

**BOARD OF SUPERVISORS  
COUNTY OF "YOUR COUNTY"**

**RESOLUTION NO. 2002-???**

**RESOLUTION MEMORIALIZING AND SUPPORTING AGREEMENT AMONG  
RESPONSIBLE AGENCIES SETTING STANDARDS FOR THE IMPLEMENTATION  
OF PROPOSITION 215, THE COMPASSIONATE USE ACT OF 1996**

WHEREAS, in 1996 the voters of the State of California approved Proposition 215, also known as the Compassionate Use Act of 1996; and

WHEREAS, Proposition 215 amended State law to ensure that patients suffering from serious illnesses, who obtain, cultivate, and use marijuana for medical purposes with the approval or recommendation of a physician, and the primary caregivers of such patients shall not be subject to criminal prosecution for such activities; and

WHEREAS, the Attorney General's Office of the State of California has declined to issue statewide guidelines for the implementation of Proposition 215, leaving the interpretation and implementation of Proposition 215 to local agencies; and

WHEREAS, some counties and cities throughout the State of California have established standards and presumptions for the implementation and enforcement of Proposition 215, some of which are more strict and some of which are more lenient than the policy memorialized here; and

WHEREAS, the lack of a "**YOUR COUNTY**" standard for presuming compliance with Proposition 215 has the potential to divert resources which could be devoted to crime prevention and may unnecessarily inconvenience a person engaged in legal activity; and

WHEREAS, in order to prevent unnecessary investigations by law enforcement and inconvenience to patients and primary caregivers, it is desirable to establish a standard for presuming compliance with Proposition 215 upon presentation of a bona fide physician's statement of approval or recommendation; and

WHEREAS, each federal IND patient receives from 5.6 to 7.3 pounds of dried cannabis per year, it is reasonable to allow each patient to possess 3 pounds of dried cannabis bud per year; and

WHEREAS, some patients do require more than 3 pounds of cannabis bud per year, especially when it is eaten or used in other methods other than being smoked; and

WHEREAS, a 100 square foot canopy of plants, regardless of the number of plants, will typically produce 3 pounds of processed cannabis bud per year; and

WHEREAS, designating a contractual caregiver provides safety for both the patient and society by reducing their dependence on the underground market for medical marijuana; and

WHEREAS, law enforcement officers require a simple and efficient guideline to use in evaluating patient gardens; and

WHEREAS, it is in the public interest for the Board of Supervisors to recognize, support, and memorialize said standards; and

WHEREAS, this resolution does not address the enforcement of federal law.

NOW, THEREFORE, BE IT RESOLVED that the “**YOUR COUNTY**” Board of Supervisors does hereby support, recognize, and memorialize the following standards for presuming compliance with Proposition 215;

- A) Cultivation of not more than 100 square feet of plant canopy, measured by the vegetative growth area and not to exceed 99 plants, by a patient or their primary caregiver having possession of a physician’s recommendation for the use of cannabis for medical purposes shall be presumed to be in compliance with Proposition 215;
- B) A patient or their caregiver, having a physician’s recommendation issued to that patient, who is found to be in possession of not more than 3 pounds of dried cannabis bud shall be presumed to be in compliance with Proposition 215;
- C) Cultivation or possession of cannabis may be conducted either by the patient or a primary caregiver, so long as the plants in cultivation and the amount in possession do not exceed the standards set forth in (A) and (B);
- D) Patients who require more than the amounts set forth herein shall be exempt from these limits upon presentation of a bona fide doctor’s statement to that effect.
- E) For purposes of “**YOUR COUNTY’S**” policy, a primary caregiver is the person designated as such in writing by the patient, and such designation must be in the possession of the caregiver or posted at the garden site, along with a copy of the physician’s recommendation.
- F) As defined in Proposition 215, a primary caregiver is the person designated by a patient who has consistently assumed responsibility for the housing, health or safety of the patient. Providing cannabis to a bona fide patient under a written agreement removes the patient from the criminal market in marijuana, which is sufficient for an individual to qualify as a caregiver by being consistently responsible for the safety of that patient.
- G. A primary caregiver may provide for more than one patient and receive reasonable reimbursement for their expenses and labor, in accordance with the People v Peron decision (1997) 59 Cal. App.4<sup>th</sup> 1383, 1398.

PASSED AND ADOPTED this XXth day of XXXXXXXXXXXX, 2002 at a regular meeting of the “YOUR COUNTY” County Board of Supervisors by the following vote: