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April 6, 2020

Sara H. Cody, MD
Health Officer and Public Health Director
County of Santa Clara Public Health Department
976 Lenzen Avenue, 2nd Floor
San Jose, CA 95126

Dear Director Cody,

We are writing to share with you our concern that the Public Health Order to “Shelter in Place” and the specific restriction to dispense recreational cannabis in the County’s Frequently Asked Questions has on a patient’s access to cannabis. But please let us first express our thanks and support for your leadership and work to help “bend the curve” of the coronavirus (COVID-19) impact in Santa Clara County. Because of your work and the work of the greater community, we are helping to save lives in the south bay.

In regards to the order and its application to access to medicinal and recreational cannabis, we understand the need to apply a strict application of the order to all non-essential businesses. However, we are concerned that its application to medicinal and adult-use (recreational) cannabis dispensaries may have unintended consequences that could exacerbate the spread of COVID-19. As you know, cannabis has proven medicinal qualities to relieve pain, chronic ailments, and anxiety, which is clearly heightened during these times.

In addition to the matters raised in San Jose Councilmember Pam Foley’s letter, we are concerned that limiting recreational cannabis sales to delivery only will push consumers into the “black market.” It may also have long-term impacts on the economic viability of dispensaries to meet the medicinal cannabis needs of our community, and further complicate efforts to minimize the social transmission of COVID-19. Additionally, the current order has unintentionally led to confusion and places additional requirements on already thinly deployed law enforcement and licensing enforcement personnel.

Given the fact that almost the entire cannabis industry in San Jose has moved to the post-Proposition 64 world of legal sale for the allowance of adult recreational use, the number of patients holding medical cannabis cards is nominal. The cannabis industry is still in its infancy and facing a number of logistical and fiduciary challenges. Requiring the industry to build delivery capacity under current circumstances is impractical and runs the risk of driving demand to the underground illicit market. Delivery of cannabis is unlike delivery of other commodities and, understandably, has additional requirements to protect the public health and safety of

drivers and customers alike. The ability for consumers to go to a well-established, highly regulated cannabis dispensary that abides by social distancing and sanitation standards is better than consumers looking to sellers outside of the legal market. Legal and regulated dispensaries are prepared for and can adhere to the County's Public Health Order. Working with the dispensaries to balance public health with a patient's needs to safely access cannabis is better than the alternative of consumers turning to an unregulated market that could jeopardize public health.

Because of these concerns, we respectfully request the Santa Clara County Department of Public Health to work with the greater south bay cannabis stakeholders, including dispensaries and consumers to amend the Public Health Order to implement manageable requirements, such as requiring strict adherence to physical distancing and sanitation protocols to protect public health.

We appreciate greatly you taking the time to consider our concerns. Please do not hesitate to contact us if you would like to discuss this further or if there is anything we can do to be of assistance during these challenging times.

Sincerely,



ASH KALRA
27TH Assembly District



SENATOR JIM BEALL
15th Senate District