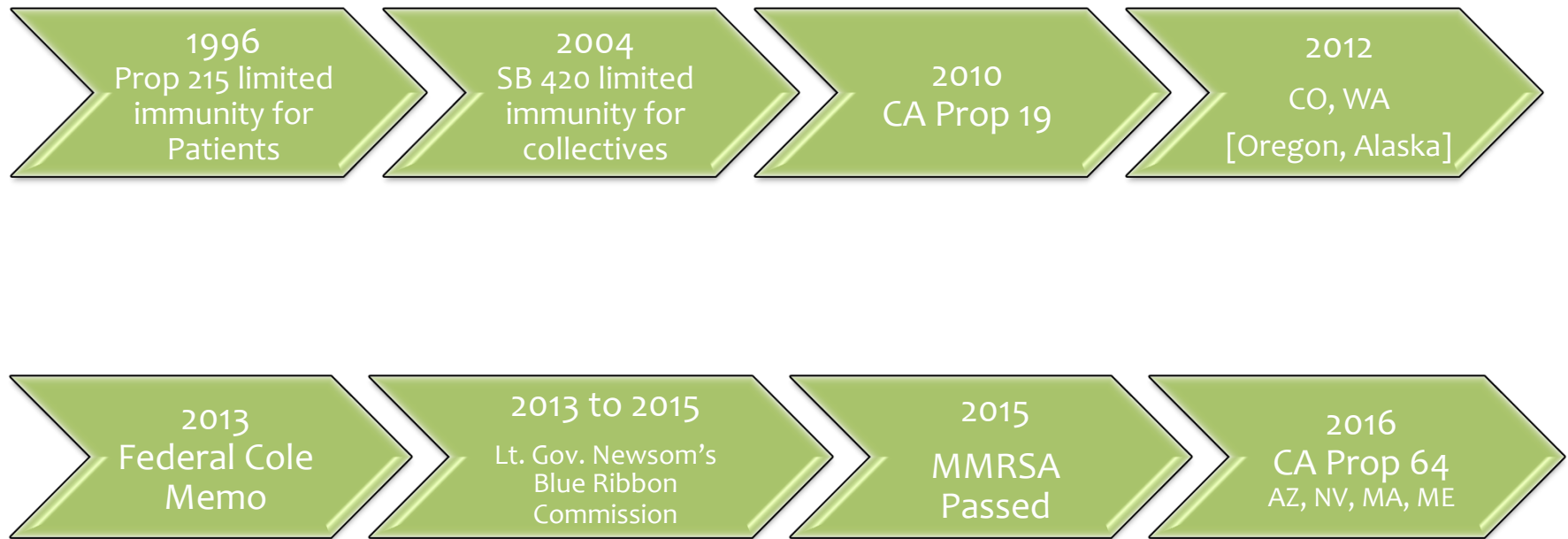
HIGHTIMES

The Adult Use of Marijuana Act
Prop 64 Explained

Prepared by Chris Conrad
With Mikki Norris & Lauren Vazquez

© Drug Policy Action, 2016

The Road to Cannabis Legalization



Election Day!
November 8, 2016

Outline of Prop 64, the Adult Use Act

1. Creates a legal adult right to nonmedical marijuana with possession, transportation, sharing, enclosed gardens
2. Significantly reduces most of the remaining penalties
3. Protects the rights of cannabis patients under Prop 215
4. Creates a legal privilege to conduct cannabis commerce with statewide agency to review and revise regulations
5. Provides for certain taxes and the use of tax revenues
6. Gives local governments wide latitude in licensing businesses, but they cannot restrict personal rights
7. Allows legislature to reduce penalties and repeal statutes, but cannot change Prop 215 or recriminalize adult rights

Legalization; not prohibition repeal

- Takes conservative approach on quantities allowed
- Makes it legal for adults to possess, share, transport, process and give away limited amounts at age 21
- One ounce / 8 grams adult; 6 plants outdoors or indoors, per residence, keep the entire harvest or give it away
- More than those amounts still needs medical approval
- Localities cannot ban home-grows up to 6 plants in a fully enclosed space — indoor / greenhouse
- No jail for minors, reduces most penalties for adults 18-20, retroactive effect, restorative justice
- Civil and criminal penalties for violations, see chart

Current California Penalties vs. Prop 64: Adult Use of Marijuana Act

Chart applies to non-medical adults age 21 and up. Prop 215 CUA medical marijuana defense will still apply.
 Legalizes • Reduces penalties retroactively • Resentencing • Release from incarceration • Expunge records

Proposition 64

California ballot, Nov. 8, 2016

A No Vote means
keep all penalties



Vote YES:
Legalize & control

Adult cannabis activity

Current criminal penalties

Prop 64 penalty reductions

Possess up to 1 ounce of cannabis	\$100 ticket	Legalized
Possess up to 8 grams concentrate	One year, \$500 or both	Legalized
Transport up to 1 ounce / 8 grams	\$100 misdemeanor	Legalized
Give away up to 1 ounce / 8 grams	\$100 misdemeanor	Legalized
Homegrow 1 to 6 cannabis plants	16 months, two/ three years	Legalized
Process and keep entire harvest	16 months, two/ three years	Legalized
Smoking in unlicensed public site	\$100 ticket	\$100 ticket
Smoking where tobacco banned	\$100 ticket	\$250 ticket
Age 18 to 20: Possess cannabis	\$100 ticket	\$100 ticket
Offenses by minors up to age 18	Same as adults	Counseling, community service, drug education

Key: **Felony** **Wobbler: Felony or Misdemeanor** **Misdemeanor** **Infraction** **Legalized**

Proposition 64

California ballot, Nov. 8, 2016

A No Vote means
keep all penalties



Vote YES:
Legalize & control

Adult cannabis activity

Current criminal penalties

Prop 64 penalty reductions

Age 18-20: Grow up to 6 plants	16 months, two/ three years	\$100 ticket
Age 18-20: Up to 4 g. concentrate	One year, \$500 or both	\$100 ticket
Age 18 and up: Grow over 6 plants	16 months, two/ three years	Six months, \$500 or both
Possess over 1 ounce cannabis	Six months, \$500 or both	Six months, \$500 or both
Possess excess concentrate	One year, \$500 or both	Six months, \$500 or both
Transport, give away over 1 ounce	Two/ three/ four years	Six months, \$500 or both
Sell cannabis (without a license)	Two/ three/ four years	Six months, \$500 or both
Possess with intent to sell	16 months, two/ three years	Six months, \$500 or both
Third or aggravated* over 6 plants	16 months, two/ three years	Wobbler
Third <u>or</u> aggravated* intent to sell	16 months, two/ three years	Wobbler
Third <u>or</u> aggravated* illegal sales	Two/ three/ four years	Wobbler
Sales involving minors under age 18	Three to seven years	Three to seven years

* Such as involving minors, gross negligence, toxic / hazardous substances, watershed / environmental harm, prior super strike, registered sex offender.

Friends of Prop 64, FriendsofProp64.org. Handy online guide to AUMA's text broken down by sections and tabbed at chrisconrad.com/category/adult-use-act-2016/
Chart by cannabis expert witness Chris Conrad. With support from: Californians for Responsible Marijuana Reform, Sponsored by Drug Policy Action, Yes on Prop. 64, Major Funding by Drug Policy Action

Key: Felony Wobbler: Felony or Misdemeanor Misdemeanor Infraction Legalized

AUMA and medical marijuana law

- Protects Prop 215 rights cover possession, cultivation for larger quantities, all ages
- **Overturms** all local bans on enclosed, discreet gardens up to six plants, legalizes sharing
- Expands parental & privacy rights for patients
- Relieves patients with state MMID card from paying state sales tax; other taxes still apply
- Caps the MMID Card at \$100, less for Medi-Cal

Creates a dual regulatory system

- Statewide commercial licensing plan parallels MMRSA
- Allows local governments to license, zone, ban businesses
- Regulates as an agricultural product — water, pesticides
- Licenses: 13 types of cannabis cultivation plus retail, manufacture, testing, distribution, and microbusiness
- No excessive concentration of licenses in a city or county
- Regulations must be evidence based and not “unreasonable or impracticable”
- Appeals board appointed by governor / Senate approval
- Ability to waive requirements based on hardship

Favors small California businesses

- Must be a CA resident to get a license (1/2019)
- Prior marijuana convictions not an obstacle to getting licenses or work in cannabusinesses
- Fees kept proportionate to business size
- Small micro-licensees can be vertically integrated but not larger scale licensees
- Five year delay on issuing large scale licenses
- Anti-monopoly provisions, no price fixing, can't sell at a loss to undercut competitors

Retailers & Distributors

- 26070. (3) "**Microbusiness,**" for the cultivation of marijuana on **an area less than 10,000 square feet and to act as a licensed distributor, Level 1 manufacturer, and retailer** under this division, provided such licensee complies with all requirements imposed by this division on licensed cultivators, distributors, Level 1* manufacturers, and retailers to the extent the licensee engages in such activities.

* Sites that manufacture marijuana products using nonvolatile solvents, or no solvents.

Levies commercial taxes for state

- Production tax \$9.25 ounce bud, \$2.75 per ounce of leaf paid by commercial grower
- Production tax to be reviewed & revised based on market rates
- 15% excise tax included in consumer's retail sales price, plus state sales tax
- MMID Card patients don't pay state sales tax
- Requires vote of people to increase local tax

Provides for the use of tax revenues

- 4% for Administrative costs of commercial licensing
- No CMT tax revenues go to localities with bans
- \$50 million / year Grants for economic development of communities affected by prohibition
- \$10 mil for CA Universities to study implementation
- \$3 mil to CHP to study impairment testing
- \$2 mil to Center for Medicinal Cannabis research
- Balance: 60% youth, education and prevention
- 20% Environmental restoration and preservation
- 20% Local law enforcement grants

Consumer protections in Prop 64

- Testing for quality control for purity, potency and profile, dosage rules (no more than 10 mg thc)
- Advertising restrictions; cannot be directed to minors, no billboards on interstate highways
- Labeling requirements (dosage, cannabinoid profile, pesticides, etc.)
- Child-proof packaging

Other points of special interest

- Sets fines for smoking or vaping in public
- On-Site Consumption Licenses
- Local government can license “cup” events
- Allows hemp production & manufacturing
- Does not authorize driving impaired, “open container,” or smoking in driver’s compartment
- ‘Drug Free Workplace’ — can still drug test
- Landlords don’t have to allow cultivation

Restorative Social Justice

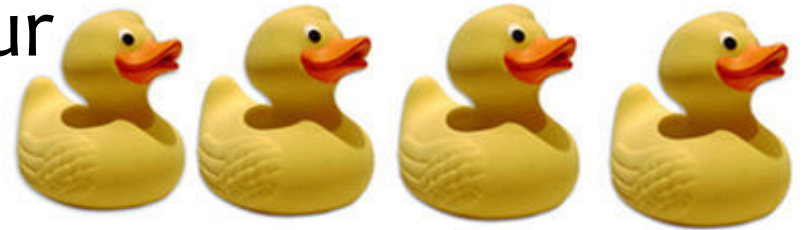
- Makes many felonies and misdemeanors legal
- Reduces most penalties
- Retroactive relief for cannabis offenders who are already facing prosecution or sentencing
- Allows priors to be reduced and/or expunged
- No jail for under-age offenders, records closed
- Prior convictions may not prevent licensing
- Legal cannabis no longer grounds for police search

Prop 64: Recap and Conclusion

- Legalizes for patients and non-medical adults
- Coming out will help to end stigma
- Sends a message that cannabis can be used responsibly by adults, social acceptance
- Creates momentum for further reforms
 - Emboldens other states, nations to legalize
- Undermines drug cartels' market grip
- Creates opportunities and jobs, jobs, jobs

Get ready for legalization

- Register to vote and tell others to vote Yes on Prop. 64
- Time to prepare yourselves for the new industry -- get your
- Join Friends of Prop. 64
- Be a part of the process
- Help get endorsements
- Write LTEs, share social media, call in radio



Some endorsements for Prop 64

Lt. Gov. Gavin Newsom ◆ NAACP ◆ Drug Policy Alliance
◆ NORML ◆ ACLU of CA ◆ CA Democratic Party ◆
Bernie Sanders ◆ California Cannabis Industry
Association ◆ State Sen. Mark Leno ◆ Students for
Sensible Drug Policy ◆ Congressman Eric Swalwell ◆ CA
Medical Association ◆ CA Council on Land Trusts ◆
George Zimmer ◆ Tim Blake ◆ Marijuana Policy Project
◆ Youth Justice Coalition ◆ Moms United Against the
Drug War ◆ National Latinos Officers Association ◆
Berkeley Patients Group ◆ Congressman Dana
Rohrabacher ◆ CA Academy of Preventive Medicine ◆
Congressman Jared Huffman

Please vote Yes on Prop 64!

**FRIENDS OF
PROP**

Yes!
64

California 2016

FriendsOfProp64.org

legalizeCA2016.com

Yeson64.org

ChrisConrad.com

[Facebook](#)

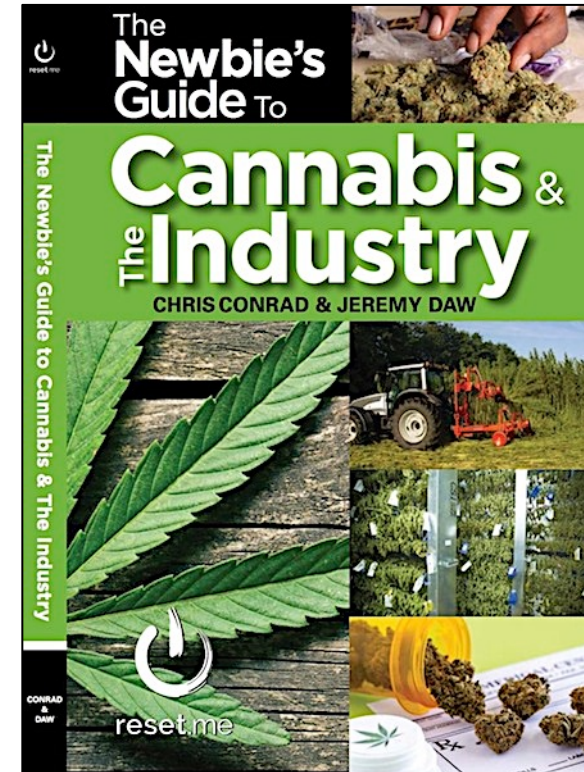
With support from: Californians for Responsible
Marijuana Reform, Sponsored by Drug Policy Action,
Yes on Prop. 64, Major Funding by Drug Policy Action

Prepared by cannabis expert Chris Conrad

AUMA2016.com • LegalizeCA2016.com
LetsGetItRightCA.com
ChrisConrad.com
FiredUpLawyer.com

Books by Chris Conrad

- *The Newbie's Guide to Cannabis & the Industry*
- *Cannabis Yields and Dosage*
- *Shattered Lives: Portraits From America's Drug War*
- Oaksterdam University
- Consultation services
- Expert witness in court



ChrisConrad.com, 510-275-9311, case@chrisconrad.com, theLeafOnline

Current California Penalties vs. Prop 64: Adult Use of Marijuana Act

Chart applies to non-medical adults age 21 and up: Prop 215 CUA medical marijuana defense will still apply.

Legalize • Reduce penalties retroactively • Resentencing • Release from incarceration • Expunge records

Proposition 64

California ballot, Nov. 8, 2016

A No Vote means
keep all penalties



Vote YES:
Legalize & control

Adult cannabis use activity

Current criminal penalties

AUMA 2016 voter initiative

Possess up to 1 ounce of cannabis	\$100 ticket	Legalized
Possess up to 8 grams concentrate	One year, \$500 or both	Legalized
Transport up to 1 ounce / 8 grams	\$100 misdemeanor	Legalized
Give away up to 1 ounce / 8 grams	\$100 misdemeanor	Legalized
Homegrow 1 cannabis plant	16 months, two/ three years	Legalized
Homegrow up to 6 cannabis plants	16 months, two/ three years	Legalized
Keep entire harvest at home	16 months, two/ three years	Legalized
Smoking where tobacco banned	\$100 ticket	\$250 ticket
Public smoking <u>or</u> Underage use	\$100 ticket	\$100 ticket
Age 18-20 grow up to 6 plants	16 months, two/ three years	\$100 ticket
Age 18-20 up to 4 g. concentrate	One year, \$500 or both	\$100 ticket
Offenses by minors up to age 18	Same as adults	Counseling, community service, drug education
Age 18 and up grow over 6 plants	16 months, two/ three years	Six months, \$500 or both
Possess over 1 ounce cannabis	Six months, \$500 or both	Six months, \$500 or both
Possess over 4 / 8 g. concentrate	One year, \$500 or both	Six months, \$500 or both
Transport, give away over 1 ounce	Two/ three/ four years	Six months, \$500 or both
Sales without a license	Two/ three/ four years	Six months, \$500 or both
Possess with intent to sell	16 months, two/ three years	Six months, \$500 or both
Third or aggravated over 6 plants*	16 months, two/ three years	Wobbler
Third <u>or</u> aggravated intent to sell*	16 months, two/ three years	Wobbler
Third <u>or</u> aggravated sales*	Two/ three/ four years	Wobbler
Sales involving minors	Three to seven years	Three to seven years

* Such as involving minors, gross negligence, toxic / hazardous substances, watershed / environmental harm, prior super strike, registered sex offender.

Chart prepared by cannabis expert witness Chris Conrad.

For an indexed online guide to the text of AUMA broken down by sections and separately tabbed, see <http://chrisconrad.com/category/adult-use-act-2016/>

With support from Drug Policy Action. © Drug Policy Action. www.AUMA2016.com

Key: **Felony** **Wobbler: Felony or Misdemeanor** **Misdemeanor** **Infraction** **Legalized**

San Francisco Cannabis Oversight Committee
c/o Chair Nina Parks
ninaparksconsulting@gmail.com

November 18, 2020

San Francisco Board of Supervisors
c/o Clerk Angela Calvillo
Angela.calvillo@sfgov.org

RE: Please Vote “No” on Supe. Yee’s Classist Ordinance to Prohibit Smoking by San Franciscans who Cannot Afford to Buy Single-Family Homes (File No. 201265)

Honorable Members of the Board of Supervisors:

The San Francisco Cannabis Oversight Committee opposes proposed ordinance File No. 201265 (Yee)¹, and asks that you reject this well-intentioned legislation based on its discriminatory socioeconomic impact. The legislation seeks to protect air quality for non-smokers, but would do so at the cost of the health and civil liberties of cannabis users including seriously ill medical cannabis patients—the vast majority of whom do not have physician’s recommendations because cannabis use is supposed to be legal for all adults. The ordinance would disallow smoking, but only for people in multi-unit residential buildings, meaning that San Franciscans who can afford to buy free-standing homes would be unaffected and could still smoke in peace. The \$1,000/day penalty adds insult to injury, since only wealthy people can pay such fines, but wealthy people are already exempted by virtue of owning their own free-standing homes.

The Cannabis Oversight Committee was appointed by the Board of Supervisors pursuant to Ordinance No. 260-18 (2018), to advise the Board and the Mayor regarding cannabis laws. The Board specifically created the Cannabis Oversight Committee in the context of social equity, including undoing and repairing the harms of discrimination and economic disenfranchisement. Thus it is not only our duty, but also our very purpose, to offer our recommendation about the proposed ordinance: that you reject it.

I. This Inhalation Ban Would Exacerbate Racial and Economic Inequality.

This proposed ban on both smoking and vaporizing both tobacco and cannabis would only apply to apartments and condominiums buildings with more than two residential units, not single-family homes. The penalties for violations are up to \$1,000 *per day* and, while these fines are appealable, unsuccessful appellants are required to pay the City’s costs including attorneys’ fees.

¹ <https://sfgov.legistar.com/View.ashx?M=F&ID=8897595&GUID=D3BA1521-2CAB-40CA-97C2-995B544F6765>.

San Francisco already has notoriously high rent prices, and now many San Franciscans have become unemployed during the COVID-19 pandemic. San Francisco has allowed cannabis smoking in private residences for over twenty-four years since the passage of Proposition 215 (1996). If this ordinance is enacted, San Franciscan renters will be liable for many thousands of dollars in fines and fees that we cannot afford. Further, this will make it harder to rent in San Francisco, let alone afford food, other medicine, and utilities. In effect, a ban on smoking in private homes will simply force people to smoke outdoors in public, subjecting the public to even more secondhand smoke and subjecting smokers to increased fines and increased risk of police interaction.

Racial disparities in San Francisco's economic inequality are well-documented. People of color are more likely to be renters and more likely to have difficulty affording rent. This ban would only affect people who live in multi-unit buildings, explicitly exempting people who can afford their own free-standing house. It is already unfair to discriminate against people who are not wealthy enough to afford to rent or buy a whole home, but especially so in San Francisco where housing is so expensive, and especially so during the pandemic when employment is scarcer.

II. The Proposed Ordinance Would Invite Litigation, Because Proposition 215 Prevents Localities from Prohibiting Patients from Inhaling Cannabis at Home.

In 1996, California voters enacted Proposition 215, the Compassionate Use Act. California Health and Safety Code Section 11362.5(b)(1) declares that the Act's purposes include "To ensure that seriously ill Californians have the right to obtain and use marijuana for medical purposes..." and "To ensure that patients and their primary caregivers who obtain and use marijuana for medical purposes upon the recommendation of a physician are not subject to criminal prosecution or sanction."

By prohibiting smoking and vaporizing cannabis in private homes, proposed ordinance File No. 201265 would violate patients' rights by illegally abridging patients' "right to obtain and use marijuana for medical purposes" and by impermissibly "sanction[ing]" them.² This would invite seriously ill San Franciscans to sue the City for this violation of their civil rights, and the proposed ordinance would not withstand legal challenge.

Further, Proposition 64 (2016) specifically reaffirmed these rights of medical patients, by saying that the proposition shall not "be construed or interpreted to amend, repeal, affect,

² Cal. H&S Code § 11362.5(b)(1), https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=11362.5.&lawCode=HSC.

restrict, or preempt... Laws pertaining to the Compassionate Use Act of 1996.”³ The stated primary purpose of Proposition 64 was to legalize cannabis consumption, which includes smoking. Since Proposition 64 already explicitly bans cannabis smoking in public and in the wide range of places where tobacco smoking is banned such as restaurants, bars, and workplaces, it is clear that voters supporting Proposition 64 did not intend to ban cannabis smoking in private homes. Since cannabis inhalation is already banned in all public places, banning it in private homes would amount to a total ban, contravening the voters’ will in Proposition 64.

III. The Proposed Exception for Doctor’s Recommendation Holders is Insufficient.

We understand the proposed ordinance has been amended to provide an exemption for those few seriously ill San Franciscans who hold a doctor’s recommendation, which was necessary for obtaining a Medical Marijuana Identification Card (MMIC) until 2016’s Proposition 64. This exception is not enough: the doctor’s recommendation is no longer necessary for *adult* patients to possess cannabis, and the MMIC was already expensive and complicated to obtain—not to mention impossible to obtain during Shelter-in-Place.⁴ Since virtually none of the City’s thousands of patients have a doctor’s recommendation, and the City does not currently offer the MMIC, the proposed exception is all but meaningless.

The exception for patients with a doctor’s recommendation for medical cannabis, is not enough because, even though anyone can get a recommendation in California, healthcare is not free either. Many people struggle to afford health insurance and co-pays for medical appointments and medications, let alone a special piece of paper to be allowed to cannabis at home legally. Since the passage of Proposition 64 in 2016 allowing all adults to use cannabis at home without fear of criminal penalty, most patients in San Francisco have ceased consulting specialist physicians about cannabis recommendations.

Further, many adult San Franciscans use cannabis at home for reasons other than medical relief, including spiritual and recreational purposes, which would be inappropriately prohibited by this ordinance.

IV. Inhaled Cannabis is Medicine, and Edibles Are Inadequate Substitutes.

Besides banning inhaling (smoking and vaping) tobacco in residences, this ordinance would ban inhaling cannabis. Many clinical studies, including many studies funded by the State

³ Cal. H&S § 11362.45(i), https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=11362.45.&lawCode=HSC.

⁴ “[D]ue to Shelter-in-Place order, our office is currently closed to the public, and we are not processing Medical Marijuana ID cards,” <https://www.sfdph.org/dph/comupg/oservices/medSvs/MCID/default.asp>.

of California⁵ and some right here in San Francisco,⁶ have shown that both smoked and vaporized cannabis are efficacious medicine. It is cruel to prohibit people from using the medicine that works best for them, especially after decades of allowing it.

Patients who use cannabis for acute or severe symptoms, such as cachexia or nausea, need fast-acting relief. Inhalation takes less than a minute to deliver this symptom relief, whereas ingested edible medical cannabis products can take over an hour. Patients suffering from gastrointestinal distress, experiencing nausea or vomiting, may use medical cannabis in order to be able to eat, and may be unable to consume baked goods or liquid preparations.⁷

Further, a major advantage of inhalation is dose titration. People whose symptoms vary day-to-day may need more or less cannabis to relieve their symptoms than they did yesterday. Inhalation's quick onset makes it possible to titrate the dose (meaning, decide whether they need more or not), whereas ingestion takes much longer before knowing whether increasing the dose is necessary. The June 4, 2014 Forbes article, "Is Eating Marijuana Really Riskier Than Smoking it?", quotes Professor Franson of the University of Colorado on this topic:

One of the issues lies in how the two forms of the drug are absorbed and metabolized, and how quickly the high comes on. "The major difference is in the absorption of the [edible] product into the blood stream," says Kari Franson, PharmD, PhD, Clinical Pharmacologist and Associate Dean for Professional Education, Department of Clinical Pharmacy, at University of Colorado Skaggs

⁵ See, e.g., Wallace M, Schulteis G, Atkinson JH, Wolfson T, Lazzaretto D, Bentley H, Gouaux B, Abramson I (November 2007) Dose-dependent Effects of Smoked Cannabis on Capsaicin-induced Pain and Hyperalgesia in Healthy Volunteers. *Anesthesiology*. 2007 Nov;107(5):785-96. <http://www.ncbi.nlm.nih.gov/pubmed/18073554>.

Wilsey B, Marcotte T, Tsodikov A, Millman J, Bentley H, Gouaux B, Fishman S. (2008) A Randomized, Placebo-Controlled, Crossover Trial of Cannabis Cigarettes in Neuropathic Pain. *J Pain*. 2008 Jun;9(6):506-21. <http://www.ncbi.nlm.nih.gov/pubmed/18403272>.

Wallace MS, Marcotte TD, Umlauf A, Gouaux B, Atkinson JH. (2015). Efficacy of Inhaled Cannabis on Painful Diabetic Neuropathy. *J Pain*. 2015 Jul;16(7):616-27. <http://www.ncbi.nlm.nih.gov/pubmed/25843054>.

Wilsey B, Marcotte T, Deutsch R, Gouaux B, Sakai S, Donaghe H. (2013). Low-Dose Vaporized Cannabis Significantly Improves Neuropathic Pain. *J Pain*. 2013 Feb;14(2):136-48. <http://www.ncbi.nlm.nih.gov/pubmed/23237736>.

⁶ See, e.g., Abrams DI, Jay CA, Shade SB, Vizoso H, Reda H, Press S, Kelly ME, Rowbotham MC, Petersen KL. Cannabis in painful HIV-associated sensory neuropathy: A randomized placebo-controlled trial. *Neurology*. 2007 Feb 13;68(7):515-21. <http://www.ncbi.nlm.nih.gov/pubmed/17296917>.

⁷ See "Gastrointestinal Disorders and Medical Marijuana" by Americans for Safe Access, at <https://www.safeaccessnow.org/gastrointestinal-disorders>.

School of Pharmacy. "Once it is in the blood, it quickly goes to and has an effect on the brain. With smoking, the peak blood levels happen within 3-10 minutes, and with eating, it's 1-3 hours."⁸

Thus ingesting medical cannabis, by virtue of its less rapid onset, provides inferior symptom relief for patients seeking to address acute symptoms as rapidly as possible.

Supervisors, please reject File No. 201265, because it is unfair to treat more harshly those San Franciscans who cannot afford their own free-standing home.

We look forward to being in dialogue with you about this important issue; please direct questions about it to Cannabis Oversight Committee member Jesse Stout at JesseStout@gmail.com.

Thank you.

Regards,

San Francisco Cannabis Oversight Committee

A handwritten signature in black ink, appearing to read 'Nina Parks', is written over a horizontal line.

By: Nina Parks, Chair

⁸ <https://www.forbes.com/sites/alicegwalton/2014/06/04/is-eating-marijuana-really-riskier-than-smoking-it>.



1110 Howard St.
San Francisco, CA 94103
(415) 513-5177
info@bishopsf.org

December 1, 2020

Dear Honorable Supervisors,

Bill Sorro Housing Program (BiSHoP), together with other tenants' rights organizations have significant concerns about the proposed indoor smoking legislation. We are against any criminalization of addiction (in this case, smoking), including financial penalties. We fear landlords will use these penalties to harass and push out tenants, especially seniors with long-term rent control. While the Department of Public Health has strengths, it has proven to be weak at enforcement of environmental health issues and navigating landlord/tenant issues. This program may antagonize the relationship between tenants and DPH when we need tenants to feel safe reporting other serious health issues in their buildings, such as lead paint and rodent infestations.

This ordinance would fine tenants \$1,000/day but makes no plan for when tenants can't pay. These detail policy question need to be addressed. This will create nuisance-type evictions, and hence needs to be rewritten and reconsider the unintended consequences it will result.

Sincerely,

Theresa Imperial
Executive Director

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Carroll, John \(BOS\)](#)
Subject: FW: Please Protect Cannabis Users Rights in San Francisco File No. 201265
Date: Tuesday, December 1, 2020 12:06:07 PM

From: Betsy Kabaker <info@email.actionnetwork.org>
Sent: Tuesday, December 1, 2020 11:04 AM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Please Protect Cannabis Users Rights in San Francisco

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

San Francisco Supervisors,

As a San Francisco resident, I urge that restrictions on cannabis smoking and vaping in private apartments be dropped from any proposed anti-smoking ordinance.

The proposed ordinance would constitute a de facto ban on cannabis use for most San Francisco residents. Unlike tobacco, which can be smoked outside on public streets, cannabis consumption is illegal in all public places under state law. The proposed ordinance would thus leave apartment dwellers with no legal place to enjoy marijuana.

An exemption for medical cannabis only is unacceptable. Obtaining a doctor's recommendation is costly and inconvenient, especially in this time of COVID; likewise obtaining a city ID card.

The scientific evidence is clear that cannabis does not present a secondhand smoke hazard like tobacco. Unlike tobacco, not a single human study has found second-hand cannabis smoke or vaping to be harmful to health. In general, cannabis users tend to smoke much smaller quantities than tobacco smokers. In addition, cannabis smoke does not leave behind prolonged, residual "third-hand" odors like nicotine.

The city of West Hollywood recently rejected a proposal to ban cannabis smoking in multi-unit dwellings. San Francisco should do likewise. For over forty years, San Francisco has been a beacon of tolerance for marijuana users. To trash this tradition now is an insult to countless long-term renters who can't afford their own homes.

Betsy Kabaker
betsykabaker@gmail.com
556 19th Avenue

San Francisco, California 94121

|

From: [Jenesis Merriman](#)
To: [Peskin, Aaron \(BOS\)](#); [Fewer, Sandra \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Haney, Matt \(BOS\)](#); [Yee, Norman \(BOS\)](#); [Mandelman, Rafael \(BOS\)](#); Hilary.Ronen@sfgov.org; [Walton, Shamann \(BOS\)](#); [Safai, Ahsha \(BOS\)](#)
Cc: [Board of Supervisors, \(BOS\)](#)
Subject: SF SFMUH Letter of Support
Date: Tuesday, December 1, 2020 11:22:06 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors:

I write to you as a concerned member of the San Francisco Tobacco-Free Coalition regarding the smoke-free multi-unit housing ordinance. As I mentioned at the November 12th meeting, smoke-free multi-unit housing policies are necessary to protect the communities that are most vulnerable to tobacco exposure, including low-income residents, children, people of color, people with existing health conditions, and those at the intersections of these identities.

Specifically, I am concerned about the false re-framing of this ordinance as a regressive, classist measure that would disproportionately impact low-income people and people of color. Rather, smoke-free multi-unit housing policies, at their core, aim to protect low-income residents and residents of color, who are disproportionately targeted by the tobacco industry and disproportionately burdened by tobacco-related health problems [1]. Indeed, the blame that is falling on this ordinance is misdirected and should be focused on industry practices that continue to prey on communities of color and structural inequities that push low-income residents into multi-unit housing without rights to clean air.

In other words, the proposed ordinance is the solution, not the problem. Research has shown that developing policies that expand the reach of comprehensive smoke-free laws will facilitate the decline in smoking prevalence among subpopulations disproportionately burdened by tobacco use, decrease exposure to secondhand smoke, and further reduce tobacco-related health disparities [1]. This policy would push San Francisco one step further on the path towards health equity.

Thank you for your time and thoughtful consideration. As a multi-unit housing resident of color myself, I am hopeful that San Francisco will join the 60+ jurisdictions in California that already have a 100% smoking ban in multi-unit housing [2].

Sincerely,

Jenesis Merriman

[1] "Uneven Access to Smoke-Free Laws and Policies and Its Effect on Health Equity in the United States: 2000–2019," Hafez et al., 2019.

[2] "U.S. Laws for 100% Smokefree Multi-Unit Housing," American Nonsmokers' Rights Foundation, 2020.

--

Jenesis Merriman

University of California, Berkeley
Public Health BA | Class of 2020

From: karenfishkin@yahoo.com
To: [Board of Supervisors, \(BOS\)](#)
Subject: Fwd: Smoking ban
Date: Tuesday, December 1, 2020 11:24:09 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Sent from my iPhone

From: KAREN FISHKIN <karenfishkin@yahoo.com>
Date: December 1, 2020 at 9:19:21 AM PST
To: Board.ofSupervisors@sfgiv.org
Subject: Smoking ban

For all the supervisors:

I strongly support this legislation. For almost 40 years I have lived above a smoker. I once asked a physician if I could smell the smoke, did that mean the smoke could be doing me harm, and he confirmed that yes, it could.

I have a chronic cough, which could be related to allergies or it could be related to the smoke I've had to inhale over the years.

I have been hoping for this type of legislation for a long time, and hope to see it pass today. It will affect the health of thousands of San Francisco residents, and I thank you.

Karen Fishkin
1742 Fell St.
San Francisco

Sent from my iPhone

From: [Betsy Kabaker](#)
To: [Carroll, John \(BOS\)](#)
Subject: Please Protect Cannabis Users Rights in San Francisco
Date: Tuesday, December 1, 2020 11:04:24 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

John Carroll,

As a San Francisco resident, I urge that restrictions on cannabis smoking and vaping in private apartments be dropped from any proposed anti-smoking ordinance.

The proposed ordinance would constitute a de facto ban on cannabis use for most San Francisco residents. Unlike tobacco, which can be smoked outside on public streets, cannabis consumption is illegal in all public places under state law. The proposed ordinance would thus leave apartment dwellers with no legal place to enjoy marijuana.

An exemption for medical cannabis only is unacceptable. Obtaining a doctor's recommendation is costly and inconvenient, especially in this time of COVID; likewise obtaining a city ID card.

The scientific evidence is clear that cannabis does not present a secondhand smoke hazard like tobacco. Unlike tobacco, not a single human study has found second-hand cannabis smoke or vaping to be harmful to health. In general, cannabis users tend to smoke much smaller quantities than tobacco smokers. In addition, cannabis smoke does not leave behind prolonged, residual "third-hand" odors like nicotine.

The city of West Hollywood recently rejected a proposal to ban cannabis smoking in multi-unit dwellings. San Francisco should do likewise. For over forty years, San Francisco has been a beacon of tolerance for marijuana users. To trash this tradition now is an insult to countless long-term renters who can't afford their own homes.

Betsy Kabaker
betsykabaker@gmail.com
556 19th Avenue
San Francisco, California 94121

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors: Carroll, John \(BOS\)](#)
Subject: FW: OPPOSE THE CLASSIST, RACIST, INEFFECTIVE CANNABIS BAN! STOP CRIMINALIZING THE POOR - 201265
Date: Tuesday, December 1, 2020 10:02:31 AM

From: tamibryant@aol.com <tamibryant@aol.com>
Sent: Monday, November 30, 2020 10:30 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Cc: Fewer, Sandra (BOS) <sandra.fewer@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>; Mandelman, Rafael (BOS) <rafael.mandelman@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Mar, Gordon (BOS) <gordon.mar@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Haney, Matt (BOS) <matt.haney@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>
Subject: OPPOSE THE CLASSIST, RACIST, INEFFECTIVE CANNABIS BAN! STOP CRIMINALIZING THE POOR

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

BoS,

As a working San Franciscan, I do not enjoy the *privilege* of being represented at City Hall, since I have to work at a job to pay my bills, decisions are made without us, and I missed this oppressive legislation. It is offensive, harmful, RACIST, elitist, and an ineffective policy. I am shocked by this Board's lack of regard for the ordinary people of San Francisco.

I have NOT lived in a house since 1968, I do not have the privilege of buying homes in San Francisco, and it appears that you've completely failed to safeguard the poor, Black and brown people, basically the 99% with this legislation.

Look, as a grandma, health is number one, but there is no compelling evidence that I am aware of that second hand cannabis smoke, *from within a concealed apartment, is harmful to others. To conflate cannabis with tobacco is elitist and unscientific.*

I am ashamed and disappointed that a problem that deserves a scalpel, is being addressed with a machete.

I am urging the cosponsors to withdraw. For the love of those of use that do not live in big, beautiful, spacious homes, please stop promoting the criminalization of the poor, Black, Latinx, and all those who do not share your privilege.

To make an exception for "cannabis card holders," when no one can get them, concedes to the fact, **contained, second-hand cannabis smoke is not harmful, this is really to criminalize apartment dwellers and let those who occupy homes, enjoy freedoms others do not. THIS IS THE MOST INEQUITABLE LEGISLATION YOU COULD DO PASS RIGHT NOW!**

I do not know why this trumpian move is on the schedule tomorrow, but I am urging you to exempt cannabis, and then, with SCIENCE determine how to both ensure dignity and agency to APARTMENT dwellers, while addressing the health concerns.

Frankly, if CANNABIS smoke from inside a unit is causing an issue, then maybe you need better ventilation. Hold the apartment management companies and HOAs responsible for ensuring a safe environment, stop taking it out on the poor.

What does the DA think of this? Do you realize what a thousand dollar a day fine would do to people?

Tami Bryant

SF resident for 50 years, poor apartment dweller for longer

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors; Carroll, John \(BOS\)](#)
Subject: FW: secondhand smoke exposure - 201265
Date: Tuesday, December 1, 2020 9:56:52 AM

From: Carol Denney <cdenney@igc.org>
Sent: Tuesday, December 1, 2020 8:59 AM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: secondhand smoke exposure

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

December 1, 2020

Every tobacco industry canard was trotted out to pave the way for a smoking exemption for cannabis, a state-recognized carcinogen, but the San Francisco Chronicle's ("Smoking pot at home" 12-1-2020) article neglected to mention the over 15 ways to ingest cannabis without combustion. No user, for whatever reason, has any excuse to rope their neighbors involuntarily into their own voluntary exposure. As a cancer survivor I'm amazed, after all the advertising by the cannabis industry, that so few of the supervisors recognize this simple fact in the policy discussion.

Dr. Donald Abrams' argument that policies against indoor smoke "lack scientific basis." This is an absurd statement; lungs are not equipped to survive an assault of small particulates. But his agenda is best revealed by arguing that cannabis smoke lacks the scientific basis to be declared "equally dangerous as tobacco smoke", pitting the best-studied smoke on earth against the smoke still saddled with Schedule 1 status. Nobody makes such a claim. The state simply recognizes what any eighth-grade science teacher will tell you: all organic material, if combusted, produces carcinogens, whether it's popcorn, cotton, firewood, or cannabis.

This is not a class issue or a civil liberties issue. This is a public health issue. Low-income communities of color are the most likely to live in shared-wall, shared-air, shared-common-area circumstances, and need more common sense from their leadership. If you are unwilling to stand up to cannabis industry pressure, create something besides punitive fines, which tend to foster division and resentment instead of understanding. In my own apartment building it has created retaliation against those who are suffering through a pandemic shutdown without any safe indoor or outdoor place to breathe. Cannabis users have choices. Breathers do not.

What are the protections in place for renters who are being singled out for making a complaint about secondhand smoke exposure? Please let me know; those who complain in our building have been assaulted and have suffered thousands of dollars in property damage, threats, and threats of eviction - not the smokers, mind you - those who initiate complaints.

Sincerely,

Carol Denney
510-548-1512

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors; Carroll, John \(BOS\)](#)
Subject: FW: Please Vote "No" on Supe. Yee's Classist Ordinance to Prohibit Smoking by San Franciscans who Cannot Afford to Buy Single-Family Homes (File No. 201265)
Date: Tuesday, December 1, 2020 9:54:38 AM

From: bubbleznrainbowz@gmail.com <bubbleznrainbowz@gmail.com> **On Behalf Of** Alexandra Berliner
Sent: Monday, November 30, 2020 7:26 PM
To: Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; BOS-Legislative Aides <bos-legislative_aides@sfgov.org>
Subject: RE: Please Vote "No" on Supe. Yee's Classist Ordinance to Prohibit Smoking by San Franciscans who Cannot Afford to Buy Single-Family Homes (File No. 201265)

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

San Francisco Board of Supervisors
c/o Clerk Angela Calvillo
Angela.Calvillo@sfgov.org, Board.of.Supervisors@sfgov.org, bos-legislative_aides@sfgov.org

RE: Please Vote "No" on Supe. Yee's Classist Ordinance to Prohibit Smoking by San Franciscans who Cannot Afford to Buy Single-Family Homes (File No. 201265)

Honorable Members of the Board of Supervisors:

My name is Alex Berliner and I oppose the proposed ordinance File No. 201265 (Yee), and asks that you reject this well-intentioned legislation based on its discriminatory socioeconomic impact. The legislation seeks to protect air quality for non-smokers but would do so at the cost of the civil liberties of otherwise law-abiding tenants who smoke tobacco and/or cannabis. The ordinance would disallow smoking, but only for people in multi-unit residential buildings, meaning that San Franciscans who can afford to buy free-standing homes would be unaffected and could still smoke in peace. The \$1,000/day penalty adds insult to injury, since only wealthy people can pay such fines, but wealthy people are already exempted by virtue of owning their own free-standing homes.

I. This Inhalation Ban Would Exacerbate Racial and Economic Inequality.

This proposed ban on both smoking and vaporizing both tobacco and cannabis would only apply to apartments and condominiums buildings with more than two residential units, not single-family homes. The penalties for violations are up to \$1,000 *per day* and, while these fines are appealable, unsuccessful appellants are required to pay the City's costs including attorneys' fees.

San Francisco already has notoriously high rent prices, and now many San Franciscans have become unemployed during the COVID-19 pandemic. If this ordinance is enacted, San Franciscan renters will be liable for many thousands of dollars in fines and fees that we cannot afford. Further, this will make it harder to rent in San Francisco, let alone afford food, other medicine, and utilities. In effect, a ban on smoking in private homes will simply force people to smoke outdoors in public, subjecting the public to even more secondhand smoke and subjecting smokers to increased fines and increased risk of police interaction.

Racial disparities in San Francisco's economic inequality are well-documented. People of color are more likely to be renters and more likely to have difficulty affording rent. This ban would only affect people who live in multi-unit buildings, explicitly exempting people who can afford their own free-standing house. It is already unfair to discriminate against people who are not wealthy enough to afford to rent or buy a whole home, but especially so in San Francisco where housing is so expensive, and especially so during the pandemic when employment is even more scarce.

For these reasons, we strongly encourage a vote of opposition to this unreasonable legislation.

Regards,

Alex R Berliner
San Francisco Born
Resident of District 7
Former Youth Commissioner for D9

From: [Board of Supervisors. \(BOS\)](#)
To: [Carroll, John \(BOS\)](#)
Subject: FW: proposal to prohibit smoking in multi-unit housing
Date: Tuesday, December 1, 2020 9:45:01 AM

From: SF Carl <sfcarl@hotmail.com>
Sent: Monday, November 30, 2020 6:28 PM
To: Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>; Fewer, Sandra (BOS) <sandra.fewer@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Marstaff (BOS) <marstaff@sfgov.org>; PrestonStaff (BOS) <prestonstaff@sfgov.org>; Haneystaff (BOS) <haneystaff@sfgov.org>; MandelmanStaff, [BOS] <mandelmanstaff@sfgov.org>; RonenStaff (BOS) <ronenstaff@sfgov.org>; Waltonstaff (BOS) <waltonstaff@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: proposal to prohibit smoking in multi-unit housing

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors:

Please support Supervisor Yee's proposal to prohibit smoking in multi-unit housing in SF. No San Franciscans should have to breathe and smell smoke, whether due to tobacco or marijuana or other substances, that comes into their homes from their neighbors' homes. Drifting smoke contains toxins and likely is unhealthy in other ways as well. Smoking is a choice, but smoking San Franciscans should not be allowed to inflict their smoke upon their neighbors.

Thank you,
Carl Stein
374 Guerrero Street #5
SF 94103

From: [Martin Olive](#)
To: [Mandelman, Rafael \(BOS\)](#)
Cc: [BOS-Legislative Aides](#); [BOS-Supervisors](#); [Carroll, John \(BOS\)](#); [Calvillo, Angela \(BOS\)](#); [Board of Supervisors, \(BOS\)](#)
Subject: Cannabis Exemption from Smoking Ban.
Date: Tuesday, December 1, 2020 8:53:28 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisor Mandelman and Board of Supervisors,

My name is Martin Olive, I own Vapor Room, the City's oldest cannabis dispensary. I am one of your constituents and supporters, having voted for your election in your last run.

I am writing to you in regards to today's vote on passing legislation that would ban smoking and vaporizing in residential apartments in buildings of three or more units.

We seek an amendment for an exemption for all cannabis consumers. As written, Yee's legislation only exempts medical cannabis patients with a valid physician's recommendation. When Proposition 64 was implemented in 2018, most medical cannabis patients did not renew their medical cannabis recommendation. Moreover, the smoke from a medical cannabis patient is indistinguishable from the smoke from an adult consumer of cannabis. So, if a neighbor has an issue with a person's cannabis smoke, they only have recourse if the person smoking is just an adult consumer of cannabis. They have no recourse if the person smoking is a medical cannabis patient with a valid physician's recommendation. Thus, Yee's legislation as written, attacks the cannabis smoker's status, not the smoke itself. I find this to be totally irrational.

In addition, laws against public consumption have been targeted against communities of color. And most folks live in multiple unit dwellings. Only wealthier folks can afford to live in one or two unit buildings, making the law discriminatory against lower income folks.

We all live in a city with a lot of compromises and frustrations. Punishing cannabis consumers and imposing expensive fines (\$1000?!?!?) for doing something that was voted legal in this state by an overwhelming majority is unfair. Even more so, during a pandemic in winter!

Will you really support fining cannabis consumers who may be unemployed, utilizing the few modes of relief from their trauma to ease the burdens of this past year while stuck at home during another quarantine?!

I truly hope you find the thought as reprehensible as I do. Of all the things the City needs to take care of at this crucial time, to punish cannabis smokers citywide because of 1 complaint to 1 Supervisor seems like a waste of resources and time. Please focus your efforts on more important issues at hand.

I trust you to do the right thing, Supervisor.

Thank you for your time and consideration.

Martin Olive

From: [Jack Yusko](#)
Cc: [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Board of Supervisors, \(BOS\)](#); [Carroll, John \(BOS\)](#); [Calvillo, Angela \(BOS\)](#)
Subject: Opposition to Indoor Smoking Ordinance
Date: Monday, November 30, 2020 4:55:36 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Catherine,

I am writing to you in regards to legislation that would ban smoking and vaporizing in residential apartments in buildings of three or more units.

We seek an amendment for an exemption for all cannabis consumers. As written, Yee's legislation only exempts medical cannabis patients with a valid physician's recommendation. When Proposition 64 was implemented in 2018, most medical cannabis patients did not renew their medical cannabis recommendation. Moreover, the smoke from a medical cannabis patient is indistinguishable from the smoke from an adult consumer of cannabis. So, if a neighbor has an issue with a person's cannabis smoke, they only have recourse if the person smoking is just an adult consumer of cannabis. They have no recourse if the person smoking is a medical cannabis patient with a valid physician's recommendation. Thus, Yee's legislation as written, attacks the cannabis smoker's status, not the smoke itself. I find this to be totally irrational.

In addition, laws against public consumption disproportionately affect low income and communities of color, most of whom live in multiple unit dwellings in San Francisco. Only wealthier folks can afford to live in one or two unit buildings, making the law discriminatory against lower income folks.

Americans for Safe Access has made these great points as well:

- Whole flower cannabis, which is most often utilized by patients in a smokable form, is the **most affordable and easily accessible form** of this medicine that patients rely on.
- Many patients rely on whole flower cannabis to treat their conditions, as smoking cannabis is **fast acting** in treating pain, alleviating anxiety and restoring appetite.
- Smoking cannabis also enables patients to **control their dose** by taking small inhalations until their desired level of symptom relief is achieved.

- **Many adult cannabis patients do not participate in the state's medical cannabis program** since the 2016 passage of Proposition 64, which authorized adults to purchase, possess and consume cannabis. The rights of these patients to smoke cannabis to treat their medical conditions in their private residences must be maintained, just as it should be for patients who are currently enrolled in the state's medical cannabis program.

- It is unacceptable for San Francisco cannabis patients to be authorized to buy and possess medical cannabis but **have no authorized place to use it.**

As both recreational and medical cannabis businesses have been designated essential by the city government, I ask that you recognize that this is based on the substance's nature as an essential medicine regardless of designation; please oppose this ordinance.

Thank you for your time and representation,

Jack Yusko

Cow Hollow

From: [M Shaundra Johnson](#)
To: [Board of Supervisors, \(BOS\)](#)
Cc: [Carroll, John \(BOS\)](#)
Subject: Fwd: Vote "NO" on smoking prohibition
Date: Monday, November 30, 2020 4:22:49 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Why was my public comment (forwarded below) not included with File Number 201265? I included "bos@sfgov.org" as a recipient per the public comment instructions on the agenda. Please correct this!

Shaundra

----- Forwarded message -----

From: **M Shaundra Johnson** <shaundradreams@gmail.com>
Date: Wednesday, November 25, 2020
Subject: Vote "NO" on smoking prohibition
To: bos@sfgov.org, Sandra.Fewer@sfgov.org, Hillary.Ronen@sfgov.org,
Aaron.Peskin@sfgov.org, Catherine.Stefani@sfgov.org, Dean.Preston@sfgov.org,
Ahsha.Safai@sfgov.org, Norman.Yee@sfgov.org, Gordon.Mar@sfgov.org,
Shamann.Walton@sfgov.org, Rafael.Mandelman@sfgov.org, Matt.Haney@sfgov.org
Cc: london.breed@sfgov.org, mayorlondonbreed@sfgov.org

Honorable Supervisors,

I am writing to express strong opposition to File Number 201265, the proposed ordinance amending the Health Code to prohibit smoking in multi-unit complexes.

I have spent most of my adult life assisting with supportive services for low income communities and communities of color in San Francisco and the Bay Area. I am deeply concerned about the negative impact that this ordinance will have on those communities, who are made up of individuals more likely to live in multi-unit housing and more likely to smoke tobacco or marijuana.

Unequivocally, **this ordinance will immediately criminalize** many good and decent folks in San Francisco for an activity that has been legal for decades, and that takes place within the privacy of their own home. This is the type of law I would expect in a conservative state, not in my beloved, progressive San Francisco.

For many people there is no back yard or other safe outdoor space to smoke. Violent crime is all too prevalent on the streets of certain neighborhoods like the Bayview or the Tenderloin. Telling an elderly tenant to go smoke on the sidewalk on Leavenworth or Turk (or face a \$1,000 daily fine!!!) – is simply unconscionable. And it's even more

absurd during a pandemic.

Then there is the issue of enforcement. How, exactly, would this ordinance be fairly enforced? Remember, we are talking about an activity occurring in a PRIVATE residence. Would search warrants be issued? I don't know anyone in San Francisco who thinks that law enforcement should be given more authority to enter someone's home, especially for something as minor as a smoking complaint. This is a clear civil rights and privacy issue.

We cannot let the solution be worse than the problem. Criminalizing smokers is not the answer. Imposing oppressive fines and future debt is not the answer. Sending law enforcement inside of private residences is not the answer.

Supervisors, I urge you to do better. Let's think of a way that protects and respects both nonsmokers and smokers. Please VOTE NO on this proposed ordinance.

Most sincerely,
Shaundra

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Carroll, John \(BOS\)](#)
Subject: FW: Smokefree Multi-unit Housing- ACS CAN Letter
Date: Monday, November 30, 2020 3:26:28 PM
Attachments: [San Francisco Smokefree MUH Letter of Concern 2020.pdf](#)
[image002.png](#)

From: Mary Kemp <mary.kemp@cancer.org>
Sent: Monday, November 30, 2020 12:03 PM
To: Yee, Norman (BOS) <norman.yee@sfgov.org>; Fewer, Sandra (BOS) <sandra.fewer@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Marstaff (BOS) <marstaff@sfgov.org>; PrestonStaff (BOS) <prestonstaff@sfgov.org>; Haneystaff (BOS) <haneystaff@sfgov.org>; MandelmanStaff, [BOS] <mandelmanstaff@sfgov.org>; RonenStaff (BOS) <ronenstaff@sfgov.org>; Waltonstaff (BOS) <waltonstaff@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Smokefree Multi-unit Housing- ACS CAN Letter

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Good afternoon President Yee and Members of the San Francisco Board of Supervisors-

The American Cancer Society Cancer Action Network respectfully submits a letter as you consider the proposed smokefree multi-unit housing ordinance. We urge you to pass a strong ordinance without exemptions. As the acting Government Relations Director, I am happy to be a resource during this process.

Thank you for your consideration.

Mary Kemp

Northern California Grassroots Manager

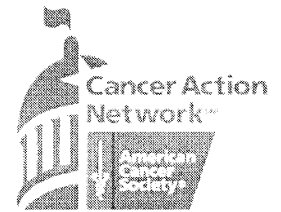
m: [520.907.0476](tel:520.907.0476)

American Cancer Society Cancer Action Network, Inc.
1001 Marina Village Parkway Suite 300
Alameda, CA 94501
fightcancer.org | [1.800.227.2345](tel:1.800.227.2345)



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November 12, 2020



The Honorable Norman Yee
Members of the San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244
San Francisco, CA 94102

Dear President Yee and Members of the San Francisco Board of Supervisors:

The American Cancer Society Cancer Action Network's (ACS CAN) mission is to end suffering and death from cancer, and we are committed to continuing that mission in the city of San Francisco. We applaud President Yee for bringing this important issue before the Board, but we are deeply concerned with the proposed exemption. Nearly half of all San Francisco residents live in multi-unit housing which are not protected from the dangers of secondhand smoke. Everyone deserves to breathe clean air in their homes, whether they can afford to rent or buy, and the only way to eliminate secondhand smoke exposure is to prevent it.

As we consider public health through an equity lens, we must recognize that not all populations are equally impacted. Youth, communities of color, LGBTQA+ and those from low-income communities are impacted by tobacco-related disease at higher rates. Exposure of children, newborns, and pregnant women to secondhand smoke are especially concerning. The evidence supporting the association of secondhand exposure of children with respiratory illnesses is strong. Increased rates of lower respiratory illness, middle-ear infections, tonsillectomy and adenoidectomy, cough, asthma and asthma exacerbations, hospitalizations, and SIDS have been reported.

Secondhand smoke contains many poisons and cancer-causing chemicals, including nicotine, carbon monoxide, ammonia, formaldehyde, hydrogen cyanide, nitrogen oxides, phenol, sulfur dioxide, lead, and others. Tobacco and marijuana smoke do not stay confined within a single room nor does it stay confined within a single unit in multi-unit apartment buildings. Ventilation systems can distribute secondhand smoke throughout a building, seeping through walls and cracks. Data clearly demonstrates that the residents of smokefree units in multi-unit buildings without smokefree air policies are not safe from smoke exposure.

Comprehensive smokefree laws, that define multi-unit housing as two or more units, including condominiums, townhouses and duplexes, are effective at protecting nonusers from exposure to secondhand smoke, reducing initiation, especially among youth, and increasing quit attempts by smokers. We also recommend that all residents have access to available smoking cessation resources. Such combination of sound policy and resources have led to lower smoking rates and improved health status, including fewer heart attacks and cancers.

ACS CAN opposes the smoking or aerosolization of cannabis and its extracts in public places because the smoke poses potential health hazards to the public, including vulnerable populations like cancer patients. There are currently four U.S. Food and Drug Administration approved cannabinoid drugs with approved uses including reducing seizures due to epilepsy, reducing pain from multiple sclerosis and addressing nausea and vomiting in cancer.

During these challenging times, as our community works to improve ventilation and clean air, to reduce exposure to smoke from fires, and to ensure quality lung health is an option for all residents during our current public health crisis, we urge the San Francisco Board of Supervisors to make the health of all residents a priority and join the 63+ communities throughout California who have adopted smokefree multi-unit housing policies.

Sincerely,

A handwritten signature in black ink that reads "Mary Kemp". The signature is written in a cursive, flowing style.

Mary Kemp
Grassroots Manager, Northern California
American Cancer Society Cancer Action Network

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Carroll, John \(BOS\)](#)
Subject: FW: For All Supervisors: Please Support for Smoking Ban
Date: Monday, November 30, 2020 3:23:30 PM

From: lgpetty@juno.com <lgpetty@juno.com>
Sent: Saturday, November 28, 2020 9:08 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: For All Supervisors: Please Support for Smoking Ban

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors,

Please Support the Smoking Ban.

As an advocate for seniors and people with disabilities, I urge you to support Board President Norman Yee's proposal to ban smoking, including cannabis and vaping, from all residential buildings of 3 or more units.

This is an issue involving **protection of public health and safety**. It has been instituted in 63 other California municipalities. In San Francisco, there's already a ban on smoking in residential common areas. Many building owners already voluntarily ban smoking within their residential units.

San Francisco must recognize this as an issue of science and fact and equity. This is NOT an issue of freedom; nor privacy; nor politics. It's not an issue of moderate vs progressive, nor landlords vs tenants; nor rich vs poor.

This is about protecting all our neighbors and neighborhoods from proven harm-- the harm from secondhand smoke and harm from fires caused by smoking. It's about equity-- preserving the rights of us ALL to a clean and safe environment.

As a senior myself, harking back to my life in San Francisco in the Sixties, I smoked my share of marijuana. I am not a cannabis opponent: in fact I have participated in campaigns to make it legal.

I know a great many people who use cannabis for medicinal purposes. But almost all of them do not smoke it. They use other forms

such as edibles, oils, and tinctures.

We who favored legalizing cannabis, may have even opposed secondhand tobacco smoke, but never really came to terms with secondhand cannabis smoke. Through many decades there was a great reluctance to admit or speak out loud the fact that smoke, no matter the source, is harmful to others.

Now we must face it: our freedom to indulge in a pleasure (smoking tobacco OR marijuana), cannot be allowed to continue hurting seniors and babies; those with lung impairments; and others without impairments who are likely to develop them through exposure.

The message of recent climate change forest fires is clear: fire AND smoke are dangerous. It's critical that we do what we know is effective to protect all our residents from both: please support the smoking ban.

Thank you

Lorraine Petty
Senior
District 5 Renter
Advocate for seniors and people with disabilities.

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From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Carroll, John \(BOS\)](#)
Subject: FW: public comment on smoking ordinance
Date: Monday, November 30, 2020 3:23:14 PM

From: crgbennett@ymail.com <crgbennett@ymail.com>
Sent: Monday, November 30, 2020 11:34 AM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: public comment on smoking ordinance

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

Please vote AGAINST the ordinance to ban smoking in multiunit housing.

I've lived in San Francisco since 1985 and was fortunate enough to purchase a 3-unit building in Noe Valley with my now-husband in the early 90's. Since then, we've lived in one unit while renting out the other two. We've always done our best to be good members of our community, even renting out our units for below market rent to LGBT individuals in need. We've never had a tenant complain. Ever.

Admittedly, I like to enjoy a good cigar in my home after dinner. I think I've earned that right as a 70-something year old gay man who has endured a lot during my life. But very soon, that could be illegal because my building contains two rental units in addition to the unit we live in. After residing in my building for over 25 years, you will soon be making me a lawbreaker in my own home. That is preposterous! I understand that cannabis currently has popular support, and I agree that smoking cannabis should not be illegal- but it would be entirely unfair to penalize me for smoking a cigar while exempting cannabis smokers.

I've spent my life advocating for LGBT rights, including the concept of keeping the government "out of our bedrooms". That the City and County of San Francisco is on the verge of putting government back into our bedrooms is something I never thought I would see. I urge you- please reject this ordinance!

Rgds- Craig

From: [Board of Supervisors, \(BOS\)](#)
To: [Carroll, John \(BOS\)](#)
Subject: FW: OPPOSE proposed smoking ordinance
Date: Monday, November 30, 2020 3:23:01 PM

From: Michael Lee <michael.lee.94122@gmail.com>

Sent: Sunday, November 29, 2020 7:48 PM

To: Haney, Matt (BOS) <matt.haney@sfgov.org>; MandelmanStaff, [BOS] <mandelmanstaff@sfgov.org>; Mandelman, Rafael (BOS) <rafael.mandelman@sfgov.org>; Mar, Gordon (BOS) <gordon.mar@sfgov.org>; Marstaff (BOS) <marstaff@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Preston, Dean (BOS) <dean.preston@sfgov.org>; PrestonStaff (BOS) <prestonstaff@sfgov.org>; Fewer, Sandra (BOS) <sandra.fewer@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>

Cc: info@sfdemocrats.org; info@hrscsf.org; info@sftu.org

Subject: OPPOSE proposed smoking ordinance

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisors:

Please join the many tenants and residents of multi-unit housing in San Francisco who vehemently oppose the recent proposed ordinance to ban smoking in residential housing units.

This proposed ordinance will undoubtedly be weaponized in tenant-vs-tenant or landlord-vs-tenant disputes. Tenants and residents in San Francisco should not be subject to such potential harassment. And while the ordinance precludes a violation as a cause for eviction, the outrageous penalty fee of \$1,000/day is tantamount to an eviction — most low and middle income San Franciscans would be unable to pay their rent if such a fee were assessed.

Perhaps even more troubling is the invasion of personal privacy inherent in this ordinance. Clearly, the only way that this ordinance could be reasonably enforced is if law enforcement were to gain forced entry to PRIVATE housing units to obtain evidence of a violation. This is a terrifying proposition, especially considering that such action could be predicated merely on the complaint of a landlord or neighbor, and that forced entry by law enforcement all too often leads to violent and devastating consequences for residents.

I understand that there is some consideration for an exemption related to marijuana smoking. This type of exemption is ill advised and legally dubious. First, it does nothing to address the complaint-driven harassment or disturbing privacy concerns. Moreover, it is likely in violation of state law. Notably, Health and Safety Code 11362.3 in part states:

“(a) Section 11362.1 does not permit any person to:
(2) Smoke cannabis or cannabis products in a location where smoking tobacco is prohibited.”

Thus, any ban imposed on tobacco smoking in California will and must also include a ban on marijuana smoking. The two are inseparable in this regard, and any special exemption for cannabis is not permitted.

As a good government advocate, I must also emphatically express my concern that Board Rule 3.22 was waived for the proposed ordinance. This rule states that committee hearings on major policy issues must be deferred for 30 days. Unquestionably, the proposed ordinance is a major policy issue that will directly impact thousands of San Franciscans. It does NOT involve routine operations of the departments of the City or a legal time limit controlling the hearing timing — the only exemptions for waiving this rule.

Instead of the ordinance as proposed, I wholeheartedly support the idea put forth by Brad Hirn of the Housing Rights Committee: The City should explore offering incentives to landlords “to properly seal their buildings and their apartments to prevent smoke from traveling more easily.” In addition, your Board could consider enhancing the current education and noticing requirements for prospective tenants so that no one is a surprised that smoking is permissible in specific units within a particular residential building.

Supervisors, please vote NO on this proposed ordinance. It was hastily rushed through the legislative process and will certainly lead to dangerous unintended consequences.

Best regards,

—Michael Lee
Sunset District

From: [Board of Supervisors, \(BOS\)](#)
To: [Carroll, John \(BOS\)](#)
Subject: FW: Please don't ban cannabis smoking in apartments!
Date: Monday, November 30, 2020 3:22:39 PM

From: Mira Ingram <mirabai.prema@gmail.com>
Sent: Monday, November 30, 2020 12:03 PM
To: BOS-Supervisors <bos-supervisors@sfgov.org>
Subject: Please don't ban cannabis smoking in apartments!

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors,

I am a long-time medical cannabis patient and advocate, and used to serve on San Francisco's Marijuana Offences Oversight Committee pre legalization. Please do not ban smoking and vaping cannabis in San Francisco apartments.

I've spent the last 30 years of my life working for the rights of people with illnesses and disabilities to be able to safely consume medical cannabis without being criminalized. Now that recreational use is legal, most medical cannabis patients no longer seek out formal medical cannabis recommendations from doctors. We've finally achieved safe access for sick and disabled people in San Francisco, but banning smoking or vaping cannabis in apartments will end that. Dispensaries that allow smoking inside are not only rare, but many require you to buy something (sometimes at a \$50 or \$100 minimum) during that visit to access the smoking area. Smoking areas in dispensaries have been shut down due to COVID, and there's

no sign of if -- or when -- they'll be allowed to reopen. It is illegal to smoke cannabis outside under California law. This leaves no place for sick and disabled apartment residents to legally or safely medicate, and re-criminalizes all of us.

Many people are unable to utilize edible cannabis for their illnesses. For example, I have gastroparesis, making edible cannabis unpredictable, and too often ineffective. People needing to relieve nausea benefit from cannabis because it can be smoked and offer relief within minutes. Edible cannabis often can not be held down for the hour or two it takes to start relieving nausea.

Please don't recriminalize sick and disabled people without formal recommendations by banning consumption of their medicine in apartments!

Mira Ingram

Ellis St., SF 94102

From: [Phil Points](#)
To: [Fewer, Sandra \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Haney, Matt \(BOS\)](#); [Yee, Norman \(BOS\)](#); [Mandelman, Rafael \(BOS\)](#); [Ronen, Hillary](#); [Walton, Shamann \(BOS\)](#); [Safai, Ahsha \(BOS\)](#)
Cc: [BOS-Supervisors](#); BOS-legislative@sfgov.org; [Board of Supervisors, \(BOS\)](#); [Carroll, John \(BOS\)](#); [Calvillo, Angela \(BOS\)](#)
Subject: Cannabis
Date: Sunday, November 29, 2020 10:47:49 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I am a 72 y/o male, 43 year resident of San Francisco, 35 yr survivor of HIV/AIDS, and rely on cannabis as part of my regiment to stimulate appetite and fight insomnia. I am fortunate to be able to afford to pay for a Medical Card from the San Francisco Department of Public Health. There are many who use cannabis medicinally who cannot afford to pay for a card.

I urge the Board of Supervisors to allow cannabis to be consumed in apartment buildings by *everyone in need*. I am respectful of my neighbors and allow ventilation to not impose on them. Many years ago, a local reporter spent 5 hours in a closed room at a dispensary interviewing patients while they smoked. A blood draw after breathing the air for 5 hours, showed no signs of cannabis in his blood. Lastly, I don't think we want people in need outside and smoking on the street, which I believe is illegal.

Thank you for reading.

Phillip Points
San Francisco

From: [Chris Conrad](#)
To: [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Board of Supervisors, \(BOS\)](#)
Cc: [Carroll, John \(BOS\)](#); [Calvillo, Angela \(BOS\)](#)
Subject: Oppose ban on smoking/vaping cannabis at home
Date: Sunday, November 29, 2020 9:53:34 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors,

I very strongly oppose San Francisco's proposal to ban smoking / vaping at home, including for cannabis for the following reasons.

- 1) Banning residential smoking is an extreme action that intrudes into the privacy of the home.
- 2) The “dangers” of second hand cannabis smoke may be inferred but they have not been proved. In other words, the term “dangers” refers to a value judgement that is a matter of opinion and is not proven to be a fact.
- 3) Whatever health exposure risks (eg., CO2, CO, benzene, ash, particulate, etc.) are known to be inherent to any combustion and all smoke would be mitigated by vaporization, which does not involve combustion or generate those compounds.
- 4) The ban does not deal uniformly with second hand smoke, excluding fumes from vehicles, barbecues or incense, just to name a few. It is selective and discriminatory to go after only tobacco and cannabis but not other combustion fumes.
- 5) There are ways to mitigate all smoke and even odor issues related to cannabis without resorting to such an extreme step as prohibition. Simply requiring adequate ventilation or portable air filtration systems would solve the problems or you could have a mediator respond when nuisances are reported and let them resolve and abate the problem.
- 6) I would point out that California voters explicitly made it legal to smoke or ingest cannabis and states that activity "shall not be a violation of state or local law." Health and Safety Code 11362.1(a)(4). No such protection exists for tobacco, so excepting cannabis could resolve the conflict. Localities have the right to ban onsite consumption for businesses per the Business and Professions Code, but that does not apply to residential properties.

For all the above and other reasons, I believe that the proposed ban violates state law and places extreme and unnecessary restrictions on the lawful behavior of responsible adults.

The measure should be rejected or amended to allow for cannabis use. Please oppose the proposed ban, as written, and vote accordingly. Thank you,

— Chris Conrad, Editor 510-275-9311

theLeafOnline.com and Leaf Radio are part of West Coast Leaf
Your trusted news source about cannabis.
Send your press materials for consideration to: News@theLeafOnline.com

From: [Amaya Lascano](#)
To: [Stefani, Catherine \(BOS\)](#)
Cc: [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Board of Supervisors, \(BOS\)](#); [Carroll, John \(BOS\)](#); [Calvillo, Angela \(BOS\)](#)
Subject: Re: new ordinance that bans indoor smoking in apartment buildings with 3 or more units
Date: Saturday, November 28, 2020 7:21:21 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors / Catherine Stefani,

I am writing to you in regards to legislation that would ban smoking and vaporizing in residential apartments in buildings of three or more units.

We seek an amendment for an exemption for all cannabis consumers. As written, Yee's legislation only exempts medical cannabis patients with a valid physician's recommendation. When Proposition 64 was implemented in 2018, most medical cannabis patients did not renew their medical cannabis recommendation. Moreover, the smoke from a medical cannabis patient is indistinguishable from the smoke from an adult consumer of cannabis. So, if a neighbor has an issue with a person's cannabis smoke, they only have recourse if the person smoking is just an adult consumer of cannabis. They have no recourse if the person smoking is a medical cannabis patient with a valid physician's recommendation. Thus, Yee's legislation as written attacks the cannabis smoker's status, not the smoke itself. I find this to be totally irrational.

Also, laws against public consumption have been targeted against communities of color. And most folks live in multiple-unit dwellings. Only wealthier folks can afford to live in one or two-unit buildings, making the law discriminatory against lower-income folks.

Americans for Safe Access has made these great points as well:

- Whole flower cannabis, which is most often utilized by patients in a smokable form, is the **most affordable and easily accessible form** of this medicine that patients rely on.
- Many patients rely on whole flower cannabis to treat their conditions, as smoking cannabis is fast-acting in treating pain, alleviating anxiety, and restoring appetite.
- Smoking cannabis also enables patients to **control their dose** by taking

small inhalations until their desired level of symptom relief is achieved.

- **Many adult cannabis patients do not participate in the state's medical cannabis program** since the 2016 passage of Proposition 64, which authorized adults to purchase, possess, and consume cannabis. The rights of these patients to smoke cannabis to treat their medical conditions in their private residences must be maintained, just as it should be for patients who are currently enrolled in the state's medical cannabis program.
- It is unacceptable for San Francisco cannabis patients to be authorized to buy and possess medical cannabis but **have no authorized place to use it.**

From: [Bruce Mirken](#)
To: [Carroll, John \(BOS\)](#)
Subject: Don't Attack Cannabis Users Rights in San Francisco
Date: Saturday, November 28, 2020 6:37:19 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

John Carroll,

As a San Francisco resident, I am stunned that restrictions on cannabis smoking and vaping in private apartments could be included in a proposed anti-smoking ordinance.

Such an ordinance would constitute a de facto ban on cannabis use for most San Francisco residents. Unlike tobacco, which can be smoked outside on public streets, cannabis consumption is illegal in all public places under state law. The proposed ordinance would thus leave apartment dwellers with no legal place to enjoy marijuana, a legal substance in California.

An exemption for medical cannabis only is unacceptable. Obtaining a doctor's recommendation is costly and inconvenient, especially in this time of COVID; likewise obtaining a city ID card. With cannabis legal for general adult use many medical marijuana patients have chosen not to pay for this legal certification, and would now be forced to waste time and money for no valid reason.

The scientific evidence is clear that cannabis does not present a secondhand smoke hazard like tobacco. Unlike tobacco, not a single human study has found second-hand cannabis smoke or vaping to be harmful to health. In general, cannabis users tend to smoke much smaller quantities than tobacco smokers, and cannabis smoke does not leave behind prolonged, residual "third-hand" odors like nicotine. This proposal is a solution in search of a problem.

The city of West Hollywood recently rejected a proposal to ban cannabis smoking in multi-unit dwellings. San Francisco should do likewise. For over forty years, San Francisco has been a beacon of tolerance for marijuana users. To trash this tradition now is an insult to countless long-term renters who can't afford their own homes.

Bruce Mirken
sftroubl@att.net
1237 Alemany Blvd
San Francisco, California 94112

From: [Fred Winograd](#)
To: [Yee, Norman \(BOS\)](#)
Cc: [Haney, Matt \(BOS\)](#); [Mandelman, Rafael \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Fewer, Sandra \(BOS\)](#); [Ronen, Hillary](#); [Safai, Ahsha \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [Board of Supervisors, \(BOS\)](#); [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Carroll, John \(BOS\)](#); [Calvillo, Angela \(BOS\)](#)
Subject: Smoking Ban Legislation - Let's use science to guide us
Date: Thursday, November 26, 2020 6:50:42 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

In regard to this legislation, I think it is on-target with one exception. Smoking marihuana should be exempted for all users, not just smoking marihuana for medical purposes.

Science is on the right side here. Second hand cigarette smoke has been proven to cause cancer but that is not the case with marihuana.

For that reason, please amend the legislation and let people enjoy one of life's real pleasures.

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Carroll, John \(BOS\)](#)
Subject: FW: Please Protect Cannabis Users Rights in San Francisco
Date: Wednesday, November 25, 2020 5:02:32 PM

From: Akshay Patel <info@email.actionnetwork.org>
Sent: Tuesday, November 24, 2020 6:14 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Please Protect Cannabis Users Rights in San Francisco

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

San Francisco Supervisors,

STOP TRYING TO REGULATE MY HOUSE AND TRYING TO TELL ME WHATS BEST FOR ME. I AM A GROWN ASS MAN.

As a San Francisco resident, I urge that restrictions on cannabis smoking and vaping in private apartments be dropped from any proposed anti-smoking ordinance.

The proposed ordinance would constitute a de facto ban on cannabis use for most San Francisco residents. Unlike tobacco, which can be smoked outside on public streets, cannabis consumption is illegal in all public places under state law. The proposed ordinance would thus leave apartment dwellers with no legal place to enjoy marijuana.

An exemption for medical cannabis only is unacceptable. Obtaining a doctor's recommendation is costly and inconvenient, especially in this time of COVID; likewise obtaining a city ID card.

The scientific evidence is clear that cannabis does not present a secondhand smoke hazard like tobacco. Unlike tobacco, not a single human study has found second-hand cannabis smoke or vaping to be harmful to health. In general, cannabis users tend to smoke much smaller quantities than tobacco smokers. In addition, cannabis smoke does not leave behind prolonged, residual "third-hand" odors like nicotine.

The city of West Hollywood recently rejected a proposal to ban cannabis smoking in multi-unit dwellings. San Francisco should do likewise. For over forty years, San Francisco has been a beacon of tolerance for marijuana users. To trash this tradition now is an insult to countless long-term renters who can't afford their own homes.

Akshay Patel
shayusc@gmail.com

39 Fort Mason
San Francisco, California 94123

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Carroll, John \(BOS\)](#)
Subject: FW: Please Protect Cannabis Users Rights in San Francisco
Date: Wednesday, November 25, 2020 5:02:20 PM

From: Christ Lynch <info@email.actionnetwork.org>
Sent: Tuesday, November 24, 2020 6:19 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Please Protect Cannabis Users Rights in San Francisco

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

San Francisco Supervisors,

As a San Francisco resident, I urge that restrictions on cannabis smoking and vaping in private apartments be dropped from any proposed anti-smoking ordinance.

The proposed ordinance would constitute a de facto ban on cannabis use for most San Francisco residents. Unlike tobacco, which can be smoked outside on public streets, cannabis consumption is illegal in all public places under state law. The proposed ordinance would thus leave apartment dwellers with no legal place to enjoy marijuana.

An exemption for medical cannabis only is unacceptable. Obtaining a doctor's recommendation is costly and inconvenient, especially in this time of COVID; likewise obtaining a city ID card.

The scientific evidence is clear that cannabis does not present a secondhand smoke hazard like tobacco. Unlike tobacco, not a single human study has found second-hand cannabis smoke or vaping to be harmful to health. In general, cannabis users tend to smoke much smaller quantities than tobacco smokers. In addition, cannabis smoke does not leave behind prolonged, residual "third-hand" odors like nicotine.

The city of West Hollywood recently rejected a proposal to ban cannabis smoking in multi-unit dwellings. San Francisco should do likewise. For over forty years, San Francisco has been a beacon of tolerance for marijuana users. To trash this tradition now is an insult to countless long-term renters who can't afford their own homes.

Christ Lynch
crlynch@mac.com
288 8th Avenue
San Francisco, California 94118

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Carroll, John \(BOS\)](#)
Subject: FW: SF Chamber File #201265 Cannabis Amendment
Date: Wednesday, November 25, 2020 5:02:09 PM
Attachments: [File #201265 "No Smoking in Multi-Unit Housing Complexes." SF Chamber Cannabis Amendment.pdf](#)

From: Emily Abraham <eabraham@sfchamber.com>
Sent: Wednesday, November 25, 2020 9:06 AM
To: Emily Abraham <eabraham@sfchamber.com>
Subject: SF Chamber File #201265 Cannabis Amendment

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear President Norman Yee and Board of Supervisors,

The San Francisco Chamber of Commerce represents hundreds of local businesses, including cannabis retailers, manufacturers, and cultivators. Our cannabis small business members urge you to amend proposed File #201265 "No Smoking in Multi-Unit Housing Complexes" to exclude cannabis-related smoking. While good intentioned, this legislation would be a step back in cannabis reform, which San Francisco has fought so hard to make progressive steps forward in. We urge you to consider this exemption for socioeconomic, racial, and health related reasons.

Please see attached for our full letter.

Thank you I hope you all have a wonderful Thanksgiving!

Respectfully,

Emily Abraham

Emily Abraham

Public Policy Manager
SF Chamber of Commerce

November 25, 2020

President Norman Yee and Board of Supervisors
San Francisco City Hall
1 Dr. Carlton B. Goodlett Place,
San Francisco, CA 9410

Re: File #201265 “No Smoking in Multi-Unit Housing Complexes” - Cannabis Amendment

Dear Board of Supervisors,

The San Francisco Chamber of Commerce represents hundreds of local businesses, including cannabis retailers, manufacturers, and cultivators. We ask you to amend proposed File #201265 “No Smoking in Multi-Unit Housing Complexes” to provide an exemption for cannabis related smoking. While good intentioned, this legislation would ultimately be a massive step back in cannabis reform, which San Francisco has fought so hard to make progressive steps forward in.

A ban on cannabis smoking in multi-unit complexes raises the following issues for our members:

1. Disproportionately impacts low income residents, minorities, and patients in chronic pain.
 - a. San Francisco has some of the highest rents in the nation, and the world, and forces many individuals and families to rent in multi-unit housing complexes. Looking at our city’s renter demographics, it is clear that individuals of color are more likely to be renters in multi-unit complexes. Legislation that only impacts this renter population, is inherently impacting residents who cannot afford to own their own home.
 - b. While there is an exemption for those who are Medical Marijuana Identification Card Holders, this is a very small population. The majority of San Franciscans who require cannabis for medical purposes have been protected from prosecution since 1996. It has also become increasingly more difficult for patients to obtain a card during shelter in place. As many of these patients are already immunocompromised, it is not in their best interest to go out and get a card. While an exemption, this adds another barrier due to cost, as well as risk.
2. Massive negative impact on an industry that should be supported by our city government.
 - a. As our cases increase,our residents must stay inside more, and with cannabis smoking being illegal outdoors, renters in multi unit complexes will have nowhere to legally consume cannabis. At the beginning of the pandemic, cannabis was deemed an essential industry. As such, we should be working to support the essential services it provides.
 - b. Cannabis products used for smoking make up over 70% of cannabis sales in San Francisco. Disallowing residents from smoking cannabis products inside would devastate our local cannabis industry, and further hurt our local city sales tax revenue.
 - c. The cannabis industry in San Francisco has taken a forefront position in creating socioeconomic equality and opportunities for those who have been impacted by the War on Drugs. To legislate against this industry will take away from much of the progressive work San Francisco has done regarding this industry.

3. Ensuing litigation.

- a. The Compassionate Use Act of 1996 declares that seriously ill Californians have the right to obtain and use marijuana for medical purposes, and can not be subject to criminal prosecution or sanction (Section 11362.5(b)(1)). Prohibiting smoking cannabis in home would go against the intentions of this act.
- b. Proposition 64 also ensures that the rights of medical patients are not restricted. It does however, also ban cannabis smoking in public. With a ban of cannabis smoking in public, and in private with this proposed legislation, there would be a total ban. This would go against the protections allowed in both Prop 64 and the Compassionate Use Act.

4. Equates tobacco use to cannabis use.

- a. We support the intention of this legislation, and always want to keep the safety of our residents as a top priority. However, cannabis smoking does not have the same proven health impacts that smoking tobacco does. Cannabis is a known and verified treatment for mitigating health issues, and unlike tobacco, is not proven to be directly associated with smoking related cancers, or cardiovascular disease.

For the reasons listed above, the San Francisco Chamber of Commerce and our cannabis small business members urge you to amend this legislation to exclude cannabis-related smoking. I urge you to consider this exemption for socioeconomic, racial, and health related reasons.

Thank you for your time and consideration.

Sincerely,

Café Flore & Flore Store
CLARK HOWELL LLP
Eaze
Flower to the People
Greenbridge Corporate Counsel
Joyce Cenali and Mike Harden, Big Rock Partners
Leland, Parachini, Steinberg, Matzger & Melnick LLP
Mahajan Consulting
Meadow
The Arcview Group
The Bay Area Chapter or Americans for Safe Access
The San Francisco Chamber of Commerce
Vapor Room

Individuals:
Andrew R. Silva

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Carroll, John \(BOS\)](#)
Subject: FW: Please Protect Cannabis Users Rights in San Francisco
Date: Wednesday, November 25, 2020 5:01:54 PM

From: Margot Wampler <info@email.actionnetwork.org>
Sent: Wednesday, November 25, 2020 9:27 AM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Please Protect Cannabis Users Rights in San Francisco

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

San Francisco Supervisors,

As a San Francisco resident, I urge that restrictions on cannabis smoking and vaping in private apartments be dropped from any proposed anti-smoking ordinance.

The proposed ordinance would constitute a de facto ban on cannabis use for most San Francisco residents. Unlike tobacco, which can be smoked outside on public streets, cannabis consumption is illegal in all public places under state law. The proposed ordinance would thus leave apartment dwellers with no legal place to enjoy marijuana.

An exemption for medical cannabis only is unacceptable. Obtaining a doctor's recommendation is costly and inconvenient, especially in this time of COVID; likewise obtaining a city ID card.

The scientific evidence is clear that cannabis does not present a secondhand smoke hazard like tobacco. Unlike tobacco, not a single human study has found second-hand cannabis smoke or vaping to be harmful to health. In general, cannabis users tend to smoke much smaller quantities than tobacco smokers. In addition, cannabis smoke does not leave behind prolonged, residual "third-hand" odors like nicotine.

The city of West Hollywood recently rejected a proposal to ban cannabis smoking in multi-unit dwellings. San Francisco should do likewise. For over forty years, San Francisco has been a beacon of tolerance for marijuana users. To trash this tradition now is an insult to countless long-term renters who can't afford their own homes.

Margot Wampler
margot.wampler@gmail.com
1001 pine st #1008
San Francisco, California 94109

From: [Sara Payan](#)
To: [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Board of Supervisors, \(BOS\)](#); [Fewer, Sandra \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Haney, Matt \(BOS\)](#); [Yee, Norman \(BOS\)](#); [Mandelman, Rafael \(BOS\)](#); [Ronen, Hillary](#); [Walton, Shamann \(BOS\)](#); [Safai, Ahsha \(BOS\)](#)
Cc: [Carroll, John \(BOS\)](#); [Calvillo, Angela \(BOS\)](#)
Subject: Please Protect Cannabis Users Rights in San Francisco
Date: Wednesday, November 25, 2020 12:12:21 PM
Attachments: [image001.png](#)
[image002.png](#)

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

As a member of the SF Cannabis Oversight Committee, an educator and advocate for the chronically and critically ill, I urge that restrictions on cannabis smoking and vaping in private apartments be dropped from any proposed anti-smoking ordinance.

The proposed ordinance would constitute a de facto ban on cannabis use for most San Francisco residents. Unlike tobacco, which can be smoked outside on public streets, cannabis consumption is illegal in all public places under state law. The proposed ordinance would thus leave apartment dwellers with no legal place to enjoy marijuana. Smoking cannabis outdoors unmasked also creates a dangerous opportunity for exposure to COVID and many people using cannabis at home are already vulnerable with other health complications.

An exemption for medical cannabis only is unacceptable. Obtaining a doctor's recommendation is costly and inconvenient, especially in this time of COVID; likewise obtaining a city ID card. Many more people are using cannabis for symptom management even prior to COVID and are doing so because it is much easier to obtain in an adult use market.

The scientific evidence is clear that cannabis does not present a secondhand smoke hazard like tobacco. Unlike tobacco, not a single human study has found second-hand cannabis smoke or vaping to be harmful to health. In general, cannabis users tend to smoke much smaller quantities than tobacco smokers. In addition, cannabis smoke does not leave behind prolonged, residual "third-hand" odors like nicotine.

This proposed legislation is dangerous for those on fixed incomes with illness as it unfavorably fixates on those who cannot afford their own homes, whose loss of a home would create unsurmountable hardship and the fines further this hardship. These are not San Francisco values, especially in a pandemic!

The city of West Hollywood recently rejected a proposal to ban cannabis smoking in multi-unit dwellings. San Francisco should do likewise. For over forty years, San Francisco has been a beacon of tolerance for marijuana users. To trash this tradition now is an insult to countless long-term renters who can't afford their own homes.

Sincerely,

Sara Payan
Seat 16, San Francisco Cannabis Oversight Committee



Sara Payan

EDUCATOR | PUBLIC POLICY ADVOCATE | WRITER
Sara Payan Consulting
415-377-9577

www.sarapayan.com
www.plantedwithsara.com

 [Facebook](#)  [Twitter](#)

From: [Mikki Norris](#)
To: [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Board of Supervisors, \(BOS\)](#)
Cc: [Carroll, John \(BOS\)](#); [Calvillo, Angela \(BOS\)](#)
Subject: Oppose ban on smoking/vaping cannabis in the privacy of your home
Date: Wednesday, November 25, 2020 10:41:11 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors,

When the voters of California and San Francisco endorsed Prop. 64, it was with the understanding that adults would be allowed to consume cannabis in the privacy of their home and other sanctioned areas like a permitted consumption lounge or event.

Sup. Yee's proposed ban on smoking or vaping cannabis in your home in a multi-dwelling residence as part of an anti-tobacco campaign is wrong-headed and violates that personal right. While tobacco smokers have other options to consume their desired product in condoned public spaces, this is not true for cannabis consumers, whose options are severely restricted. Yet, Prop. 64 explicitly enshrined the right to smoke cannabis in the California Health and Safety Code:

CA Health and Safety Code HSC 11362.1. (a) Subject to Sections 11362.2, 11362.3, 11362.4, and 11362.45, but notwithstanding any other provision of law, it shall be lawful under state and local law, and shall not be a violation of state or local law, for persons 21 years of age or older to: (4) Smoke or ingest marijuana or marijuana products;

The proposed ban before you effectively disenfranchises our rights to consume cannabis and discriminates against those who can't afford to live in a single-family residence. It discriminates against patients who have found no need to spend money to get a doctor's recommendation any longer, as cannabis is legal for adults to use and the lawful quantities are sufficient for their medical use. Inhaled cannabis (smoked or vaporized) is a preferred method of ingestion for many who find edibles or other methods too difficult to titrate and can't wait for up to two hours for an effect to happen. We shouldn't be forced to use other methods when we can easily smoke or vape cannabis for the desired effect either medicinally or for personal or spiritual reasons.

Dr. Donald Abrams, a respected physician and researcher found that cannabis smoke either as primary or second-hand has not been proven harmful to others. To equate second-hand cannabis smoke with tobacco smoke is a false and misleading premise.

In addition, simple home air purifiers could be used to mitigate any concerns of smoke. I urge you to vote to exempt cannabis smoking from Supervisor Yee's proposed smoking ban in the interest of equal rights for cannabis consumers, social justice, and compassion.

Respectfully,

-- Mikki Norris,
Educator on Prop. 64's Campaign
510-215-8326

From: [Margot Wampler](#)
To: [Carroll, John \(BOS\)](#)
Subject: Please Protect Cannabis Users Rights in San Francisco
Date: Wednesday, November 25, 2020 9:32:25 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

John Carroll,

As a San Francisco resident, I urge that restrictions on cannabis smoking and vaping in private apartments be dropped from any proposed anti-smoking ordinance.

The proposed ordinance would constitute a de facto ban on cannabis use for most San Francisco residents. Unlike tobacco, which can be smoked outside on public streets, cannabis consumption is illegal in all public places under state law. The proposed ordinance would thus leave apartment dwellers with no legal place to enjoy marijuana.

An exemption for medical cannabis only is unacceptable. Obtaining a doctor's recommendation is costly and inconvenient, especially in this time of COVID; likewise obtaining a city ID card.

The scientific evidence is clear that cannabis does not present a secondhand smoke hazard like tobacco. Unlike tobacco, not a single human study has found second-hand cannabis smoke or vaping to be harmful to health. In general, cannabis users tend to smoke much smaller quantities than tobacco smokers. In addition, cannabis smoke does not leave behind prolonged, residual "third-hand" odors like nicotine.

The city of West Hollywood recently rejected a proposal to ban cannabis smoking in multi-unit dwellings. San Francisco should do likewise. For over forty years, San Francisco has been a beacon of tolerance for marijuana users. To trash this tradition now is an insult to countless long-term renters who can't afford their own homes.

Margot Wampler
margot.wampler@gmail.com
1001 pine st #1008
San Francisco, California 94109

From: [Chuck John](#)
To: [BOS-Supervisors](#); [Board of Supervisors, \(BOS\)](#); [BOS-Legislative Aides](#); [Carroll, John \(BOS\)](#); [Calvillo, Angela \(BOS\)](#)
Cc: [Gail Whitty](#)
Subject: Smoking Ban for Marijuana
Date: Tuesday, November 24, 2020 9:25:32 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

I frankly don't mind pot smoke. The landlord's son lives in the building and I smell it quite often.

I do mind tobacco smoke. We chase folks off our front step of our apartment when we can smell it coming through our window above the door. I'm glad our building owner's son doesn't smoke cigarettes. I think his smoking pot is good compared with cigarettes.

I was tested for allergies twice and scored positive reaction for tobacco allergy with respiratory issues like sinuses headaches when I'm in the middle of it.

In tobacco they've isolated cancer causing chemicals just as they have in fragrances for laundry detergent, softeners, and dryer sheets. There's no regulation nor disclosure for these fragrance chemical molecules. They reek with a sickly sweet smell that is nauseating when it wafts from the laundry into our apartment through gaps in planks.

To my knowledge, marijuana does not have similar cancer molecules like they've found in tobacco and corporate chemistry fragrances.

Why not work on something like tobacco and fragrances in public spaces rather than harmless marijuana smoke that doesn't make one nauseated when smelling it 2nd hand?

I think the idea of banning pot smoking in SF is ridiculous. That's what it would be for those who couldn't afford to buy a \$2 million house here.

So it's banned outside, and now for apartment dwellers, they want to ban it inside too?

I see no reason for the rich to have special rights in SF with anything including marijuana rights to smoke. Don't these billionaires have enough?

Cheers, John Daniel San Francisco

From: [Christ Lynch](#)
To: [Carroll, John \(BOS\)](#)
Subject: Please Protect Cannabis Users Rights in San Francisco
Date: Tuesday, November 24, 2020 6:19:23 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

John Carroll,

As a San Francisco resident, I urge that restrictions on cannabis smoking and vaping in private apartments be dropped from any proposed anti-smoking ordinance.

The proposed ordinance would constitute a de facto ban on cannabis use for most San Francisco residents. Unlike tobacco, which can be smoked outside on public streets, cannabis consumption is illegal in all public places under state law. The proposed ordinance would thus leave apartment dwellers with no legal place to enjoy marijuana.

An exemption for medical cannabis only is unacceptable. Obtaining a doctor's recommendation is costly and inconvenient, especially in this time of COVID; likewise obtaining a city ID card.

The scientific evidence is clear that cannabis does not present a secondhand smoke hazard like tobacco. Unlike tobacco, not a single human study has found second-hand cannabis smoke or vaping to be harmful to health. In general, cannabis users tend to smoke much smaller quantities than tobacco smokers. In addition, cannabis smoke does not leave behind prolonged, residual "third-hand" odors like nicotine.

The city of West Hollywood recently rejected a proposal to ban cannabis smoking in multi-unit dwellings. San Francisco should do likewise. For over forty years, San Francisco has been a beacon of tolerance for marijuana users. To trash this tradition now is an insult to countless long-term renters who can't afford their own homes.

Christ Lynch
crlynch@mac.com
288 8th Avenue
San Francisco, California 94118

From: [Akshay Patel](#)
To: [Carroll, John \(BOS\)](#)
Subject: Please Protect Cannabis Users Rights in San Francisco
Date: Tuesday, November 24, 2020 6:14:10 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

John Carroll,

STOP TRYING TO REGULATE MY HOUSE AND TRYING TO TELL ME WHATS BEST FOR ME. I AM A GROWN ASS MAN.

As a San Francisco resident, I urge that restrictions on cannabis smoking and vaping in private apartments be dropped from any proposed anti-smoking ordinance.

The proposed ordinance would constitute a de facto ban on cannabis use for most San Francisco residents. Unlike tobacco, which can be smoked outside on public streets, cannabis consumption is illegal in all public places under state law. The proposed ordinance would thus leave apartment dwellers with no legal place to enjoy marijuana.

An exemption for medical cannabis only is unacceptable. Obtaining a doctor's recommendation is costly and inconvenient, especially in this time of COVID; likewise obtaining a city ID card.

The scientific evidence is clear that cannabis does not present a secondhand smoke hazard like tobacco. Unlike tobacco, not a single human study has found second-hand cannabis smoke or vaping to be harmful to health. In general, cannabis users tend to smoke much smaller quantities than tobacco smokers. In addition, cannabis smoke does not leave behind prolonged, residual "third-hand" odors like nicotine.

The city of West Hollywood recently rejected a proposal to ban cannabis smoking in multi-unit dwellings. San Francisco should do likewise. For over forty years, San Francisco has been a beacon of tolerance for marijuana users. To trash this tradition now is an insult to countless long-term renters who can't afford their own homes.

Akshay Patel
shayusc@gmail.com
39 Fort Mason
San Francisco, California 94123

From: [John Hinman](#)
To: [Fewer, Sandra \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Haney, Matt \(BOS\)](#); [Yee, Norman \(BOS\)](#); [Mandelman, Rafael \(BOS\)](#); [Ronen, Hillary](#); [Walton, Shamann \(BOS\)](#); [Safai, Ahsha \(BOS\)](#)
Cc: [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Board of Supervisors, \(BOS\)](#); [Carroll, John \(BOS\)](#); [Calvillo, Angela \(BOS\)](#); board@cmacsf.org
Subject: OPPOSE #201265 CANNABIS SMOKING BAN
Date: Tuesday, November 24, 2020 5:05:11 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors

On behalf of the Board of Directors of the California Music and Culture Association (CMAC), please reject File No. 201265; our shared San Francisco values support equal legal access to cannabis, not access to only those who can afford a free-standing home.

We strongly oppose the smoking ban legislation unless it is amended to exempt all cannabis consumers, not just medical cannabis patients who still have a medical cannabis recommendation from their physician.

- **Disproportionately impacts low income residents, minorities, and patients in chronic pain. You can smoke if you are rich enough to own your own home.**
- **Massive negative impact on an industry that should be supported by our city government. Deemed essential to sell but not to medicate?**
- **What about the equity program? How can we advance equity by making cannabis use impossible for most? Isn't that another version of the failed war on drugs?**
- **Where do People Smoke? Prop 64 bans public cannabis consumption, COVID closed consumption lounges. Without a place to smoke this ban encourages lawlessness.**
- **Cannabis IS NOT Tobacco. Don't lump them together.** Cannabis is a known and verified for mitigating health problems – Tobacco Kills

Please **oppose this legislation** unless it is amended to exempt all cannabis consumers, not just medical cannabis patients with a physician's recommendation.

Thank you,

California Music and Culture Association

+--+

John A. Hinman
Hinman & Carmichael LLP
260 California Street, Suite 700
San Francisco, CA 94111
jhinman@beveragelaw.com

Phone: 415.362.1215 x101

FAX: 415.362.1494

<http://www.beveragelaw.com>

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From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Carroll, John \(BOS\)](#)
Subject: FW: No On Smoking Ban
Date: Tuesday, November 24, 2020 12:25:49 PM
Attachments: [1HCCSF letter opposing No Smoking Initiative 11182020.pdf](#)

From: Carlos Solorzano <Carlos@hccsf.com>
Sent: Tuesday, November 24, 2020 12:19 PM
To: Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>
Subject: No On Smoking Ban

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Ms. Calvillo, can you please forward the attached letter to the whole Board of Supervisors on behalf of the Hispanic Chambers of Commerce of San Francisco?

Thank you and have a great and safe holiday!

Carlos Solórzano
CEO
HCCSF
CHCC Northern Region Chair
Office 415.735.6120
Cell 415.259.1498
Carlos@hccsf.com
www.hccsf.com

“This e-mail and any files transmitted with it are the property of the Hispanic Chambers of Commerce of San Francisco and their affiliate Chambers, and are confidential, and intended solely for the use of the individual or entity to whom this e-mail is addressed. If you are not one of the named recipient (s) or otherwise have reason to believe that you have received this message in error, please notify the sender and delete this message immediately from your computer. Any other use, retention, dissemination, forwarding, printing, or copying of this e-mail is strictly prohibited. Thank you for your cooperation.”

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Equitable Growth Solutions

Sandra Beaton
Beaton Global Connections

Servio Gomez
Back to The Picture

Manuel Rosales
The Latino Coalition

Karla Garcia
Bris's Creations
CEIWY



Hispanic Chambers of Commerce of San Francisco
Cámaras de Comercio Hispánicas de San Francisco



November 18th, 2020

San Francisco Board of Supervisors
c/o Clerk Angela Calvillo
Angela.calvillo@sfgov.org

RE: Please Vote “No” on Supe. Yee’s Classist Ordinance to Prohibit Smoking by San Franciscans who Cannot Afford to Buy Single-Family Homes (File No. 201265)

Honorable Members of the Board of Supervisors City and County of San Francisco:

The Hispanic Chambers of Commerce of San Francisco and its Board of Directors has unanimously voted to oppose the proposed ordinance File No. 201265 (Yee), and asks that you support us by rejecting this well-intentioned legislation based on its discriminatory socioeconomic impact. The legislation seeks to protect air quality for non-smokers but would do so at the cost of the civil liberties of otherwise law-abiding tenants who smoke tobacco and/or cannabis. The ordinance would disallow smoking, but only for people in multi-unit residential buildings, meaning that San Franciscans who can afford to buy free-standing homes would be unaffected and could still smoke in peace. The \$1,000/day penalty adds insult to injury, since only wealthy people can pay such fines, but wealthy people are already exempted by virtue of owning their own free-standing homes.

I. This Inhalation Ban Would Exacerbate Racial and Economic Inequality.

This proposed ban on both smoking and vaporizing both tobacco and cannabis would only apply to apartments and condominiums buildings with more than two residential units, not single-family homes. The penalties for violations are up to \$1,000 *per day* and, while these fines are appealable, unsuccessful appellants are required to pay the City’s costs including attorneys’ fees.

San Francisco already has notoriously high rent prices, and now many San Franciscans have become unemployed during the COVID-19 pandemic. If this ordinance is enacted, San Franciscan renters will be liable for many thousands of dollars in fines and fees that we cannot afford. Further, this will make it harder to rent in San Francisco, let alone afford food, other medicine, and utilities. In effect, a ban on smoking in private homes will simply force people to smoke outdoors in public, subjecting the public to even more secondhand smoke and subjecting smokers to increased fines and increased risk of police interaction.

3597 Mission Street ♦ San Francisco ♦ CA ♦ 94110

415-735-6120 ♦ 415-259-1498

E-mail Info@hccsf.com ♦ www.hccsf.com



Hispanic Chambers of Commerce of San Francisco
Cámaras de Comercio Hispánicas de San Francisco



Racial disparities in San Francisco's economic inequality are well-documented. As we all know, the majority of renters are underserved minorities of color and more likely already have difficulty affording rent. This ban would only affect people who live in multi-unit buildings, explicitly exempting people who can afford their own free-standing house. It is already unfair to discriminate against people who are not wealthy enough to afford to rent or buy a whole home, but especially so in San Francisco where housing is so expensive, and especially so during the pandemic when employment is even more scarce.

For this reason, we strongly encourage a vote of opposition to this unreasonable legislation.

Sincerely yours;

Carlos Solórzano-Cuadra
CEO

Hispanic Chambers of Commerce
Of San Francisco (HCCSF)
Office: 415.735.6120
E mail: carlos@hccsf.com

Cc: Board of Directors

From: [Terrance Alan](#)
To: [Safai, Ahsha \(BOS\)](#)
Cc: [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Board of Supervisors. \(BOS\)](#); [Carroll, John \(BOS\)](#); [Calvillo, Angela \(BOS\)](#)
Subject: OPPOSE #201265 CANNABIS SMOKING BAN
Date: Tuesday, November 24, 2020 11:49:36 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisor Safai,

Please reject File No. 201265; our shared San Francisco values support equal legal access to cannabis, not access to only those who can afford a free-standing home.

I strongly oppose the smoking ban legislation unless it is amended to exempt all cannabis consumers, not just medical cannabis patients who still have a medical cannabis recommendation from their physician.

- **Disproportionately impacts low income residents, minorities, and patients in chronic pain. You can smoke if you are rich enough to own your own home.**
- **Massive negative impact on an industry that should be supported by our city government. Deemed essential to sell but not to medicate?**
- **What about the equity program? How can we advance equity by making cannabis use impossible for most? Isn't that another version of the failed war on drugs?**
- **Where do People Smoke? Prop 64 bans public cannabis consumption, COVID closed consumption lounges. Without a place to smoke this ban encourages lawlessness.**
- **Cannabis IS NOT Tobacco. Don't lump them together.** Cannabis is a known and verified for mitigating health problems – Tobacco Kills

Please **oppose this legislation** unless it is amended to exempt all cannabis consumers, not just medical cannabis patients with a physician's recommendation.

Thank you,

Terrance Alan | 415.264.1129 | 415.727.7761 conference | 10 to 10 except Sunday

From: [Terrance Alan](#)
To: [Walton, Shamann \(BOS\)](#)
Cc: [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Board of Supervisors, \(BOS\)](#); [Carroll, John \(BOS\)](#); [Calvillo, Angela \(BOS\)](#)
Subject: OPPOSE #201265 CANNABIS SMOKING BAN
Date: Tuesday, November 24, 2020 11:49:03 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisor Walton,

Please reject File No. 201265; our shared San Francisco values support equal legal access to cannabis, not access to only those who can afford a free-standing home.

I strongly oppose the smoking ban legislation unless it is amended to exempt all cannabis consumers, not just medical cannabis patients who still have a medical cannabis recommendation from their physician.

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- **Cannabis IS NOT Tobacco. Don't lump them together.** Cannabis is a known and verified for mitigating health problems – Tobacco Kills

Please **oppose this legislation** unless it is amended to exempt all cannabis consumers, not just medical cannabis patients with a physician's recommendation.

Thank you,

Terrance Alan | 415.264.1129 | 415.727.7761 conference | 10 to 10 except Sunday

From: [Terrance Alan](#)
To: [Ronen, Hillary](#)
Cc: [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Board of Supervisors. \(BOS\)](#); [Carroll, John \(BOS\)](#); [Calvillo, Angela \(BOS\)](#)
Subject: OPPOSE #201265 CANNABIS SMOKING BAN
Date: Tuesday, November 24, 2020 11:48:49 AM

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Supervisor Ronen,

Please reject File No. 201265; our shared San Francisco values support equal legal access to cannabis, not access to only those who can afford a free-standing home.

I strongly oppose the smoking ban legislation unless it is amended to exempt all cannabis consumers, not just medical cannabis patients who still have a medical cannabis recommendation from their physician.

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Please **oppose this legislation** unless it is amended to exempt all cannabis consumers, not just medical cannabis patients with a physician's recommendation.

Thank you,

Terrance Alan | 415.264.1129 | 415.727.7761 conference | 10 to 10 except Sunday

From: [Terrance Alan](#)
To: [Mandelman, Rafael \(BOS\)](#)
Cc: [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Board of Supervisors. \(BOS\)](#); [Carroll, John \(BOS\)](#); [Calvillo, Angela \(BOS\)](#)
Subject: OPPOSE #201265 CANNABIS SMOKING BAN
Date: Tuesday, November 24, 2020 11:48:34 AM

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Supervisor Mandelman,

Please reject File No. 201265; our shared San Francisco values support equal legal access to cannabis, not access to only those who can afford a free-standing home.

I strongly oppose the smoking ban legislation unless it is amended to exempt all cannabis consumers, not just medical cannabis patients who still have a medical cannabis recommendation from their physician.

- **Disproportionately impacts low income residents, minorities, and patients in chronic pain. You can smoke if you are rich enough to own your own home.**
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Please **oppose this legislation** unless it is amended to exempt all cannabis consumers, not just medical cannabis patients with a physician's recommendation.

Thank you,

Terrance Alan | 415.264.1129 | 415.727.7761 conference | 10 to 10 except Sunday

From: [Terrance Alan](#)
To: [Yee, Norman \(BOS\)](#)
Cc: [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Board of Supervisors. \(BOS\)](#); [Carroll, John \(BOS\)](#); [Calvillo, Angela \(BOS\)](#)
Subject: OPPOSE #201265 CANNABIS SMOKING BAN
Date: Tuesday, November 24, 2020 11:48:03 AM

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Supervisor Yee,

Please reject File No. 201265; our shared San Francisco values support equal legal access to cannabis, not access to only those who can afford a free-standing home.

I strongly oppose the smoking ban legislation unless it is amended to exempt all cannabis consumers, not just medical cannabis patients who still have a medical cannabis recommendation from their physician.

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Please **oppose this legislation** unless it is amended to exempt all cannabis consumers, not just medical cannabis patients with a physician's recommendation.

Thank you,

Terrance Alan | 415.264.1129 | 415.727.7761 conference | 10 to 10 except Sunday

From: [Terrance Alan](#)
To: [Haney, Matt \(BOS\)](#)
Cc: [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Board of Supervisors. \(BOS\)](#); [Carroll, John \(BOS\)](#); [Calvillo, Angela \(BOS\)](#)
Subject: OPPOSE #201265 CANNABIS SMOKING BAN
Date: Tuesday, November 24, 2020 11:47:45 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisor Haney,

Please reject File No. 201265; our shared San Francisco values support equal legal access to cannabis, not access to only those who can afford a free-standing home.

I strongly oppose the smoking ban legislation unless it is amended to exempt all cannabis consumers, not just medical cannabis patients who still have a medical cannabis recommendation from their physician.

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Please **oppose this legislation** unless it is amended to exempt all cannabis consumers, not just medical cannabis patients with a physician's recommendation.

Thank you,

Terrance Alan | 415.264.1129 | 415.727.7761 conference | 10 to 10 except Sunday

From: [Terrance Alan](#)
To: [Preston, Dean \(BOS\)](#)
Cc: [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Board of Supervisors, \(BOS\)](#); [Carroll, John \(BOS\)](#); [Calvillo, Angela \(BOS\)](#)
Subject: OPPOSE #201265 CANNABIS SMOKING BAN
Date: Tuesday, November 24, 2020 11:47:36 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisor Preston,

Please reject File No. 201265; our shared San Francisco values support equal legal access to cannabis, not access to only those who can afford a free-standing home.

I strongly oppose the smoking ban legislation unless it is amended to exempt all cannabis consumers, not just medical cannabis patients who still have a medical cannabis recommendation from their physician.

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Please **oppose this legislation** unless it is amended to exempt all cannabis consumers, not just medical cannabis patients with a physician's recommendation.

Thank you,

Terrance Alan | 415.264.1129 | 415.727.7761 conference | 10 to 10 except Sunday

From: [Terrance Alan](#)
To: [Mar, Gordon \(BOS\)](#)
Cc: [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Board of Supervisors, \(BOS\)](#); [Carroll, John \(BOS\)](#); [Calvillo, Angela \(BOS\)](#)
Subject: OPPOSE #201265 CANNABIS SMOKING BAN
Date: Tuesday, November 24, 2020 11:47:15 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisor Mar,

Please reject File No. 201265; our shared San Francisco values support equal legal access to cannabis, not access to only those who can afford a free-standing home.

I strongly oppose the smoking ban legislation unless it is amended to exempt all cannabis consumers, not just medical cannabis patients who still have a medical cannabis recommendation from their physician.

- **Disproportionately impacts low income residents, minorities, and patients in chronic pain. You can smoke if you are rich enough to own your own home.**
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- **Cannabis IS NOT Tobacco. Don't lump them together.** Cannabis is a known and verified for mitigating health problems – Tobacco Kills

Please **oppose this legislation** unless it is amended to exempt all cannabis consumers, not just medical cannabis patients with a physician's recommendation.

Thank you,

Terrance Alan | 415.264.1129 | 415.727.7761 conference | 10 to 10 except Sunday

From: [Terrance Alan](#)
To: [Peskin, Aaron \(BOS\)](#)
Cc: [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Board of Supervisors, \(BOS\)](#); [Carroll, John \(BOS\)](#); [Calvillo, Angela \(BOS\)](#)
Subject: OPPOSE #201265 CANNABIS SMOKING BAN
Date: Tuesday, November 24, 2020 11:46:53 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisor Peskin,

Please reject File No. 201265; our shared San Francisco values support equal legal access to cannabis, not access to only those who can afford a free-standing home.

I strongly oppose the smoking ban legislation unless it is amended to exempt all cannabis consumers, not just medical cannabis patients who still have a medical cannabis recommendation from their physician.

- **Disproportionately impacts low income residents, minorities, and patients in chronic pain. You can smoke if you are rich enough to own your own home.**
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Please **oppose this legislation** unless it is amended to exempt all cannabis consumers, not just medical cannabis patients with a physician's recommendation.

Thank you,

Terrance Alan | 415.264.1129 | 415.727.7761 conference | 10 to 10 except Sunday

From: [Terrance Alan](#)
To: [Stefani, Catherine \(BOS\)](#)
Cc: [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Board of Supervisors, \(BOS\)](#); [Carroll, John \(BOS\)](#); [Calvillo, Angela \(BOS\)](#)
Subject: OPPOSE #201265 CANNABIS SMOKING BAN
Date: Tuesday, November 24, 2020 11:46:02 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Supervisor Stefani,

Please reject File No. 201265; our shared San Francisco values support equal legal access to cannabis, not access to only those who can afford a free-standing home.

I strongly oppose the smoking ban legislation unless it is amended to exempt all cannabis consumers, not just medical cannabis patients who still have a medical cannabis recommendation from their physician.

- **Disproportionately impacts low income residents, minorities, and patients in chronic pain. You can smoke if you are rich enough to own your own home.**
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- **Cannabis IS NOT Tobacco. Don't lump them together.** Cannabis is a known and verified for mitigating health problems – Tobacco Kills

Please **oppose this legislation** unless it is amended to exempt all cannabis consumers, not just medical cannabis patients with a physician's recommendation.

Thank you,

Terrance Alan | 415.264.1129 | 415.727.7761 conference | 10 to 10 except Sunday

From: [Emilio Pi](#)
To: [BOS-Supervisors; Safai, Ahsha \(BOS\)](#)
Cc: [BOS-Legislative Aides; Board of Supervisors, \(BOS\); Carroll, John \(BOS\); Calvillo, Angela \(BOS\); DPH - kevinreed](#)
Subject: Oppose Ordinance 201265
Date: Tuesday, November 24, 2020 10:27:04 AM
Attachments: [Emilio letter to the board pdf.pdf](#)

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

(Please see attached letter)

November 24, 2020

San Francisco Board of Supervisors
1 Carlton Goodlett Place
San Francisco, CA 94102
Via email

Reference: Oppose Ordinance 201265, proposed legislation to ban smoking and vaping in apartment buildings of three or more units

Dear San Francisco's Board of Supervisors,

I am writing today to oppose Ordinance 201265, proposed by Supervisor Yee and any similar restrictions on an individuals' rights to consume cannabis at home. The proposed legislation, if passed, would lead to many negative impacts on San Francisco's most vulnerable residents, including many disabled individuals, minority communities and lower income residents.

Proposition 64 states that California must: "Permit adults 21 years and older to use, possess, purchase and grow nonmedical marijuana within defined limits for use by adults 21 years and older as set forth in this Act." To not allow the smoking or vaping of cannabis in their home when Proposition 64 bans its consumption in nearly all other circumstances seemingly is asking for a potential lawsuit on the city.

There are already regulations in place that are better suited to and more than capable of addressing any complaints of second-hand smoke in multi-unit dwellings. Please leave such concerns up to the landlords and residents of our great city.

Thank you,



Emilio Recacha, RN
4220 Mission Street
San Francisco, CA 94112

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Carroll, John \(BOS\)](#)
Subject: FW: Please Protect Cannabis Users Rights in San Francisco
Date: Tuesday, November 24, 2020 9:03:43 AM

From: John Cleveland <info@email.actionnetwork.org>
Sent: Monday, November 23, 2020 9:59 PM
To: Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>
Subject: Please Protect Cannabis Users Rights in San Francisco

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Angela Calvillo,

As a San Francisco resident, I urge that restrictions on cannabis smoking and vaping in private apartments be dropped from any proposed anti-smoking ordinance.

The proposed ordinance would constitute a de facto ban on cannabis use for most San Francisco residents. Unlike tobacco, which can be smoked outside on public streets, cannabis consumption is illegal in all public places under state law. The proposed ordinance would thus leave apartment dwellers with no legal place to enjoy marijuana.

An exemption for medical cannabis only is unacceptable. Obtaining a doctor's recommendation is costly and inconvenient, especially in this time of COVID; likewise obtaining a city ID card.

The scientific evidence is clear that cannabis does not present a secondhand smoke hazard like tobacco. Unlike tobacco, not a single human study has found second-hand cannabis smoke or vaping to be harmful to health. In general, cannabis users tend to smoke much smaller quantities than tobacco smokers. In addition, cannabis smoke does not leave behind prolonged, residual "third-hand" odors like nicotine.

The city of West Hollywood recently rejected a proposal to ban cannabis smoking in multi-unit dwellings. San Francisco should do likewise. For over forty years, San Francisco has been a beacon of tolerance for marijuana users. To trash this tradition now is an insult to countless long-term renters who can't afford their own homes.

Stop linking the consumption of cannabis with the consumption of tobacco. The plants are very different. There is no danger of second-hand smoke with cannabis, and the smoke is not at all harmful to interior spaces. San Francisco doesn't need another petty rule like this

one. Be specific with your smoking ban and single out tobacco and tobacco products. You insult the memory of all the lives and hard work that paved the way for compassionate use of cannabis in SF by adopting such a rule.

John Cleveland

johnnycleav@gmail.com

238 Thrift Street, Apt B

San Francisco, California 94112

|

From: [Josh Bunnell](#)
To: [Carroll, John \(BOS\)](#)
Subject: Please Protect Cannabis Users Rights in San Francisco
Date: Tuesday, November 24, 2020 4:48:02 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

John Carroll,

As a San Francisco resident, I urge that restrictions on cannabis smoking and vaping in private apartments be dropped from any proposed anti-smoking ordinance.

The proposed ordinance would constitute a de facto ban on cannabis use for most San Francisco residents. Unlike tobacco, which can be smoked outside on public streets, cannabis consumption is illegal in all public places under state law. The proposed ordinance would thus leave apartment dwellers with no legal place to enjoy marijuana.

An exemption for medical cannabis only is unacceptable. Obtaining a doctor's recommendation is costly and inconvenient, especially in this time of COVID; likewise obtaining a city ID card.

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Josh Bunnell
frant1ck@protonmail.com
1006 funston ave
Pacific Grove, California 93950

From: [John Parise](#)
To: [Carroll, John \(BOS\)](#)
Subject: Please Protect Cannabis Users Rights in San Francisco
Date: Monday, November 23, 2020 7:29:38 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

John Carroll,

As a San Francisco resident, I urge that restrictions on cannabis smoking and vaping in private apartments be dropped from any proposed anti-smoking ordinance.

The proposed ordinance would constitute a de facto ban on cannabis use for most San Francisco residents. Unlike tobacco, which can be smoked outside on public streets, cannabis consumption is illegal in all public places under state law. The proposed ordinance would thus leave apartment dwellers with no legal place to enjoy marijuana.

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The city of West Hollywood recently rejected a proposal to ban cannabis smoking in multi-unit dwellings. San Francisco should do likewise. For over forty years, San Francisco has been a beacon of tolerance for marijuana users. To trash this tradition now is an insult to countless long-term renters who can't afford their own homes.

John Parise
parise.john@gmail.com
Bush street
SAN FRANCISCO, California 94108

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Carroll, John \(BOS\)](#)
Subject: FW: Smoking Ban hearing December 1
Date: Monday, November 23, 2020 5:32:57 PM

From: Gail Whitty <gailwhitty@prodigy.net>
Sent: Monday, November 23, 2020 5:08 PM
To: BOS-Supervisors <bos-supervisors@sfgov.org>; BOS-Legislative Aides <bos-legislative_aides@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Carroll, John (BOS) <john.carroll@sfgov.org>; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>
Subject: Fw: Smoking Ban hearing December 1

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Regarding the proposed ban on cannabis smoking indoors at one's residence:

I request an amendment for an exemption for all cannabis consumers. As written, President Yee's legislation only exempts medical cannabis patients with a valid physician's recommendation. When Proposition 64 was implemented in 2018, most medical cannabis patients did not renew their medical cannabis recommendation. Moreover, the smoke from a medical cannabis patient is indistinguishable from the smoke from an adult consumer of cannabis. Yee's legislation as written, attacks the cannabis smoker's status, not the smoke itself.

In addition, laws against public consumption have been targeted against communities of color. And most people live in multiple unit dwellings. Only wealthier folks can afford to live in one or two unit buildings, making the law discriminatory against lower income residents.

People are not allowed to smoke outside in public. If they can't smoke cannabis in their residence they can't smoke anywhere.

Please pass an amendment allowing for cannabis smoking whether it be medicinal or otherwise. Doctors have said there is no danger of second hand smoking of cannabis as there is with tobacco.

Gail Whitty 601 Van Ness. San Francisco

From: [Gail Whitty](#)
To: [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Board of Supervisors, \(BOS\)](#); [Carroll, John \(BOS\)](#); [Calvillo, Angela \(BOS\)](#)
Subject: Fw: Smoking Ban hearing December 1
Date: Monday, November 23, 2020 5:11:32 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Regarding the proposed ban on cannabis smoking indoors at one's residence:

I request an amendment for an exemption for all cannabis consumers. As written, President Yee's legislation only exempts medical cannabis patients with a valid physician's recommendation. When Proposition 64 was implemented in 2018, most medical cannabis patients did not renew their medical cannabis recommendation. Moreover, the smoke from a medical cannabis patient is indistinguishable from the smoke from an adult consumer of cannabis. Yee's legislation as written, attacks the cannabis smoker's status, not the smoke itself.

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Please pass an amendment allowing for cannabis smoking whether it be medicinal or otherwise. Doctors have said there is no danger of second hand smoking of cannabis as there is with tobacco.

Gail Whitty 601 Van Ness. San Francisco

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Carroll, John \(BOS\)](#)
Subject: FW: Please Protect Cannabis Users Rights in San Francisco
Date: Monday, November 23, 2020 4:37:40 PM

From: Mamuka Mdivani <info@email.actionnetwork.org>
Sent: Monday, November 23, 2020 2:58 PM
To: Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>
Subject: Please Protect Cannabis Users Rights in San Francisco

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Angela Calvillo,

As a San Francisco resident, I urge that restrictions on cannabis smoking and vaping in private apartments be dropped from any proposed anti-smoking ordinance.

The proposed ordinance would constitute a de facto ban on cannabis use for most San Francisco residents. Unlike tobacco, which can be smoked outside on public streets, cannabis consumption is illegal in all public places under state law. The proposed ordinance would thus leave apartment dwellers with no legal place to enjoy marijuana.

An exemption for medical cannabis only is unacceptable. Obtaining a doctor's recommendation is costly and inconvenient, especially in this time of COVID; likewise obtaining a city ID card.

The scientific evidence is clear that cannabis does not present a secondhand smoke hazard like tobacco. Unlike tobacco, not a single human study has found second-hand cannabis smoke or vaping to be harmful to health. In general, cannabis users tend to smoke much smaller quantities than tobacco smokers. In addition, cannabis smoke does not leave behind prolonged, residual "third-hand" odors like nicotine.

The city of West Hollywood recently rejected a proposal to ban cannabis smoking in multi-unit dwellings. San Francisco should do likewise. For over forty years, San Francisco has been a beacon of tolerance for marijuana users. To trash this tradition now is an insult to countless long-term renters who can't afford their own homes.

Mamuka Mdivani
Jiko61@hotmail.com
777 Broadway

San Francisco, California

|

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Carroll, John \(BOS\)](#)
Subject: FW: PLEASE STOP THE BAN ON CANNABIS SMOKING IN SAN FRANCISCO HOMES
Date: Monday, November 23, 2020 4:28:53 PM

From: Rebecca Schiffman <r.s.h.schiffman@gmail.com>
Sent: Monday, November 23, 2020 1:07 PM
To: Fewer, Sandra (BOS) <sandra.fewer@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Mar, Gordon (BOS) <gordon.mar@sfgov.org>; Preston, Dean (BOS) <dean.preston@sfgov.org>; Haney, Matt (BOS) <matt.haney@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>; Mandelman, Rafael (BOS) <rafael.mandelman@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>
Cc: BOS-Supervisors <bos-supervisors@sfgov.org>; BOS-Legislative Aides <bos-legislative_aides@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Carroll, John (BOS) <john.carroll@sfgov.org>; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>
Subject: PLEASE STOP THE BAN ON CANNABIS SMOKING IN SAN FRANCISCO HOMES

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

On behalf of San Francisco residents, I urge that restrictions on cannabis smoking and vaping in private apartments be dropped from any proposed anti-smoking ordinance.

The proposed ordinance would constitute a de facto ban on cannabis use for most San Francisco residents. Unlike tobacco, which can be smoked outside on public streets, cannabis consumption is illegal in all public places under state law. The proposed ordinance would thus leave apartment dwellers with no legal place to enjoy marijuana.

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of tolerance for marijuana users. To trash this tradition now is an insult to countless long-term renters who can't afford their own homes.

We know San Francisco has licensed consumption lounges, which are cost-prohibitive and have limited access. Thus limiting legal spaces for medical patients and SF residents to safely consume cannabis. Currently, there is a study being conducted on the efficacy of smoked cannabis for use with PTSD in veterans. (source: <https://maps.org/research/mmj/marijuana-us/>) Given the quick onset of smokable marijuana these can make a significant difference in someone's mental health - especially at the onset of a panic attack or dissociative experience - thus reducing the escalation of these events.

It is my hopes that the city council does not pass this and protects for individuals to use cannabis within their homes and dwelling units.

Warmly,
Rebecca Schiffman

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Carroll, John \(BOS\)](#)
Subject: FW: Please Protect Cannabis Users Rights in San Francisco
Date: Monday, November 23, 2020 4:08:32 PM

From: Roger Micone <info@email.actionnetwork.org>
Sent: Monday, November 23, 2020 4:05 PM
To: Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>
Subject: Please Protect Cannabis Users Rights in San Francisco

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Angela Calvillo,

As a San Francisco resident, I urge that restrictions on cannabis smoking and vaping in private apartments be dropped from any proposed anti-smoking ordinance.

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Roger Micone
rmicone@gmail.com
3872 NORIEGA ST

SAN FRANCISCO, California 94122

|

From: [BOS Legislation, \(BOS\)](#)
To: [Beinart, Amy \(BOS\)](#); [Carroll, John \(BOS\)](#)
Cc: [BOS Legislation, \(BOS\)](#)
Subject: RE: 201265 - Smoking legislation
Date: Monday, November 23, 2020 3:03:41 PM
Attachments: [image001.png](#)

Thank you Amy.

Looping in John Carroll, Public Safety and Neighborhood Services Committee clerk for processing.

Lisa Lew
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
T 415-554-7718 | F 415-554-5163
lisa.lew@sfgov.org | www.sfbos.org

(VIRTUAL APPOINTMENTS) To schedule a “virtual” meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services.



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From: Beinart, Amy (BOS) <amy.beinart@sfgov.org>
Sent: Monday, November 23, 2020 2:57 PM
To: BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Subject: 201265 - Smoking legislation

Good afternoon,
Forwarding this public comment below. Thanks.

<<<<<<>>>>>>

Amy Beinart | Legislative Aide/Chief of Staff
Office of Supervisor Hillary Ronen
[415.554.7739](tel:415.554.7739) | amy.beinart@sfgov.org
<https://sfbos.org/supervisor-ronen-district-9>

From: Fred Sherburn Zimmer <fred@hrscsf.org>

-

Certainly, tenants rights organizations recognize that the health effects of secondhand smoke are deadly serious. Still, we have some concerns about the proposed indoor smoking legislation. We are against any criminalization of addiction (in this case, smoking), including financial penalties. Though we are being told the financial penalties will be levied against landlords, not tenants, we fear management will use any penalty they receive to harass and push out tenants, especially seniors with long-term rent control. While the Department of Public Health has strengths, it has proven to be weak at enforcement of environmental health issues and navigating landlord/tenant issues. This program may antagonize the relationship between tenants and DPH when we need tenants to feel safe reporting other serious health issues in their buildings, such as lead paint and rodent infestations.

Sarah "fred" Sherburn-Zimmer

On behalf of Housing Rights Committee of SF

From: [Sarah Shrader](#)
To: [Carroll, John \(BOS\)](#)
Subject: Please Protect Cannabis Users Rights in San Francisco
Date: Monday, November 23, 2020 2:13:31 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

John Carroll,

As a San Francisco resident, I urge that restrictions on cannabis smoking and vaping in private apartments be dropped from any proposed anti-smoking ordinance.

The proposed ordinance would constitute a de facto ban on cannabis use for most San Francisco residents. Unlike tobacco, which can be smoked outside on public streets, cannabis consumption is illegal in all public places under state law. The proposed ordinance would thus leave apartment dwellers with no legal place to enjoy marijuana.

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The city of West Hollywood recently rejected a proposal to ban cannabis smoking in multi-unit dwellings. San Francisco should do likewise. For over forty years, San Francisco has been a beacon of tolerance for marijuana users. To trash this tradition now is an insult to countless long-term renters who can't afford their own homes.

Sarah Shrader
sarah@trybasa.com
2978 21st Street
San Francisco, California 94110

From: [Rebecca Schiffman](#)
To: [Fewer, Sandra \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Haney, Matt \(BOS\)](#); [Yee, Norman \(BOS\)](#); [Mandelman, Rafael \(BOS\)](#); [Ronen, Hillary](#); [Walton, Shamann \(BOS\)](#); [Safai, Ahsha \(BOS\)](#)
Cc: [BOS-Supervisors](#); [BOS-Legislative Aides](#); [Board of Supervisors, \(BOS\)](#); [Carroll, John \(BOS\)](#); [Calvillo, Angela \(BOS\)](#)
Subject: PLEASE STOP THE BAN ON CANNABIS SMOKING IN SAN FRANCISCO HOMES
Date: Monday, November 23, 2020 1:08:22 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

On behalf of San Francisco residents, I urge that restrictions on cannabis smoking and vaping in private apartments be dropped from any proposed anti-smoking ordinance.

The proposed ordinance would constitute a de facto ban on cannabis use for most San Francisco residents. Unlike tobacco, which can be smoked outside on public streets, cannabis consumption is illegal in all public places under state law. The proposed ordinance would thus leave apartment dwellers with no legal place to enjoy marijuana.

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We know San Francisco has licensed consumption lounges, which are cost-prohibitive and have limited access. Thus limiting legal spaces for medical patients and SF residents to safely consume cannabis. Currently, there is a study being conducted on the efficacy of smoked cannabis for use with PTSD in veterans. (source: <https://maps.org/research/mmj/marijuana-us/>) Given the quick onset of smokable marijuana these can make a significant difference in someone's mental health - especially at the onset of a panic attack or dissociative experience - thus reducing the escalation of these events.

It is my hopes that the city council does not pass this and protects for individuals to use cannabis within their homes and dwelling units.

Warmly,
Rebecca Schiffman

From: [Rebecca Schiffman](#)
To: [Carroll, John \(2025\)](#)
Subject: Please Protect Cannabis Users' Rights in San Francisco
Date: Monday, November 23, 2025 1:05:37 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

John Carroll,

On behalf of San Francisco residents, I urge that restrictions on cannabis smoking and vaping in private apartments be dropped from any proposed anti-smoking ordinance.

The proposed ordinance would constitute a de facto ban on cannabis use for most San Francisco residents. Unlike tobacco, which can be smoked outside on public streets, cannabis consumption is illegal in all public places under state law. The proposed ordinance would thus leave apartment dwellers with no legal place to enjoy marijuana.

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It is my hopes that the city council does not pass this and protects for individuals to use cannabis within their homes and dwelling units.

Warmly,

Rebecca Schiffman

Rebecca Schiffman
r.s.h.schiffman@gmail.com
425 Orange Street
Oakland, California 94610

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Carroll, John \(BOS\)](#)
Subject: FW: Please Protect Cannabis Users Rights in San Francisco
Date: Monday, November 23, 2020 1:03:49 PM

From: Karen Biswas <info@email.actionnetwork.org>
Sent: Monday, November 23, 2020 1:01 PM
To: Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>
Subject: Please Protect Cannabis Users Rights in San Francisco

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Angela Calvillo,

As a San Francisco resident, I urge that restrictions on cannabis smoking and vaping in private apartments be dropped from any proposed anti-smoking ordinance.

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Karen Biswas
karen.biswas@gmail.com
60 13th Street

San Francisco, California 94103

|

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Carroll, John \(BOS\)](#)
Subject: FW: Ordinance banning smoking marijuana
Date: Monday, November 23, 2020 12:57:38 PM

From: William Jaeck <wjaeck@gmail.com>
Sent: Monday, November 23, 2020 12:45 PM
To: Mandelman, Rafael (BOS) <rafael.mandelman@sfgov.org>; BOS-Supervisors <bos-supervisors@sfgov.org>; BOS-Legislative Aides <bos-legislative_aides@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Carroll, John (BOS) <john.carroll@sfgov.org>; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>
Subject: Ordinance banning smoking marijuana

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello,

I am writing to ask you to vote against the ordinance banning smoking marijuana in any apartment.

Thank you.

Sincerely,

William Jaeck
District 8

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Carroll, John \(BOS\)](#)
Subject: FW: Please Protect Cannabis Users Rights in San Francisco
Date: Monday, November 23, 2020 1:02:45 PM

From: Terry Hawkins <info@email.actionnetwork.org>
Sent: Monday, November 23, 2020 12:54 PM
To: Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>
Subject: Please Protect Cannabis Users Rights in San Francisco

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Angela Calvillo,

As a San Francisco resident, I urge that restrictions on cannabis smoking and vaping in private apartments be dropped from any proposed anti-smoking ordinance.

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Terry Hawkins
thawkins3@outlook.com
1505 Gough Street, Apt 21

SAN FRANCISCO, California 94109

|

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Carroll, John \(BOS\)](#)
Subject: FW: Please Protect Cannabis Users Rights in San Francisco
Date: Monday, November 23, 2020 12:58:39 PM

From: Siobhan Wilson <info@email.actionnetwork.org>
Sent: Monday, November 23, 2020 12:48 PM
To: Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>
Subject: Please Protect Cannabis Users Rights in San Francisco

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Angela Calvillo,

As a San Francisco resident, I urge that restrictions on cannabis smoking and vaping in private apartments be dropped from any proposed anti-smoking ordinance.

The proposed ordinance would constitute a de facto ban on cannabis use for most San Francisco residents. Unlike tobacco, which can be smoked outside on public streets, cannabis consumption is illegal in all public places under state law. The proposed ordinance would thus leave apartment dwellers with no legal place to enjoy marijuana.

An exemption for medical cannabis only is unacceptable. Obtaining a doctor's recommendation is costly and inconvenient, especially in this time of COVID; likewise obtaining a city ID card.

The scientific evidence is clear that cannabis does not present a secondhand smoke hazard like tobacco. Unlike tobacco, not a single human study has found second-hand cannabis smoke or vaping to be harmful to health. In general, cannabis users tend to smoke much smaller quantities than tobacco smokers. In addition, cannabis smoke does not leave behind prolonged, residual "third-hand" odors like nicotine.

The city of West Hollywood recently rejected a proposal to ban cannabis smoking in multi-unit dwellings. San Francisco should do likewise. For over forty years, San Francisco has been a beacon of tolerance for marijuana users. To trash this tradition now is an insult to countless long-term renters who can't afford their own homes.

Siobhan Wilson
wilson.siobhan@gmail.com
1703 Brooks Street #C

San Francisco, California 94129

|

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Carroll, John \(BOS\)](#)
Subject: FW: Please Protect Cannabis Users Rights in San Francisco
Date: Monday, November 23, 2020 1:03:19 PM

From: Scott McFadden <info@email.actionnetwork.org>
Sent: Monday, November 23, 2020 12:45 PM
To: Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>
Subject: Please Protect Cannabis Users Rights in San Francisco

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Angela Calvillo,

As a San Francisco resident, I urge that restrictions on cannabis smoking and vaping in private apartments be dropped from any proposed anti-smoking ordinance.

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Scott McFadden
scott.mcfadden2533@gmail.com
454 21st ave. #2

San Francisco, California 94121

|

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Carroll, John \(BOS\)](#)
Subject: FW: Please Protect Cannabis Users Rights in San Francisco
Date: Monday, November 23, 2020 12:45:37 PM

From: thomas frongillo <thomas@filigreen.com>
Sent: Monday, November 23, 2020 11:42 AM
To: Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>
Subject: Please Protect Cannabis Users Rights in San Francisco

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Angela Calvillo,

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thomas frongillo
thomas@filigreen.com
2089 Ingalls

San Francisco, California 94124

|

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Carroll, John \(BOS\)](#)
Subject: FW: Please Protect Cannabis Users Rights in San Francisco
Date: Monday, November 23, 2020 12:45:16 PM

From: Sean Murphy <info@email.actionnetwork.org>
Sent: Monday, November 23, 2020 11:49 AM
To: Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>
Subject: Please Protect Cannabis Users Rights in San Francisco

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Angela Calvillo,

As a San Francisco resident, I urge that restrictions on cannabis smoking and vaping in private apartments be dropped from any proposed anti-smoking ordinance.

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In my own words, this ban is stupid. a waste of government resources when your focus should be elsewhere

Sean Murphy
jake.murph.du@gmail.com
235 San Fernando Way
San Francisco, California 94127

|

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Carroll, John \(BOS\)](#)
Subject: FW: Please Protect Cannabis Users Rights in San Francisco
Date: Monday, November 23, 2020 12:44:52 PM

From: Sweetleaf Joe <info@email.actionnetwork.org>
Sent: Monday, November 23, 2020 11:58 AM
To: Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>
Subject: Please Protect Cannabis Users Rights in San Francisco

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Angela Calvillo,

As a San Francisco resident, I urge that restrictions on cannabis smoking and vaping in private apartments be dropped from any proposed anti-smoking ordinance.

I am the founder and director of the Sweetleaf Collective. We work with low income terminally ill patients in San Francisco and help them find free compassionate cannabis. Since we started in 1996, our patients have received over \$2 million worth of free cannabis through our efforts. All of our patients have doctors recommendations, but none have the state issued card. They are unable to purchase this card as they are on social security and live in San Francisco on \$1000 per month. If you are planning to ban indoor smoking, I would request that you change the exemption for medical patients to those who hold a current and valid doctor's recommendation as opposed to the current wording only medical patients with a state issue due medical card.

The proposed ordinance would constitute a de facto ban on cannabis use for most San Francisco residents. Unlike tobacco, which can be smoked outside on public streets, cannabis consumption is illegal in all public places under state law. The proposed ordinance would thus leave apartment dwellers with no legal place to enjoy marijuana.

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Sweetleaf Joe
sweetleafjoe@gmail.com
77 Van ness ave
San Francisco, California

|

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Carroll, John \(BOS\)](#)
Subject: FW: Please Protect Cannabis Users Rights in San Francisco
Date: Monday, November 23, 2020 12:43:52 PM

From: Michael Reising <info@email.actionnetwork.org>
Sent: Monday, November 23, 2020 12:07 PM
To: Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>
Subject: Please Protect Cannabis Users Rights in San Francisco

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Angela Calvillo,

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Michael Reising
reisingmason@hotmail.com
650 Turk St. #703

San Francisco , California 94102

|

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Carroll, John \(BOS\)](#)
Subject: FW: Please Protect Cannabis Users Rights in San Francisco
Date: Monday, November 23, 2020 12:43:36 PM

From: Asia Reising <info@email.actionnetwork.org>
Sent: Monday, November 23, 2020 12:09 PM
To: Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>
Subject: Please Protect Cannabis Users Rights in San Francisco

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Angela Calvillo,

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Asia Reising
asiareising@gmail.com
650 Turk St. #703

San Francisco , California 94102

|

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Carroll, John \(BOS\)](#)
Subject: FW: Please Protect Cannabis Users Rights in San Francisco
Date: Monday, November 23, 2020 12:42:37 PM

From: Rico Hampton <info@email.actionnetwork.org>
Sent: Monday, November 23, 2020 12:38 PM
To: Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>
Subject: Please Protect Cannabis Users Rights in San Francisco

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Angela Calvillo,

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Rico Hampton
ricohampton@gmail.com
1105 Larkin st apt 208

San Francisco, California 94109

|

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Carroll, John \(BOS\)](#)
Subject: FW: Please Protect Cannabis Users Rights in San Francisco
Date: Monday, November 23, 2020 12:42:22 PM

From: Cheryl Wallace <info@email.actionnetwork.org>
Sent: Monday, November 23, 2020 12:38 PM
To: Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>
Subject: Please Protect Cannabis Users Rights in San Francisco

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Cheryl Wallace
truth.e.ness@gmail.com
375 7th Avenue

San Francisco , California 94118

|

From: [thomas.frongillo](#)
To: [Carroll, John \(BOS\)](#)
Subject: Please Protect Cannabis Users Rights in San Francisco
Date: Monday, November 23, 2020 11:42:36 AM

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John Carroll,

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thomas frongillo
thomas@filigreen.com
2089 Ingalls
San Francisco, California 94124

From: [Zack Ruskin](#)
To: [Carroll, John \(BOS\)](#)
Subject: Urging You to Please Protect Cannabis Users Rights in San Francisco
Date: Monday, November 23, 2020 11:34:39 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

John Carroll,

I cover cannabis as a freelance reporter and do not believe the City and its residents will benefit from Sup. Yee's proposed indoor smoking ban as currently written. Cannabis is a medicine that, as of this moment, the public has no safe place to consume. To tell legal adults they cannot consume it in their own homes is to effectively make it illegal once more.

As a San Francisco resident, I urge that restrictions on cannabis smoking and vaping in private apartments be dropped from any proposed anti-smoking ordinance.

The proposed ordinance would constitute a de facto ban on cannabis use for most San Francisco residents. Unlike tobacco, which can be smoked outside on public streets, cannabis consumption is illegal in all public places under state law. The proposed ordinance would thus leave apartment dwellers with no legal place to enjoy marijuana.

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Zack Ruskin
zruskin@gmail.com
804 Clement Street
San Francisco, California 94118

From: [Matthew Foster](#)
To: [Carroll, John \(BOS\)](#)
Subject: Please Protect Cannabis Users Rights in San Francisco
Date: Monday, November 23, 2020 11:30:23 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

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Matthew Foster
matthew.h.foster@gmail.com
1535 Francisco St, #9
San Francisco, California 94123

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Carroll, John \(BOS\)](#)
Subject: FW: Please Protect Cannabis Users Rights in San Francisco
Date: Monday, November 23, 2020 11:27:18 AM

From: Jason Chan <info@email.actionnetwork.org>
Sent: Monday, November 23, 2020 11:26 AM
To: Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>
Subject: Please Protect Cannabis Users Rights in San Francisco

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Angela Calvillo,

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Jason Chan
chan.jason.sk@gmail.com
574 grove street

San Francisco, California

|



*California Chapter of the National Organization for the Reform of Marijuana Laws
2261 Market St. #278A, S.F., CA 94114 - www.canorml.org - (415) 563-5858 / (510) 540-1066
LA Office: (310) 652-8654*

Nov. 13, 2020

To: S.F. Board of Supervisors

Re: Proposed Ban on Cannabis Smoking and Vaping in Private Apartments

On behalf of the many San Franciscans who use cannabis for medicine and enjoyment, we urge that restrictions on cannabis smoking and vaping in private apartments be dropped from any proposed anti-smoking ordinance.

The proposed ordinance would constitute a de facto ban on cannabis use for most San Francisco residents. Unlike tobacco, which can be smoked outside on public streets, cannabis consumption is illegal in all public places under state law (CA HSC 11362.3 (a)1). The proposed ordinance would thus leave apartment dwellers with no legal place to enjoy marijuana. (Oral consumption is not an acceptable alternative; inhalation provides much prompter relief, and is far less liable to cause over-dosage).

An exemption for medical cannabis only is unacceptable. Obtaining a doctor's recommendation is costly and inconvenient, especially in this time of COVID; likewise obtaining an official state medical cannabis ID card. Private, adult use of cannabis is no more dangerous to public health than medical use.

The scientific evidence is clear that cannabis does not present a secondhand smoke hazard like tobacco. Unlike tobacco, not a single human study has found second-hand cannabis smoke or vaping to be harmful to health. Unlike tobacco, first-hand cannabis smoking has been shown not to cause lung cancer [1] or cardiovascular disease [2] in numerous human studies. Second-hand exposure is therefore all the less likely to be harmful. Anti-smoking alarmists, funded by the state's tobacco tax, are trying to scare the public with junk science studies alleging traces of toxins in marijuana smoke – without mentioning that the amounts are so small as to have no adverse impact on human health [3]. In general, cannabis users tend to smoke much smaller quantities than tobacco smokers. In addition, cannabis smoke does not leave behind prolonged, residual “third-hand” odors like nicotine.

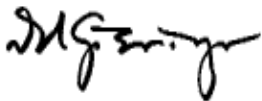
Including vapes in a secondhand smoking ban is even more unjustified. Vaporization has been show to eliminate 95%-99.99% of all smoke toxins, both in marijuana and tobacco [4]. In addition, vaporizers drastically reduce secondhand side-stream emissions and don't involve lighters, matches, fire, smoke and ashes. Not a single human study has demonstrated harm from second-hand vape exposure.

The proposed ordinance inordinately impacts lower-income and minority residents who can't afford their own homes. San Francisco has long been a leader on human rights, social tolerance and cannabis issues. The city can be proud of having been a leader of marijuana reform and a refuge for medical marijuana patients under Prop. 215. Evicting tenants for smoking marijuana will scarcely improve the city's homelessness crisis. The city is large enough to provide 100% odor-free apartments for those who are smoke-sensitive, while allowing freedom for others to enjoy marijuana in different units (with proper ventilation, they need not even be in separate sections of the building). In any case, anti-smoking rules should target second-hand emissions that penetrate others' spaces, not what goes on in residents' own apartments.

The city of West Hollywood recently rejected a proposal to ban cannabis smoking in multi-unit dwellings. San Francisco should do likewise. For over forty years, San Francisco has been a beacon of tolerance for marijuana users. To trash this tradition now is an insult to countless long-term renters who can't afford their own homes.

In closing, we respectfully urge the Board to delete marijuana from any proposed ban on smoking in residential apartments.

Sincerely,



Dale Gieringer, Ph.D
 Director, California NORML – www.canorml.org
 Co-author, California Compassionate Use Act (Prop 215)
 2261 Market St. #278A
 San Francisco CA 94114

REFERENCES:

[1] The National Academy of Sciences report on “The Health Effects of Cannabis and Cannabinoids” (2017) concluded there is no correlation between cannabis use and lung, head, or neck cancers.

[2] Regarding cardiovascular disease, the following recent studies were all negative:
 Auer R et al, “Lifetime marijuana use and subclinical atherosclerosis,” *Addiction* 2018.
 Reis JR et al, “Cumulative Lifetime Marijuana Use and Incident Cardiovascular Disease in Middle Age,”

Am J. Public Health 2017 Apr 107(4):601-6.

San Luis C et al, "Association Between Recent Cannabinoid Use and Acute Ischemic Stroke," *Neurology Clinical Practice* Jun 3, 2020.

Jakob J et al, "Association between marijuana use on electrocardiographic abnormalities by middle age," *Addiction* 2020 Jul 10.

[3] Cal NORML Release: "CA DPH Misrepresents Cannabis Smoke and Vape Hazards Using Anti-Tobacco Funding" <https://www.canorml.org/is-ca-spending-anti-tobacco-tax-money-to-make-specious-claims-about-marijuana-and-second-hand-smoke/>

[4] *Demonstrating efficacy of cannabis vapes:*

Gieringer D et al: "Cannabis Vaporizer Combines Efficient Delivery of THC with Effective Suppression of Pyrolytic Compounds," *Journal of Cannabis Therapeutics* 2004.

Meehan-Atrash J et al., "Aerosol Gas-Phase Components from Cannabis E-Cigarettes and Dabbing: Mechanistic Insight and Quantitative Risk Analysis," *ACS Omega* Sept 16, 2019.

Similar findings for nicotine vapes:

Goniewicz et al, "Level of selected carcinogens and toxicants in vapour from electronic cigarettes," *Tobacco Control* Mar 6, 2013.

Burstyn I, "Peering through the mist: systematic review of what the chemistry of contaminants in electronic cigarettes tells us about health risks," *BMC Public Health* 2014, 14:18.

[Cal NORML analysis of specious claims about second-hand marijuana smoke.](#)

[Study: Marijuana Use History Not Independently Associated With Atherosclerosis](#)

[Study: Cannabis Use Not Associated With Increased Risk Of Cardiovascular Disease](#)

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Carroll, John \(BOS\)](#)
Subject: FW: LCCS letter re: Smoking In Multi-Unit Housing ordinance
Date: Friday, November 20, 2020 5:02:16 PM
Attachments: [LCCS letter to SF BOS re smoking ban 11_19_20.pdf](#)

From: Legal Cannabis for Consumer Safety <lccs@calccs.org>
Sent: Friday, November 20, 2020 1:54 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: LCCS letter re: Smoking In Multi-Unit Housing ordinance

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors,

We are **Legal Cannabis for Consumer Safety (LCCS)**, a coalition representing California's largest licensed cannabis growers, manufacturers, associations, retailers, testing labs, marketplaces, and advocates. LCCS is the regulated industry's unified voice on consumer safety issues, and is committed to implementing fact-based solutions.

We write to respectfully urge you to amend the proposed ordinance, number 201265, entitled Health Code - No Smoking in Multi-Unit Housing Complexes, to exclude cannabis.

For decades, San Francisco has been an example of sensible and compassionate cannabis regulation and reform. The City is widely regarded not only as a leader in understanding the medicinal value of cannabis, but also in recognizing the significant harms caused by prohibition. It would be disheartening and dangerous if the Board of Supervisors moved backward in this way.

Attached please find a letter outlining our position and concerns.

Thank you,

Legal Cannabis for Consumer Safety
www.calccs.org

LEGAL CANNABIS FOR CONSUMER SAFETY



November 19, 2020

San Francisco Board of Supervisors
1 Dr. Carlton B Goodlett Pl. #244
San Francisco, CA 94102

Dear Board President Yee and Members of the Board of Supervisors,

We are Legal Cannabis for Consumer Safety (LCCS), a coalition representing California's largest licensed cannabis growers, manufacturers, associations, retailers, testing labs, advocates, and marketplaces. LCCS is the regulated cannabis industry's unified voice on consumer safety issues, and is committed to implementing fact-based solutions. **We write to respectfully urge you to amend the proposed ordinance, number 201265, entitled Health Code - No Smoking in Multi-Unit Housing Complexes, to exclude cannabis.**

For decades, the City and County of San Francisco has been an example of sensible and compassionate cannabis regulation and reform. Prop 64, which legalized cannabis statewide, was overwhelmingly supported by 74% of San Francisco voters. The City is widely regarded not only as a leader in understanding the medicinal value of cannabis, but also in recognizing the significant harms caused by prohibition. **As such, it would be disheartening and dangerous if the Board of Supervisors moved backward by:**

- Re-criminalizing a right that San Franciscans have fought so hard to obtain, after a decades-long war on drugs and people of color.
- Disproportionately and unfairly targeting low-income and less advantaged residents who cannot afford to live in a single-family home in one of the country's most expensive cities.
- Barring those suffering from chronic pain from being able to conveniently ingest cannabis for their ailments via safe and effective consumption mechanisms with a more rapid onset than cannabis edibles can provide, in the privacy of their homes.

In response to the COVID-19 pandemic, local governments designated cannabis as *essential* and are wisely urging residents to *stay home*. The proposed ordinance directly undermines these directives.

- COVID-19 is the most dangerous time to force struggling renters to relocate or find a place outside their home to consume a legal product -- particularly in light of San Francisco returning to the Red tier.
- San Francisco led cities and counties across the state in designating cannabis as an essential product, recognizing its role in health care.
- Obtaining a doctor's recommendation or a medical cannabis card is costly and inconvenient, particularly during a pandemic. After the passage of Prop 64, which legalized cannabis for adult use, medical patients stopped renewing their medical cards.
- Cannabis vapes and smoked flower are critical consumption mechanisms for medicine. Inhalation is a particularly effective way to administer cannabis for conditions requiring prompt treatment, such as chronic pain, seizures, spasms, migraine attacks and extreme nausea.
- Cannabis provides many therapeutic benefits and is widely used as a safe anxiety relief mechanism, especially at a time where consumers are faced with tremendous fear, uncertainty, job loss and unprecedented life transitions.

Tobacco and cannabis are two very different products and should never be conflated.

- Unlike tobacco, cannabis is widely used for medicinal purposes, providing relief for illnesses including cancer, anorexia, AIDS, chronic pain, spasticity, glaucoma, arthritis, migraine, and many others.
- Unlike tobacco smoke exposure, cannabis smoke exposure — even long-term — is not positively associated with cancers of the lung or upper aerodigestive tract.*
- Unlike tobacco, human studies of chronic cannabis users failed to find any increased risk of smoking-related cancers, according to a comprehensive 2017 review by the National Academy of Science.*
- Unlike tobacco, which can legally be smoked outdoors, cannabis cannot be consumed legally in any public place in the state – other than cannabis cafes, which are impractical for regular use and are closed due to the pandemic. By forcing people to consume outside of their homes, the City would be asking them to violate state law.

- Unlike tobacco, numerous studies have concluded cannabis smoking does *not* cause cardiovascular disease.*

Health concerns regarding second-hand cannabis smoking and vaping are unsubstantiated.

- “First-hand” cannabis smoking has been found in numerous studies to not cause lung cancer or cardiovascular disease, thus the risks of “second-hand” smoking wouldn’t either.*
- Reviewing scientific evidence demonstrates that cannabis smoke and vaping are safer than tobacco smoking and vaping, and studies do not support claims that secondhand marijuana smoke or vapor pose a significant danger to public health.*
- Cannabis vaporizers do not emit smoke at all – first-hand or second-hand. A study of a THC vape pen found the health hazards from vaped cannabis were less than 1/1000 that of smoking.*

Restricting cannabis use will have an adverse impact on the local economy, particularly during a time of recession.

- Cannabis flower and vapes make up over 70% of cannabis market sales. Prohibiting consumption of the dominant cannabis product categories will impact local cannabis retailers, their employees, and San Francisco’s local tax receipts.
- In the midst of an extended pandemic, when the finances of individuals, businesses, and municipalities are all stretched, it is a terrible time to implement new restrictions on economic activity or costly fines for those who violate them.

This proposed ordinance goes against San Francisco’s long-standing precedent of equality, equity and inclusion, and would do far more harm than good. We urge you not to implement restrictions on your most vulnerable residents who rely on rapid relief from cannabis in ways that have been proven to be safe and effective.

Sincerely,

Legal Cannabis for Consumer Safety
www.calccs.org | info@calccs.org

Advanced Vapor Devices
Anthony Law Group
Bloom Farms
Brite Labs
CCIA
CCMA
Caliva

CannaCraft
CannaSafe Labs
Central Coast
Agriculture
Curaleaf
Double Barrel
Eaze

Eden
GAIACA Waste
Revitalization
Harborside
Headstash
Humboldt’s Finest
Island

Jetty Extracts
La Vida Verde
Mammoth Distribution
MPP
National Cannabis NCIA
Norcal Cannabis Co
PAX

Pineapple Express
Pure
Se7enLeaf
Select
SVCA
Sparc
The Farmacy SB

The London Fund
The Werc Shop
UCBA
Utopia
Yvette McDowell
Consulting

*California NORML (<https://canorml.org>) maintains extensive research on cannabis smoking and vaping and its effects on human health, and its website contains summaries and direct links to the studies and references made in this letter.

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Carroll, John \(BOS\)](#)
Subject: FW: ATTENTION SF BOARD OF SUPERVISORS RE: File No. 201265 "Inhalation Ban"
Date: Friday, November 20, 2020 11:59:51 AM
Attachments: [20.11.18 SFCOC Letter Opposing FileNo201265 \(Execution Version\).pdf](#)

From: Nina Parks <ninaparksconsulting@gmail.com>
Sent: Friday, November 20, 2020 9:08 AM
To: Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Cc: Jessica Cry <jcry@ufcw5.org>; Jesse S <JesseStout@gmail.com>
Subject: ATTENTION SF BOARD OF SUPERVISORS RE: File No. 201265 "Inhalation Ban"

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Esteemed Clerk Calvillo :

I hope that this email finds you all with a healthy and happy heart and mind during these deeply challenging times.

I write to you today on behalf of San Francisco's Cannabis Oversight Committee. On our 11/18/2020 Cannabis Oversight Committee, The Committee voted to not support the "Inhalation Ban" **File No. 201265** as it is written.

The inclusion of cannabis rolls back our progress & understanding of Cannabis as a wellness plant and the benefit of relief that it brings to our community experiencing a spectrum of pain and mobility. The consequences outlined in this ordinance yet again impacts our most vulnerable communities. Please see the attached letter for our stance.

We as members of the inaugural San Francisco Cannabis Oversight Committee look forward to working with your office to develop more comprehensive solutions in addressing Cannabis related issues in our beloved city.

with respect,

Nina Parks

Chair of the SF Cannabis Oversight Committee

650.520.1886

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San Francisco Cannabis Oversight Committee
c/o Chair Nina Parks
ninaparksconsulting@gmail.com

November 18, 2020

San Francisco Board of Supervisors
c/o Clerk Angela Calvillo
Angela.calvillo@sfgov.org

RE: Please Vote “No” on Supe. Yee’s Classist Ordinance to Prohibit Smoking by San Franciscans who Cannot Afford to Buy Single-Family Homes (File No. 201265)

Honorable Members of the Board of Supervisors:

The San Francisco Cannabis Oversight Committee opposes proposed ordinance File No. 201265 (Yee)¹, and asks that you reject this well-intentioned legislation based on its discriminatory socioeconomic impact. The legislation seeks to protect air quality for non-smokers, but would do so at the cost of the health and civil liberties of cannabis users including seriously ill medical cannabis patients—the vast majority of whom do not have physician’s recommendations because cannabis use is supposed to be legal for all adults. The ordinance would disallow smoking, but only for people in multi-unit residential buildings, meaning that San Franciscans who can afford to buy free-standing homes would be unaffected and could still smoke in peace. The \$1,000/day penalty adds insult to injury, since only wealthy people can pay such fines, but wealthy people are already exempted by virtue of owning their own free-standing homes.

The Cannabis Oversight Committee was appointed by the Board of Supervisors pursuant to Ordinance No. 260-18 (2018), to advise the Board and the Mayor regarding cannabis laws. The Board specifically created the Cannabis Oversight Committee in the context of social equity, including undoing and repairing the harms of discrimination and economic disenfranchisement. Thus it is not only our duty, but also our very purpose, to offer our recommendation about the proposed ordinance: that you reject it.

I. This Inhalation Ban Would Exacerbate Racial and Economic Inequality.

This proposed ban on both smoking and vaporizing both tobacco and cannabis would only apply to apartments and condominiums buildings with more than two residential units, not single-family homes. The penalties for violations are up to \$1,000 *per day* and, while these fines are appealable, unsuccessful appellants are required to pay the City’s costs including attorneys’ fees.

¹ <https://sfgov.legistar.com/View.ashx?M=F&ID=8897595&GUID=D3BA1521-2CAB-40CA-97C2-995B544F6765>.

San Francisco already has notoriously high rent prices, and now many San Franciscans have become unemployed during the COVID-19 pandemic. San Francisco has allowed cannabis smoking in private residences for over twenty-four years since the passage of Proposition 215 (1996). If this ordinance is enacted, San Franciscan renters will be liable for many thousands of dollars in fines and fees that we cannot afford. Further, this will make it harder to rent in San Francisco, let alone afford food, other medicine, and utilities. In effect, a ban on smoking in private homes will simply force people to smoke outdoors in public, subjecting the public to even more secondhand smoke and subjecting smokers to increased fines and increased risk of police interaction.

Racial disparities in San Francisco's economic inequality are well-documented. People of color are more likely to be renters and more likely to have difficulty affording rent. This ban would only affect people who live in multi-unit buildings, explicitly exempting people who can afford their own free-standing house. It is already unfair to discriminate against people who are not wealthy enough to afford to rent or buy a whole home, but especially so in San Francisco where housing is so expensive, and especially so during the pandemic when employment is scarcer.

II. The Proposed Ordinance Would Invite Litigation, Because Proposition 215 Prevents Localities from Prohibiting Patients from Inhaling Cannabis at Home.

In 1996, California voters enacted Proposition 215, the Compassionate Use Act. California Health and Safety Code Section 11362.5(b)(1) declares that the Act's purposes include "To ensure that seriously ill Californians have the right to obtain and use marijuana for medical purposes..." and "To ensure that patients and their primary caregivers who obtain and use marijuana for medical purposes upon the recommendation of a physician are not subject to criminal prosecution or sanction."

By prohibiting smoking and vaporizing cannabis in private homes, proposed ordinance File No. 201265 would violate patients' rights by illegally abridging patients' "right to obtain and use marijuana for medical purposes" and by impermissibly "sanction[ing]" them.² This would invite seriously ill San Franciscans to sue the City for this violation of their civil rights, and the proposed ordinance would not withstand legal challenge.

Further, Proposition 64 (2016) specifically reaffirmed these rights of medical patients, by saying that the proposition shall not "be construed or interpreted to amend, repeal, affect,

² Cal. H&S Code § 11362.5(b)(1), https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=11362.5.&lawCode=HSC.

restrict, or preempt... Laws pertaining to the Compassionate Use Act of 1996.”³ The stated primary purpose of Proposition 64 was to legalize cannabis consumption, which includes smoking. Since Proposition 64 already explicitly bans cannabis smoking in public and in the wide range of places where tobacco smoking is banned such as restaurants, bars, and workplaces, it is clear that voters supporting Proposition 64 did not intend to ban cannabis smoking in private homes. Since cannabis inhalation is already banned in all public places, banning it in private homes would amount to a total ban, contravening the voters’ will in Proposition 64.

III. The Proposed Exception for Doctor’s Recommendation Holders is Insufficient.

We understand the proposed ordinance has been amended to provide an exemption for those few seriously ill San Franciscans who hold a doctor’s recommendation, which was necessary for obtaining a Medical Marijuana Identification Card (MMIC) until 2016’s Proposition 64. This exception is not enough: the doctor’s recommendation is no longer necessary for *adult* patients to possess cannabis, and the MMIC was already expensive and complicated to obtain—not to mention impossible to obtain during Shelter-in-Place.⁴ Since virtually none of the City’s thousands of patients have a doctor’s recommendation, and the City does not currently offer the MMIC, the proposed exception is all but meaningless.

The exception for patients with a doctor’s recommendation for medical cannabis, is not enough because, even though anyone can get a recommendation in California, healthcare is not free either. Many people struggle to afford health insurance and co-pays for medical appointments and medications, let alone a special piece of paper to be allowed to cannabis at home legally. Since the passage of Proposition 64 in 2016 allowing all adults to use cannabis at home without fear of criminal penalty, most patients in San Francisco have ceased consulting specialist physicians about cannabis recommendations.

Further, many adult San Franciscans use cannabis at home for reasons other than medical relief, including spiritual and recreational purposes, which would be inappropriately prohibited by this ordinance.

IV. Inhaled Cannabis is Medicine, and Edibles Are Inadequate Substitutes.

Besides banning inhaling (smoking and vaping) tobacco in residences, this ordinance would ban inhaling cannabis. Many clinical studies, including many studies funded by the State

³ Cal. H&S § 11362.45(i), https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=11362.45.&lawCode=HSC.

⁴ “[D]ue to Shelter-in-Place order, our office is currently closed to the public, and we are not processing Medical Marijuana ID cards,” <https://www.sfdph.org/dph/comupg/oservices/medSvs/MCID/default.asp>.

of California⁵ and some right here in San Francisco,⁶ have shown that both smoked and vaporized cannabis are efficacious medicine. It is cruel to prohibit people from using the medicine that works best for them, especially after decades of allowing it.

Patients who use cannabis for acute or severe symptoms, such as cachexia or nausea, need fast-acting relief. Inhalation takes less than a minute to deliver this symptom relief, whereas ingested edible medical cannabis products can take over an hour. Patients suffering from gastrointestinal distress, experiencing nausea or vomiting, may use medical cannabis in order to be able to eat, and may be unable to consume baked goods or liquid preparations.⁷

Further, a major advantage of inhalation is dose titration. People whose symptoms vary day-to-day may need more or less cannabis to relieve their symptoms than they did yesterday. Inhalation's quick onset makes it possible to titrate the dose (meaning, decide whether they need more or not), whereas ingestion takes much longer before knowing whether increasing the dose is necessary. The June 4, 2014 Forbes article, "Is Eating Marijuana Really Riskier Than Smoking it?", quotes Professor Franson of the University of Colorado on this topic:

One of the issues lies in how the two forms of the drug are absorbed and metabolized, and how quickly the high comes on. "The major difference is in the absorption of the [edible] product into the blood stream," says Kari Franson, PharmD, PhD, Clinical Pharmacologist and Associate Dean for Professional Education, Department of Clinical Pharmacy, at University of Colorado Skaggs

⁵ See, e.g., Wallace M, Schulteis G, Atkinson JH, Wolfson T, Lazzaretto D, Bentley H, Gouaux B, Abramson I (November 2007) Dose-dependent Effects of Smoked Cannabis on Capsaicin-induced Pain and Hyperalgesia in Healthy Volunteers. *Anesthesiology*. 2007 Nov;107(5):785-96. <http://www.ncbi.nlm.nih.gov/pubmed/18073554>.

Wilsey B, Marcotte T, Tsodikov A, Millman J, Bentley H, Gouaux B, Fishman S. (2008) A Randomized, Placebo-Controlled, Crossover Trial of Cannabis Cigarettes in Neuropathic Pain. *J Pain*. 2008 Jun;9(6):506-21. <http://www.ncbi.nlm.nih.gov/pubmed/18403272>.

Wallace MS, Marcotte TD, Umlauf A, Gouaux B, Atkinson JH. (2015). Efficacy of Inhaled Cannabis on Painful Diabetic Neuropathy. *J Pain*. 2015 Jul;16(7):616-27. <http://www.ncbi.nlm.nih.gov/pubmed/25843054>.

Wilsey B, Marcotte T, Deutsch R, Gouaux B, Sakai S, Donaghe H. (2013). Low-Dose Vaporized Cannabis Significantly Improves Neuropathic Pain. *J Pain*. 2013 Feb;14(2):136-48. <http://www.ncbi.nlm.nih.gov/pubmed/23237736>.

⁶ See, e.g., Abrams DI, Jay CA, Shade SB, Vizoso H, Reda H, Press S, Kelly ME, Rowbotham MC, Petersen KL. Cannabis in painful HIV-associated sensory neuropathy: A randomized placebo-controlled trial. *Neurology*. 2007 Feb 13;68(7):515-21. <http://www.ncbi.nlm.nih.gov/pubmed/17296917>.

⁷ See "Gastrointestinal Disorders and Medical Marijuana" by Americans for Safe Access, at <https://www.safeaccessnow.org/gastrointestinal-disorders>.

School of Pharmacy. "Once it is in the blood, it quickly goes to and has an effect on the brain. With smoking, the peak blood levels happen within 3-10 minutes, and with eating, it's 1-3 hours."⁸

Thus ingesting medical cannabis, by virtue of its less rapid onset, provides inferior symptom relief for patients seeking to address acute symptoms as rapidly as possible.

Supervisors, please reject File No. 201265, because it is unfair to treat more harshly those San Franciscans who cannot afford their own free-standing home.

We look forward to being in dialogue with you about this important issue; please direct questions about it to Cannabis Oversight Committee member Jesse Stout at JesseStout@gmail.com.

Thank you.

Regards,

San Francisco Cannabis Oversight Committee

A handwritten signature in black ink, appearing to read 'Nina Parks', is written over a horizontal line. The signature is stylized and cursive.

By: Nina Parks, Chair

⁸ <https://www.forbes.com/sites/alicegwalton/2014/06/04/is-eating-marijuana-really-riskier-than-smoking-it>.

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Carroll, John \(BOS\)](#)
Subject: FW: ATTENTION SF BOARD OF SUPERVISORS RE: File No. 201265 "Inhalation Ban"
Date: Friday, November 20, 2020 9:12:52 AM
Attachments: [20.11.18 SFCOC Letter Opposing FileNo201265 \(Execution Version\).pdf](#)

From: Nina Parks <ninaparksconsulting@gmail.com>
Sent: Friday, November 20, 2020 9:08 AM
To: Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Cc: Jessica Cry <jcry@ufcw5.org>; Jesse S <JesseStout@gmail.com>
Subject: ATTENTION SF BOARD OF SUPERVISORS RE: File No. 201265 "Inhalation Ban"

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650.520.1886

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San Francisco Cannabis Oversight Committee
c/o Chair Nina Parks
ninaparksconsulting@gmail.com

November 18, 2020

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c/o Clerk Angela Calvillo
Angela.calvillo@sfgov.org

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One of the issues lies in how the two forms of the drug are absorbed and metabolized, and how quickly the high comes on. "The major difference is in the absorption of the [edible] product into the blood stream," says Kari Franson, PharmD, PhD, Clinical Pharmacologist and Associate Dean for Professional Education, Department of Clinical Pharmacy, at University of Colorado Skaggs

⁵ See, e.g., Wallace M, Schulteis G, Atkinson JH, Wolfson T, Lazzaretto D, Bentley H, Gouaux B, Abramson I (November 2007) Dose-dependent Effects of Smoked Cannabis on Capsaicin-induced Pain and Hyperalgesia in Healthy Volunteers. *Anesthesiology*. 2007 Nov;107(5):785-96. <http://www.ncbi.nlm.nih.gov/pubmed/18073554>.

Wilsey B, Marcotte T, Tsodikov A, Millman J, Bentley H, Gouaux B, Fishman S. (2008) A Randomized, Placebo-Controlled, Crossover Trial of Cannabis Cigarettes in Neuropathic Pain. *J Pain*. 2008 Jun;9(6):506-21. <http://www.ncbi.nlm.nih.gov/pubmed/18403272>.

Wallace MS, Marcotte TD, Umlauf A, Gouaux B, Atkinson JH. (2015). Efficacy of Inhaled Cannabis on Painful Diabetic Neuropathy. *J Pain*. 2015 Jul;16(7):616-27. <http://www.ncbi.nlm.nih.gov/pubmed/25843054>.

Wilsey B, Marcotte T, Deutsch R, Gouaux B, Sakai S, Donaghe H. (2013). Low-Dose Vaporized Cannabis Significantly Improves Neuropathic Pain. *J Pain*. 2013 Feb;14(2):136-48. <http://www.ncbi.nlm.nih.gov/pubmed/23237736>.

⁶ See, e.g., Abrams DI, Jay CA, Shade SB, Vizoso H, Reda H, Press S, Kelly ME, Rowbotham MC, Petersen KL. Cannabis in painful HIV-associated sensory neuropathy: A randomized placebo-controlled trial. *Neurology*. 2007 Feb 13;68(7):515-21. <http://www.ncbi.nlm.nih.gov/pubmed/17296917>.

⁷ See "Gastrointestinal Disorders and Medical Marijuana" by Americans for Safe Access, at <https://www.safeaccessnow.org/gastrointestinal-disorders>.

School of Pharmacy. "Once it is in the blood, it quickly goes to and has an effect on the brain. With smoking, the peak blood levels happen within 3-10 minutes, and with eating, it's 1-3 hours."⁸

Thus ingesting medical cannabis, by virtue of its less rapid onset, provides inferior symptom relief for patients seeking to address acute symptoms as rapidly as possible.

Supervisors, please reject File No. 201265, because it is unfair to treat more harshly those San Franciscans who cannot afford their own free-standing home.

We look forward to being in dialogue with you about this important issue; please direct questions about it to Cannabis Oversight Committee member Jesse Stout at JesseStout@gmail.com.

Thank you.

Regards,

San Francisco Cannabis Oversight Committee

A handwritten signature in black ink, appearing to read 'Nina Parks', is written over a horizontal line. The signature is stylized and somewhat abstract.

By: Nina Parks, Chair

⁸ <https://www.forbes.com/sites/alicegwalton/2014/06/04/is-eating-marijuana-really-riskier-than-smoking-it>.

From: [Elizabeth](#)
To: [Carroll, John \(BOS\)](#)
Subject: comment on proposed ordinance 201265
Date: Wednesday, November 18, 2020 11:26:38 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hello Mr Carroll,

would ordinance 201265 (Ordinance amending the Health Code to prohibit smoking inside all private dwelling units in multi-unit housing complexes containing three or more units and all common areas) basically make it illegal to smoke cannabis anywhere within the city of San Francisco, since it's already illegal to smoke in public? Many people smoke cannabis for physical or psychological reasons, and it seems that this legislation would effectively make it illegal to smoke cannabis anywhere, unless you own a private home of course.

Thanks,
Mark Goldman

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Carroll, John \(BOS\)](#)
Subject: FW: Prohibiting smoking inside shared buildings
Date: Wednesday, November 18, 2020 4:28:17 PM

From: Lucila Pereyra Murray <lucilapereyramurray@gmail.com>
Sent: Wednesday, November 18, 2020 4:24 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Prohibiting smoking inside shared buildings

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Mr. Yee,

We were so happy to come across your proposal to prohibit smoke inside shared apartments.

We currently live in a building with 8 units, and one of our neighbours smokes cannabis and cigarettes frequently throughout the day, every single day. Our building is from the 1800s, and the smoke filters through our unit, which is one floor up.

With shelter in place, we've been exposed to the second-hand smoke more often than usual, and after reading about the negative impacts, have developed concerns about our health and that of others in the building.

We are considering having a family, and are very worried about the impact on a future baby's health, during and after pregnancy.

We believe that nobody should have to unnecessarily worry about factors such as someone's else's idea of 'fun', affecting their health inside their own homes.

We would love nothing more than for your proposal to be passed, and wanted to express our support.

Sincerely,

--

Lucila Pereyra Murray & Langdon Quin

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Carroll, John \(BOS\)](#)
Subject: FW: Please Vote "No" on Ordinance 201265 to Prohibit Smoking Against Those who Cannot Afford Single-Family Homes
Date: Wednesday, November 18, 2020 4:13:30 PM

From: Harvey Milk Club President <president@milkclub.org>
Sent: Wednesday, November 18, 2020 2:53 PM
To: Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Please Vote "No" on Ordinance 201265 to Prohibit Smoking Against Those who Cannot Afford Single-Family Homes

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

November 17, 2020

San Francisco Board of Supervisors
c/o Clerk Angela Calvillo
Angela.Calvillo@sfgov.org, Board.of.Supervisors@sfgov.org

RE: Please Vote "No" on Supervisor Norman Yee's Classist Ordinance to Prohibit Smoking by San Franciscans Who Cannot Afford to Own Real Estate (File No. 201265)

Members of the San Francisco Board of Supervisors:

Last night, The Harvey Milk LGBTQ Democratic Club voted to oppose Ordinance No. 201265 and asks that you reject this legislation based on its discriminatory socioeconomic impact. The legislation seeks to protect air quality but would do so at the cost of the civil rights of San Franciscans living in apartments and condominiums—the vast majority of whom do not have sufficient wealth to live in their own free-standing homes. The ordinance would disallow smoking but only for people in multi-unit residential buildings, meaning that San Franciscans who can afford to buy free-standing homes would be unaffected and could still smoke as they please. The \$1,000 per day penalty adds insult to injury since only wealthy people can afford to pay such fines. Ironically, most wealthy people are already exempted by virtue of having easier access to free-standing homes.

The Harvey Milk LGBTQ Democratic Club is respected for our progressive history. It is not progressive to discriminate against low-income tenants in this way. Therefore, we urge you to reject this proposed ordinance.

This ban would exacerbate racial and economic inequality throughout San Francisco because it only

applies to apartments and condominiums buildings with more than two residential units. The penalties for violations are up to \$1,000 per day, and while these fines are appealable, unsuccessful appellants are required to pay the City's costs, including attorneys' fees.

San Francisco already has notoriously high rent prices, and many San Franciscans have become unemployed during the COVID-19 pandemic. San Francisco has allowed cannabis smoking in private residences for over twenty-four years since the passage of Proposition 215 in 1996. If this ordinance is enacted, San Franciscan renters will be liable for many thousands of dollars in fines and fees that we simply cannot afford. Furthermore, this ordinance will make it harder to pay for rent, utilities, food, and medicine. In effect, a ban on smoking in private homes will simply force people to smoke outdoors in public, subjecting the public to even more secondhand smoke and subjecting smokers to increased fines, increased risk of police interaction, and increased risk of COVID-19 infection.

Racial disparities in San Francisco are well-documented. People of color are more likely to be renters and more likely to have difficulty affording rent. It is already unfair to discriminate against people who are not wealthy enough to afford to rent or buy a whole home but especially so in San Francisco where housing is so expensive. And especially so during this pandemic when employment is scarcer.

Supervisors, please reject Ordinance 201265 because it is unfair to penalize San Franciscans who cannot afford their own free-standing home.

We look forward to discussing this issue further as the vote approaches.

Thank you,

Kevin Bard
Co-President, Harvey Milk LGBTQ Democratic Club
president@milkclub.org
www.milkclub.org

From: Board of Supervisors, (BOS)
To: BOS-Supervisors
Cc: Legal_Affairs@sf.gov
Subject: FY19 Yee's legislation to prohibit smoking cannabis in one's own home
Date: Wednesday, November 16, 2020 3:14:00 PM

From: David Goldman <dgoldman@gmail.com>
Sent: Monday, November 16, 2020 10:27 AM
To: Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Yee's legislation to prohibit smoking cannabis in one's own home

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors:

Re: Proposed Ban on Cannabis Smoking and Vaping in Private Apartments

On behalf of the many San Franciscans who use cannabis for medicine and enjoyment, we urge that restrictions on cannabis smoking and vaping in private apartments be dropped from any proposed anti-smoking ordinance.

The proposed ordinance would constitute a de facto ban on cannabis use for most San Francisco residents. Unlike tobacco, which can be smoked outside on public streets, cannabis consumption is illegal in all public places under state law (CA HSC 11362.3 (a)(1)). The proposed ordinance would thus leave apartment dwellers with no legal place to enjoy marijuana. (Oral consumption is not an acceptable alternative; inhalation provides much prompter relief, and is far less liable to cause over-dosage.)

An exemption for medical cannabis only is unacceptable. Obtaining a doctor's recommendation is costly and inconvenient, especially in this time of COVID; likewise obtaining an official state medical cannabis ID card. Private, adult use of cannabis is no more dangerous to public health than medical use.

The scientific evidence is clear that cannabis does not present a secondhand smoke hazard like tobacco. Unlike tobacco, not a single human study has found second-hand cannabis smoke or vaping to be harmful to health. Unlike tobacco, first-hand cannabis smoking has been shown not to cause lung cancer [1] or cardiovascular disease [2] in numerous human studies. Second-hand exposure is therefore all the less likely to be harmful. Anti-smoking alarmists, funded by the state's tobacco tax, are trying to scare the public with junk science studies alleging traces of toxins in marijuana smoke – without mentioning that the amounts are so small as to have no adverse impact on human health [3]. In general, cannabis users tend to smoke much smaller quantities than tobacco smokers. In addition, cannabis smoke does not leave behind prolonged, residual "third-hand" odors like nicotine.

[1] The National Academy of Sciences report on "The Health Effects of Cannabis and Cannabinoids" (2017) concluded there is no correlation between cannabis use and lung, head, or neck cancers.

[2] Regarding cardiovascular disease, the following recent studies were all negative:

Auer R et al, "Lifetime marijuana use and subclinical atherosclerosis," Addiction 2018.

Reis JR et al, "Cumulative Lifetime Marijuana Use and Incident Cardiovascular Disease in Middle Age,"

2

Am J. Public Health 2017 Apr 107(4):601-6.

San Luis C et al, "Association Between Recent Cannabinoid Use and Acute Ischemic Stroke," Neurology Clinical Practice Jun 3, 2020.

Jakob J et al, "Association between marijuana use on electrocardiographic abnormalities by middle age," Addiction 2020 Jul 10.

[3] Cal NORML Release: "CA DPH Misrepresents Cannabis Smoke and Vape Hazards Using Anti-Tobacco Funding" <https://www.norml.org/files-ca-spending-anti-tobacco-tax-money-to-make-specious-claims-about-marijuana-and-second-hand-smoke/>

<https://www.norml.org/files-ca-spending-anti-tobacco-tax-money-to-make-specious-claims-about-marijuana-and-second-hand-smoke/>

[4] Demonstrating efficacy of cannabis vapes:

Gieringer D et al: "Cannabis Vaporizer Combines Efficient Delivery of THC with Effective Suppression of Pyrolytic Compounds," Journal of Cannabis Therapeutics 2004.

Meehan-Atarsh J et al., "Aerosol Gas-Phase Components from Cannabis E-Cigarettes and Dabbing: Mechanistic Insight and Quantitative Risk Analysis," ACS Omega Sept 16, 2019: Similar findings for nicotine vapes:

Goniewicz et al., "Level of selected carcinogens and toxicants in vapour from electronic cigarettes," Tobacco Control Mar 6, 2013.

Burstyn I., "Peering through the mist: systematic review of what the chemistry of contaminants in electronic cigarettes tells us about health risks," BMC Public Health 2014, 14:18.

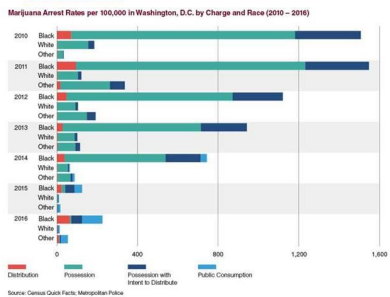
Cal NORML analysis of specious claims about second-hand marijuana smoke. Study: Marijuana Use History Not Independently Associated With Atherosclerosis Study: Cannabis Use Not Associated With Increased Risk of Cardiovascular Disease

West Hollywood serves as an example of a locality that's exempted cannabis. <https://www.norml.org/west-hollywood-to-consider-banning-marijuana-smoking-in-new-apartment-buildings/>

The data from Washington DC shows racial disparities in enforcement against public consumption:

<https://www.thewashingtonpost.com/legalization/still-to-enact/>

A black person in Washington, D.C. is 11 times more likely than a white person to be arrested for public consumption of marijuana



David Goldman

President, San Francisco Chapter

Brownie Mary Democratic Club

Brownie.Mary5E@gmail.com

<https://www.norml.org/west-hollywood-to-consider-banning-marijuana-smoking-in-new-apartment-buildings/>

<https://www.norml.org/west-hollywood-to-consider-banning-marijuana-smoking-in-new-apartment-buildings/>
m: 415-728-7631

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Carroll, John \(BOS\)](#)
Subject: FW: Donald I. Abrams MD Requests Supervisor Yee Amend His Proposal
Date: Wednesday, November 18, 2020 3:11:02 PM
Attachments: [Abrams Letter re FileNo201265.docx.pdf](#)

From: Abrams, Donald <Donald.Abrams@ucsf.edu>
Sent: Sunday, November 15, 2020 9:17 AM
To: Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; BOS-Legislative Aides <bos-legislative_aides@sfgov.org>
Subject: Donald I. Abrams MD Requests Supervisor Yee Amend His Proposal

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Thanks for your consideration!
Donald I. Abrams, MD

November 14, 2020

1545 Divisadero, Room 508
San Francisco, CA 94115

Mailing Address: Box 1726
San Francisco, CA 94143

Tel: 415-353-7700

Fax: 415-353-7358

Web: <http://www.osher.ucsf.edu>

San Francisco Board of Supervisors

c/o Clerk Angela Calvillo

Angela.Calvillo@sfgov.org, Board.of.Supervisors@sfgov.org, [BOS-Legislative Aides@sfgov.org](mailto:BOS-Legislative.Aides@sfgov.org)

RE: Please Amend Supe. Yee's Ordinance Prohibiting Smoking/Vaping in Multi-Unit Buildings to Exempt Cannabis Use (File No. 201265)

Honorable Members of the Board of Supervisors:

As an oncologist and cannabis researcher, I am writing to ask that you amend proposed ordinance File No. 201265 (Yee)¹, to exempt cannabis use, because secondhand cannabis smoke has not been proven to be harmful to humans.

I have practiced medicine for the past 37 years, having "retired" in July but recalled Emeritus status in August to continue my integrative oncology practice at the UCSF Osher Center for Integrative Medicine. I spent 37 years at Zuckerberg San Francisco General as the Assistant Director of the AIDS Program in its early days and more recently as the immediate past chief of the Hematology-Oncology Division. I chaired the Community Consortium of Bay Area HIV Care Providers conducting practice-based research in the offices of community colleagues treating AIDS patients. In the course of my research career, I have conducted numerous clinical trials of medical cannabis. I received funding from the National Institute on Drug Abuse for a placebo-controlled study of smoked cannabis versus oral THC or placebo in patients with HIV on protease inhibitors. With funding from the University of California Center for Medicinal Cannabis Research (CMCR), I demonstrated that cannabis was superior to placebo in treating patients with painful HIV-related peripheral neuropathy. CMCR also funded our trial evaluating the safety and effectiveness of vaporization as a smokeless cannabis delivery system. Subsequently I was funded by the National Institute on Drug Abuse to investigate the safety of adding vaporized cannabis to stable doses of sustained released opioids and most recently by the National Heart, Lung, and Blood Institute to study vaporized cannabis versus placebo in relieving pain in patients with sickle cell disease. I was also one of the 16 scientists who produced the National Academies of Sciences, Engineering and Medicine's January 2017

publication *The Health Effects of Cannabis and Cannabinoids*² after reviewing 10,000 recent articles published in the medical literature. Hence, I feel somewhat qualified to understand the risks and benefits of inhaled cannabis.

The proposed ordinance, insofar as it would ban cannabis smoking and cannabis vaporizing in private residences in multi-unit buildings in order to reduce the harms of secondhand smoke, lacks scientific basis and would do more harm than good. I appreciate that colleagues at UCSF have demonstrated possible changes in rodents exposed to secondhand smoke but the clinical relevance of these findings in humans is unclear. It is incorrect that cannabis smoke is equally dangerous as tobacco smoke; it is not. Cannabis smoke has never been linked to increased mortality, even in firsthand users.² Nor has firsthand cannabis smoke been shown to cause lung cancer, COPD, or other serious health effects.³ Since no serious harms have been proven, even for the individual inhaling cannabis first-hand, evidence does not support the conclusion that it is a health risk for someone in an entirely different housing unit.

Supervisors, please amend File No. 201265 to exempt all cannabis use and cannabis users, because there is no scientific basis for the ordinance's premise that secondhand cannabis smoke is harmful in humans. On behalf of all of my patients living with and beyond cancer who benefit from cannabis use, I urge you to reconsider this measure.

If you have any questions, please feel free to contact me at Donald.Abrams@ucsf.edu.

Thank you for your consideration.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Donald I. Abrams", followed by a long horizontal flourish.

Donald I. Abrams, MD
Professor Emeritus of Medicine
University of California San Francisco
Immediate Past Chief, Hematology-Oncology
Zuckerberg San Francisco General
Integrative Oncology
UCSF Osher Center for Integrative Medicine

² “The Health Effects of Cannabis and Cannabinoids: The Current State of Evidence and Recommendations for Research,” *The National Academies of Sciences, Engineering, and Medicine*, Jan. 2017: “There is no or insufficient evidence to support or refute a statistical association between cannabis use and... All-cause mortality (self-reported cannabis use).”

³ “The most common serious respiratory consequences from smoking tobacco are Chronic Obstructive Pulmonary Disease (COPD) and lung cancer. Epidemiological evidence that smoking cannabis causes either of these is scant,” Kathryn Gracie and Robert Hancox, “Cannabis use disorder and the lungs,” *Addiction*, 2020. <https://pubmed.ncbi.nlm.nih.gov/32285993/>.

From: Board of Supervisors (BOS)
To: BOS Supervisors
Cc: Angela Calvillo
Subject: FY: Year's legislation to prohibit smoking cannabis in one's own home—Corrected Version
Date: Thursday, November 11, 2020 8:41:41 AM

From: David Goldman <dgoldman@yahoo.com>
Sent: Monday, November 16, 2020 10:39 AM
To: Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: re: Year's legislation to prohibit smoking cannabis in one's own home—Corrected Version

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors:

Re: Proposed Ban on Cannabis Smoking and Vaping in Private Apartments

On behalf of the many San Franciscans who use cannabis for medicine and enjoyment, we urge that restrictions on cannabis smoking and vaping in private apartments be dropped from any proposed anti-smoking ordinance.

The proposed ordinance would constitute a de facto ban on cannabis use for most San Francisco residents. Unlike tobacco, which can be smoked outside on public streets, cannabis consumption is illegal in all public places under state law (CA HSC 11362.3 [a]1). The proposed ordinance would thus leave apartment dwellers with no legal place to enjoy marijuana. (Oral consumption is not an acceptable alternative; inhalation provides much prompt relief, and is far less liable to cause over-dosage).

An exemption for medical cannabis only is unacceptable. Obtaining a doctor's recommendation is costly and inconvenient, especially in this time of COVID; likewise obtaining an official state medical cannabis ID card. Private, adult use of cannabis is no more dangerous to public health than medical use.

The scientific evidence is clear that cannabis does not present a secondhand smoke hazard like tobacco. Unlike tobacco, not a single human study has found second-hand cannabis smoke or vaping to be harmful to health. Unlike tobacco, first-hand cannabis smoking has been shown not to cause lung cancer (1) or cardiovascular disease (2) in numerous human studies. Second-hand exposure is therefore all the less likely to be harmful. Anti-smoking alarmists, funded by the state's tobacco tax, are trying to scare the public with junk science studies alleging traces of toxins in marijuana smoke – without mentioning that the amounts are so small as to have no adverse impact on human health (3). In general, cannabis users tend to smoke much smaller quantities than tobacco smokers. In addition, cannabis smoke does not leave behind prolonged, residual "third-hand" odors like nicotine.

Including vapes in a secondhand smoking ban is even more unjustified. Vaporization has been shown to eliminate 95%-99.99% of all smoke toxins, both in marijuana and tobacco (4). In addition, vaporizers drastically reduce secondhand side-stream emissions and don't involve lighters, matches, fire, smoke and ash. Not a single human study has demonstrated harm from second-hand vape exposure.

The proposed ordinance inordinately impacts lower-income and minority residents who can't afford their own homes. San Francisco has long been a leader on human rights, social tolerance and cannabis issues. The city can be proud of having been a leader of marijuana reform and a refuge for medical marijuana patients under Prop. 215. Exacting tenants for smoking marijuana will scarcely improve the city's homelessness crisis. The city is large enough to provide 100% odor-free apartments for those who are smoke-sensitive, while allowing freedom for others to enjoy marijuana in different units (with proper ventilation, they need not even be in separate sections of the building). In any case, anti-smoking rules should target second-hand emissions that penetrate others' spaces, not what goes on in residents' own apartments.

Research has shown that anti-public consumption laws have been disproportionately applied to communities of color. (See the references below.)

The city of West Hollywood recently rejected a proposal to ban cannabis smoking in multi-unit dwellings. San Francisco should do likewise. For over forty years, San Francisco has been a beacon of tolerance for marijuana users. To trash this tradition now is an insult to countless long-term renters who can't afford their own homes.

In closing, we respectfully urge the Board to delete marijuana from any proposed ban on cannabis smoking in one's own home.

Sincerely,

David Goldman
President, San Francisco Chapter
Brownie Mary Democratic Club
<https://www.facebook.com/marydemclub>
<https://www.instagram.com/marydemclub>
<https://www.linkedin.com/company/mary-democratic-club>
m: 415-728-7631

REFERENCES:

- [1] The National Academy of Sciences report on "The Health Effects of Cannabis and Cannabinoids" (2017) concluded there is no correlation between cannabis use and lung, head, or neck cancers.
- [2] Regarding cardiovascular disease, the following recent studies were all negative:
Auer R et al, "Lifetime marijuana use and subclinical atherosclerosis," *Addiction* 2018.
Reis JR et al, "Cumulative Lifetime Marijuana Use and Incident Cardiovascular Disease in Middle Age,"

Am J Public Health 2017 Apr 107(4):601-6.

San Luis C et al, "Association Between Recent Cannabinoid Use and Acute Ischemic Stroke," *Neurology Clinical Practice* Jun 3, 2020.

Jakob J et al, "Association between marijuana use and electrocardiographic abnormalities by middle age," *Addiction* 2020 Jul 10.

[3] Cal NORML Release: "CA DPH Misrepresents Cannabis Smoke and Vape Hazards Using Anti-Tobacco Filing" <https://www.calnorml.org/press-releases/anti-tobacco-filing-misrepresents-cannabis-smoke-and-vape-hazards-using-anti-tobacco-filing>

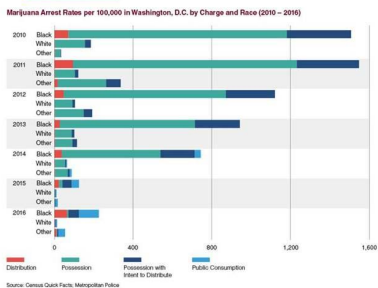
[4] Demonstrating efficacy of cannabis vapes:
Gieringer D et al, "Cannabis Vaporizer Combines Efficient Delivery of THC with Effective Suppression of Pyrolytic Compounds," *Journal of Cannabis Therapeutics* 2004.
Meehan-Attrash J et al, "Aerosol Gas-Phase Components from Cannabis E-Cigarettes and Dabbing: Mechanistic Insight and Quantitative Risk Analysis," *ACS Omega* Sept 16, 2019. Similar findings for nicotine vapes:
Goniewicz et al, "Level of selected carcinogens and toxicants in vapour from electronic cigarettes," *Tobacco Control* Mar 6, 2013.
Bartsyn J, "Peering through the mist: systematic review of what the chemistry of contaminants in electronic cigarettes tells us about health risks," *BMC Public Health* 2014, 14:18.

Cal NORML analysis of specious claims about second-hand marijuana smoke. Study: Marijuana Use History Not Independently Associated With Atherosclerosis Study: Cannabis Use Not Associated With Increased Risk Of Cardiovascular Disease

West Hollywood serves as an example of a locality that's exempted cannabis. <https://www.calnorml.org/west-hollywood-to-consider-banning-marijuana-smoking-in-new-apartment-buildings/>

The data from Washington DC shows racial disparities in enforcement against public consumption: <https://www.dsupolicy.org/legislation-status-report>

A black person in Washington, D.C. is 11 times more likely than a white person to be arrested for public consumption of marijuana



From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Carroll, John \(BOS\)](#)
Subject: FW: Public Comment Opposed to File No. 201265
Date: Monday, November 16, 2020 2:11:28 PM
Attachments: [AAGA - Public Comment - Opposition 201265.pdf](#)

From: Arab American Grocers Association (AAGA) <ArabGrocersAssn@gmail.com>
Sent: Monday, November 16, 2020 12:17 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Cc: Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>
Subject: RE: Public Comment Opposed to File No. 201265

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Please see the comment attached.
Thank you



San Francisco Board of Supervisors

c/o Clerk Angela Calvillo

Angela.calvillo@sfgov.org

RE: Public Comment Opposed to File No. 201265

Honorable Members of the Board,

The Arab American Grocers Association represents 400 small family owned retailers in San Francisco. Our customers are predominately local, seniors and low-income residents, many of whom walk to our businesses from neighboring apartment and SRO complexes. San Francisco policies have only pushed the gentrification of our neighborhoods with continued compromises and exemptions for big business, online sales and delivery platforms, whereas small businesses that act as a form of public gathering space and neighborhood center, have been the focus of eviction, loitering fees, and curfews. Many of our customers are impacted by the reduction of public gathering space, as they do not have the privilege of backyards and common areas in their place of residence. As San Francisco has already banned the retail of many “smoke” related products our Senior and local communities prefer, we ask that a consideration be given to their right to use legal products in the space of their own living quarters.

Please Vote “No” on this Classist Ordinance to Prohibit Smoking by San Franciscans who Cannot Afford to Buy Single-Family Homes.

Best,

The Arab American Grocers Association (AAGA)

From: Board of Supervisors (BOS)
To: BOS Supervisors
Cc: David Goldman
Subject: FY: Year's legislation to prohibit smoking cannabis in one's own home—Corrected Version
Date: Monday, November 16, 2020 11:15:42 AM

From: David Goldman <dgoldman@yahoo.com>
Sent: Monday, November 16, 2020 10:39 AM
To: Cullilo, Angela (BOS) <angela.cullilo@sf.gov.org>; Board of Supervisors, (BOS) <board-of-supervisors@sf.gov.org>
Subject: re: Year's legislation to prohibit smoking cannabis in one's own home—Corrected Version

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors:

Re: Proposed Ban on Cannabis Smoking and Vaping in Private Apartments

On behalf of the many San Franciscans who use cannabis for medicine and enjoyment, we urge that restrictions on cannabis smoking and vaping in private apartments be dropped from any proposed anti-smoking ordinance.

The proposed ordinance would constitute a de facto ban on cannabis use for most San Francisco residents. Unlike tobacco, which can be smoked outside on public streets, cannabis consumption is illegal in all public places under state law (CA HSC 11362.3 (a)(1)). The proposed ordinance would thus leave apartment dwellers with no legal place to enjoy marijuana. (Oral consumption is not an acceptable alternative; inhalation provides much prompter relief, and is far less liable to cause over-dosage).

An exemption for medical cannabis only is unacceptable. Obtaining a doctor's recommendation is costly and inconvenient, especially in this time of COVID; likewise obtaining an official state medical cannabis ID card. Private, adult use of cannabis is no more dangerous to public health than medical use.

The scientific evidence is clear that cannabis does not present a secondhand smoke hazard like tobacco. Unlike tobacco, not a single human study has found second-hand cannabis smoke or vaping to be harmful to health. Unlike tobacco, first-hand cannabis smoking has been shown not to cause lung cancer (1) or cardiovascular disease (2) in numerous human studies. Second-hand exposure is therefore all the less likely to be harmful. Anti-smoking alarmists, funded by the state's tobacco tax, are trying to scare the public with junk science studies alleging traces of toxins in marijuana smoke – without mentioning that the amounts are so small as to have no adverse impact on human health (3). In general, cannabis users tend to smoke much smaller quantities than tobacco smokers. In addition, cannabis smoke does not leave behind prolonged, residual "third-hand" odors like nicotine.

Including vapors in a secondhand smoking ban is even more unjustified. Vaporization has been shown to eliminate 95%-99.99% of all smoke toxins, both in marijuana and tobacco (4). In addition, vaporizers drastically reduce secondhand side-stream emissions and don't involve lighters, matches, fire, smoke and ashes. Not a single human study has demonstrated harm from second-hand vape exposure.

The proposed ordinance inordinately impacts lower-income and minority residents who can't afford their own homes. San Francisco has long been a leader on human rights, social tolerance and cannabis issues. The city can be proud of having been a leader of marijuana reform and a refuge for medical marijuana patients under Prop. 215. Existing tenants for smoking marijuana will scarcely improve the city's homelessness crisis. The city is large enough to provide 100% odor-free apartments for those who are smoke-sensitive, while allowing freedom for others to enjoy marijuana in different units (with proper ventilation, they need not even be in separate sections of the building). In any case, anti-smoking rules should target second-hand emissions that penetrate others' spaces, not what goes on in residents' own apartments.

Research has shown that anti-public consumption laws have been disproportionately applied to communities of color. (See the references below.)

The city of West Hollywood recently rejected a proposal to ban cannabis smoking in multi-unit dwellings. San Francisco should do likewise. For over forty years, San Francisco has been a beacon of tolerance for marijuana users. To trash this tradition now is an insult to countless long-term renters who can't afford their own homes.

In closing, we respectfully urge the Board to delete marijuana from any proposed ban on cannabis smoking in one's own home.

Sincerely,

David Goldman

President, San Francisco Chapter

Brownie Mary Democratic Club

<https://www.sfpd.org/protection/com/v1/v1url/>

<https://www.browniemarydemclub.com/8q=5f91YTDQMjNz7DkxrnAaMlD=8s=0DA3FwVtE4MTUUNdQzYzh77Bz7UDM7c1DGuUSw8k2Wz84Nt7BhMqimM0wZVGD0VwMgMFE1DWM6Zt=8s=3a52nbnm2DyOmF2VW5hbnz7mZpYzUuNvF7W1baWwXZVYVW6cmMzZD8MT4dMwE5bnmZm7FtNTR8MwB0T11NW0ZGM0cny>

Phone: 415-728-7631

- REFERENCES:
[1] The National Academy of Sciences report on "The Health Effects of Cannabis and Cannabinoids" (2017) concluded there is no correlation between cannabis use and lung, head, or neck cancers.
[2] Regarding cardiovascular disease, the following recent studies were all negative:
Auer R et al, "Lifetime marijuana use and subclinical atherosclerosis," *Addiction* 2018.
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Jakob J et al, "Association between marijuana use on electrocardiographic abnormalities by middle age," *Addiction* 2020 Jul 10.

[3] Cal NORML Release: "CA DPH Misrepresents Cannabis Smoke and Vape Hazards Using Anti-Tobacco Funding" <https://www.norml.org/press-releases/2020/11/16/california-department-of-public-health-misrepresents-cannabis-smoke-and-vape-hazards-using-anti-tobacco-funding/>

[4] Demonstrating efficacy of cannabis vapes: Gieringer D et al, "Cannabis Vaporizer Combines Efficient Delivery of THC with Effective Suppression of Pyrolytic Compounds," *Journal of Cannabis Therapeutics* 2004.

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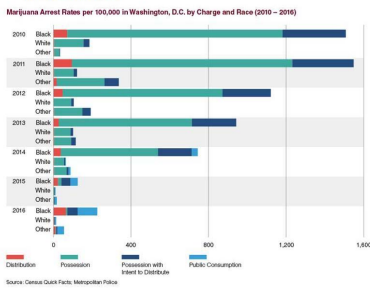
Burns et al, "Peering through the mist: systematic review of what the chemistry of contaminants in electronic cigarettes tells us about health risks," *BMJ Public Health* 2014; 14:18.

Cal NORML analysis of specious claims about second-hand marijuana smoke. Study: Marijuana Use History Not Independently Associated With Atherosclerosis Study; Cannabis Use Not Associated With Increased Risk Of Cardiovascular Disease

West Hollywood serves as an example of a locality that's exempted cannabis. <https://www.norml.org/west-hollywood-to-consider-banning-marijuana-smoking-in-new-apartment-buildings/>

The data from Washington DC shows racial disparities in enforcement against public consumption: <https://www.dtupeolity.org/regulation-status-reports/>

A black person in Washington, D.C. is 11 times more likely than a white person to be arrested for public consumption of marijuana



From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Carroll, John \(BOS\)](#)
Subject: FW: Donald I. Abrams MD Requests Supervisor Yee Amend His Proposal
Date: Monday, November 16, 2020 10:08:12 AM
Attachments: [Abrams Letter re FileNo201265.docx.pdf](#)

From: Abrams, Donald <Donald.Abrams@ucsf.edu>
Sent: Sunday, November 15, 2020 9:17 AM
To: Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; BOS-Legislative Aides <bos-legislative_aides@sfgov.org>
Subject: Donald I. Abrams MD Requests Supervisor Yee Amend His Proposal

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Thanks for your consideration!
Donald I. Abrams, MD

November 14, 2020

1545 Divisadero, Room 508
San Francisco, CA 94115

Mailing Address: Box 1726
San Francisco, CA 94143

Tel: 415-353-7700

Fax: 415-353-7358

Web: <http://www.osher.ucsf.edu>

San Francisco Board of Supervisors

c/o Clerk Angela Calvillo

Angela.Calvillo@sfgov.org, Board.of.Supervisors@sfgov.org, [BOS-Legislative Aides@sfgov.org](mailto:BOS-Legislative.Aides@sfgov.org)

RE: Please Amend Supe. Yee's Ordinance Prohibiting Smoking/Vaping in Multi-Unit Buildings to Exempt Cannabis Use (File No. 201265)

Honorable Members of the Board of Supervisors:

As an oncologist and cannabis researcher, I am writing to ask that you amend proposed ordinance File No. 201265 (Yee)¹, to exempt cannabis use, because secondhand cannabis smoke has not been proven to be harmful to humans.

I have practiced medicine for the past 37 years, having "retired" in July but recalled Emeritus status in August to continue my integrative oncology practice at the UCSF Osher Center for Integrative Medicine. I spent 37 years at Zuckerberg San Francisco General as the Assistant Director of the AIDS Program in its early days and more recently as the immediate past chief of the Hematology-Oncology Division. I chaired the Community Consortium of Bay Area HIV Care Providers conducting practice-based research in the offices of community colleagues treating AIDS patients. In the course of my research career, I have conducted numerous clinical trials of medical cannabis. I received funding from the National Institute on Drug Abuse for a placebo-controlled study of smoked cannabis versus oral THC or placebo in patients with HIV on protease inhibitors. With funding from the University of California Center for Medicinal Cannabis Research (CMCR), I demonstrated that cannabis was superior to placebo in treating patients with painful HIV-related peripheral neuropathy. CMCR also funded our trial evaluating the safety and effectiveness of vaporization as a smokeless cannabis delivery system. Subsequently I was funded by the National Institute on Drug Abuse to investigate the safety of adding vaporized cannabis to stable doses of sustained released opioids and most recently by the National Heart, Lung, and Blood Institute to study vaporized cannabis versus placebo in relieving pain in patients with sickle cell disease. I was also one of the 16 scientists who produced the National Academies of Sciences, Engineering and Medicine's January 2017

publication *The Health Effects of Cannabis and Cannabinoids*² after reviewing 10,000 recent articles published in the medical literature. Hence, I feel somewhat qualified to understand the risks and benefits of inhaled cannabis.

The proposed ordinance, insofar as it would ban cannabis smoking and cannabis vaporizing in private residences in multi-unit buildings in order to reduce the harms of secondhand smoke, lacks scientific basis and would do more harm than good. I appreciate that colleagues at UCSF have demonstrated possible changes in rodents exposed to secondhand smoke but the clinical relevance of these findings in humans is unclear. It is incorrect that cannabis smoke is equally dangerous as tobacco smoke; it is not. Cannabis smoke has never been linked to increased mortality, even in firsthand users.² Nor has firsthand cannabis smoke been shown to cause lung cancer, COPD, or other serious health effects.³ Since no serious harms have been proven, even for the individual inhaling cannabis first-hand, evidence does not support the conclusion that it is a health risk for someone in an entirely different housing unit.

Supervisors, please amend File No. 201265 to exempt all cannabis use and cannabis users, because there is no scientific basis for the ordinance's premise that secondhand cannabis smoke is harmful in humans. On behalf of all of my patients living with and beyond cancer who benefit from cannabis use, I urge you to reconsider this measure.

If you have any questions, please feel free to contact me at Donald.Abrams@ucsf.edu.

Thank you for your consideration.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Donald I. Abrams", followed by a long horizontal flourish.

Donald I. Abrams, MD
Professor Emeritus of Medicine
University of California San Francisco
Immediate Past Chief, Hematology-Oncology
Zuckerberg San Francisco General
Integrative Oncology
UCSF Osher Center for Integrative Medicine

² “The Health Effects of Cannabis and Cannabinoids: The Current State of Evidence and Recommendations for Research,” *The National Academies of Sciences, Engineering, and Medicine*, Jan. 2017: “There is no or insufficient evidence to support or refute a statistical association between cannabis use and... All-cause mortality (self-reported cannabis use).”

³ “The most common serious respiratory consequences from smoking tobacco are Chronic Obstructive Pulmonary Disease (COPD) and lung cancer. Epidemiological evidence that smoking cannabis causes either of these is scant,” Kathryn Gracie and Robert Hancox, “Cannabis use disorder and the lungs,” *Addiction*, 2020. <https://pubmed.ncbi.nlm.nih.gov/32285993/>.

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Carroll, John \(BOS\)](#)
Subject: FW: New Proposed Legislation
Date: Monday, November 16, 2020 10:07:48 AM

From: Paul Vierck <paul.vierck@gmail.com>
Sent: Sunday, November 15, 2020 5:57 PM
To: Yee, Norman (BOS) <norman.yee@sfgov.org>
Cc: Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Paul Vierck <paul.vierck@gmail.com>
Subject: New Proposed Legislation

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisor Yee,

Thank you so much for taking the initiative to propose banning tobacco smoking in SF apartments as I just now read in today's *The Examiner*!

As a 32-year, 3rd floor resident in a Japantown apt building - and cancer survivor - I cannot tell you how important this legislation is to the vulnerable who pay their taxes, but have little say in City policies.

Moreover, as so widely known, our attempts to use air filters and increased ventilation do little to mitigate second-hand smoke.

It seems too many politicians lean towards expanding liberties without considering the broader effects and consequences endured by others. A paradigm of this would be the two families in our building who have young school children and do not want them exposed to either tobacco or cannabis smoke.

The State Senate would benefit by forward thinkers such as yourself; you can count on my vote.

Again, thank you for your efforts to make our City lives safer and more livable in these most complex and trying times where we are essentially sequestered in our apartments.

Sincerely yours, Paul

Paul W Vierck
1715 Webster St., Apt. 307
San Francisco, CA 94115

paul.vierck@gmail.com
415-336-3657

CC: The Honorable Mayor London Breed

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Carroll, John \(BOS\)](#)
Subject: FW: FILE NO. 201265 - No Smoking in Multi-Unit Housing Complexes
Date: Monday, November 16, 2020 9:58:05 AM

From: Shelley Bradford-Bell <shelley@shelleybradfordbell.com>

Sent: Sunday, November 15, 2020 12:44 PM

To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Fewer, Sandra (BOS) <sandra.fewer@sfgov.org>; Haney, Matt (BOS) <matt.haney@sfgov.org>; Mandelman, Rafael (BOS) <rafael.mandelman@sfgov.org>; Mar, Gordon (BOS) <gordon.mar@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Preston, Dean (BOS) <dean.preston@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>

Cc: christian.britschgi@reason.com

Subject: FILE NO. 201265 - No Smoking in Multi-Unit Housing Complexes

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Honorable President Yee and Members of the SF BOS,

Please allow me to address your upcoming decision on legislation to ban smoking in all apartment buildings. It is, in my view, using a hammer on a pinhead.

I do not smoke or use Cannabis. I live in a 90-unit building in a densely populated area of D3. Almost every building is a multi-unit apartment building, hotel, or hostel on just my side of the street. To walk down the street while smokers are out is almost like walking through the designated smoking areas that once existed in airports. I smell far more smoke from the street outside my window than from any apartment in my building.

The current 20 feet from door or window regulation does not work here. Twenty feet from the hotel to the right of me is my first-floor window. I am constantly leaning out and asking people to move as my living room fills with cigarette smoke. Twenty feet from the front door of my building to the left of me is my next-door neighbor's first-floor window. The smokers sit on the windowsill beneath our units to smoke and chat while the smoke wafts into our living rooms. To add to this, there is a bus shelter on the corner of Leavenworth @ Post, and one about 50 feet away on Post @ Leavenworth. Also places where smoking is illegal, thus, pushing them to sit under our windows. This is 24/7.

When you consider the number of units in my building, the hotel, the Post Street apartments next to the hotel, the USA Hostel next to the Post Street Apartments and the Residential Hotel on the corner, You have HUNDREDS of units from Leavenworth

to Jones on just one side of the street in just one block. If all the smokers are forced outdoors it will greatly deteriorate the air quality for all and greatly enhance the dangers of secondhand smoke for people in the garden, first floor, and even second-floor units. My neighbor above me on the 2nd floor and I frequently talk about the smokers beneath our windows.

President Yee is quoted as saying: "I'm proud to help residents avoid being exposed to secondhand smoke in their own homes.", But for many of us it is only increasing our exposure by pushing smokers outside and under our windows and secondhand smoke INTO our homes.

I ask that if you feel a need to pass this legislation you consider the ban for buildings UNDER a certain unit count, not OVER. Percentage-wise you are pushing more smokers into the street from the larger units to the detriment of lower-level residents as well as pedestrians.

If you have ever walked down a street in the financial district or in SOMA where all the smokers were out on lunch break, you understand what we are experiencing. I once walked from 5th and Howard down to the Moscone center. There was a fog of smoke on both sides of the street and I had to cover my mouth to breathe.

Please, I ask you to table this legislation until further understanding of the pros and cons can be addressed, or at the minimum shape the legislation to be for buildings under say 10 or fewer units.

And, please, please, remove Cannabis from the legislation altogether. Most particularly now during this horrific time of COVID, Cannabis is helping people cope. It is stopping many from considering suicide. People with serious illnesses need it. It is even argued that it is helping COVID patients. If someone is bedridden with illness and Cannabis helps why do they need to prove to neighbors they are within their rights. Isn't the need to disclose their medical conditions also a violation of HIPA? These consequences need to be explored before we adopt new legislation.

Right now, it is not about recreational use, it is about survival. It is about coping mechanisms. We do not want to make anyone feel hopeless. The outgoing President has already seen to that. Has any research been done as to how cannabis has helped to reduce the rate of suicide during the worst time in American History in more than 100 years. All Residents matter, and unless we ban smoking altogether in the City and County of San Francisco, this legislation will only shift the impact of secondhand smoke onto others.

Thank you for your time. And with great sincerity, I thank you for your commitment and service to the people of San Francisco. I have friends all over the world who feel that outside of New Zealand, the safest place to be right now is in San Francisco, thanks to our Mayor's incredible leadership and tireless work of our dedicated Board of Supervisors.

Respectfully submitted,

Shelley Bradford Bell

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Carroll, John \(BOS\)](#)
Subject: FW: OPPOSE BAN ON CANNABIS USE IN RESIDENTIAL APARTMENTS
Date: Monday, November 16, 2020 9:28:18 AM
Attachments: [PastedGraphic-1.pdf](#)
[SF Smoking Ordinance 1.pdf](#)

From: Dale Gieringer <dale@canorml.org>
Sent: Saturday, November 14, 2020 12:45 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: OPPOSE BAN ON CANNABIS USE IN RESIDENTIAL APARTMENTS

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Nov. 13, 2020

To the S.F. Board of Supervisors:

NO to Proposed Ban on Cannabis Smoking and Vaping in Private Apartments

On behalf of the many San Franciscans who use cannabis for medicine and enjoyment, we urge that restrictions on cannabis smoking and vaping in private apartments be dropped from any proposed anti-smoking ordinance.

The proposed ordinance would constitute a de facto ban on cannabis use for most San Francisco residents. Unlike tobacco, which can be smoked outside on public streets, cannabis consumption is illegal in all public places under state law (CA HSC 11362.3 (a)1). The proposed ordinance would thus leave apartment dwellers with no legal place to enjoy marijuana. (Oral consumption is not an acceptable alternative; inhalation provides much prompter relief, and is far less liable to cause over-dosage).

An exemption for medical cannabis only is unacceptable. Obtaining a doctor's recommendation is costly and inconvenient, especially in this time of COVID; likewise obtaining an official state medical cannabis ID card. Private, adult use of cannabis is no more dangerous to public health than medical use.

The scientific evidence is clear that cannabis does not present a secondhand smoke hazard like tobacco. Unlike tobacco, not a single human study has found second-hand cannabis smoke or vaping to be harmful to health. Unlike tobacco, first-hand cannabis smoking has been shown not to cause lung cancer [1] or cardiovascular disease [2] in numerous human studies. Second-hand exposure is therefore all the less likely to be harmful. Anti-smoking alarmists, funded by the state's tobacco tax,

are trying to scare the public with junk science studies alleging traces of toxins in marijuana smoke – without mentioning that the amounts are so small as to have no adverse impact on human health [3]. In general, cannabis users tend to smoke much smaller quantities than tobacco smokers. In addition, cannabis smoke does not leave behind prolonged, residual “third-hand” odors like nicotine.

Including vapes in a secondhand smoking ban is even more unjustified. Vaporization has been shown to eliminate 95%-99.99% of all smoke toxins, both in marijuana and tobacco [4]. In addition, vaporizers drastically reduce secondhand side-stream emissions and don't involve lighters, matches, fire, smoke and ashes. Not a single human study has demonstrated harm from second-hand vape exposure.

The proposed ordinance inordinately impacts lower-income and minority residents who can't afford their own homes. San Francisco has long been a leader on human rights, social tolerance and cannabis issues. The city can be proud of having been a leader of marijuana reform and a refuge for medical marijuana patients under Prop. 215. Evicting tenants for smoking marijuana will scarcely improve the city's homelessness crisis. The city is large enough to provide 100% odor-free apartments for those who are smoke-sensitive, while allowing freedom for others to enjoy marijuana in different units (with proper ventilation, they need not even be in different sections of the building). In any case, anti-smoking rules should target second-hand emissions that penetrate others' spaces, not what goes on in residents' own apartments.

The city of West Hollywood recently rejected a proposal to ban cannabis smoking in multi-unit dwellings. San Francisco should do likewise. For over forty years, San Francisco has been a beacon of tolerance for marijuana users. To trash this tradition now is an insult to countless long-term renters who can't afford their own homes.

In closing, we respectfully urge the Board to delete marijuana from any proposed ban on smoking or vaping in residential apartments.

Sincerely,

Dale Gieringer, Ph.D.

Director, California NORML - www.canorml.org

Co-author, Prop. 215

2261 Market St. #278A

San Francisco CA 94114

415-563-5858

REFERENCES:

[1] The National Academy of Sciences report on “The Health Effects of Cannabis and Cannabinoids” (2017) concluded there is no correlation between cannabis use and lung, head, or neck cancers.

[2] Regarding cardiovascular disease, the following recent studies were all negative:

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[4] *Demonstrating efficacy of cannabis vapes:*

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[Cal NORML analysis of specious claims about second-hand marijuana smoke.](#)

[Study: Marijuana Use History Not Independently Associated With Atherosclerosis](#)

[Study: Cannabis Use Not Associated With Increased Risk Of Cardiovascular Disease](#)



*California Chapter of the National Organization for the Reform of Marijuana Laws
2261 Market St. #278A, S.F., CA 94114 - www.canorml.org - (415) 563-5858 / (510) 540-1066
LA Office: (310) 652-8654*

Nov. 13, 2020

To: S.F. Board of Supervisors

Re: Proposed Ban on Cannabis Smoking and Vaping in Private Apartments

On behalf of the many San Franciscans who use cannabis for medicine and enjoyment, we urge that restrictions on cannabis smoking and vaping in private apartments be dropped from any proposed anti-smoking ordinance.

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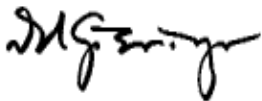
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In closing, we respectfully urge the Board to delete marijuana from any proposed ban on smoking in residential apartments.

Sincerely,



Dale Gieringer, Ph.D
 Director, California NORML – www.canorml.org
 Co-author, California Compassionate Use Act (Prop 215)
 2261 Market St. #278A
 San Francisco CA 94114

REFERENCES:

[1] The National Academy of Sciences report on “The Health Effects of Cannabis and Cannabinoids” (2017) concluded there is no correlation between cannabis use and lung, head, or neck cancers.

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Jakob J et al, "Association between marijuana use on electrocardiographic abnormalities by middle age," *Addiction* 2020 Jul 10.

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Meehan-Atrash J et al., "Aerosol Gas-Phase Components from Cannabis E-Cigarettes and Dabbing: Mechanistic Insight and Quantitative Risk Analysis," *ACS Omega* Sept 16, 2019.

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[Cal NORML analysis of specious claims about second-hand marijuana smoke.](#)

[Study: Marijuana Use History Not Independently Associated With Atherosclerosis](#)

[Study: Cannabis Use Not Associated With Increased Risk Of Cardiovascular Disease](#)

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Carroll, John \(BOS\)](#)
Subject: FW: Vote NO on Supervisor Yee's bill to ban Cannabis smoking in SF Apartments
Date: Monday, November 16, 2020 9:27:55 AM

From: Bram Goodwin <goodwin.bram@gmail.com>
Sent: Saturday, November 14, 2020 10:12 AM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Vote NO on Supervisor Yee's bill to ban Cannabis smoking in SF Apartments

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

It has come to my attention through a SF Examiner article that the SF Board of Supervisors will entertain legislation by Supervisor Yee to ban all Cannabis & Vape smoking in SF apartments.

We have indicated in testimony before the Board of Supervisors that given current conditions, Cannabis medical patients have few options for consumption. We, along with other cannabis activists have worked to get more ventilated indoor locations to consume, but the process has been slow, with public officials being slow in approving consumption lounges.

Now, with Covid-19, all Cannabis Lounges having been closed by SF Public Health, SF Park Rangers have discouraged Cannabis Medical Patients from smoking in our parks, and now our apartments could be off limits. As medical Cannabis patients, where do we go to consume a product that is legally sold in San Francisco?

Most SF Cannabis Medical Patients gave up their Medical cards, when Prop 64 was passed, since they could buy legally, as long as over 21.

As most of us live in apartments in San Francisco, it would have a negative effect on many Cannabis Medical patients who use Cannabis for many ailments.

This is not the time, during a pandemic, where we are being encouraged to work, stay at home to come up with new restrictions. All you will do is push people in an unsafe manner to consume on street corners, in the woods, in vehicles.

We also want to protect the rights of the non-smokers, which is why we have pushed for more locations for cannabis consumers to consume in a safe manner.

The Cannabis Industry has been very cooperative in working with public officials to protect the rights of cannabis users, as well as non users.

Please shelve this legislation for now, while representatives of the cannabis industry, the public, elected officials can come up with a good solution for everyone.

Members of the San Francisco Social Club, the Brownie Mary Democratic Club, and other cannabis activists are ready to sit down and talk about this issue, but blind siding us with this legislation is not fair.

Please oppose this legislation, come up with a fairer solution.

bram

Bram Goodwin
photographer
Founder, San Francisco Social Club
415.505.3686
twitter: @bramgoodwin
linkedin: bramfoto

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Carroll, John \(BOS\)](#)
Subject: FW: smokefree multi-unit housing
Date: Monday, November 16, 2020 9:14:20 AM

From: Carol Denney <cdenney@igc.org>
Sent: Saturday, November 14, 2020 9:19 AM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: smokefree multi-unit housing

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

I'm thrilled to hear the proposal for smokefree multi-unit housing, and want to urge you all *not* to exempt marijuana smoke, which is listed under California's Proposition 65 as a carcinogen.

There's no public health logic to exempting one carcinogen but not another, but there's a better reason to avoid this exemption, which is often promoted by the cannabis industry. There are, by my last count, at least 15 different ways to ingest cannabis without smoking, including gum, lozenges, patches, infusions, edibles, drops under the tongue, creams, oils, and so forth. Thanks to innovative techniques in the cannabis industry, there is no reason to insist on using cannabis in ways that affect the health and well-being of one's neighbors, a ratio of whom have underlying conditions aggravated by smoke and particulates.

We are struggling during the pandemic to stay healthy, and obligated to stay home more than usual. Please help contribute to making sure indoor air in shared-wall housing is as healthy as possible, which in turn will play a huge role in lowering overall disease rates and health costs. Berkeley only two weeks ago eliminated its exemption for marijuana after finally acknowledging that such an exemption conflicts with state law.

Thank you for your consideration,

Carol Denney
1970 San Pablo Avenue #4
Berkeley, CA 94702
510-548-1512

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Carroll, John \(BOS\)](#)
Subject: FW: Proposed Ban on Smoking and Vaping (File No. 201265)
Date: Friday, November 13, 2020 2:23:37 PM

From: Kevin Reed <kevinreed@thegreencross.org>
Sent: Friday, November 13, 2020 1:43 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Proposed Ban on Smoking and Vaping

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Board of Supervisors,

I am writing today on behalf of The Green Cross, a local cannabis dispensary in San Francisco. We strongly oppose Supervisor Yee's proposed legislation to ban smoking and vaping in apartment buildings of three or more units, and urge the Board of Supervisors to amend the language of this legislation to exempt *all* cannabis consumers. As the language stands at present, only medical cannabis patients with recommendations from their physicians would be exempted from this smoking ban.

Since the implementation of Proposition 64 for adult-use cannabis in 2018, many cannabis users have opted not to renew their recommendations since they can now legally purchase cannabis within California law. This legislation would prevent many of these individuals from smoking cannabis within their private residences, which will have a detrimental impact to many users' ability to safely consume cannabis for medicinal purposes. Since smoking cannabis in public spaces is banned, we ask that you please reconsider the verbiage of this proposed legislation to expand the exemption to all cannabis users before its passage.

This proposed legislation would unfairly affect individuals smoking cannabis by treating it like tobacco. Unlike tobacco smoke, cannabis smoke has not been found to cause lung cancer, heart disease, or chronic obstructive pulmonary disease, even when smoked firsthand. By passing this legislation, San Francisco would be affording its citizens less freedom to consume cannabis than it does tobacco, which has no medicinal value. With so many multi-unit buildings located throughout San Francisco, this ban would also be socially inequitable and goes directly against the City's goals for more equity and inclusion.

On behalf of The Green Cross and our entire cannabis community, please oppose this legislation unless it is amended to exempt all cannabis consumers.

Thank you in advance for your time and consideration. We look forward to working with your offices going forward.

Sincerely,

--

Kevin Reed

Founder & President
The Green Cross
4218 Mission Street
San Francisco, CA 94112

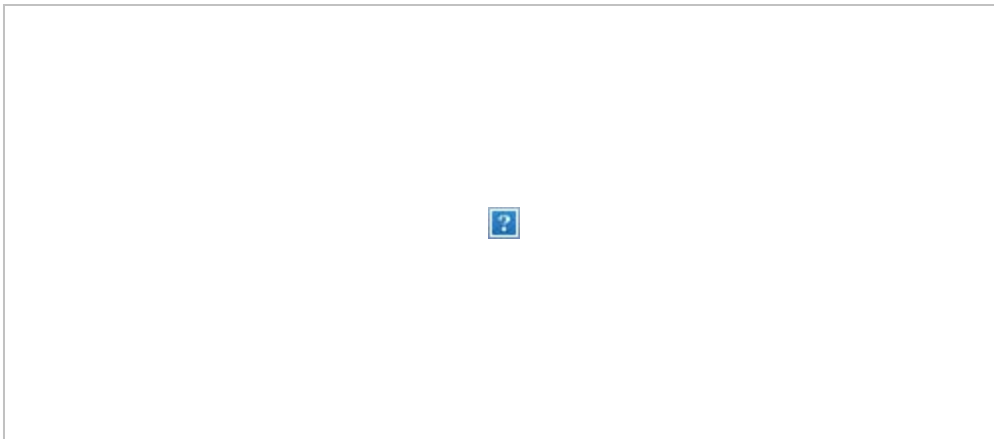
Mobile: 415.846.7671

Office: 415.648.4420

Fax: 415.431.2420

Email: KevinReed@TheGreenCross.org

Web: TheGreenCross.org



From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Carroll, John \(BOS\)](#)
Subject: FW: Tentative smoking ban
Date: Friday, November 13, 2020 9:01:41 AM

-----Original Message-----

From: Tracy Purrington <tracypurr@gmail.com>
Sent: Thursday, November 12, 2020 5:07 PM
To: Ronen, Hillary <hillary.ronen@sfgov.org>
Cc: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Tentative smoking ban

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Supervisor Ronen,

I'm writing after recently reading of a proposed smoking ban to be implemented city-wide in all apartment buildings with three or more units. I honestly don't know where this is even coming from. According to the article in today's SF Examiner, the Board of Supervisors will be voting on this on December 1st, barely more than two weeks from today, with absolutely no public comment period. The ban will apply to both tobacco and cannabis.

I'm not a cigarette smoker, but I like to occasionally smoke a little weed in the evening, in the comfort of my own apartment. I've never gotten any negative feedback from my neighbors on the issue. This is an extremely heavy-handed approach to an issue that I feel pretty certain is largely beyond the awareness of, much less considered a problem by a large majority of residents.

I can sympathize that there are some apartment dwellers who don't want to be exposed to any second hand smoke. But as I mentioned, this is an issue that, for most folks, has come out of nowhere. Apparently Supervisor Lee has received some letters and now the board is going to legislate a city-wide ban on smoking (and vaping)!

Of course, if I were wealthy enough to own my own home...well then, different story. Maybe Supervisor Lee would be willing to invite me over for the occasional smoke sesh.

Thanks

From: [Tricia Barr](#)
To: [Carroll, John \(BOS\)](#)
Subject: Support for #2 Smoke-free Multi-Unit Housing
Date: Thursday, November 12, 2020 12:26:48 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors,

I was in the queue today, but needed to jump off for a work meeting I was leading at 11am.

As Co-Chair of San Mateo County Tobacco Education Coalition, I want to let you know that San Francisco will not be going it alone in this important health protection measure.

Among the 63 California cities that have already protected residents from toxic secondhand smoke, **14** jurisdictions in my county have already done this.

They are:

Belmont, Brisbane, Burlingame, Daly City, Foster City, Half Moon Bay, Millbrae, Pacifica, Redwood City, San Bruno, San Carlos, City of San Mateo, South San Francisco and Unincorporated San Mateo County.

Thank you for protecting people who are suffering with this exposure, especially now, as we all shelter in place.

Best regards,
Tricia Barr

San Mateo County Tobacco Education Coalition Co-chair, PTA member advocate, mom, tech professional.

From: [Kate Clevenger](#)
To: [Carroll, John \(BOS\)](#)
Subject: Comments on proposed ordinance to ban smoking in multi-unit housing complexes
Date: Thursday, November 12, 2020 12:14:39 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Good afternoon Clerk Carroll,

Thank you for your assistance at the Public Safety and Neighborhood Services Committee public meeting this morning.

Please find the comments I submitted at the meeting copied below for your records.

Sincerely,
Kate

Good morning, Board Supervisors.

My name is Kate Clevenger. I'm a 12-year Richmond District resident, and an ambassador for the American Cancer Society Cancer Action Network.

Two years ago, I was diagnosed with oral cancer at age 33. The first question every doctor asked me was the same: "Do you smoke?" I didn't. I had no known risk factors. I "did everything right," but I still got cancer.

To save my life, I had part of my tongue cut out. I was in so much pain, and I couldn't eat properly for months. I lost 8 pounds in the first week alone.

I will never know why I got the disease, and I've learned the hard way that so many things in life are just outside of our control. But some things *aren't*.

Reducing secondhand smoke and the health risks associated with it *is* within our control. We *know* that secondhand smoke causes disease. We *know* it contains more than 250 toxic chemicals. We *know* that each year, more than 41,000 Americans are killed as a result of secondhand smoke exposure.

The good news? We can do something about it. We *can* be leaders, take action, and protect our communities by passing this ordinance.

In my apartment building, my neighbors smoke downstairs. Their smoke seeps through the crack in my front door, through my heating vent. It makes my apartment reek of tobacco and marijuana. Through no fault of my own, I—a cancer survivor—am habitually exposed to known carcinogens.

I know what it's like to hear those three devastating words: "you have cancer." I saw what that diagnosis did to my family, and I would never wish that on anyone. But I'm the lucky one. My cancer was caught early, and my odds of hitting that 5 year survival mark are good.

Let's give *everyone* the best shot at good health by protecting their right to clean air. Thank you so much for your time and public service.

From: [Lizzie Velten](#)
To: [Carroll, John \(BOS\)](#)
Cc: [John Maa \(maa_john@yahoo.com\)](#); [Bob Gordon](#); [Vejby, Caitlin \(BOS\)](#)
Subject: AHA supports SF smoke-free housing ordinance
Date: Tuesday, November 10, 2020 11:12:11 AM
Attachments: [image003.png](#)
[AHA support - SF smokefree housing Nov 9 2020.pdf](#)

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Please file the American Heart Association's support letter for Sup. Yee's proposed ordinance for smoke-free multi-unit housing in SF (attached).

Thank you,
Lizzie Velten



Lizzie Velten, MPH
Senior Director Community Impact, Policy
American Heart Association
1111 Broadway Ste 1360, Oakland, CA 94607
(909) 292-8205



Bay Area Division

1111 Broadway, Ste. 1360, Oakland, CA 94607
Phone (510) 903-4050 Fax (510) 903-4049

www.heart.org

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November 9, 2020

San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Dear Supervisors,

The American Heart Association supports Board President Norman Yee's proposed ordinance to protect San Francisco residents of multi-unit housing from second-hand smoke.

Second-hand smoke can cause serious disease and premature death among nonsmokers. Research has documented the transfer of second-hand smoke in the air and of second-hand smoke constituents through heating, ventilation, air conditioning systems and other connections between units.

There is no safe level of exposure to second-hand smoke which has immediate negative impacts on heart function, blood platelets, inflammation, endothelial function, and the vascular system. Long-term exposure to second-hand smoke is associated with a 25%-30% increased risk for coronary heart disease in adult nonsmokers.

The proposed Smoke Free Multi-Unit Housing Ordinance in San Francisco is an important strategy to protect vulnerable populations from dangerous second-hand smoke exposure in their homes. We encourage your support of this vital health policy.

Sincerely,

John Maa, MD
Member of the Board of Directors, Bay Area Division
American Heart Association

1 U.S. Department of Health and Human Services. [The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General](#). Atlanta: U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, Coordinating Center for Health Promotion, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2006 [accessed 2014 Apr 25].

2 Barnoya J, Glantz SA. Cardiovascular effects of secondhand smoke: nearly as large as smoking. *Circulation*. 2005 May 24;111(20):2684-98. doi: 10.1161/CIRCULATIONAHA.104.492215. PMID: 15911719.

From: [Katie Spurlock](#)
To: [Carroll, John \(BOS\)](#)
Subject: Fw: Smoke-free apt and condo legislation introduced by Board of Supervisors President Norman Yee / Use your voice 10am this Thursday November 12 2020
Date: Monday, November 9, 2020 10:23:23 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hi John,

Hope this email finds you well. I'd like to submit a comment for consideration in regards to the Smoke-Free legislation introduced by Norman Yee:

I live in an apartment building in San Francisco and my neighbors are heavy smokers, who smoke inside their small apartment, and the smoke makes its way to my apartment through the inside shared hallway and the outside windows. According to the property manager, it is written in their lease that they are allowed to smoke. However, I am a cancer patient on disability with cancer in my lungs. The property manager has nicely asked them if they could minimize smoking in their apartment, but it doesn't seem to do any good. I do everything I can to be healthy and breath clean air (I have several air purifiers) and it is heart-breaking that I have to breath in second-hand smoke from my neighbors. A law that stops smokers from smoking inside apartment buildings would greatly help not only the peace of mind of people like me, but our health. Having never been a smoker, I can't sympathize with my neighbors; but as a cancer patient doing everything I can to survive, breathing in their second-hand smoke is quite demoralizing.

Thank you for your attention to this matter.

Sincerely,
Katie Spurlock
574 Third St Apt 206
San Francisco, CA 94107

From: Bob Gordon <bob@lgbtpartnership.org>
Sent: Monday, November 9, 2020 7:06 PM
To: Bob Gordon <bob@lgbtpartnership.org>
Subject: Smoke-free apt and condo legislation introduced by Board of Supervisors President Norman Yee / Use your voice 10am this Thursday November 12 2020

Dear Fellow San Franciscan concerned about dangerous drifting secondhand smoke in apartments, condominiums and single room occupancy hotel units-

My name is Bob Gordon and I am Co-Chair of the San Francisco Tobacco-Free Coalition.

With all the election news, you may not have heard that Board President Norman Yee introduced legislation last Tuesday November 3 that would make all multi-unit housing in San Francisco 100% smoke-free.

63 other communities in San Francisco have already passed similar legislation <https://no-smoke.org/wp-content/uploads/pdf/smokefreemuh.pdf> but San Francisco has not.

I am attaching the legislation language which will be heard in front of the Supervisors on the Public Safety and Neighborhood Services Committee **this coming Thursday November 12 at 10am.**

I am also attaching the Committee meeting agenda which describes how you can participate by telling your story / making your voice heard during Public Comment. You can speak at the meeting (virtually) and/or you can send comments to the Clerk of the Committee: john.carroll@sfgov.org

The item will be #2 of 2 items on the agenda. If it passes the Committee, it is due to go to the Full Board very soon thereafter.

Please be in touch if you have questions. This email is being sent as a one-time courtesy.

Yours in health,

Bob Gordon, Volunteer Co-Chair, San Francisco Tobacco-Free Coalition
<https://sanfranciscotobaccofreeproject.org/coalition/>

Below is article from KPIX CBS SF Bay Area on Nov 3:

- [San Francisco Considers Smoking Ban In Most Multi-Unit Housing](#) (11/3/2020) CBS SF Bay Area - "The measure is expected to be considered by the board's Public Safety and Neighborhood Services Committee at a meeting on November 12."

SAN FRANCISCO (CBS SF) — San Francisco could soon become the largest city in the country to ban smoking inside most multi-unit residential buildings, including inside units.

The proposal by Board of Supervisors President Norman Yee would ban

smoking and vaping inside housing complexes with three or more units, regardless if they are rented or owner-occupied.

“It is currently legal for anyone to smoke inside their own unit, regardless of the harsh consequences on those around them, especially children. This is not acceptable that we would prioritize someone’s desire to smoke over their neighbors’ right to breathe clean air especially when so many residents are staying home during the Health Order,” Yee said in a statement.

“San Francisco has historically taken on fights against Big Tobacco and secondhand smoke to protect the health of our communities. We can and should continue to protect our most vulnerable residents from the devastating health impacts of smoking,” the supervisor went on to say.

Yee said about half of San Francisco residents live in multi-unit housing, who are 3.5 times more likely to be exposed to secondhand smoke. People of color along with low-income individuals and families are also more likely to live in multi-unit housing.

San Francisco has already prohibited smoking in enclosed common areas of multi-unit housing such as stairways and mailrooms, and in unenclosed areas within 15 feet from entryways or doors.

If approved, San Francisco would join more than 60 jurisdictions in California that have a 100% smoking ban in multi-unit housing. In the Bay Area such bans are in place in Berkeley, Santa Rosa, San Mateo County and Santa Clara County.

The measure is expected to be considered by the Board’s Public Safety and Neighborhood Services Committee at a meeting on November 12.

Bob Gordon, MPH
bob@lgbtpartnership.org 415-436-9182

Co-Chair,
San Francisco Tobacco-Free Coalition
<https://sanfranciscotobaccofreeproject.org/coalition/>

Project Director,
California LGBT Tobacco Education Partnership (LGBT Partnership)

www.lgbtpartnership.org

1270 Sanchez Street, San Francisco, CA 94114

From: [Bob Gordon](#)
To: [Carroll, John \(BOS\)](#)
Subject: Attached: Letter regarding Agenda Item #2 (201265 [Health Code - No Smoking in Multi-Unit Housing Complexes] at Public Safety and Neighborhood Services Ctee 10am Thu Nov 12)
Date: Monday, November 9, 2020 10:49:14 AM
Attachments: [MUH Letter in Support of SF MUH Board President Norman Yee from SFTF Coalition Nov 9 2020.pdf](#)

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Submitting the attached letter for the Supervisors regarding:

Agenda Item #2 (201265 [Health Code - No Smoking in Multi-Unit Housing Complexes] from Board President Norman Yee to be heard 10am this Thursday Nov 12 before the Public Safety and Neighborhood Services Committee

Submitted by San Francisco Tobacco-Free Coalition

Bob Gordon, MPH
bob@lgbtpartnership.org 415-436-9182

Co-Chair,
San Francisco Tobacco-Free Coalition
<https://sanfranciscotobaccofreeproject.org/coalition/>

Project Director,
California LGBT Tobacco Education Partnership (LGBT Partnership)
www.lgbtpartnership.org

1270 Sanchez Street, San Francisco, CA 94114



SAN FRANCISCO TOBACCO FREE COALITION

In care of SFDPH- Tobacco Free Project
25 Van Ness Ave. Suite 345, San Francisco, CA 94102

November 9, 2020

San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall Room 244
San Francisco, CA 94102

Dear Supervisors-

We write on behalf of the San Francisco Tobacco-Free Coalition in support of Board President Norman Yee's proposed ordinance that would amend the health code to afford protections from dangerous secondhand smoke in multi-unit housing.

San Francisco can join 63 other communities that have already afforded this protection to their residents.

Residents are now needlessly suffering from drifting smoke as we all shelter in place due to COVID -19.

We are pleased that this ordinance contains language that the Department of Public Health will be required to run a multilingual and culturally responsive public information campaign to raise awareness of the ordinance and to inform the public of availability of free stop-smoking support such as the California Smokers' Helpline 1-800-NO-BUTTS which is available by phone and text from anywhere in California 6 days a week in Spanish, Chinese, Vietnamese Korean and English, with special services for users of electronic smoking devices / vapes, chewing tobacco and for pregnant women.

We are also pleased that this ordinance includes explicit language "Violation of any part of this Article 19F is not grounds for eviction of residential tenants."

This ordinance would add to San Francisco's history of advanced tobacco policies which increase health equity among our diverse communities, provides support for those struggling with addiction and properly puts the onus of providing healthy environments on business owners operating housing units in the city.

For these reasons, we are honored to support this proposal to ensure the health and well-being of future generations.

San Francisco Tobacco-Free Coalition Leadership Team

Bob Gordon Christine Chesson Calyn Kelley

<https://sanfranciscotobaccofreeproject.org/coalition/>

Print Form

Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
2. Request for next printed agenda Without Reference to Committee.
3. Request for hearing on a subject matter at Committee.
4. Request for letter beginning : "Supervisor [] inquiries"
5. City Attorney Request.
6. Call File No. [] from Committee.
7. Budget Analyst request (attached written motion).
8. Substitute Legislation File No. []
9. Reactivate File No. []
10. Topic submitted for Mayoral Appearance before the BOS on []

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.

Sponsor(s):

Supervisors Yee, Peskin, Fewer

Subject:

[Health Code - No Smoking in Multi-Unit Housing Complexes]

The text is listed:

Ordinance amending the Health Code to prohibit smoking inside all private dwelling units in multi-unit housing complexes containing 3 or more units and all common areas; remove the exception for child care facilities located in private homes; require the Department of Public Health (DPH) to initiate a public information campaign to raise awareness of the smoking prohibition; require DPH to initiate the imposition of administrative penalties by issuance of a notice of violation in lieu of a citation; suspend the provision of the Health Code (mooted by this ordinance) which requires owners or managers of multi-unit housing complexes to provide certain disclosures regarding whether smoking is authorized in certain units; and affirm the Planning Department's determination under the California Environmental Quality Act.

Signature of Sponsoring Supervisor: /s/Norman Yee

For Clerk's Use Only