

# 📖 **ARTICLE XXXVIII:**

## **CANNABIS OVERSIGHT COMMITTEE**

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**\*Editor's Note:**

*Ord. 260-18 established the Cannabis Oversight Committee under Article X of Chapter 5 of the Administrative Code. But, as of the effective date of Ord. 260-18, Article X housed a pre-existing ordinance, Ord. 173-18, establishing the Food Security Task Force. Accordingly, Ord. 260-18 has been redesignated as Article XXXVIII, with internal section numbers and cross-references renumbered to reflect the redesignation.*

### 📖 **SEC. 5.38-1. CREATION OF COMMITTEE.**

The Board of Supervisors (“Board”) hereby establishes the Cannabis Oversight Committee (“Committee”).

(Added by Ord. [260-18](#), File No. 180800, App. 11/2/2018, Eff. 12/3/2018)

### 📖 **SEC. 5.38-2. DEFINITIONS.**

Terms not defined in this Article XXXVIII shall have the meaning attributed to them in Police Code Section [1602](#).

(Added by Ord. [260-18](#), File No. 180800, App. 11/2/2018, Eff. 12/3/2018)

### 📖 **SEC. 5.38-3. PURPOSE.**

In 2018, the City enacted Police Code [Article 16](#) to comprehensively regulate Commercial Cannabis activities, including the implementation of an Equity Program to promote equitable ownership and employment opportunities in the Cannabis industry by lowering barriers for those hit hardest by the War on Drugs. The purpose of the Committee is to 1) convene representatives of Cannabis Business operators, workers, patients, and other key stakeholders in the Cannabis industry to oversee the Office of Cannabis’ implementation of Police Code [Article 16](#) by evaluating data on the industry’s growth; and 2) provide guidance and recommendations to the Board on amendments to local laws and regulations, including those governing the Equity Program, to facilitate socially responsible growth of this new industry by creating living wage jobs and economic opportunities consistent with the Board’s intent in adopting Police Code [Article 16](#).

(Added by Ord. [260-18](#), File No. 180800, App. 11/2/2018, Eff. 12/3/2018)

## **SEC. 5.38-4. MEMBERSHIP.**

The Committee shall consist of nine voting members and seven non-voting members, as follows (seats 1 through 7 being non-voting members):

- (a) Seat 1 shall be held by the Director of the Department of Public Health or the Director's designee.
- (b) Seat 2 shall be held by the Chief of the Police Department or the Chief's designee.
- (c) Seat 3 shall be held by the Director of the Department of Building Inspection or the Director's designee.
- (d) Seat 4 shall be held by the Director of the Planning Department or the Director's designee.
- (e) Seat 5 shall be held by the Superintendent of the San Francisco Unified School District or the Superintendent's designee, which may include a Member of the Board of Education. The Superintendent is not required to hold this seat or appoint a designee, but shall be invited to do so.
- (f) Seat 6 shall be held by the Executive Director of the Entertainment Commission or the Executive Director's designee.
- (g) Seat 7 shall be held by the Chief of the Fire Department or the Chief's designee.
- (h) Seat 8 shall be held by an Owner of a Cannabis Business permitted through the Equity Program, appointed by the Board. If there are no Equity Applicant permit-holders who apply for the seat, then the Board may appoint a person who, at the time of the appointment, is an Equity Applicant, as that term is defined in Police Code Subsection [1604\(b\)](#).
- (i) Seat 9 shall be held by the operator of a Cannabis Cultivation, Manufacturing, or distribution business with fewer than 20 employees at the time of appointment, appointed by the Board.
- (j) Seat 10 shall be held by a representative of organized labor who works with the Cannabis business labor force, appointed by the Board.
- (k) Seat 11 shall held<sup>1</sup> by a representative of organized labor who works with the Cannabis delivery service labor force, appointed by the Board.
- (l) Seat 12 shall be held by an Owner of a Storefront Cannabis Retailer, appointed by the Board.
- (m) Seat 13 shall be held by a person who, at the time of the appointment, is an Equity Applicant, as that term is defined in Police Code Subsection [1604\(b\)](#), appointed by the Board.
- (n) Seat 14 shall be held by a person with demonstrated subject matter expertise on the State of California's Cannabis laws and regulations, appointed by the Board.
- (o) Seat 15 shall be held by a person with significant experience in workforce and economic development, appointed by the Board.
- (p) Seat 16 shall be held by a person who has been a Medicinal Cannabis patient or Medicinal Cannabis consumer for at least five years, with an extensive history advocating for Medicinal Cannabis patients or involvement in implementing and running a Cannabis compassionate use program in compliance with the Compassionate Use Act of 1996, appointed by the Board.

(Added by Ord. [260-18](#), File No. 180800, App. 11/2/2018, Eff. 12/3/2018)

### CODIFICATION NOTE

1. So in Ord. [260-18](#).

## **SEC. 5.38-5. ORGANIZATION AND TERMS OF OFFICE.**

- (a) Voting members shall serve two-year terms and shall serve at the pleasure of the Board. Any vacancy in Seats 8 through 16 on the Committee shall be filled by the Board. Voting members may serve multiple terms.

(b) Service on the Committee is voluntary and members shall receive no compensation from the City, except that the members in Seats 1 through 4, 6, and 7 may, if City employees, receive their regular City salaries for time spent on the Committee.

(c) Any member in Seats 8 through 16 who misses three regular meetings of the Committee within a six-month period without the express approval of the Committee at or before each missed meeting shall be deemed to have resigned from the Committee 10 days after the third unapproved absence. The Committee shall inform the Clerk of the Board of any such resignation.

(d) All City departments, commissions, boards, and agencies shall cooperate with the Committee in the performance of its functions. City departments shall respond within 30 days to requests for information submitted by the Committee set forth in Administrative Code Subsections [2A.420\(b\)\(7\)\(A\)-\(J\)](#), if available, and any other reasonable requests for information submitted by the Committee relevant to its ability to discharge its powers and duties, provided that the disclosure of such information shall not be required where it would violate Federal or State law.

(e) The Office of Cannabis shall prepare and submit to the Committee a report as set forth in Administrative Code Section [2A.420](#).

(f) The City Administrator shall provide administrative and policy support for the Committee.  
(Added by Ord. [260-18](#), File No. 180800, App. 11/2/2018, Eff. 12/3/2018)

## **SEC. 5.38-6. POWERS AND DUTIES.**

(a) The Committee shall have the power and duty to:

(1) Oversee the Office of Cannabis' implementation and enforcement of City laws and regulations relating to Cannabis, by convening stakeholders, gathering data, and advising the Board and the Mayor.

(2) Gather and evaluate data, and report to the Board and Mayor, regarding the effectiveness of City laws and regulations relating to the Police Code Section [1604](#) Equity Program in fostering equitable access to participation in the Cannabis industry and providing assistance to communities unfairly burdened by the War on Drugs.

(3) Gather and evaluate data, and report to the Board and Mayor, on the overall health and stability of the Cannabis industry in San Francisco and make recommendations on possible ways the City can help the industry grow and prosper.

(4) Recommend to the Board modifications to City laws and regulations relating to Cannabis, including recommendations to maximize the creation of living wage jobs and economic opportunities for communities hit hardest by the War on Drugs. Where appropriate, the Committee's recommendations shall include draft legislation or regulations.

(b) As an advisory committee, the Committee shall not have authority to hire, fire, or evaluate personnel in the Office of Cannabis, and shall not have authority over decisions by the Office of Cannabis to issue, deny or modify permits.

(Added by Ord. [260-18](#), File No. 180800, App. 11/2/2018, Eff. 12/3/2018)

## **SEC. 5.38-7. MEETINGS AND PROCEDURES.**

(a) The Committee shall hold its inaugural meeting not more than 30 days after the Board has appointed at least eight members to the Committee. There shall be at least ten days' notice of the inaugural meeting. Following the inaugural meeting, the Committee shall hold a regular meeting not less than five times per year until the sunset date set forth in Section [5.38-8](#).

(b) The Committee shall elect a Chair and officers for such other positions, if any, it chooses to create. The Committee may establish bylaws and rules for its organization and procedures.

(Added by Ord. [260-18](#), File No. 180800, App. 11/2/2018, Eff. 12/3/2018)

## **SEC. 5.38-8. SUNSET DATE.**

Unless the Board by ordinance extends the term of the Committee, this Article XXXVIII shall expire by operation of law, and the Committee shall terminate, three years after the effective date of the ordinance in Board File No. 180800 enacting this Article. In that event, after the sunset date, the City Attorney shall cause this Article XXXVIII to be removed from the Administrative Code.

(Added by Ord. [260-18](#), File No. 180800, App. 11/2/2018, Eff. 12/3/2018)