

File No. 201265

Committee Item No. 2

Board Item No. 42

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Comm: Public Safety & Neighborhood Services

Date: Nov. 12, 2020

Board of Supervisors Meeting:

Date: Dec. 1, 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 2 |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Legislative Digest - VERSION 2 |
| <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 |
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| <input type="checkbox"/> | <input type="checkbox"/> | Application |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Public Correspondence |

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

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 ~~three~~ 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 **require the Department of Public Health (DPH) to initiate a public information campaign**
9 **to raise awareness of the smoking prohibition; require DPH to initiate the imposition of**
10 **administrative penalties by issuance of a notice of violation in lieu of a citation;**
11 **suspend the provision of the Health Code (mooted by this Ordinance) which requires**
12 **owners or managers of multi-unit housing complexes to provide certain disclosures**
13 **regarding whether smoking is authorized in certain units; and affirm the Planning**
14 **Department's determination under the California Environmental Quality Act.**

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

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

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
Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of

1 Supervisors in File No. 201265 and is incorporated herein by reference. The Board affirms
2 this determination.

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

5

6 **SEC. 1009.20. FINDINGS.**

7 * * * *

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

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

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

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

17

18 **SEC. 1009.21. DEFINITIONS.**

19 * * * *

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

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

8 * * * *

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

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

16 * * * *

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

19 * * * *

20 (f) Smoking in residential buildings.

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

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

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

20 * * * *

21 (h) It is unlawful for any person to smoke in any area where this Article 19F prohibits
22 smoking. It is unlawful for the owner of any property, facility, or establishment subject to this
23 Article 19F, or if a different person has the right to possession or management of such
24 property, facility, or establishment, for that person, to permit any person to smoke in any area
25 where smoking is prohibited by this Article 19F, and if the owner or manager had or should

1 have had actual or constructive knowledge acquired by due diligence of the smoking. This
2 subsection (h) does not require a property owner or manager of a business to enforce a
3 smoking prohibition outside the business against persons who are not patrons of the
4 business, or a property owner or manager of a multi-unit housing complex to enforce a
5 smoking prohibition outside the building against persons who are not tenants or owners of
6 owner-occupied units of the building.

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

10 (1) Post clear and prominent signs at each entrance to the premises no higher
11 than eight 8 feet and no lower than five 5 feet, and within 10 feet of the door or the most
12 appropriate place for visibility from outside, that read "Smoking only 1) at the curb, or 2) if no
13 curb, at least 15 ft. from entrances, exits, operable windows, and vents" in letters no less than
14 one-half inch in height and include 1) the international "No Smoking" symbol, consisting of a
15 pictorial representation of a burning cigarette enclosed in a circle, with a diameter of at least
16 three inches, with a bar across it, and 2) a statement at the bottom of the sign that reads "SF
17 Health Code Article 19F" in font no less than one-eighth inch in height. Persons that own,
18 manage, or operate property that is LEED ("Leadership in Energy and Environmental Design")
19 certified that has a smoking distance requirement greater than that specified in this Article 19F
20 shall post signs conforming to all the requirements in this subsection (i)(1) ~~Section~~ that state that
21 smoking ~~only~~ is allowed only at that greater distance from the ~~exists~~, entrances, and operable
22 windows.

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

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

10 Upon receipt of a written complaint from a tenant, owner of an owner-occupied unit,
11 or the Department of Public Health, or when any person is observed smoking where smoking
12 is prohibited, an owner or manager of a multi-unit housing complex must post a notice in the
13 building lobby, common mailbox area, or common elevator for a period of not less than 10 ~~ten~~
14 days, advising that a person tenant has been observed smoking ~~ins~~ a portion of the building
15 where smoking is prohibited under ~~San Francisco Health Code~~ this Article 19F, and requesting
16 that all people tenants refrain from smoking in those areas. If there is no common building
17 lobby, common mailbox area, or common elevator, then the owner or manager of a multi-unit
18 housing complex may provide notice to tenants or owners of owner-occupied units in another
19 reasonable manner. If the owner or manager of a multi-unit housing complex knows the identity
20 of the person tenant who was smoking in a prohibited area, the owner or manager of a multi-unit
21 housing complex must additionally make the request to the tenant or owner of an owner-occupied
22 unit in writing, and keep a record of the request for a ~~reasonable~~ period of two-years ~~time~~. For
23 purposes of this subsection (i)(3), a request that someone refrain from smoking does not
24 require the physical ejection of a person from the premises.

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

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

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

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

17 (k) If the owner or manager has complied with all the requirements in this Article
18 19F, smoking in a multi-unit housing complex where prohibited under this Article 19F shall not
19 be considered a substantial reduction in housing services that would qualify a tenant for a
20 reduction in rent under ~~San Francisco~~ Administrative Code Chapter 37.

21
22 **SEC. 1009.23. EXCEPTIONS.**

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

24 * * * *

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

5 * * * *

6
7 **SEC. 1009.25. VIOLATIONS AND PENALTIES.**

8 (a) **Civil Enforcement.** The Director of Public Health may enforce the provisions of
9 this Article 19F against violators by serving ~~a notice~~ Notice of Violation as described in subsection
10 (b) requiring the correction of any violation within a reasonable time specified by the Director.
11 Upon the violator's failure to comply with the ~~notice~~ Notice of Violation within the time period
12 specified, ~~(1)~~ the Director may request the City Attorney to maintain an action for injunction to
13 enforce the provisions of this Article 19F and for assessment and recovery of a civil penalty for
14 such violation. ~~and (2) the owner of the premises or the person with the right to possession and~~
15 ~~management of the property may maintain an action for injunctive relief to enforce the provisions of~~
16 ~~this Article 19F and an action for damages. Damages may be awarded up to \$500 a day for each day~~
17 ~~the violation occurs or is permitted to continue. It is necessary to specify the amount of such damages~~
18 ~~because of the extreme difficulty that the owner or other authorized person would have in establishing~~
19 ~~injury based on lost business, lost productivity due to health injuries caused by tobacco smoke, and~~
20 ~~other costs arising because of the health problems created by smoking.~~ Any civil penalties collected
21 under this Article 19F shall be credited to the Public Health Environmental Health Code
22 Compliance Fund, authorized by ~~San Francisco~~ Administrative Code Section 10.100-193.
23 ~~—(b) Administrative Enforcement. The Director also may enforce the provisions of this Article by:~~
24 ~~—(1) Serving a Notice of Violation requesting a person to appear at an administrative hearing~~
25 ~~before the Director at least 20 days after the Notice of Violation is mailed. At the hearing, the person~~

1 ~~cited with violating the provisions of this Article shall be provided an opportunity to refute all evidence~~
2 ~~against him or her. The Director shall oversee the hearing and issue a ruling within 20 days of its~~
3 ~~conclusion. The Director's ruling shall be final; or,~~

4 ~~— (2) Issuing a citation under San Francisco Administrative Code Chapter 100, "Procedures~~
5 ~~Governing the Imposition of Administrative Fines," which is hereby incorporated in its entirety and~~
6 ~~shall govern the imposition, enforcement, collection, and review of administrative citations issued to~~
7 ~~enforce this Article, and any rule or regulation adopted pursuant to this Article, in addition to the other~~
8 ~~enforcement mechanisms authorized by this Article, provided, however, that:~~

9 ~~— (i) Each day a violation is committed or permitted to continue shall constitute a separate~~
10 ~~violation;~~

11 ~~— (ii) The Director of Public Health shall appoint the hearing officer to conduct hearings for~~
12 ~~appeals;~~

13 ~~— (iii) The fine for any violation issued pursuant to this section shall be paid to the Treasurer of~~
14 ~~the City and County of San Francisco and credited to the Public Health Environmental Health Code~~
15 ~~Compliance Fund, authorized by San Francisco Administrative Code Section 10.100-193;~~

16 ~~— (iv) The Director may recover any costs and fees, including but not limited to attorneys' fees, for~~
17 ~~enforcement initiated through this Section and authorized under this Article; and,~~

18 ~~— (v) The penalty amounts for citations issued under Administrative Code Chapter 100 shall be the~~
19 ~~same as those set forth in subsection (c).~~

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

22 (1) Any Person who violates this Article 19F shall be subject to an administrative
23 penalty imposed by order of the Director of Public Health, not to exceed \$1,000. Each and every day
24 that a violation exists constitutes a separate and distinct violation for which an administrative penalty
25 may be imposed. In assessing the amount of the administrative penalty, the Director of Public Health

1 may consider any one or more of the following: the nature and seriousness of the misconduct, the
2 number of violations, the persistence of the misconduct, the length of time over which the misconduct
3 occurred, and the willfulness of the violator's misconduct.

4 (2) If the Director of Public Health determines that a person violated this Article
5 19F, the Director shall issue a Notice of Violation to the person. The Notice of Violation shall contain
6 the following information: a description of circumstances or conditions constituting the violation; the
7 date by which the person must correct the violation; the amount of the administrative penalty that the
8 Director will impose daily until such time as the person has demonstrated to the satisfaction of the
9 Director that the violation has been corrected; and the right to seek administrative review of the Notice
10 of Violation by filing an appeal within 30 days of the date that the Notice of Violation is served, to
11 challenge the Director's determination and/or the proposed administrative penalty.

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

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

20 ~~—(c) Any person who violates or refuses to comply with the provisions of this Article 19F shall be~~
21 ~~liable for a civil or administrative penalty in the amounts set forth in Cal. Labor Code Sec. 6404.5 for~~
22 ~~each day such violation is committed or permitted to continue. A civil penalty shall be assessed and~~
23 ~~recovered in a civil action brought in the name of the people of the City and County of San Francisco,~~
24 ~~by the City Attorney, in any court of competent jurisdiction. Any penalty assessed and recovered in a~~
25 ~~civil or administrative action brought pursuant to this Section shall be paid to the Treasurer of the City~~

1 ~~and County of San Francisco and credited to the Public Health Environmental Health Code~~
2 ~~Compliance Fund. An administrative penalty shall be assessed following an administrative hearing as~~
3 ~~described in subsection (b).~~

4
5 **SEC. 1009.26. COST RECOVERY.**

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

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

16
17 **SEC. 1009.29. AUTHORITY TO ADOPT RULES AND REGULATIONS; PUBLIC**
18 **INFORMATION CAMPAIGN.**

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

21 (b) Due to the addictive nature of nicotine, some tenants or owners of owner-occupied units
22 in multi-unit housing complexes may struggle to comply with Section 1009.22(f) of this Article 19F and
23 may need assistance and support. During the first year of the effective date of the ordinance in Board
24 File No. 201265 amending Section 1009.22(f) of this Article 19F, the Department of Public Health

1 shall initiate a multilingual and culturally responsive public information campaign to raise awareness
2 of the smoking prohibition and cessation resources.

3
4 **SEC. 1009.37. RELATIONSHIP TO OTHER SMOKING RESTRICTIONS.**

5 The provisions of this Article 19F are intended to supersede the smoking regulations
6 set forth in Articles 19A, 19B, 19C, ~~and 19E,~~ and 19M. The provisions of the foregoing Articles
7 ~~19A, 19B, 19C and 19E~~ are hereby suspended. Notwithstanding the above, if the provisions of
8 this Article 19F are determined invalid in whole or substantial part for any reason, the
9 provisions of the suspended Articles ~~19A, 19B, 19C and 19E~~ shall no longer be suspended and
10 shall become immediately operative. The suspended Articles ~~19A, 19B, 19C, and 19E~~ encompass
11 Sections 1006, 1006.1, 1006.2, 1006.3, 1006.4, 1006.5, 1007, 1007.1, 1007.2, 1007.3,
12 1007.4, 1007.5, 1008, 1008.1, 1008.2, 1008.3, 1008.4, 1008.5, 1008.6, 1008.7, 1008.8,
13 1009.5, 1009.6, 1009.7, 1009.8, 1009.9, ~~and~~ 1009.10, 19M.1, 19M.2, 19M.3, 19M.4, and 19M.5.
14 The Clerk of the Board shall cause to be printed appropriate notations in the Health Code
15 indicating that the provisions of Articles 19A, 19B, 19C, ~~and 19E,~~ and 19M are suspended,
16 unless and until such time that these provisions become operative again.

17
18 Section 3. Effective Date. This ordinance shall become effective 30 days after
19 enactment. Enactment occurs when the Mayor signs this ordinance, the Mayor returns this
20 ordinance unsigned or does not sign this ordinance within 10 days of receiving it, or the Board
21 of Supervisors overrides the Mayor's veto of this ordinance.

22
23 Section 4. Severability. If any section, subsection, sentence, clause, phrase, or word
24 of this ordinance, or any application thereof, to any person or circumstance, is held to be
25 invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision

1 shall not affect the validity of the remaining portions or applications of the ordinance. The
2 Board of Supervisors hereby declares that it would have passed this ordinance and each and
3 every section, subsection, sentence, clause, phrase, or word not declared invalid or
4 unconstitutional without regard to whether any other portion of this ordinance or application
5 thereof would be subsequently declared invalid or unconstitutional.

6
7 Section 5. Undertaking for the General Welfare. In enacting and implementing this
8 ordinance, the City is assuming an undertaking only to promote the general welfare. It is not
9 assuming, nor is it imposing on its officers and employees, an obligation for breach of which it
10 is liable in money damages to any person who claims that such breach proximately caused
11 injury.

12
13 Section 6. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
14 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
15 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
16 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
17 additions, and Board amendment deletions in accordance with the “Note” that appears under
18 the official title of the ordinance.

19
20 APPROVED AS TO FORM:
21 DENNIS J. HERRERA, City Attorney

22
23 By: /s/ Valerie J. Lopez
24 VALERIE J. LOPEZ
25 Deputy City Attorney

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REVISED LEGISLATIVE DIGEST
(Amended in Committee – November 12, 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:

- Extending the smoking prohibition to all private dwelling units in multi-unit housing complexes containing three or more units and all common areas;
- 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; and,
- Eliminating a property owner or property manager's ability to pursue injunctive relief.

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 Health Code 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 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.

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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

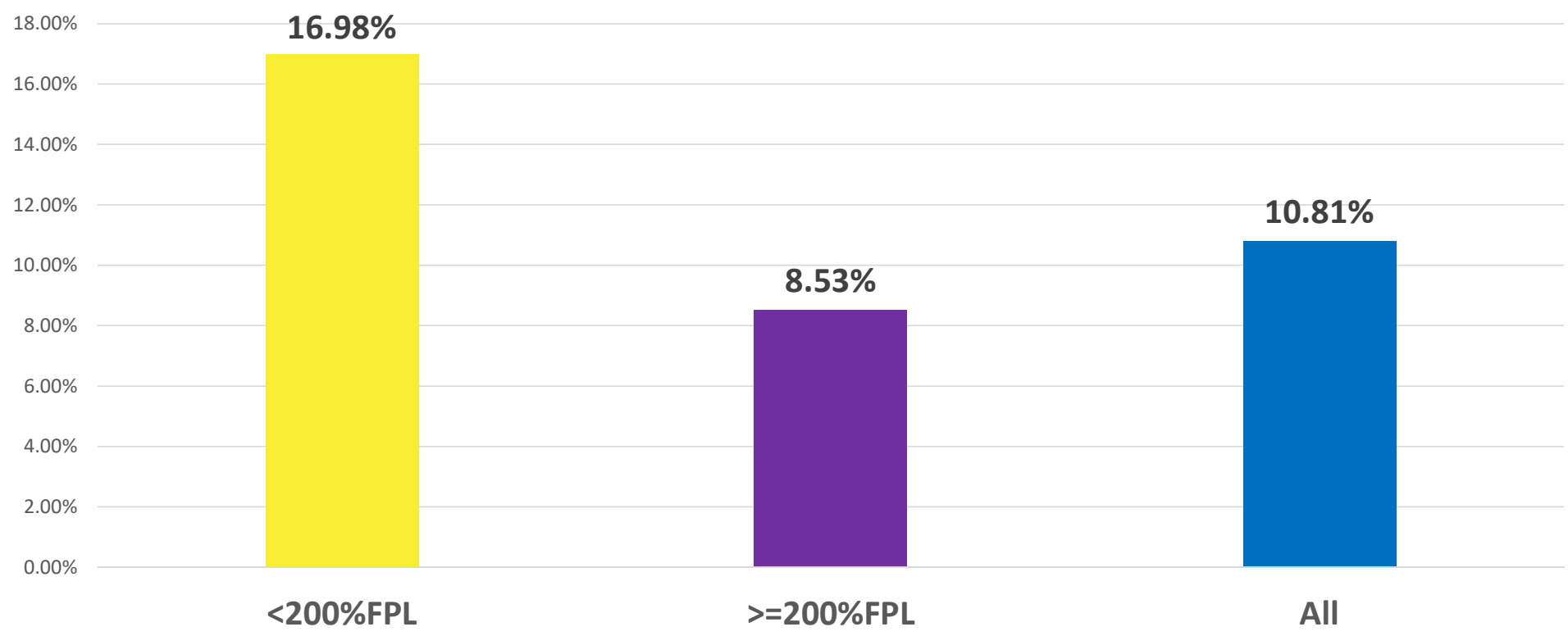

27.3% ever used cannabis



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

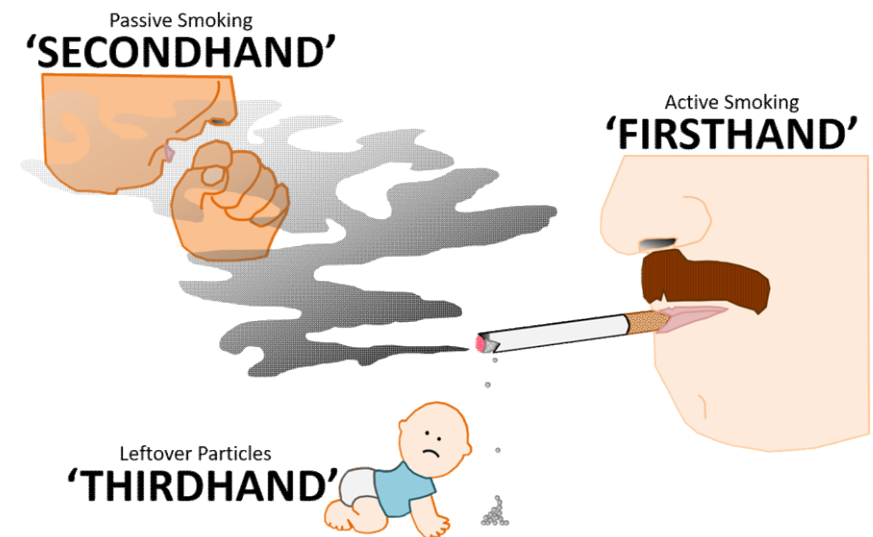


Image Source: Thirdhand Smoke Resource Center, thirdhandsmoke.org



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: [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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Back to The Picture

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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 Hispanas 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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- **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: [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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- **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: [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

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

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.

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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

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

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.

- **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: [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

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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

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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

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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.**
- **Massive negative impact on an industry that should be supported by our city government. Deemed essential to sell but not to medicate?**
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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.**
- **Massive negative impact on an industry that should be supported by our city government. Deemed essential to sell but not to medicate?**
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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.

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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.

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.

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.

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: [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.

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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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>

Sent: Monday, November 23, 2020 2:12 PM
To: Beinart, Amy (BOS) <amy.beinart@sfgov.org>
Subject: Re: Smoking legislation

Could you pass this to the clerk of the board for the packet? We will also be giving it to the individual Supervisors. thanks

Dear Supervisors,

Tenants' rights organizations recognize that the health effects of secondhand smoke are serious. Still, we have some 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. When DPH fines poor people who can't afford multiple thousand-dollar fines, what is the cities plan? These detail policy questions need to be addressed. This is a badly written rushed policy that needs to be rewritten and sent back to committee.

Sarah "fred" Sherburn-Zimmer
On behalf of Housing Rights Committee of SF

On Mon, Nov 23, 2020 at 11:45 AM Beinart, Amy (BOS) <amy.beinart@sfgov.org> wrote:

[Thanks, Fred. Can I forward this to the Clerk of the Board so it gets into the packet the full Board sees? Or are you submitting it to Board members?](#)

>>>>>>>>>>

[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@hrccsf.org>
Sent: Tuesday, November 17, 2020 8:56:29 AM
To: Beinart, Amy (BOS) <amy.beinart@sfgov.org>
Subject: Smoking legislation

-

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

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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.

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.

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.

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.

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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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.

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.

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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

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.

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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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,

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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,

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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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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Angela Calvillo,

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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

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.

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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

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John Carroll,

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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.

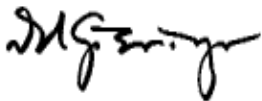
Including vapes in a secondhand smoking ban is even more unjustified. Vaporization has been show to eliminate 95%-99.99% of all smoke toxins, both in marijuana and tobacco [4]. In addition, vaporizers drastically reduce secondhand side-stream emissions and don't involve lighters, matches, fire, smoke 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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may be privileged. If you have received it by mistake, please notify the sender by return e-mail and delete this message from your system. Any unauthorized use or dissemination of this message in whole or in part is strictly prohibited. Please note that e-mails are susceptible to change. Nina Parks Consulting LLC shall not be liable for the improper or incomplete transmission of the information contained in this communication nor for any delay in its receipt or damage to your system. Nina Parks Consulting LLC does not guarantee that the integrity of this communication has been maintained nor that this communication is free of viruses, interceptions or interference.

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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

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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

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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: 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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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)

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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@sf.gov>; Board of Supervisors, (BOS) <board.of.supervisors@sf.gov>
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.

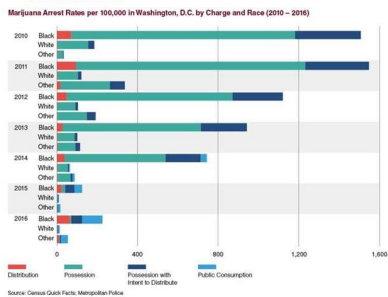
Cal NORML analysis of specious claims about second-hand marijuana smoke. Study: Marijuana Use History Not Independently Associated With Atherosclerosis Study: Cannabis Use Not Associated With Increased Risk of Cardiovascular Disease

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/stibburemont/>

• 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

BrownieMarySF@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,



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 [a1]). 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. Exicting 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 Funding" <https://www.calnorml.org/press-releases/anti-tobacco-fund-misrepresents-cannabis-smoke-and-vape-hazards-using-anti-tobacco-funding>

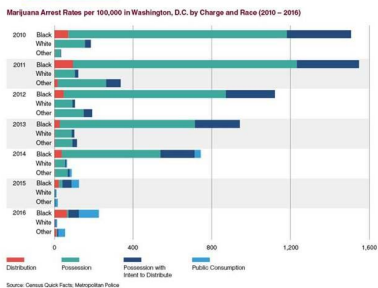
[4] Demonstrating efficacy of cannabis vapes:
Gieringer D et al, "Cannabis Vaporizer Combines Efficient Delivery of THC with Effective Suppression of Pyrolytic Compounds," *Journal of Cannabis Therapeutics* 2004.
Meehan-Attrash J et al, "Aerosol Gas-Phase Components from Cannabis E-Cigarettes and Dabbing: Mechanistic Insight and Quantitative Risk Analysis," *ACS Omega* Sept 16, 2019. Similar findings for nicotine vapes:
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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: [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

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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:

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:

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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](#)



*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.

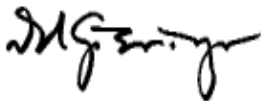
Including vapes in a secondhand smoking ban is even more unjustified. Vaporization has been shown to eliminate 95%-99.99% of all smoke toxins, both in marijuana and tobacco [4]. In addition, vaporizers drastically reduce secondhand side-stream emissions and don't involve lighters, matches, fire, smoke 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 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:
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Am J. Public Health 2017 Apr 107(4):601-6.

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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

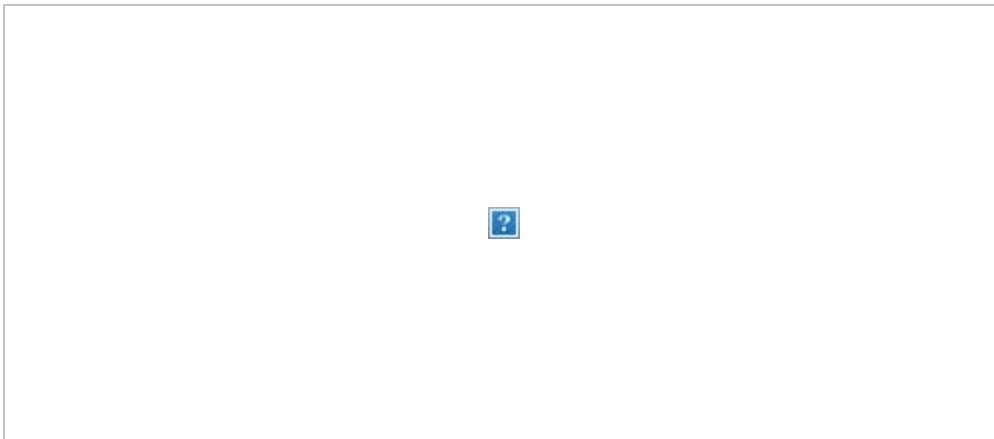
Mobile: 415.846.7671

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

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

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

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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

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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):

Subject:

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:

For Clerk's Use Only