

1 [Reinstatement of City issued Medical Cannabis Identification Cards]

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3 **Resolution urging the Department of Public Health to abandon the State of California**
4 **Medical Marijuana Identification Card (MMIC) program and to reinstate the local**
5 **medical cannabis program that had been in existence prior to the State mandated**
6 **program in 2006.**

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9 WHEREAS, the Citizens of California approved the passage of the Compassionate
10 Use Act of 1996, also known as Proposition 215, and written into law as California Health and
11 Safety Code 11362.5; and,

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13 WHEREAS, in 1999, the San Francisco Health Commission passed Resolution #29-99,
14 supporting the development and implementation of a voluntary medical cannabis identification
15 card program; and

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17 WHEREAS, in response to a community planning process, the San Francisco Board of
18 Supervisors, created a voluntary identification card system in 2000 for individuals who qualify
19 as medical cannabis users or primary care givers under California Health and Safety Code
20 11362.5; and,

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22 WHEREAS, in November 2002, San Francisco voters reaffirmed their support of the
23 compassionate use of Medical Marijuana approving Measure S by 62.02% to 37.98% asking
24 the Mayor, Board of Supervisors, District Attorney, City Attorney and Public Health to explore
25 the possibility of creating a program to grow marijuana for medical use; and

1 WHEREAS, the voluntary program, with cards valid up to two years, operated
2 successfully until December 2005 with the annual volume of cards increasing from 3300 in
3 2003 to over 10,000 in 2005; and

4 WHEREAS, in 2006, the State mandated that all California counties implement Senate
5 Bill 420 (Chapter 875, Statutes of 2003) requiring participation in the California Medical
6 Marijuana Program and process applications for statewide Medical Marijuana Identification
7 Cards (MMIC) and at the same time eliminate any local card program; and
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9 WHEREAS, San Francisco began implementation of the mandatory statewide program
10 in January 2006, abandoning the county program causing the patient fee to double from \$25
11 to \$50 for all but Medi-Cal recipients where the fee remained fixed at \$25; and
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13 WHEREAS, under the State MMIC program in 2006, cards issued by the State are only
14 valid for one year and the number of cards issued in San Francisco dropped from the 2005
15 high of 10,000 to 3,400 cards; and
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17 WHEREAS, in spite of the mandatory nature of the statewide program, most counties
18 in California did not implement the MMIC card program and the State did not realize the
19 revenues it expected from implementation of the program; and
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21 WHEREAS, in January 2007, the San Francisco Department of Public Health received
22 notice from the State Department of Health Services that effective March 1, 2007, the State
23 was raising its portion of the MMIC card fee from \$13.00 to \$142.00 for non-Medi-Cal
24 beneficiaries, and from \$6.50 to \$71.00 for Medi-Cal beneficiaries the letter stated the fee
25 increase was necessary to comply with Health and Safety Code 11362.755 (a) of Senate Bill

1 420 (Vasconcellos, Chapter 875, Statutes of 2003) which requires the Department MMIC
2 implementation, development and support activities be fully fee supported; and

3 WHEREAS, this fee increase will effectively end the program for most clients since it is
4 too expensive to be viable, and Marin, San Mateo and Santa Clara County are all facing the
5 same dilemma and are interested in finding an affordable solution to this problem so that they
6 can continue to provide medical marijuana cards for residents in their respective counties; and
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8 WHEREAS, Alameda County never abolished its local card program, and ran both the
9 local and the State MMIC card programs simultaneously through a contract agency with very
10 few participants opting into the statewide program and the majority continuing to apply for
11 local county cards: now, therefore be it
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13 RESOLVED, that the San Francisco Board of Supervisors urges the State to
14 reevaluate the State MMIC card program before it implements a fee increase to participating
15 counties to determine its viability; and be it
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17 FURTHER RESOLVED, that the Board of Supervisors instructs the Department of
18 Public Health to reinstate the local medical marijuana identification program effective March 1,
19 2007 until such time the State reassesses the MMIC program and either 1) enforces county
20 compliance, thus eliminating the need to increase fees, or 2) determines the program is not
21 viable and dissolves the statewide MMIC program.
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