



"Jackie Pence"  
<kjpence@d-web.com>  
06/04/2007 10:32 AM

To <bosthree@co.el-dorado.ca.us>  
cc  
bcc  
Subject Medical marijuana ID cards

I am urging you to begin the ID program here in El Dorado county to give patients safe access and protect them from wrongful prosecution. Thank you  
Jackie Baum-Pence  
3143 Corral Trail  
Somerset

Cindy L Keck/PV/EDC  
06/04/2007 12:40 PM

To Cynthia C Johnson/PV/EDC@TCP  
cc  
bcc  
Subject Fw: SAN's letter to board: medical marijuana IDs

For the agenda....

Cindy Keck  
Clerk of the Board of Supervisors  
El Dorado County  
330 Fair Lane, Placerville  
(530) 621-5394  
FAX (530) 622-3645

— Forwarded by Cindy L Keck/PV/EDC on 06/04/2007 12:40 PM —



"F. Aaron Smith"  
<safeaccessnow@gmail.com  
>

To ckeck@co.el-dorado.ca.us  
cc

06/04/2007 11:10 AM

Subject SAN's letter to board: medical marijuana IDs

Dear Ms. Keck,

Last week, SAN sent the following letter regarding the medical marijuana ID program was sent to each board member. Here is an electronic copy, in case you want to include it in the public record. See attached PDF.

Thank you,

Aaron Smith  
Safe Access Now

To: El Dorado County Board of Supervisors  
May 29, 2007

Honorable members of the Board of Supervisors,

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

We are writing you today because your board is poised to make an important decision affecting both patients and law enforcement officers in El Dorado County. As you likely know, California's medical marijuana identification card (MMIC) program will likely be brought before the Board of Supervisors at your June 5 meeting. It is our hope that you vote to direct staff to begin the process of local

implementation of the MMIC program without any further delay.

In 1996, El Dorado County voters—along with the majority of the state—approved Proposition 215 because they felt that seriously ill patients should be able to use marijuana as advised by their doctor without facing legal repercussions. The voters' intent was clear; however, since its approval, a number of questions and concerns have been raised about how to enforce the law.

In 2003, state lawmakers—under the guidance of both the law enforcement and patient communities—approved SB 420, now codified as Health & Safety Code §11362.7, et seq. This legislation clears up some of the issues of implementation that were originally left open in the Compassionate Use Act, which may have lead to uneven enforcement of the statute.

In addition to providing possession and cultivation guidelines, SB 420 created the MMIC program and mandated that it be implemented in each of California's 58 counties.

Because the MMIC program has not yet been implemented in El Dorado County, local patients and law enforcement are unable to realize the full benefit of our state's medical marijuana program. This situation creates difficulties for local law enforcement officers who are frequently faced with the task of distinguishing legitimate medical patients from recreational marijuana users who might be abusing the law.

Without the ID program, patients in El Dorado County have no choice but to carry inconsistent documentation that is difficult—and sometimes impossible—for local law enforcement to verify.

Sadly, many legitimate patients have had to endure detainment and/or arrest before proving in court that their use of medical marijuana is lawful and appropriate under the Compassionate Use Act. Although their cases are ultimately dismissed, this situation jeopardizes the health and safety of some of the most seriously ill patients in our communities and wastes local public safety resources.

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 fails when officers are unable to contact individual doctors after business hours to verify the legitimacy of a medical marijuana patient's documentation. The county-administered MMIC makes our officers' jobs easier and frees up their valuable time to serve the community.

In no way does this program liberalize current medical marijuana laws. In fact, the MMIC provides a mechanism for curbing the abuse of our state medical marijuana laws. It is for all these reasons that law enforcement staff is generally supportive of the ID card in the thirty-one jurisdictions with approved programs, including neighboring Amador County.

The California Attorney General has affirmed that this statewide registry program is consistent with the responsibilities of government employees under federal law, because the card only identifies persons qualifying under California's Health & Safety Code. This program does

not set the stage for a distribution system or any activity that might be 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.

Just six months ago, a Superior Court ruling found 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. San Diego Superior Court Justice, William R. Nevitt, Jr. issued the ruling on December 6 in response to a suit filed by San Diego County which challenged the state's authority to compel counties to implement the MMIC program, because they were concerned that it conflicted with a federal ban on all marijuana. This concern has been rejected by the court, and counties now have a clear directive to proceed with implementation of the state program.

Public support for the implementation of California's medical marijuana laws has significantly increased in the decade since Proposition 215 was approved by a slim 51% majority of El Dorado County voters (56% statewide). An independent field poll conducted in 2006 found that three out of four California voters now support the implementation of the state's medical marijuana laws—including 63% of Republicans. This poll, among others, consistently shows clear majority support across the political spectrum.

Local patients have been waiting far too long for the county to comply with state law by issuing the medical marijuana ID cards. 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,

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F. Aaron Smith  
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(866) 287-6789

Aaron Smith, Statewide Coordinator  
Safe Access Now  
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Letter\_to\_BOS\_EIDorado\_05-29-07.pdf



Loretta M  
Featherston/PV/EDC  
06/04/2007 01:01 PM

To Cynthia C Johnson/PV/EDC@TCP  
cc  
bcc  
Subject Fw: Medical marijuana ID cards

Did the others get this one. I'm unsure of what to distribute to everyone. Is the rule of thumb, anything on the agenda forward for all to read?

Loretta Featherston  
Assistant to Supervisor Dupray  
District 1  
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----- Forwarded by Loretta M Featherston/PV/EDC on 06/04/2007 01:00 PM -----



"Jackie Pence"  
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06/04/2007 10:28 AM

To <bosone@co.el-dorado.ca.us>  
cc  
Subject Medical marijuana ID cards

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