

# SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors  
105 E. Anapamu Street, Suite 407  
Santa Barbara, CA 93101  
(805) 568-2240

**Agenda Number:**  
**Prepared on:** 1/13/04  
**Department Name:** Public Health  
**Department No.:** 041  
**Agenda Date:** 1/27/04  
**Placement:** Departmental  
**Estimate Time:** 20 min  
**Continued Item:** NO  
**If Yes, date from:**

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**TO:** Board of Supervisors

**FROM:** Roger E. Heroux, MPA  
Public Health Department Director

**STAFF** Michele Mickiewicz  
**CONTACT:** 681-5446

**SUBJECT:** Briefing on the SB 420 Medical Marijuana Identification Card Program

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## **Recommendation(s):**

That the Board of Supervisors:

Accept a briefing from the Public Health Department on the requirements of the Medical Marijuana Identification Card Law and the status of plans for implementing a Medical Marijuana Identification Card Program in the State and in Santa Barbara County

## **Alignment with Board Strategic Plan:**

The recommendation(s) are primarily aligned with Goal No. 2. A Safe and Healthy Community in Which to Live, Work, and Visit.

## **Executive Summary and Discussion:**

On October 12, 2003, the Governor signed into law SB 420 (Vasconcellos) the Medical Marijuana Identification Card Law. This Bill requires the State Department of Health Services to establish and maintain a voluntary program for the issuance of identification cards to qualified patients and would establish procedures under which a qualified patient with an identification card may use marijuana for medical purposes. This Bill specifies the duties of the California Department of Health Services (DHS) in this regard, including developing related protocols and forms and establishing application and renewal fees for the program. The Bill also imposes various duties upon County Health Departments relating to the issuance of identification cards thus creating a state-mandated local program.

The Public Health Department has received a number of calls and inquiries with respect to when the Medical Marijuana ID Cards will be available in Santa Barbara County. In order to respond to these inquiries, the PHD has contacted the DHS as to when the protocols upon which this legislation is based will be in place. DHS has indicated that they are awaiting approval to hire staff to design and implement the program and that, assuming the staffing is in place by July 1, 2004 they expect the Medical Marijuana ID Card program to be ready for implementation at the county level by January 2005. This information has been placed on the PHD website.

The PHD is working with the Santa Barbara Medical Society to keep local physicians informed on the requirements of this legislation and to provide guidelines approved by the California Medical Society to guide them in addressing the needs of their patients.

A number of issues need to be resolved in order to be ready for implementation of the Medical Marijuana ID Card Program upon receipt of the DHS protocols. Here is a summary of the issues and the status of the efforts to date.

**Who should implement the Medical Marijuana ID Card Program locally?**

The legislation requires the County Health Department or a designee to implement the program. The legislation provides that the County Board of Supervisors may designate another health-related governmental or nongovernmental entity or organization to perform these functions. PHD met with ADMHS staff to explore the options (implementation by either PHD or request the Board to designate another health-related organization). Unless the Board of Supervisors sees fit to designate otherwise, the PHD is prepared to implement this program and offer this service to the public through its Office of Vital Records. Because the PHD Office of Vital Records (OVR) processes applications for birth certificates and there is a structure in place to collect and process fees, this unit could assume these tasks most efficiently. PHD anticipates being able to accommodate this service with the current staffing; however, it is unclear the workload that this state-mandated local program will generate and impacts will need to be evaluated after the program is implemented.

**How are the costs associated with the implementation of this program handled?**

The legislation provides for DHS and county health departments to charge fees sufficient to cover the expenses incurred in administering the program. It also stipulates that Medi-Cal beneficiaries receive a 50% reduction in fees.

**When can the program be available to Santa Barbara County residents?**

Because the implementation of the Medical Marijuana ID Card Program requires the State DHS to establish protocols, to provide a toll-free number for law enforcement to verify the validity of cards, and to set fees, local implementation will occur after the State completes the tasks required in the legislation. The best estimate of when the program will be available to Santa Barbara County residents is early in 2005.

**Mandates and Service Levels:**

The Medical Marijuana Identification Card Program is established in the California Health and Safety Code, Sections 11362.7 – 11362.83. It is a state-mandated local program on the Public Health Department.

**Fiscal and Facilities Impacts:**

This program should not increase the use of general fund resources. In addition, no staffing or facilities increases are expected at this time. The State Department of Health Services (DHS) shall establish a fee for the medical marijuana identification card that is sufficient to cover expenses incurred by DHS. In addition, each county may charge an additional fee to cover local costs. Medi-Cal beneficiaries shall receive a 50 percent fee reduction.

Upon the receipt of guidelines from DHS, the Public Health Department will compute a fee that will fully cover the costs of the local operation of the program, including all indirect charges.

**Concurrence:**

None