

Three Important New Actions Taken By San Francisco Board of Supervisors To Control Medical and Recreational Cannabis Facilities

Medical Cannabis approvals in the City have been the subject of intense negotiations, hearings, and appeals in the last two months. First, our law firm assisted the Apothecarium - Sunset (an additional location in the Sunset District for the medical cannabis dispensary called The Apothecarium currently near the Castro), in obtaining an approval at the Planning Commission. The 5-1 approval followed the appearance of almost 700 opponents and a ten hour hearing that had some disturbances in which the Sheriff's office had to intervene. The Board of Supervisors is likely to hear an appeal of that approval in early September.

On July 25, 2017, the San Francisco Board of Supervisors approved the establishment of the new Office of Cannabis. Pursuant to the new legislation, the Office of Cannabis will have a staff of three employees including a Director who will be appointed by the City Administrator and be responsible for the issuance of both medical and recreational cannabis business permits.

The legislation states that the Office of Cannabis must ensure that communities that historically have been disproportionately impacted by federal drug enforcement policies are given some kind of prioritization. This means that some kind of priority for dispensary approvals (not specified) will be given to individuals who have been previously arrested or convicted for marijuana-related offenses.

In the meantime, the Board of Supervisors last week approved a temporary moratorium (lasting 45 days but likely to be extended until permanent rules take effect later this year) which prohibits the approvals of new medical cannabis dispensaries. The new law grandfathers in those dispensaries which, like the Apothecarium Sunset, have received approvals from the Planning Department and Planning Commission, even if not the Health Department or Building Department.

The State will allow recreational sales starting on January 1, 2018. The Office of Cannabis would be authorized to issue, deny, condition, suspend, or revoke cannabis-related permits, and to impose conditions on permits for both medical and recreational sales. Despite the establishment of the new Office of Cannabis,



by *M. Brett Gladstone & Elisha J. Yang*



the permitting process will still require approvals by the Fire Department, Public Health Department and the Planning Commission prior to the final approval and issuance of the operating permit by the Office of Cannabis.

Rules concerning opening new medical or new recreational dispensaries as well as rules concerning converting existing medical cannabis dispensaries into recreational dispensaries are expected to be announced in September. They may have to go through hearings, in which case the new rules will not go into effect immediately in September.

.....

Hanson Bridgett law intern, Beatrice Doering contributed to this Newsletter.

For more information, please contact:

M. Brett Gladstone, Partner
415-995-5065
bgladstone@hansonbridgett.com

Elisha J. Yang, Associate
415-995-6445
EYang@hansonbridgett.com