

# Merced County Department of Public Health Medical Marijuana Identification Card Program

## Program Overview and Requirements

### BACKGROUND

The Compassionate Use Act of 1996 was passed to ensure that seriously ill Californians have the right to obtain and use marijuana for medical purposes. The law states that qualified patients who obtain and use marijuana for medical purposes upon the recommendation of a physician are not subject to criminal prosecution or sanctions. Designated primary caregivers are also protected. The law also states that no physician in California shall be punished or denied any right or privilege for having recommended marijuana to a patient for medical purposes.

In 2003 California passed additional state laws to allow law enforcement agencies to identify persons who are protected under the Compassionate Use Act. The laws provide for giving qualified patients and their primary caregivers a form of identification to protect them against wrongful arrest and prosecution. However, the Act does not protect marijuana plants from seizure nor individuals from federal prosecution under the federal Controlled Substances Act. The information that you provide in this application may be released as required by law, judicial order, or subpoena, and could be used in a federal criminal prosecution. A Medical Marijuana Identification (ID) Card is available to qualified patients and their primary caregivers. This is a voluntary program - applying for an ID card is optional but can prevent inconvenience.

### MEDICAL MARIJUANA ID CARD PROGRAM

Persons who have a valid ID card shall not be subject to arrest for possession or cultivation of medical marijuana in the amounts allowed by state law, unless there is reasonable cause to believe that the ID card is false or falsified, the card was obtained by fraud or the person is otherwise in violation of the law (such as selling marijuana).

### LIMITS ON AMOUNTS OF MEDICAL MARIJUANA POSSESSION AND CULTIVATION

State law defines the amount of marijuana that a qualified patient or their primary caregiver can possess and cultivate. The maximum amount of marijuana that a qualified patient or primary caregiver can possess is eight (8) ounces of dried, mature, processed flowers of the female cannabis plant. In addition, a qualified patient or primary caregiver may also maintain no more than six (6) mature or twelve (12) immature marijuana plants.

Some counties or cities may have approved higher possession and cultivation amounts. Merced County follows the state law on allowable amounts of marijuana for medical use.

## **GENERAL ID CARD PROGRAM REQUIREMENTS**

### Physician Recommendation

A patient's attending physician must recommend the use of marijuana for a serious medical condition. The physician must possess a license in good standing in California. The recommendation for using marijuana must be based on a medical evaluation and the physician must record in the patient's medical record his/her assessment of whether the patient has a serious medical condition and whether the use of medical marijuana is appropriate.

The physician's recommendation for use of marijuana is not a prescription.

### Application for an ID Card

A written application must be submitted in person at the Merced County Public Health Department. Information on applying for an ID card is enclosed. Merced County residents must apply at the Merced County Public Health Department.

### Valid ID Card

After an application is approved, an ID card will be issued by the California Department of Health Services and sent to the local health department. The ID card will then be provided to the qualified patient and approved designated primary caregivers. The ID card is valid for one year from the date of application approval. A renewal application is required every year.

### Application Fee

The fee for an ID card is \$225.00 in Merced County. Persons enrolled in the State Medi-Cal Program will receive a 50% fee reduction to \$112.50. The application fee must be paid by cash, or money order.

## **MEDICAL MARIJUANA IDENTIFICATION CARD**

The ID card will have the following information:

- Photograph of the cardholder
- A unique identification number assigned by the California Department of Health Services
- Expiration Date
- Name and telephone number of the county agency that approved the application.
- A web address that will allow law enforcement officers to verify if the card is valid.

No personal information about the cardholder will be provided through the phone or web card verification system. The verification system will generate a “Valid Card” or “Invalid Card” response.

Valid ID cards are recognized throughout California. ID cards are not recognized outside of California.

#### **CHANGES IN ATTENDING PHYSICIAN OR PRIMARY CAREGIVER**

Persons who possess an ID card must notify the Public Health Department within seven (7) days of any change in the person’s attending physician or designated primary caregiver, if any.

#### **RESTRICTIONS ON SMOKING OF MEDICAL MARIJUANA**

State law does not create an obligation for employers to permit smoking of marijuana at the worksite or during work hours.

State law does not allow smoking of medical marijuana as follows:

- In any place where smoking is prohibited by law
- In or within 1,000 feet of the grounds of a school, recreation center, or youth center, unless the medical use occurs within a residence
- On a school bus
- While in a motor vehicle that is being operated
- While operating a boat

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