

*Resolution for San Francisco Board of Supervisors
DRAFT for Medical Cannabis Task Force October 21, 2011*

Whereas the majority of California voters support medical cannabis, having passed by majority vote Proposition 215; The Compassionate Use Act of 1996; and

Whereas SB420, AB2650 & California Attorney General Guidelines acknowledge patient collective and cooperatives; and

Whereas over 60 of California's local jurisdictions have laws regulating medical cannabis dispensing collectives and cooperatives including San Francisco; and

Whereas it is incumbent upon State and local elected officials to implement laws passed by its citizens; and

Whereas those entities who have gone through the licensing process through their local governmental agency are clearly acting in good faith to be safe and professional members of their communities, and as such should not be targeted by the Federal Government for intimidation and attack;

Whereas, over the past decade there have been hundreds of Drug Enforcement Administration raids on California medical cannabis dispensaries (MCD's) resulting in the seizure of property never returned despite the fact that arrests rarely being made and criminal charges rarely brought; and

Whereas, DEA raids are aggressive, dangerous, and usually conducted during operating hours when seriously ill and disabled qualified patients are present; and

Whereas, The board of supervisors condemns the DOJ's misguided and sensationally threatening harassment of property owners by issuing letters to property owners threatening asset forfeiture and imprisonment for leasing to lawfully operating MCD's ; and be it

Whereas, former Congressman John Conyers Jr., former Oakland Mayor Ron Dellums, former San Francisco Mayor Gavin Newsom, and the San Francisco Board of Supervisors have condemned the DEA's draconian activities regarding medical cannabis; and

Whereas the spirit of State Law requires that facilities operate in a not for profit manner which has resulted in the creation of thousands of tax paying jobs throughout the State,

Whereas, The City and County of San Francisco has incorporated many safeguards against profiteering and patient exploitation into it's medical cannabis regulations and policies and on November 6th, 2007 passed a resolution endorsing compassionate care for no and/or low income patients ; and

Whereas the governing of the people and the health of the State should be done by the State Government, as this is a States right issue; and

Whereas the Court of Appeal in the case Ryan Pack, et al. v. Superior Court of Los Angeles held last week that municipalities' regulations collecting fees and issuing permits to medical cannabis dispensing collectives/cooperatives are federally preempted by the Controlled Substances Act; and

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Whereas eight in ten Americans support legalizing cannabis for medical use, according to a national poll done by ABC News and Washington Post in 2010; and

Whereas a RAND study released in September 2011 found no evidence that medical marijuana dispensaries in general cause crime to rise according to Mireille Jacobson, the study's lead author and a senior economist at RAND; and

Whereas medical cannabis has been an effective medicine in California as demonstrated since 1996, and the Federal government has acknowledged medical cannabis policies from the Department of Veterans Affairs, and Housing and Urban Development (HUD); and

Whereas 16 states and the District of Columbia have laws allowing for patient use of cannabis and the creation of distribution centers to facilitate the safe, controlled access to this medicinal substance to patients; and

Whereas the Investigation New Drug (IND) program, created by the Federal Government, has provided medical cannabis to a limited number of patients since before 1978; and

Whereas, President Barack Obama repeatedly asserted during his campaign a position of recognizing and respecting state medical cannabis laws; and

Whereas Attorney General Eric Holder, in February of 2009, indicated that the Federal Government's new policy was to treat medical cannabis as a State's right and responsibility issue; and

Whereas the American Medical Association in 2009, Student American Medical Association in 2008, and the American Nurses Association in 2008, have passed resolutions urging the Federal Government to reexamine the scheduling of cannabis a Schedule I Controlled Substance; and

Whereas, the state's largest association of doctors, California Medical Association, which represents more than 35,000 physicians statewide released a new policy on October 15, 2011 asking for legalization of cannabis declaring that current laws have proven to be a failed public health policy;

Whereas the DEA has used escalating tactics of intimidation against cultivators, doctors, dispensary operators and collective members, landlords, banks, and now local elected officials duty bound to implement State law mandated by its citizens; and

Whereas research has confirmed the therapeutic benefits of cannabis around the world demonstrating a clear nexus between debilitating diseases and chronic pain and the use of cannabis as a therapeutic substance;

Now therefore be it resolved, That the board of supervisors should employ every reasonable measure to secure and reaffirm the City and County of San Francisco's status as a medical Cannabis sanctuary for lawfully operating MCD's, and property owners who lease to them ; and be it

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Now therefore be it resolved, that the San Francisco Board of Supervisors does hereby call upon the Federal Government to end the prohibition on medical cannabis, and

To pass;

HR 1983, the State's Medical Marijuana Protection Act of 2011, introduced by Rep. Barney Frank (D-MA),

HR 1984, the Small Business Banking Improvement Act of 2011 by Rep. Jared Polis (D-CO), and

HR 1985, the Small Business Tax Equity Act of 2011, introduced by Rep. Pete Stark (D-CA), and

Be it further resolved, the White House and Congress are urged to recognize the medical benefits of cannabis and work to reclassify cannabis, and

Be it further resolved, the DEA must follow federal policy of leaving States to govern its citizens as outlined by Attorney General Holder in February of 2009, and

Be it further resolved that the San Francisco Board of Supervisor calls upon State Legislators and the Governor to protect our citizens and our rule of law by calling upon the Federal Government to stop the abuse of people of our great State by ending intimidation tactics.