

FILE NO. 012006

RESOLUTION NO. **955-81**

1 [Sanctuary for Medical Cannabis]

2  
3 **Resolution declaring the City and County of San Francisco a sanctuary for medical**  
4 **cannabis use, cultivation, and distribution, and urging the District Attorney for the City**  
5 **and County of San Francisco, the San Francisco Police Department, the San Francisco**  
6 **Sheriff's Department, the Attorney General for the State of California, and the California**  
7 **Department of Consumer Affairs – Medical Board of California not to assist in the**  
8 **harassment, arrest or prosecution of physicians, medical cannabis dispensaries,**  
9 **individual patients, or their primary caregivers attempting to comply with section**  
10 **11362.5 of the California Health and Safety Code.**

11  
12 WHEREAS, In 1972, the voters of the City and County of San Francisco supported by  
13 51 percent Proposition 19, the California Marijuana Initiative, which stated that no one in the  
14 State of California eighteen years of age or older shall be punished in any way for growing,  
15 processing, transporting, or possessing marijuana for personal use, or for using it; and,

16 WHEREAS, In 1978, the voters of the City and County of San Francisco passed by 57  
17 percent Proposition W, which stated that the people of the City and County of San Francisco  
18 demand that the District Attorney and the Chief of Police cease the arrest and prosecution of  
19 individuals involved in the cultivation, transfer or possession of marijuana; and,

20 WHEREAS, In 1991, the voters of the City and County of San Francisco passed by 80  
21 percent Proposition P, which stated that the people of the City and County of San Francisco  
22 recommended that the State of California and the California Medical Association restore hemp  
23 medical preparations to the list of available medicines in California, and that licensed  
24 physicians should not be penalized for or restricted from prescribing hemp preparations for  
25 medical purposes; and,

1           WHEREAS, In 1992, the Board of Supervisors of the City and County of San Francisco  
2 urged the Mayor to urge the Police Commission and the District Attorney of the City and  
3 County of San Francisco to make lowest priority the arrest or prosecution of those involved in  
4 the possession or cultivation of hemp for medicinal purposes; and

5           WHEREAS, In 1996, the voters of the City and County of San Francisco supported by  
6 78 percent Proposition 215, the Compassionate Use Act of 1996, which exempted patients  
7 and defined caregivers who possess or cultivate marijuana for medical treatment  
8 recommended by a physician from criminal laws which otherwise prohibit possession or  
9 cultivation of marijuana; provided that physicians who recommend use of marijuana for  
10 medical treatment shall not be punished or denied any right or privilege; and declared that the  
11 measure not be construed to supercede prohibitions of conduct endangering others or to  
12 condone diversion of marijuana for non-medical purposes; and,

13           WHEREAS, In 1997, the Health Commission of the City and County of San Francisco  
14 resolved that the San Francisco Department of Public Health will facilitate implementation of  
15 the Compassionate Use Act of 1996; and,

16           WHEREAS, In 1997, the Board of Supervisors of the City and County of San Francisco  
17 authorized the City to pay for the defense of Department of Public Health physicians in federal  
18 criminal and administrative proceedings when those physicians recommend medical  
19 marijuana to their patients; and,

20           WHEREAS, In 1998, the Board of Supervisors of the City and County of San Francisco  
21 requested all pertinent City agencies to coordinate an emergency distribution program of  
22 medicinal marijuana to ensure a continuum of access to medicinal marijuana as provided by  
23 the passage of the Compassionate Use Act of 1996; and,

24           WHEREAS, In 1998, the Board of Supervisors of the City and County of San Francisco  
25 urged the San Francisco City Attorney and District Attorney to create legislation establishing a

1 San Francisco Health Model for the Implementation of the Compassionate Use Act of 1996  
2 and allowing the City and County of San Francisco to legally provide medicinal marijuana for  
3 compassionate use purposes; and,

4 WHEREAS, In 1999, the Health Commission of the City and County of San Francisco  
5 supported the development, implementation and monitoring of a voluntary Medical Cannabis  
6 Identification Card Program by the San Francisco Department of Public Health; and,

7 WHEREAS, In 2000, the Board of Supervisors of the City and County of San Francisco  
8 passed an ordinance amending the San Francisco Health Code to authorize the Department  
9 of Public Health of the City and County of San Francisco to issue medical cannabis  
10 identification cards to individuals who qualify under the Compassionate Use Act of 1996 as  
11 users of medical cannabis or as primary caregivers to medical cannabis users; and,

12 WHEREAS, On July 23, 2001 Rep. Barney Frank (D-Mass) introduced a Bill in the  
13 United States House of Representatives (H.R. 2592) which would move cannabis from  
14 schedule I to schedule II of the Controlled Substances Act; and,

15 WHEREAS, H.R. 2592 would also provide that no provision of the Controlled  
16 Substances Act or the Federal Food, Drug, and Cosmetic Act shall prohibit a State from  
17 allowing physicians to prescribe or recommend cannabis for medical use, from allowing  
18 individuals to obtain and use medical cannabis, from allowing pharmacies to obtain and hold  
19 cannabis for the prescription or recommendation by a physician, or from establishing an entity  
20 which may produce and distribute medical cannabis; and,

21 WHEREAS, Many residents of the City and County of San Francisco are or will  
22 become seriously ill with cancer, anorexia, AIDS, chronic pain, spasticity, glaucoma, arthritis,  
23 migraine, or other medical conditions for which cannabis may provide relief; and

24 WHEREAS, The medical use of cannabis may benefit the health of residents of the  
25 City and County of San Francisco with medical conditions; and,

1           WHEREAS, The City and County of San Francisco supports the rights of persons with  
2 medical conditions to obtain and use cannabis for medical purposes where that medical use is  
3 deemed appropriate and has been recommended by a physician who has determined that the  
4 person's health would benefit from the use of cannabis in the treatment of an illness or  
5 medical condition for which cannabis provides relief; now, therefore, be it

6           RESOLVED, That the City and County of San Francisco is declared to be a sanctuary  
7 for medical cannabis; and, be it

8           FURTHER RESOLVED, That the District Attorney for the City and County of San  
9 Francisco, the San Francisco Police Department, the San Francisco Sheriff's Department, the  
10 Attorney General for the State of California, and the California Department of Consumer  
11 Affairs – Medical Board of California are urged not to assist in the harassment, arrest or  
12 prosecution of physicians, medical cannabis dispensaries, individual patients, or their primary  
13 caregivers attempting to comply with section 11362.5 of the California Health and Safety  
14 Code.

15 //  
16 //  
17 //  
18 //  
19 //  
20 //  
21 //  
22 //  
23 //  
24 //  
25 //



# City and County of San Francisco

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

## Tails Resolution

---

**File Number:** 012006

**Date Passed:**

Resolution declaring the City and County of San Francisco a sanctuary for medical cannabis use, cultivation, and distribution, and urging the District Attorney for the City and County of San Francisco, the San Francisco Police Department, the San Francisco Sheriff's Department, the Attorney General for the State of California, and the California Department of Consumer Affairs - Medical Board of California not to assist in the harassment, arrest or prosecution of physicians, medical cannabis dispensaries, individual patients, or their primary caregivers attempting to comply with section 11362.5 of the California Health and Safety Code.

---

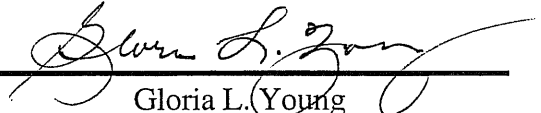
December 3, 2001 Board of Supervisors — ADOPTED

Ayes: 10 - Ammiano, Daly, Gonzalez, Leno, Maxwell, McGoldrick, Newsom,  
Peskin, Sandoval, Yee

Noes: 1 - Hall

File No. 012006

I hereby certify that the foregoing Resolution was ADOPTED on December 3, 2001 by the Board of Supervisors of the City and County of San Francisco.

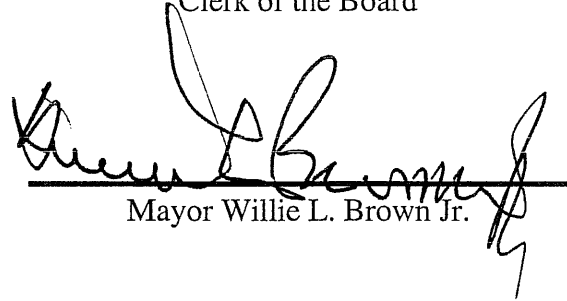


Gloria L. Young  
Clerk of the Board

DEC 07 2001

---

Date Approved



Mayor Willie L. Brown Jr.