

November 25, 2020

President Norman Yee and Board of Supervisors
San Francisco City Hall
1 Dr. Carlton B. Goodlett Place,
San Francisco, CA 9410

Re: File #201265 “No Smoking in Multi-Unit Housing Complexes” - Cannabis Amendment

Dear Board of Supervisors,

The San Francisco Chamber of Commerce represents hundreds of local businesses, including cannabis retailers, manufacturers, and cultivators. We ask you to amend proposed File #201265 “No Smoking in Multi-Unit Housing Complexes” to provide an exemption for cannabis related smoking. While good intentioned, this legislation would ultimately be a massive step back in cannabis reform, which San Francisco has fought so hard to make progressive steps forward in.

A ban on cannabis smoking in multi-unit complexes raises the following issues for our members:

1. Disproportionately impacts low income residents, minorities, and patients in chronic pain.
 - a. San Francisco has some of the highest rents in the nation, and the world, and forces many individuals and families to rent in multi-unit housing complexes. Looking at our city’s renter demographics, it is clear that individuals of color are more likely to be renters in multi-unit complexes. Legislation that only impacts this renter population, is inherently impacting residents who cannot afford to own their own home.
 - b. While there is an exemption for those who are Medical Marijuana Identification Card Holders, this is a very small population. The majority of San Franciscans who require cannabis for medical purposes have been protected from prosecution since 1996. It has also become increasingly more difficult for patients to obtain a card during shelter in place. As many of these patients are already immunocompromised, it is not in their best interest to go out and get a card. While an exemption, this adds another barrier due to cost, as well as risk.
2. Massive negative impact on an industry that should be supported by our city government.
 - a. As our cases increase,our residents must stay inside more, and with cannabis smoking being illegal outdoors, renters in multi unit complexes will have nowhere to legally consume cannabis. At the beginning of the pandemic, cannabis was deemed an essential industry. As such, we should be working to support the essential services it provides.
 - b. Cannabis products used for smoking make up over 70% of cannabis sales in San Francisco. Disallowing residents from smoking cannabis products inside would devastate our local cannabis industry, and further hurt our local city sales tax revenue.
 - c. The cannabis industry in San Francisco has taken a forefront position in creating socioeconomic equality and opportunities for those who have been impacted by the War on Drugs. To legislate against this industry will take away from much of the progressive work San Francisco has done regarding this industry.

3. Ensuing litigation.

- a. The Compassionate Use Act of 1996 declares that seriously ill Californians have the right to obtain and use marijuana for medical purposes, and can not be subject to criminal prosecution or sanction (Section 11362.5(b)(1)). Prohibiting smoking cannabis in home would go against the intentions of this act.
- b. Proposition 64 also ensures that the rights of medical patients are not restricted. It does however, also ban cannabis smoking in public. With a ban of cannabis smoking in public, and in private with this proposed legislation, there would be a total ban. This would go against the protections allowed in both Prop 64 and the Compassionate Use Act.

4. Equates tobacco use to cannabis use.

- a. We support the intention of this legislation, and always want to keep the safety of our residents as a top priority. However, cannabis smoking does not have the same proven health impacts that smoking tobacco does. Cannabis is a known and verified treatment for mitigating health issues, and unlike tobacco, is not proven to be directly associated with smoking related cancers, or cardiovascular disease.

For the reasons listed above, the San Francisco Chamber of Commerce and our cannabis small business members urge you to amend this legislation to exclude cannabis-related smoking. I urge you to consider this exemption for socioeconomic, racial, and health related reasons.

Thank you for your time and consideration.

Sincerely,

Berner's on Haight
Big Rock Partners
Café Flore & Flore Store
CLARK HOWELL LLP
Eaze
Flower to the People
Greenbridge Corporate Counsel
Leland, Parachini, Steinberg, Matzger & Melnick LLP
Mahajan Consulting
Meadow
San Francisco Cannabis Retailers Alliance
The Arcview Group
The Bay Area Chapter or Americans for Safe Access
The San Francisco Chamber of Commerce
Vapor Room

Individuals:

Andrew R. Silva

Joyce Cenali and Mike Harden

CC: Mayor London N. Breed, Clerk of the Board, the full Board of Supervisors