

1 [Urging judicial respect for medical cannabis patients and caregivers]

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Resolution urging the Federal, State, and local judiciary, when issuing search warrants, to consider and respect the rights of medical cannabis patients, caregivers, dispensaries and physicians attempting to comply with California Health and Safety Code Section 11362.5.

WHEREAS, In 1996, the voters of the City and County of San Francisco supported with 78 percent of the vote Proposition 215, the Compassionate Use Act of 1996, which exempted patients and caregivers who possess or cultivate cannabis for medical treatment recommended by a physician from criminal laws which otherwise prohibit possession or cultivation of cannabis; and,

WHEREAS, Proposition 215 also provided that physicians who recommend use of cannabis for medical treatment shall not be punished or denied any right or privilege and declared that the measure not be construed to supercede prohibitions on conduct endangering others or to condone diversion of cannabis for non-medical purposes; and,

WHEREAS, In 1998, the San Francisco Board of Supervisors requested all pertinent City agencies to coordinate an emergency distribution program of medical cannabis to ensure a continuum of access to medical cannabis as provided by the passage of the Compassionate Use Act of 1996; and,

WHEREAS, In 2000, the San Francisco Board of Supervisors passed an ordinance amending the San Francisco Health Code to authorize the Department of Public Health to issue medical cannabis identification cards to individuals who qualify under Proposition 215 as users of medical cannabis or their primary caregivers; and,

1 WHEREAS, In 2001, the Board of Supervisors of the City and County of San Francisco
2 passed a resolution declaring the City and County of San Francisco a sanctuary for medical
3 cannabis use, cultivation and distribution, and urging the District Attorney of the City and
4 County of San Francisco, the San Francisco Police Department, the San Francisco Sheriff's
5 Department, the California State Attorney General, and the California Department of
6 Consumer Affairs-Medical Board of California not to assist in the harassment, arrest, or
7 prosecution of physicians, medical cannabis dispensaries, individual patients, or their primary
8 caregivers attempting to comply with Proposition 215, encoded as Section 11362.5 of the
9 California Health and Safety Code; and,

10 WHEREAS, In 2002, Federal law enforcement activities against medical cannabis
11 patients, caregivers and dispensaries have dramatically increased, including raids of medical
12 cannabis dispensaries and arrests of prominent activists in the medical cannabis community,
13 resulting in the closure of facilities that dispense cannabis to patients in need; and,

14 WHEREAS, It has been reported that the issuance of broad search warrants has
15 resulted in the confiscation of property necessary for patients, caregivers and dispensaries
16 attempting to exercise their rights under California Health and Safety Code Section 11362.5;
17 and,

18 WHEREAS, Such actions go against the expressed will of the voters of the State of
19 California and the City and County of San Francisco; now, therefore be it

20 RESOLVED, That the City and County of San Francisco Board of Supervisors hereby
21 urges the Federal, State, and local judiciary, when issuing search warrants, to consider and
22 respect the rights of medical cannabis patients, caregivers, dispensaries and physicians
23 attempting to comply with California Health and Safety Code Section 11362.5; and be it
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1 FURTHER RESOLVED, That the Board of Supervisors of the City and County of San
2 Francisco urges all law enforcement agencies to exercise restraint in taking legal action
3 against individuals involved in the use, cultivation and distribution of medical cannabis.
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City and County of San Francisco

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

Tails
Resolution

File Number: 021054

Date Passed:

Resolution urging the Federal, State, and local judiciary, when issuing search warrants, to consider and respect the rights of medical cannabis patients, caregivers, dispensaries and physicians attempting to comply with California Health and Safety Code Section 11362.5.

June 17, 2002 Board of Supervisors — ADOPTED

Ayes: 8 - Ammiano, Daly, Leno, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 3 - Gonzalez, Hall, Yee

File No. 021054

I hereby certify that the foregoing Resolution was ADOPTED on June 17, 2002 by the Board of Supervisors of the City and County of San Francisco.

[Signature of Gloria L. Young]
Gloria L. Young
Clerk of the Board

JUN 28 2002

Date Approved

[Signature of Mayor Willie L. Brown Jr.]
Mayor Willie L. Brown Jr.