



County of Santa Cruz 0157

HEALTH SERVICES AGENCY

POST OFFICE BOX 962, 1080 EMELINE AVENUE SANTA CRUZ, CA 95061-0962
(831)454-4066 FAX: (831)454-4770 TDD: (831) 454-4123

AGENCY ADMINISTRATIVE DIVISION

May 14, 2003

Agenda: May 20, 2003

BOARD OF SUPERVISORS
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

MEDICAL MARIJUANA IDENTIFICATION CARD PROGRAM

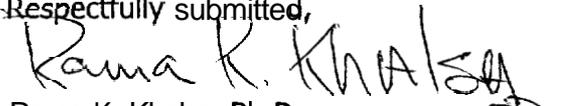
Dear Members of the Board:

On April 29, 2003 your Board directed the Health Services Agency (HSA) to study and make recommendations on a medical marijuana identification card program.

Staff has been in contact with numerous other California counties, including San Francisco, Marin, Mendocino and Alameda to study the different approaches to documenting medical use of marijuana by a physician. Additional time is needed for staff to complete recommendations for your consideration.

It is therefore RECOMMENDED that your Board defer the Health Services Agency's report on a medical marijuana identification card program to June 10, 2003.

Respectfully submitted,


Rama K. Khalsa, Ph.D.
Health Services Agency Director

RECOMMENDED:


A. MAURIELLO
County Administrative Officer

cc: County Administrative Office
County Counsel
HSA Administration
Alcohol and Drug Commission
Public Health Administration
Local Mental Health Board
Criminal Justice Council
District Attorney
Sheriff's Department
WAMM

May 8, 2003

Dear Supervisors,

We are writing you as a group of long time medical marijuana activists who have resided in Santa Cruz for many years. We have all worked long and hard on Measure A, the county's medical marijuana initiative passed in 1992 by 77% of the voters and on Proposition 215. During the years following the passage of Proposition 215, we fought hard to see that a patient's right to use medical marijuana was firmly established as California law and that patient's privacy rights were strongly protected. The patient's health and well being must always be at the center of this issue.

It is our understanding the Board will discuss a countywide ID card/registration program for medical marijuana patients during its May 20th session. Having discussed the benefits and potential consequences of an ID program at length amongst ourselves, and with numerous members of the medical marijuana community, we have several concerns and recommendations should you decide to consider such a program:

1. We see the registration program as a duplication of services and a waste of local taxpayer dollars. The doctor's recommendation is a valid proof of a patient's right to possess cannabis medicine. There is absolutely no other document required. Additionally, there is a bill (SB 420-Vasconcellos) before the state legislature, currently. This bill will establish a state wide, voluntary ID program for medical marijuana patients.
2. Proposition 215 did not say anything about a mandatory or voluntary registration program. We see how an ID program may be helpful for law enforcement officers in identifying medical marijuana patients, but the potential loss of privacy rights and safety appears to us, to outweigh the convenience of carrying a county issued ID.
3. Even though the ID program assures patients that their privacy will be protected and their names kept anonymous, we all feel that with any registration system there is always the potential for abuse. While names will not be kept in the registry, an important identity number for each patient will be or, file. In this Post-Patriot Act political climate, all it would take is one court order from the Federal government, and the privacy rights of the patients would be abrogated. The overwhelming feedback that we have received from patients is that they would not register.
4. For patients/caregivers who choose not to register, can we trust law enforcement to extend equal treatment to them as well? We are concerned about a two-tiered system of law enforcement where officers may treat county cardholders differently than they would with patients that carry their doctor's recommendation only. In other words, "If you are a legitimate patient, why haven't you registered?" This may not be the case initially when

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the program starts up, but as time passes and more register, it may become a standard "belief" by law enforcement officers that all legitimate patients need to have a county ID card or come under greater scrutiny.

5. An ID program as proposed will have an Oversight Commission. At this time it appears the commission would only include representatives of Public Health, a Medical Advisory Board, and MMJ Provider Organizations. Since the concerns of individual patients can differ from those of provider groups, and since it's the individual patients who are targeted by law enforcement, it is vital that they be included on this Commission. Patient representatives need to be part of an Oversight Commission.
6. It has been noted that the San Francisco ID program has been very successful and, therefore, the Santa Cruz program is to be modeled after it. The program in San Francisco was started so that patients can easily access the more than fourteen provider organizations throughout the city. But there are no provider organizations in Santa Cruz (WAMM has their internal ID card, which is recognized by local law enforcement). A card system works well in San Francisco because it makes it easy for provider organizations to identify and sell cannabis to thousands of patients/caregivers. Another advantage is that each provider organization does not have to issue their own ID card. The program was developed as a system to expedite the sale of cannabis rather than as a convenience for law enforcement. An ID card in Santa Cruz has an entirely different objective and would do nothing to help medical marijuana patients access their medicine.
7. The program as it is proposed discriminates against low-income patients who may not have the registration fee to obtain an ID card. Any program adopted should be free for patients who can prove low income.
8. It is far more important for the county to adopt guidelines that would establish a maximum plant count, canopy for growing and a quantity amount that patients can possess. Our goal should be to insure independence and self-sufficiency for medical users. To achieve this goal would necessitate guidelines. Therefore, it is our recommendation that a task force be established to research, develop and initiate countywide guidelines in conjunction with a possible ID program. Over 20 cities and counties in the state have adopted guidelines. Santa Cruz County strongly supports medical marijuana as evidenced by their condemnation of the DEA raids on the WAMM garden and joining in on a WAMM law suit to stop the DEA from further raids. Yet, where are the guidelines that would provide the greatest protection for each and every patient/caregiver? Lenient guidelines would help the more than 2000 medical marijuana patients in Santa Cruz County know where they stand with regard to quantity limits so that they could grow

and possess adequate marijuana to meet their dosage level to alleviate or lessen their symptoms.

In conclusion, should you decide to go ahead with an ID program, it is hoped that you will establish a set of guidelines as well. In fact, we believe strongly that guidelines should be your first priority. There are excellent models out there from other counties, which could be easily adapted to Santa Cruz County. Patients/caregivers need to know how much they can grow and possess so they can be safe. If you really wanted to do something to help patients and send a strong message to the D.E.A. to stay out of Santa Cruz County, adopt an ordinance establishing guidelines to show your support and compassion for this under-represented people group. Thank you for your thoughtful consideration.

If you would like to phone any of us, you can reach us at the telephone numbers below.

Theodora Kerry: 458-1734

Andrea Tischler: 466-0420 e-mail reservations@compassionflowerinn.com

Kate Wells: 479-4475 e-mail lioness@got.net

Anita Henri: 460-0110 e-mail MedEx95060@aol.com

Respectfully,

Theodora Kerry
Andrea Tischler
Kate Wells
Anita Henri