

File No. 100652

Committee Item No. _____

Board Item No. 17

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Board of Supervisors Meeting

Date May 25, 2010

Cmte Board

- | | | |
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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Resolution |
| <input type="checkbox"/> | <input type="checkbox"/> | Ordinance |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Introduction Form (for hearings) |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Subcontract Budget |
| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
| <input type="checkbox"/> | <input type="checkbox"/> | Application |
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OTHER (Use back side if additional space is needed)

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Completed by: Annette Lonich Date May 20, 2010

Completed by: _____ Date _____

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

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2010 MAY 18 PM 2:10

BY AK
Time Stamp or
Meeting Date

INTRODUCTION FORM

By a member of the Board of Supervisors or the Mayor

I hereby submit the following item for introduction:

- 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 Committee hearing on a subject matter.
- 4. Request for letter beginning "Supervisor _____ inquires...".
- 5. City Attorney request.
- 6. Call file from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File Nos.
- 9. Request for Closed Session
- 10. Board to Sit as A Committee of the Whole

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

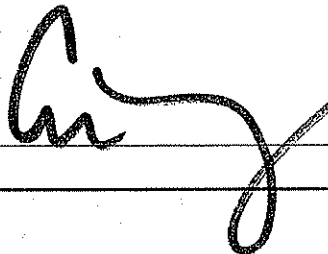
- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a different form.]

Sponsor(s): Supervisor Chris Daly

SUBJECT: Resolution opposing Assembly Bill 2650

Signature of Sponsoring Supervisor: _____



For Clerk's Use Only:

100652

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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AMENDED IN ASSEMBLY APRIL 15, 2010

AMENDED IN ASSEMBLY APRIL 8, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 2650

Introduced by Assembly Member Buchanan

February 19, 2010

An act to add Section 11362.768 to the Health and Safety Code, relating to inmates *medical marijuana*.

LEGISLATIVE COUNSEL'S DIGEST

AB 2650, as amended, Buchanan. Medical marijuana.

Existing law added by initiative, the Compassionate Use Act of 1996, prohibits any physician from being punished, or denied any right or privilege, for having recommended marijuana to a patient for medical purposes. The act prohibits the provisions of law making unlawful the possession or cultivation of marijuana from applying to a qualified patient, the qualified patient's primary caregiver, or an individual who provides assistance to the qualified patient or the qualified patient's primary caregiver, who possesses, cultivates, or distributes marijuana for the personal medical purposes of the qualified patient upon the written or oral recommendation or approval of a physician. Existing statutory law requires the State Department of Public Health to establish and maintain a voluntary program for the issuance of identification cards to qualified patients and establishes procedures under which a qualified patient with an identification card may use marijuana for medical purposes. Existing law regulates qualified patients, a qualified patient's primary caregiver, and individuals who provide assistance to

the qualified patient or the qualified patient's primary caregiver, as specified. A violation of these provisions is generally a misdemeanor.

This bill would provide that no medical marijuana cooperative, collective, dispensary, operator, establishment, or provider; *authorized by law to possess, cultivate, or distribute medical marijuana* shall be located within a 1,000-foot radius of a school, public park, public library, religious institution, licensed child care facility, youth center, substance abuse rehabilitation center, or any preexisting medical marijuana cooperative, collective, dispensary, operator, establishment, or provider, as specified. By creating a new crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11362.768 is added to the Health and
2 Safety Code, to read:

3 11362.768. (a) This section shall apply to individuals specified
4 in subdivision (b) of Section 11362.765.

5 (b) No medical marijuana cooperative, collective, dispensary,
6 operator, establishment, or provider who possesses, cultivates, or
7 distributes medical marijuana pursuant to this article shall be
8 located within a 1,000-foot radius of a school, public park, public
9 library, religious institution, licensed child care facility, youth
10 center, substance abuse rehabilitation center, or any preexisting
11 medical marijuana cooperative, collective, dispensary, operator,
12 establishment, or provider. *school.*

13 (c) The ~~distances~~ *distance* specified in this section shall be the
14 horizontal distance measured in a straight line from the property
15 line of the school, public park, public library, religious institution,
16 licensed child care facility, youth center, substance abuse
17 rehabilitation center, or preexisting medical marijuana cooperative,
18 collective, dispensary, operator, establishment, or provider, to the
19 closest *school to the closest* property line of the lot on which the

1 medical marijuana cooperative, collective, dispensary, operator,
2 establishment, or provider is to be located without regard to
3 intervening structures.

4 (d) This section shall not apply to a medical marijuana
5 cooperative, collective, dispensary, operator, establishment, or
6 provider that is also a licensed residential medical or elder care
7 facility.

8 (e) *This section applies only to a medical marijuana cooperative,*
9 *collective, dispensary, operator, establishment, or provider that*
10 *is authorized by law to possess, cultivate, or distribute medical*
11 *marijuana.*

12 (f) *Nothing in this section shall be construed to supersede*
13 *existing local ordinances that impose more restrictive requirements*
14 *on the location of a medical marijuana cooperative, collective,*
15 *dispensary, operator, establishment, or provider that is authorized*
16 *by law to possess, cultivate, or distribute medical marijuana.*

17 SEC. 2. No reimbursement is required by this act pursuant to
18 Section 6 of Article XIII B of the California Constitution because
19 the only costs that may be incurred by a local agency or school
20 district will be incurred because this act creates a new crime or
21 infraction, eliminates a crime or infraction, or changes the penalty
22 for a crime or infraction, within the meaning of Section 17556 of
23 the Government Code, or changes the definition of a crime within
24 the meaning of Section 6 of Article XIII B of the California
25 Constitution.

O

