



CITY COUNCIL

Darryl Moore
Councilmember District 2

CONSENT CALENDAR
October 13, 2009

To: Honorable Mayor and Members of the City Council

From: Councilmember Darryl Moore
Councilmember Max Anderson
Councilmember Linda Maio
Councilmember Kriss Worthington

Subject: Declare Saturday, October 31 2009, "Berkeley Patients Group Day" In The City Of Berkeley

RECOMMENDATION

Adopt a Resolution declaring Saturday, October 31 2009 "Berkeley Patients Group Day," in honor of Berkeley Patients Group's tenth anniversary of providing medical cannabis to patients and caregivers.

BACKGROUND

In 1996, California voters approved Proposition 215, the Compassionate Use Act, which legalized and regulated the medical use of marijuana. The Act received support from over 85% of Berkeley voters. In 1997 and again in 2004 and 2009, the City of Berkeley passed regulations permitting the operation of medical cannabis dispensaries (MCDs).

In 1999, patient-activist Jim McClelland founded the Berkeley Patients Group. When he died in 2000, he entrusted his clinic to those who would continue and expand his vision of creating a space for patients to obtain safe medicine in a wellness-focused environment.

In the past ten years, BPG has become a national model of the not-for-profit, services-based medical cannabis dispensary. Along the way, they have improved the lives and assisted the end-of-life transitions of thousands of patients; been significant donors to dozens of other organizations in our city; shaped local, state and national policies around medical cannabis; pioneered scientific regulation of medical cannabis provision through the formation of the California Medical Cannabis Safety Council; forged partnerships with the best scientific and legal minds in the field, nationally and internationally; and have made "Berkeley" synonymous with best practices in the emerging field of medical cannabis, here and abroad.

As BPG enters its second decade, we recognize their important contributions by declaring Saturday October 31, 2009 “Berkeley Patients Group Day” in the City of Berkeley.

FINANCIAL IMPLICATIONS

None.

CONTACT PERSON

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Councilmember Max Anderson, District 3	981-7130
Councilmember Linda Maio, District 1	981-7110
Councilmember Kriss Worthington District 7	981-7170

RESOLUTION NO. ##,###-N.S.

DECLARING SATURDAY, OCTOBER 31, 2009 AS "BERKELEY PATIENTS GROUP DAY" IN THE CITY OF BERKELEY AND RECOGNIZING BPG FOR THEIR CONTRIBUTIONS TO BERKELEY, ON THE EVENT OF THEIR TENTH ANNIVERSARY OF SUCCESSFUL OPERATIONS

WHEREAS, the City of Berkeley supports the rights of persons with medical conditions to obtain and use cannabis for medical purposes where that medical use is deemed appropriate and has been recommended by a physician who has determined that the person's health would benefit from the use of cannabis in the treatment of an illness or medical condition for which cannabis provides relief; and

WHEREAS, in 1996, with over 80 percent of Berkeley voters supporting the Compassionate Use Act (CUA) or Proposition 215, the City Council of Berkeley resolved that the City will facilitate the implementation of the Compassionate Use Act of 1996, which legalized and regulated the use of marijuana as medicine; and

WHEREAS, in 1997, the Berkeley City Council amended its Zoning Ordinance No. 3018 N.S. to regulate the establishment of medical cannabis dispensaries; and

WHEREAS, in 1999, medical cannabis patient Jim McClelland founded the Berkeley Patients Group to provide safe, affordable medical cannabis and other free healing services to medical cannabis patients from Berkeley and the surrounding areas, in a compassionate, welcoming environment; and

WHEREAS, in 2002, co-founders of the Berkeley Patients Group formed Americans for Safe Access, a non-profit patient advocacy group which today has offices in California and Washington D.C. and chapters in all 50 states; and

WHEREAS, in 2002, the Berkeley City Council unanimously passed a resolution directing the Berkeley Police Department not to cooperate with the Drug Enforcement Administration (DEA) in investigations of medical cannabis dispensaries; and

WHEREAS, in 2003, the State legislature passed State Bill 420, the Medical Marijuana Program Act (MMPA), codified as section 11362.7 of the California Health and Safety Code, in order to further clarify the rights bestowed by the CUA, and provide greater protection for qualified patients and primary caregivers, in part by explicitly recognizing and protecting collective and cooperative cultivation of medical cannabis; and

WHEREAS, in 2004, the Berkeley City Council amended the Municipal Code Chapter 12.26 to regulate the number and location of medical cannabis dispensaries; and

WHEREAS, in 2004, Berkeley Patients Group participated actively in the campaign for the Patient's Access to Medical Cannabis Act (PAMCA), which was defeated by fewer than 170 votes at the polls; and

WHEREAS, in 2005 and again in 2007, the State of California recognized medical cannabis dispensaries as retailers required to collect, report, and remit tax on the sales of medical marijuana and the revenues derived from those sales to the Board of Equalization and the Franchise Tax Board; and

WHEREAS, in 2007 the DEA conducted dozens of raids on medical cannabis dispensaries, including a July 25 raid on the Los Angeles Patients and Caregivers Group, a sister dispensary to the Berkeley Patients Group, in connection with which, the entire banked assets of the Berkeley Patients Group were first frozen and then seized by the federal government, said funds having been set aside to remit to the State Board of Equalization within days of the event; and

WHEREAS, in 2007, in the wake of this asset forfeiture, the Mayor and City Council of Berkeley, on behalf of the Berkeley Patients Group, called upon John Conyers, then-Chairman of the U.S. Senate Judiciary Committee, to hold hearings into the DEA's tactics; and

WHEREAS, in 2008, the City Council unanimously approved Resolution 63, 966 – N.S. declaring the City of Berkeley to be a sanctuary for medical cannabis and calling upon the Berkeley Police Department to uphold the laws of the State, and specifically not to assist in the harassment, arrest or prosecution of physicians, medical cannabis dispensaries, or individual patients or their primary caregivers; and

WHEREAS, in 2008, Berkeley Patients Group was instrumental in securing the passage of the PAMCA citizens initiative which had been returned to the ballot and which passed with over 62% of the vote, eliminating arbitrary limits on the amount of medicine a patient could possess, and forming a City Commission with oversight of medical cannabis dispensary operational standards; and

WHEREAS, in 2008, Berkeley Patients Group appointed two representatives to the newly formed Medical Cannabis Commission for the City of Berkeley; and

WHEREAS, In 2008 members of the Berkeley Patients Group founded the Medical Cannabis Safety Council (MCSC), a state-wide self-regulatory organization dedicated to ensuring the safety of medical cannabis from the seed to the patient, including developing accurate, reliable, reproducible laboratory tests of medicines to detect contaminants; and

WHEREAS, in Summer 2009, Berkeley Patients Group began the initial phase of becoming certified as an environmentally and socially conscious “B-corporation” scoring 133 on the initial assessment test; and

WHEREAS, since their founding, Berkeley Patients Group has given back to the local community through donations, sponsorships and volunteerism, including to the Berkeley Free Clinic, Berkeley Public Libraries, Berkeley Warm Pool, Center for Early

Intervention on Deafness (CEID), KPFA, Berkeley Food and Housing Project, Berkeley Women's Daytime Drop-In Center, Biofuel Oasis, KQED, and many more; and

WHEREAS, Berkeley Patients Group developed the best-practices, social-service-based model for medical cannabis dispensary operations and has shared that model with activists from other cities and states who are planning to or already have legalized medical cannabis, including but not limited to Oakland, unincorporated Alameda County, Los Angeles, Washington, Oregon, Colorado, Michigan, Rhode Island, the Netherlands, Germany and more; and

WHEREAS, Berkeley Patients Group's philosophy of openly sharing their operational model has resulted in the City of Berkeley becoming synonymous across the nation and abroad with "best practices in all aspects of medical cannabis dispensing"; and

WHEREAS, in the ten years since its inception the Berkeley Patients Group has provided tax revenue to the City of Berkeley and to the state, and has employed dozens of full-time staff and provided them with a living wage, health insurance, and access to retirement savings plans; and

WHEREAS, on Saturday, October 31, 2009, Berkeley Patients Group will celebrate its tenth anniversary, having survived many challenges, advanced its mission of providing safe access to medical cannabis; and succeeded in ways both conventional and unexpected.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City of Berkeley will declare Saturday, October 31, 2009 as Berkeley Patients Group Day.

