

**BOARD OF SUPERVISORS**

**COUNTY OF \_\_\_\_\_ COUNTY**

**RESOLUTION NO. 200\_\_\_\_\_ - \_\_\_\_\_**

**RESOLUTION ENACTING MEDICAL MARIJUANA GUIDELINES FOR THE  
IMPLEMENTATION OF PROPOSITION 215 [HS 11362.5] AND SB 420 [HS 11362.7]**

WHEREAS, in 1996 the voters of the State of California approved Proposition 215, also known as the Compassionate Use Act of 1996, creating Health and Safety Code 11362.5; and

WHEREAS, HS 11362.5(d) states, "Section 11357, relating to the possession of marijuana [cannabis], and Section 11358, relating to the cultivation of marijuana, shall not apply to a patient, or to a patient's primary caregiver, who possesses or cultivates marijuana for the personal medical purposes of the patient upon the written or oral recommendation or approval of a physician." and

WHEREAS, since the 1970s, medical marijuana patients in the federal IND program have received and smoked approximately 6.5 pounds of dried cannabis per year, thereby establishing a safe and effective dosage for a chronic daily use patient to possess and consume; and

WHEREAS, some patients require more than that amount of cannabis bud per year, especially when it is eaten, used in tincture, used topically or by methods other than being smoked; and

WHEREAS, a 200 square foot canopy of mature female cannabis plants, typically will yield 6 pounds of dried and processed cannabis bud per year outdoor; regardless of the number of plants, and

WHEREAS, successful propagation, breeding and cultivation of cannabis may require large numbers of plants in various stages of growth, especially when grown in the indoor "Sea of Green" method which typically produces lower yields than outdoor gardens but affords multiple harvests per year; and

WHEREAS, in 2003, Senate Bill 420 created HS 11362.7 that, among other things, sets forth in HS 11362.77(a) a default threshold for immunity from arrest at 8 ounces of dried female cannabis flowers in addition to 6 mature or 12 immature plants per qualified patient; and

WHEREAS, HS 11362.77(c) empowers this jurisdiction when it states that "Counties and cities may retain or enact medical marijuana guidelines allowing qualified patients or primary caregivers to exceed the state limits set forth in subdivision (a)"; and

WHEREAS, other counties and cities throughout the State of California have enacted or retained guidelines for the implementation and enforcement of HS 11362.5 in amounts that are significantly greater than the threshold amounts set forth in HS 11362.77(a); and

WHEREAS, failure to enact a community standard for presumed compliance with HS 11362.77 may effectively limit local patients and caregivers to the arbitrary and unreasonable amounts as set forth in HS 11362.77(a), thereby causing undue pain, suffering and legal risks; and

WHEREAS, pursuant to HS 11362.775, qualified patients and caregivers "who associate within the State of California in order collectively or cooperatively to cultivate marijuana for medical purposes, shall not solely on the basis of that fact be subject to state criminal sanctions under Section 11357, 11358, 11359, 11360, 11366, 11366.5, or 11570." and

WHEREAS, law enforcement officers require a simple, reasonable and efficient guideline to use in evaluating individual and collective patient medical marijuana gardens and on-hand supplies; and

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

THEREFORE, BE IT NOW RESOLVED that this County Board of Supervisors does hereby enact the following medical marijuana guidelines for qualified patients or primary caregivers within its jurisdiction per HS 11362.77(c):

- A) A qualified patient or a person holding a valid identification card, or the designated primary caregiver of that qualified patient or person, may possess amounts of marijuana up to 6 pounds of dried cannabis bud or conversion per patient.
- B) To produce that amount, such persons may cultivate cannabis in an amount per qualified patient not to exceed 99 plants with not more than 200 square feet of total garden canopy, as measured by the combined vegetative growth area.
- C) Qualified patients, caregivers and providers who collectively or cooperatively cultivate marijuana for medical purposes shall not exceed the standards set forth in (A) and (B).
- D) If a qualified patient or primary caregiver has a doctor's recommendation that this quantity does not meet the patient's medical needs the patient or caregiver may possess an amount of marijuana consistent with the patient's needs.
- E) As defined in HS 11362.5, "Primary caregiver means the individual designated by the person exempted under this act that has consistently assumed responsibility for the housing, health or safety of that person." For purposes of this policy, a primary caregiver shall include an adult designated as such in writing by a qualified or card-holding patient, in the interests of their personal health and safety.
- F) Such designation shall be posted at the garden site or in the possession of the caregiver, along with a copy of the physician's document.
- G) Law enforcement shall not arrest and shall leave unmolested qualified patients, persons holding a valid identification card, the designated primary caregiver, and any compliant gardens and supplies of medical marijuana in the amounts set forth in (A) and (B) above. They shall preserve any excess amounts in usable form in case it need be returned.

PASSED AND ADOPTED this \_\_\_\_\_ th day of \_\_\_\_\_, 2003 at a regular meeting of the \_\_\_\_\_ County Board of Supervisors by the following vote: