



Brenda J Bailey/PV/EDC

02/08/2007 04:27 PM

To Cynthia C Johnson/PV/EDC@TCP

cc

bcc

Subject Fw: Med. Marijuana ID Program in El Dorado Co.

— Forwarded by Brenda J Bailey/PV/EDC on 02/08/2007 04:27 PM —



"F. Aaron Smith"

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>

02/08/2007 11:01 AM

To bostwo@co.el-dorado.ca.us

cc

Subject Med. Marijuana ID Program in El Dorado Co.

RECEIVED  
BOARD OF SUPERVISORS  
EL DORADO COUNTY, CA

2007 FEB 12 AM 10:17

Honorable Supervisor Baumann,

Safe Access Now is a statewide advocacy group focusing on local governments' compliance with California's Compassionate Use Act (Prop. 215) as well as The Medical Marijuana Program Act (SB 420). We are committed to ensuring all patients using medicinal cannabis legitimately under state law are free from the risk of arrest, detainment or seizure of their medicine.

We are contacting you today because your board is poised to make an important decision, affecting both patients and law enforcement officers in El Dorado County.

Next Tuesday, Feb 13, the Department of Public Health will be making a presentation to the board on the statewide Medical Marijuana Identification Card (MMIC) Program. We are asking that you provide direction to staff, identifying the Department of Public Health as the local administrator of this important program. Additionally, this program should be made available in El Dorado County, without any further delay.

In 1996, California voters approved Proposition 215 because they felt that seriously ill patients should be able to use marijuana under their doctor's recommendation, without facing legal repercussions. Currently an estimated 150,000 to 200,000 Californians are using medical marijuana under state law to address the symptoms of such health conditions as multiple sclerosis, AIDS, chronic pain, and glaucoma, as well as to curb the side effects from chemotherapy and hepatitis-C treatments.

In the years following the passage of this landmark initiative, various concerns have been expressed from both the law enforcement and patient communities regarding the uneven enforcement of our state's medical marijuana law.

To address the difficulties faced by law enforcement, the California Legislature and the Governor enacted Senate Bill 420, (HS Code §11362.7, et seq.) in October of 2003. This legislation requires counties to administer the statewide MMIC program. Among its other benefits, this program aids law enforcement officers in identifying legitimate medical marijuana patients with better ease and efficiency



Currently, patients in El Dorado County have no choice but to carry inconsistent documentation that is difficult—if not impossible—for local law enforcement to verify.

Once the County's MMIC program is in place, peace officers will be able to utilize a web-based database (maintained by the California Department of Health Services) to verify a patient's legal status within minutes. Law enforcement will have access to this system twenty-four hours a day, as opposed to the current practice, which relies on the hours of operation of individual doctors when attempting to verify the legitimacy of a medical marijuana patient's documentation. The county-administered MMIC removes the burden of verifying patient records from the officers on the street, freeing up their valuable time for service to their communities.

In no way does this program liberalize current medical marijuana laws. In fact, the MMIC provides a mechanism which distinguishes legitimate patients from those who are abusing the law. It is for all these reasons that law enforcement staff is generally supportive of the ID card in the twenty-four counties with operational programs.

The California Attorney General has determined that this statewide registry program does not violate federal laws, because the card only identifies someone as a patient acting legally under state law. This program does not set the stage for a distribution system or any other activity that is prohibited by federal law. Additionally, the card's design includes a printed warning that federal authorities are not obligated to recognize California's medical marijuana laws.

The legality of the program was recently affirmed by a Superior Court ruling. In January of 2006, San Diego County filed a lawsuit which challenged the state's authority to compel counties to implement the MMIC program, because—in their opinion—it was in conflict with a federal ban on all marijuana.

San Diego Superior Court Justice, William R. Nevitt, Jr. rejected San Diego's claim in the court's December 6 ruling.

In this important decision, Judge Nevitt writes, "...the Court upholds the Compassionate Use Act and the Medical Marijuana Program."

In short, this ruling finds that counties are not violating federal law by issuing the MMICs—and moreover, failure to implement the program would amount to a violation of state law.

Public support for the implementation of California's medical marijuana laws has significantly increased since Proposition 215 was initially approved by 56% of the state's voters. An independent field poll conducted in 2006 found that nearly three-out-of-four voters now support the implementation of California's medical marijuana laws—63% of Republicans and 83% of Democrats. This poll, among others, consistently shows clear majority support across the political spectrum.

Local patients are counting on your vote to implement the medical marijuana identification card program in El Dorado County.

Thank you for taking decisive action to fulfill the County's statutory obligation and the will of California voters. Please feel free to contact us for more information on this important issue.



Sincerely,  
Aaron Smith

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