

SB 420, and what it means to California medical marijuana patients

Notice: This is an summary explanation of the law and is therefore very general in its scope. It can in no way take the place of legal advice from an attorney. Senate Bill 420 only affects state law — being sick and growing or using medical marijuana is still punishable under federal law.

SB 420 does not take away Prop 215 rights

Prop 215 was a California voter initiative creating HS 11362.5 as our state medical marijuana law, so the legislature cannot change it. Senate Bill 420 is statutory law* creating HS 11362.7 and 11362.8 to establish a voluntary, confidential patient registry administered by the Department of Health Services. Among other things, this law:

- Creates two legal classes: “qualified patients” under HS 11362.5 (Prop 215) and “persons with an identification card” under HS 11362.7.
- Sets very low default garden and quantity guidelines as a minimal safe harbor from arrest for patients and caregivers with state-issued cards.
- Allows participating caregivers to have more than one patient in their home county, but are limited to one patient if they are from out-of-county.
- Defines medical marijuana as dry buds or conversion, not leaf, seeds or stems.
- Sets criminal penalties under HS 11362.8 for abuse of the card system.

* A statutory law is one that is passed by the legislature

What is the current status of SB 420?

Sections involving the ID cards and “persons with an identification card” are on hold due to problems with implementation. Sections relating to a “qualified patient” are already in effect, such as allowing transportation, patient sharing, cooperatives and collectives within the state, and payment for services and assistance to help grow medical marijuana.

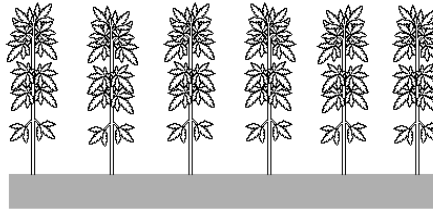
Does it affect other areas of state law?

Yes; HS11357, 11358, 11359, 11360, 11366, 11366.5 and 11570, depending on whether you are a qualified patient or caregiver, or a person with an ID card. Among these effects are:

- It protects qualified patients and caregivers from prosecution for transporting or processing small amounts of medical marijuana and makes it more difficult to charge them with intent to sell.
- Defendants and people on probation or parole can have access to medical marijuana.
- It does not forbid participants to drive after using medical marijuana, but it does forbid them to use it in a moving vehicle, even when a passenger.

Is the state ID card right for you?

Only you can decide, because there is a trade off involved that affects both your caregiver and you. Your name would be on a government list, but it is confidential and for verification purposes only, and there are legal penalties for revealing that information. The card requires you to document your doctor’s approval and is only good



for one year. It grants immunity from arrest, but only up to 8 ounces of dried bud or conversion and 6 mature OR 12 immature plants — unless either your doctor or community have authorized more.

How will law enforcement interpret it?

Police may consider patients without a state issued card as subject to arrest. However, since police already arrest most patients they encounter, that effect may be minimal. Anyone with or without a card who is caught growing or transporting more than the very small amounts in the bill may be subject to arrest unless they have a physician’s approval for more or live in a locality that has more realistic guidelines.

What can we do to improve the situation?

The law allows counties to designate their own card provider and to set higher guideline amounts as a safe harbor from arrest. Safe Access Now is a community action network working to expand the medical marijuana guidelines in your area.

We have two proposals:

- Get the state to recognize existing patient ID cards like the Oakland and San Francisco cards
- Get your local city or county to adopt Safe Access Now medical marijuana guidelines that allow patients to have 3 to 6 pounds of dried bud and up to 99 plants as long as the combined canopy area is not more than 100 square feet.

Visit the SAN website www.safeaccessnow.net/ to read the entire law, or call 510-215-8326 to become involved. Join Americans for Safe Access, 510-486-8083, to help stop federal raids.