

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

MEMORANDUM

TO: Kerry Birnbach, Commission Secretary

FROM: Stephanie Cabrera, Assistant Clerk, Government Audit and Oversight Committee, Board of Supervisors

DATE: September 23, 2022

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Government Audit and Oversight Committee has received the following proposed legislation, introduced by Supervisor Mandelman on September 20, 2022:

File No. [221002]

Ordinance amending the Health Code and Police Code to extend the sunset date for provisions governing Medical Cannabis Dispensaries from December 31, 2022, to December 31, 2024; and to allow the extension of Temporary Cannabis Business Permits for additional 120-day terms through December 31, 2024, rather than December 31, 2022; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

If you have any additional 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 or by email at: Stephanie.Cabrera@sfgov.org.

Attachment

1 [Health, Police Codes - Cannabis Sunset Dates]

2

3 **Ordinance amending the Health Code and Police Code to extend the sunset date for**
 4 **provisions governing Medical Cannabis Dispensaries from December 31, 2022, to**
 5 **December 31, 2024; and to allow the extension of Temporary Cannabis Business**
 6 **Permits for additional 120-day terms through December 31, 2024, rather than December**
 7 **31, 2022; affirming the Planning Department’s determination under the California**
 8 **Environmental Quality Act; and making findings of consistency with the General Plan,**
 9 **and the eight priority policies of Planning Code, Section 101.1.**

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

14

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

16

17 Section 1. Findings.

18 (a) The Planning Department has determined that the actions contemplated in this
 19 ordinance comply with the California Environmental Quality Act (California Public Resources
 20 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
 21 Supervisors in File No. ____ and is incorporated herein by reference. The Board affirms this
 22 determination.

23 (b) On _____, the Planning Department determined that the actions
 24 contemplated in this ordinance are consistent, on balance, with the City’s General Plan and
 25 eight priority policies of Planning Code Section 101.1. The Board adopts this determination

1 as its own. A copy of said determination is on file with the Clerk of the Board of Supervisors in
2 File No. _____, and is incorporated herein by reference.

3
4 Section 2. Article 33 of the Health Code is hereby amended by revising Section 3323,
5 to read as follows:

6 **SEC. 3323. SUNSET PROVISION.**

7 This Article 33 shall expire by operation of law on December 31, ~~2022~~2024. All
8 permits authorizing the operation of a Medical Cannabis Dispensary issued under this Article
9 33 shall be rendered invalid after December 31, 2018, except for those permits issued under
10 this Article 33 where the permit holder has applied for a Police Code Article 16 permit, which
11 shall be rendered invalid on December 31, ~~2022~~2024. Upon expiration of the Article, the City
12 Attorney shall cause it to be removed from the Health Code.

13
14 Section 3. Article 16 of the Police Code is hereby amended by revising Section 1605
15 to read as follows:

16 **SEC. 1605. TRANSITION PROVISION.**

17 * * * *

18 (h) **Duration.** A Temporary Cannabis Business Permit issued under this Section
19 1605 shall be valid for a period of 120 days and may be extended for additional 120-day
20 periods at the discretion of the Director. Notwithstanding the prior sentence, the Director shall
21 not issue a new temporary permit after January 1, 2019, and shall not extend the term of a
22 Temporary Cannabis Business Permit issued to an applicant for a Cannabis Business Permit
23 under this Article 16 past December 31, ~~2022~~2024.

24 * * * *

1 Section 4. Effective Date. This ordinance shall become effective 30 days after
2 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
3 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
4 of Supervisors overrides the Mayor's veto of the ordinance.

5
6 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
7 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
8 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
9 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
10 additions, and Board amendment deletions in accordance with the "Note" that appears under
11 the official title of the ordinance.

12 APPROVED AS TO FORM:
13 DAVID CHIU, City Attorney

14 By: /s/ Sarah Crowley
15 SARAH CROWLEY
16 Deputy City Attorney

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LEGISLATIVE DIGEST

[Health, Police Codes - Cannabis Sunset Dates]

Ordinance amending the Health Code and Police Code to extend the sunset date for provisions governing Medical Cannabis Dispensaries from December 31, 2022, to December 31, 2024; and to allow the extension of Temporary Cannabis Business Permits for additional 120-day terms through December 31, 2024, rather than December 31, 2022; affirming the Planning Department's determination under the California Environmental Quality Act; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Amendments to Current Law

This ordinance would extend the date beyond which Medical Cannabis Dispensary Permits (issued under Article 33 of the Health Code) can no longer be effective from December 31, 2022, to December 31, 2024.

This ordinance would extend the date beyond which Temporary Cannabis Business Permits (issued under Article 16 of the Police Code) can no longer be effective from December 31, 2022, to December 31, 2024.

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