

# ***SB 420 Medical Marijuana Identification Card Program***

## ***Frequently Asked Questions - Marin County***

### ***Background***

In 1996, California voters passed Proposition 215, also known as the Compassionate Use Act. The Act made the medical use of marijuana legal in California. However, it did not provide an effective way for law enforcement to properly identify patients who were legally protected by the Act.

The intent of Senate Bill (SB) 420 was to assist law enforcement in identifying Californians who were protected by the Act and to provide patients and their caregivers with a form of identification that would protect them against wrongful arrest and prosecution.

SB 420 also required the California Department of Health Services (CDHS) to establish and maintain a statewide medical marijuana identification card and registry program for qualified patients and their caregivers. As a result, the Medical Marijuana Program (MMP) was established by the CDHS in 2004. The MMP allows qualified patients to apply for and receive Medical Marijuana Identification Cards (MMIC) for themselves and their primary caregiver through their county of residence.

***Participation in the MMIC program is optional. Those persons choosing not to take advantage of the MMIC program may suffer inconvenience but will not be denied the defense provided by Proposition 215.***

### ***Frequently Asked Questions***

#### ***Why should I apply for an MMIC?***

Any person in possession of a valid MMIC shall NOT be subject to arrest for possession, transportation, delivery, or cultivation of medical marijuana in the amount allowed by SB 420 (unless there is reasonable cause to believe that the MMIC is false or falsified, the card was obtained by fraud, or the person is otherwise in violation of SB 420).

#### ***How much processed marijuana can I have in my possession?***

SB 420 allows eight (8) ounces of dried mature processed flowers of the female cannabis plant AND no more than six (6) mature or twelve (12) immature plants per qualified patient. Counties and cities are authorized to establish higher (but not lower) limits if they wish. *Please contact the Marin County Sheriff's Office and District Attorney for current enforcement information.*

#### ***What if I exceed that limit?***

Patients that exceed the limits risk being arrested and having to defend themselves in court. Despite the protections of Prop 215 and SB 420, patients may still be arrested if law enforcement suspects that they are outside the law; for example, by being involved in illegal sales or distribution or growing plants with excessive yields. *Please contact the Marin County Sheriff's Office and District Attorney for current enforcement information.*

#### ***Do I have to be a Marin County resident in order to receive an MMIC?***

No, any California resident that is a qualified patient can apply for an MMIC; *however, you must apply for your MMIC in the county where you reside.* Proof of residency is required.

***Can I obtain my recommendation from an out-of-county physician?***

Yes. The attending physician must have a license in good standing issued by the Medical Board of California or the Osteopathic Medical Board of California, but there are no residency requirements for the physician.

***Is a Medical Marijuana recommendation considered a prescription?***

No. To be a prescription it must be federally approved. As marijuana is not recognized as legal by the federal government, federal law criminalizes the use of medical marijuana.

***Can I have more than one primary caregiver?***

Yes. If your primary caregiver is the owner or operator, or no more than three employees who are designated by the owner or operator, of a facility providing medical care and/or supportive services to a qualified patient.

***Can a primary caregiver care for more than one patient at a time?***

Yes. However, if an individual has been designated as the primary caregiver by two or more qualified patients, the primary caregiver and all the qualified patients must reside in the same city or county.

***Can I have a caregiver that lives out of county?***

Yes. The primary caregiver must prove California residency and is further restricted to being the primary caregiver for only that patient.

***Can I be a primary caregiver for a resident of another county?***

Yes, but that will restrict you to being the primary caregiver for only that patient.

***Is my MMIC recognized in other California counties?***

Yes, this is a statewide identification program.

***Does a MMIC protect me from all law enforcement?***

No.

***What information/documentation is required for an MMIC?***

The qualified patient will need to provide:

- A completed application
- A current and valid California motor vehicle's drivers license or California Identification Card issued by the California Department of Motor Vehicles (DMV). This includes DMV's DL 43 "Change of Address Certification card.
- Proof of residency within the county.
- Written documentation completed by your physician that states that you have been diagnosed with a serious medical condition and that the medical use of marijuana is appropriate. (This information will be returned to the applicant during your appointment)
- The application fee for each MMIC requested
- Your photo will be taken at the time of application

The primary caregiver, if any, will need to provide:

- A completed application
- A current and valid California motor vehicle's drivers license or California Identification Card issued by the California Department of Motor Vehicles (DMV). This includes DMV's DL 43 "Change of Address Certification Card".
- Proof of residency.
- The application fee for each MMIC requested
- Your photo will be taken at the time of application

If a "qualified" patient applies for an MMIC for a primary caregiver, both the primary caregiver and the qualified patient **must** be present at the time of submission of the primary caregiver's application.

The attending physician will be contacted to confirm that the medical documentation submitted by the patient is true and correct copies of the attending physician's records. It is the applicant's responsibility to ensure that an authorized release of medical information is on file with their medical provider.

***Where do I apply for a MMIC?***

Contact the Marin County Vital Statistics Program at 415-499-3288 or. For all other California County MMIC Programs contact the CDHS Medical Marijuana Program Unit, P.O. Box 997413 – MS 5203, Sacramento, CA 95899-7413 (916) 552-8600.

***What information will appear on the card?***

- Photo of the cardholder
- A unique user identification number issued by CDHS
- Expiration date
- Name and telephone number of the county agency that approved the application
- A 24-hour, toll-free telephone number and Web-based Internet URL that will enable state and local law enforcement officers, public and others to have immediate access to verify the validity of the card.

***What MMIC cardholder personal information will be available to law enforcement?***

When the MMIC unique identification number is entered through the 800 number or the MMIC website, a "Valid Card" or "Invalid Card" response is generated. No other information is accessible.

***How long will a MMIC be valid?***

Qualified patient and primary caregiver cards are valid for one year. If the primary caregiver card is applied for at a later date than the patient's MMIC, the primary caregiver MMIC will have the same expiration date as the patient's MMIC.

***What medical documentation is needed to apply for a MMIC?***

You must provide written documentation completed by your physician that states that you have been diagnosed with a serious medical condition and that the medical use of marijuana is appropriate. Your doctor must maintain a copy of the statement in your medical file. The California Department of Health Services offers the use of the Written Documentation of Patient's Medical Records Form (MMP Form No. 9044) as a convenience.

***Can a minor apply for a card?***

Yes, a minor can apply as a patient or caregiver. If a minor is applying as a qualified patient, they must be lawfully emancipated or of declared self-sufficiency status. If neither, the minor's parent, legal guardian, or person with legal authority to make medical decisions for the minor applicant must complete Section 2 of the Medical Marijuana Program application and must be present with the minor at the MMIC visit.

If a minor is applying as a primary caregiver, they must meet additional requirements including:

- being consistently responsible for the housing, health, or safety of a qualified patient, or
- being the parent of a minor child who is a qualified patient.

***Will the Vital Statistics Office continue to issue a separate-local Medical Marijuana card?***

No, the statewide MMIC program replaces the program previously administered by the Vital Statistics office.

***When did the Public Health Department begin accepting applications for patient and caregiver medical marijuana cards for the State CDHS Program?***

September 19<sup>th</sup>, 2005.

***Is there a fee for applying for an MMIC?***

Beginning March 1<sup>st</sup>, 2007, the fee will be \$113. This includes a state fee of \$66.00. Proof of eligibility and participation in the Medi-Cal program, presented at the time of application, qualifies a Medi-Cal beneficiary to receive a 50% reduction in fees (total fee would be \$56.50). If the applicant qualifies for this fee reduction and is designating a primary caregiver, the fee for the primary caregiver's MMIC will also be reduced by 50%. Application fees are non-refundable.

***Where do I apply for a MMIC?***

The MMIC Program office for Marin County is located at the Vital Statistics Office, 20 N. San Pedro Rd., Room 2006, in San Rafael. An appointment is necessary to process your application. Call 415-499-3288 to make an appointment or if you have any questions about your application. Your photo will be taken when you submit your application.

At the time of application you must present:

- A completed MMIC application
- Proof of residency
- Government issued photo ID
- Written documentation completed by your physician that states that you have been diagnosed with a serious medical condition and that the medical use of marijuana is appropriate
- Your physician's name, telephone number and California Medical License Number
- The MMIC fee for each card

Application packets are available at the following location:

Office of Vital Statistics  
20 N. San Pedro Rd, Rm 2006  
San Rafael, CA 94903  
415-499-3288