

BOARD of SUPERVISORS



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## MEMORANDUM

### CITY OPERATIONS AND NEIGHBORHOOD SERVICES

#### SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor John Avalos, Chair  
City Operations and Neighborhood Services

FROM: Gail Johnson, Committee Clerk

DATE: November 1, 2011

SUBJECT: **COMMITTEE REPORT, BOARD MEETING**  
Tuesday, November 1, 2011

The following files should be presented as a **COMMITTEE REPORT** at today's Board Meeting. These items were acted upon at the Committee Meeting on Monday, October 31, 2011, at 10:00 a.m., by the votes indicated.

Item No. 30      File No. 111164

Resolution supporting the Occupy Wall Street Protest Movement and urging Mayor Lee to uphold people's right to peaceful assembly and collaborate with OccupySF to ensure the safety of the protestors, their supporters, and the greater public in the City and County of San Francisco.

RECOMMENDED AS AMENDED AS A COMMITTEE REPORT

Vote:      Avalos:      Aye  
             Kim\*:      Aye  
             Elsbernd:      Excused

(\*Supervisor Kim replaced Supervisor Mar as a member of the Committee at 10:45 a.m., for yesterday's meeting only.)

Item No. 31

File No. 111165

Resolution supporting regulated and safe patient access to medical cannabis in the City and County of San Francisco.

RECOMMENDED AS A COMMITTEE REPORT

Vote:	Avalos:	Aye
	Mar:	Aye
	Elsbernd:	Excused

cc: Angela Calvillo, Clerk of the Board  
Cheryl Adams, Deputy City Attorney  
Rick Caldeira, Legislative Deputy Director  
Binder Copy

File No. 111169

Committee Item No. 1

Board Item No. 31

### COMMITTEE/BOARD OF SUPERVISORS

#### AGENDA PACKET CONTENTS LIST

Committee CITY OPERATIONS AND NEIGHBORHOOD SERVICES

Date 10/31/11

Board of Supervisors Meeting

Date 11/1/11

#### Cmte Board

- |                                     |                                     |  |
|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/>            | <input type="checkbox"/>            | Motion                                       |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution                                   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Ordinance                                    |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Budget Analyst Report                        |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Legislative Analyst Report                   |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Introduction Form (for hearings)             |
| <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                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Application                                  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Public Correspondence                        |

#### OTHER

(Use back side if additional space is needed)

- |                          |                          |
|--------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> |

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Completed by: Gail Johnson

Date 10/27/11

Completed by: [Signature]

Date 11/1/11

An asterisked item represents the cover sheet to a document that exceeds 25 pages. The complete document is in the file.

1 [Supporting Regulated and Safe Patient Access to Medical Cannabis]

2  
3 **Resolution supporting regulated and safe patient access to medical cannabis in the**  
4 **City and County of San Francisco.**

5  
6 WHEREAS, The majority of California citizens voted for and approved Proposition 215;  
7 The Compassionate Use Act of 1996; and

8 WHEREAS, SB420, AB2650, the California Attorney General Guidelines, and  
9 California State Courts acknowledge patient collectives and cooperatives; and

10 WHEREAS, The City and County of San Francisco has adopted a comprehensive  
11 regulatory system to permit and control medical cannabis collectives and cooperatives; and,

12 WHEREAS, Those entities who have received a permit to operate in San Francisco  
13 participated in a transparent permitting process by their local government agencies, are  
14 clearly acting in good faith, in full compliance with state and local laws and as such operate in  
15 a not for profit capacity, and take every measure possible to be safe and professional  
16 members of their communities; and

17 WHEREAS, San Francisco has an exceptionally high number of HIV positive citizens;  
18 and

19 WHEREAS, Research has confirmed the therapeutic benefits of cannabis around the  
20 world, demonstrating a clear nexus between debilitating diseases and chronic pain and the  
21 use of cannabis as a therapeutic substance; and

22 WHEREAS, 16 states and the District of Columbia have laws allowing for patient use of  
23 cannabis and the creation of distribution centers to facilitate the safe, controlled access to this  
24 medicinal substance; and

1           WHEREAS, President Barack Obama repeatedly asserted during his campaign a  
2 position of recognizing and respecting state medical cannabis laws; and

3           WHEREAS, United States Attorney General Eric Holder, in February of 2009, indicated  
4 that the Federal Government's new policy was to treat medical cannabis as a State's rights  
5 and responsibility issue, which was reiterated in the *Ogden* Memorandum of that year; and

6           WHEREAS, The Investigation New Drug (IND) program, created by the Federal  
7 Government, has provided medical cannabis to a limited number of patients since 1978; and

8           WHEREAS, The Federal government has acknowledged medical cannabis policies  
9 from the Department of Veterans, as well as from Housing and Urban Development; and

10          WHEREAS, The American Medical Association in 2009, Student American Medical  
11 Association in 2008, and the American Nurses Association in 2008 passed resolutions urging  
12 the Federal Government to reexamine the scheduling of cannabis as a Schedule I Controlled  
13 Substance; and

14          WHEREAS, The state's largest association of doctors, California Medical Association,  
15 which represents more than 35,000 physicians statewide released a new policy on October  
16 15, 2011 asking for legalization of cannabis and declaring that current laws have proven to be  
17 a failed public health policy; and

18          WHEREAS, Calculations from Harvard Professor Jeffrey Miron estimate that the U.S.  
19 spends in excess of \$40 billion dollars annually in enforcement of the current drug policy; and

20          WHEREAS, Organized labor, including United Food and Commercial Workers,  
21 recognizes that with current unemployment rates at around 9%, our economy cannot afford to  
22 lose more jobs with the closure of law abiding not for profit collectives and cooperatives.  
23 Additionally, this would result in loss of revenue to the State Board of Equalization; and

24          WHEREAS, On September 28, 2011 Melinda Haag, United States Attorney for the  
25 Northern District of California and the Department of Justice delivered harassing letters to

1 landlords in San Francisco threatening civil forfeiture, and up to 40 years in jail if they do not  
2 cease and desist providing safe access to qualified medical cannabis patients within 45 days;  
3 now, therefore, be it

4       RESOLVED, That the San Francisco Board of Supervisors urges the federal  
5 government to reconsider this bad policy decision and respect California's right to provide  
6 medicine to its residents; and, be it

7       FURTHER RESOLVED, That the San Francisco Board of Supervisors does hereby call  
8 upon the Federal Government to end the prohibition on medical cannabis and requests the  
9 United States Congress pass: HR 1983, the State's Medical Marijuana Protection Act of 2011,  
10 introduced by Rep. Barney Frank (D-MA), HR 1984, the Small Business Banking  
11 Improvement Act of 2011 by Rep. Jared Polis (D-CO), and HR 1985, the Small Business Tax  
12 Equity Act of 2011, introduced by Rep. Pete Stark (D-CA); and, be it

13       FURTHER RESOLVED, That the San Francisco Board of Supervisors stands with  
14 Assemblymember Tom Ammiano, Senator Mark Leno, Senator Leland Yee, Attorney General  
15 Kamala Harris in protecting our citizens and our rule of law by calling upon the Federal  
16 Government to stop the harassment of California medical cannabis patients and their  
17 collectives/cooperatives; and, be it

18       FURTHER RESOLVED, That the San Francisco Board of Supervisors encourages the  
19 President and Congress of the United States to enact legislation requiring federal law  
20 enforcement to respect state medical cannabis laws.