

1 [Opposing Assembly Bill 2650 - Regarding Unnecessary Regulations and Intrusion into the
2 City and County's Authority]

3 **Resolution opposing Assembly Bill 2650, opposing unnecessary State intrusions on**
4 **the City and County's land use and regulatory authority and urging San Francisco's**
5 **State Representatives to oppose this bill and any similar legislation to unnecessarily**
6 **regulate the location of medical cannabis facilities in contravention of existing or future**
7 **local ordinances.**

8
9 WHEREAS, In 2005, San Francisco enacted the Medical Cannabis Act (Article 33 of
10 the Health Code), placing our City at the forefront of a movement to develop comprehensive
11 land use and regulatory rules for medical cannabis dispensaries; and

12 WHEREAS, The Medical Cannabis Act, along with related Planning Code provisions,
13 establishes comprehensive rules for the location and operation of medical cannabis
14 dispensaries to provide protections for patients, operators and surrounding communities; and,

15 WHEREAS, In order to protect existing patient access and ensure continuity in the
16 system, the Medical Cannabis Act allowed then-existing dispensaries to proceed through the
17 permitting process and continue operating despite their proximity to schools while requiring
18 new dispensaries to locate more than 1,000 feet from schools ; and

19 WHEREAS, AB 2650 would prohibit any collective or cooperative medical cannabis
20 use within a certain distance of a school in California, going so far as to strip existing
21 cooperatives and collective dispensaries of their protections under state law and subject them
22 to criminal sanctions; and

23 WHEREAS, The impact of AB 2650 on San Francisco's existing dispensaries and
24 patient population would be immediate and disastrous, with many permitted collectives forced
25

1 to close or face criminal sanction with others caught in legal limbo amid confusion over the
2 bill's unclear and poorly drafted provisions; and

3 WHEREAS, San Francisco, along with many cities and counties, worked hard to
4 develop strong land use regulations for medical cannabis dispensaries that reflect our City's
5 unique values and compassion for patients, and AB 2650's disrespect for local laws would
6 unnecessarily destroy years of hard work and endanger thousands of San Francisco patients;
7 and

8 WHEREAS, Our City is greatly concerned with any state bill that infringes on our ability
9 to provide for the health and safety of local citizens through exercise of the local police
10 powers, including the ability to adopt zoning and health regulations that protect the public
11 interest; and

12 WHEREAS, Each city and county in California is unique and should be allowed the
13 continued ability to adopt land use ordinances that reflect these individual characteristics ; and

14 WHEREAS, AB 2650 is an unnecessary, politically motivated intrusion on local
15 government's authority that will create more problems than it solves by endangering local
16 patients and providers and disrupting our carefully crafted local regulations; now, therefore, be
17 it

18 RESOLVED, That it shall be the policy of the City and County of San Francisco to
19 oppose AB 2650 (Buchanan) and any similar legislation that interferes with our City's ability to
20 regulate the location of medical cannabis dispensaries as a local land use and public health
21 matter; and be it

22 FURTHER RESOLVED, That the Board of Supervisors urges members of our state
23 legislative delegation to oppose AB 2650 (Buchanan) in any form so long as it endangers
24 medical cannabis patients and providers, interferes with local regulations and permit
25

1 processes and prevents local governments from developing their own standards and rules in
2 the future; and, be it

3 ~~FINALLY RESOLVED~~, That upon adoption of this resolution, the Clerk of the Board
4 shall expeditiously provide copies to the offices of Assemblywoman Fiona Ma, Assemblyman
5 Tom Ammiano, Senator Mark Leno, Senator Leland Yee and Assemblywoman Joan
6 Buchanan.



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails
Resolution

File Number: 100652

Date Passed: June 08, 2010

Resolution opposing Assembly Bill 2650, opposing unnecessary State intrusions on the City and County's land use and regulatory authority, and urging San Francisco's State Representatives to oppose this bill and any similar legislation to unnecessarily regulate the location of medical cannabis facilities in contravention of existing or future local ordinances.

May 25, 2010 Board of Supervisors - CONTINUED

Ayes: 10 - Alioto-Pier, Avalos, Campos, Chiu, Chu, Daly, Dufty, Mar, Maxwell and Mirkarimi
Absent: 1 - Elsbernd

June 08, 2010 Board of Supervisors - ADOPTED

Ayes: 8 - Avalos, Campos, Chiu, Daly, Dufty, Mar, Maxwell and Mirkarimi
Noes: 3 - Alioto-Pier, Chu and Elsbernd

File No. 100652

I hereby certify that the foregoing Resolution was ADOPTED on 6/8/2010 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

June 16, 2010

I hereby certify that the foregoing ordinance, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter.

Angela Calvillo
Clerk of the Board

File 100652