

**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: 6/1/02
Department Name: Public Health
Department No.: 041
Agenda Date: 6/15/04
Placement: Departmental
Estimate Time: 30 min.
Continued Item: NO
If Yes, date from:

TO: Board of Supervisors

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

STAFF CONTACT: Michele Mickiewicz
Deputy Director – Administration (681-5446)

SUBJECT: Fee Resolution for Medical Marijuana ID Cards

Recommendation(s):

That the Board of Supervisors:

- A. Adopt a Resolution establishing fees for Santa Barbara County's local Medical Marijuana Identification Card program.

Alignment with Board Strategic Plan:

The recommendations are primarily aligned with:

- Goal No. 1: An Efficient Government Able to Respond Effectively to the Needs of the Community and
- 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 ID Card Law. This Bill requires the State Department of Health Services (DHS) 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. Because the implementation of the Medical Marijuana ID Card Program established by this legislation is delayed at the State level, your Board on April 13, 2004 directed the Public Health Department (PHD) to develop and implement a local Medical Marijuana ID Card program, and directed the PHD to return to your Board with a fee resolution for the program prior to July 1, 2004.

PHD staff have prepared an analysis of the start up and ongoing costs of operating this program and are proposing a fee structure that will provide for cost recovery of this new program over the first year of operation. The Auditor-Controller staff has conducted a fee review and have determined that the proposed fees are consistent with the County's fee policies. In accordance with Generally Accepted Accounting Principles and the methodology approved by the Auditor-Controller's office, the proposed fees incorporate all costs incurred by providing this service, including A87 Cost Plan charges.

Subject: Fee Resolutions for Medical Marijuana ID Cards

Agenda date: 6/15/04

Page 2

The proposed fees would differentiate between patients who are Medi-Cal eligible and those who are not. The patients who are Medi-Cal eligible will receive a 50% reduction in the fee. This is consistent with the fee provisions of SB 420, the state-wide medical marijuana identification program which is expected to be operational early in 2005.

Mandates and Service Levels:

Although this legislation is now chaptered in the Health and Safety Code, this is not a mandated program for local cities or counties. Upon the establishment of the State Department of Health Services statewide Medical Marijuana Identification Card Program, the County will be mandated under the California Health and Safety Code, Sections 11362.7 – 11362.83 to provide this service. This is anticipated to be January 2005. The State Medical Marijuana ID Card program, once available, will replace the local program.

Fiscal and Facilities Impacts:

The total first year costs for this program are estimated at \$25,786, including \$12,630 in one-time and startup costs. The approximate number of participants is estimated at 500. Because the Public Health Department is following the 50% Medi-Cal discount provisions of SB420, the fees will be set at \$64 for a participant who is not Medi-Cal eligible and \$32 for a participant who is Medi-cal eligible. This structure will provide for projected cost recovery of this program within a one year period. The fees will be reviewed for adequacy after one year, after there is some data in the program and some further direction from the State on their proposed program.

Adoption of these fee resolutions will not result in any additional staff or need for facilities.

Special Instructions:

Please return one fully executed copy of each resolution along with a copy of the minute order to the Public Health Department Contracts Unit, 300 N. San Antonio Road, Bldg 8, Santa Barbara, CA 93110
Attn: Margaret Granger (805) 681 5367

Concurrence:

Auditor-Controller

County Counsel

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF SANTA BARBARA, STATE OF CALIFORNIA**

**RESOLUTION SETTING
MEDICAL MARIJUANA IDENTIFICATION
CARD FEES FOR THE COUNTY OF SANTA BARBARA**

RESOLUTION NO.

- WHEREAS,** Proposition 215 enacted the Compassionate Use Act of 1996 to ensure that seriously ill Californians have the right to obtain and use marijuana for medical purposes where that medical use is deemed appropriate and has been recommended by a physician who has determined that the person's health would benefit from the use of marijuana; and
- WHEREAS,** Senate Bill 420 (Health and Safety Code Sections 11362.7-11362.83) establishes a voluntary medical marijuana identification card program in California to facilitate the prompt identification of qualified patients and their designated primary caregivers in order to avoid unnecessary arrest and prosecution of these individuals; and
- WHEREAS,** California Health and Safety Code Section 11362.755 provides authority for County Public Health Departments to establish fees sufficient to cover expenses for the Medical Marijuana Identification Card program established by Senate Bill 420, including startup costs; and
- WHEREAS,** the Santa Barbara County Board of Supervisors has directed the Public Health Department to develop and implement a local medical marijuana identification card program to operate until such time as the program established by Senate Bill 420 becomes operational; and
- WHEREAS,** the Santa Barbara County Auditor-Controller has certified the methodology used in developing the fees and has determined these fees to be sufficient to recover the costs of implementing this program over the next year; and
- WHEREAS,** the collection of the proposed fee is categorically exempt from CEQA under 14 California Code of Regulations 15273, because the fee will be used to meet operating expenses and for the purchase of supplies, equipment and materials.

NOW, THEREFORE, IT IS HEREBY ORDERED that the fees charged for a medical marijuana identification card be set as follows, effective July 1, 2004 and this resolution is effective until otherwise amended or repealed by the Board of Supervisors.

Medical Marijuana Identification Card for Non-Medi-Cal Eligible Patient.....	\$64 annually
Medical Marijuana Identification Card for Medi-Cal Eligible Patient.....	\$32 annually
Medical Marijuana Identification Card for Primary Caregiver	\$64 annually

PASSED, APPROVED and ADOPTED by the Board of Supervisors of the County of Santa Barbara, State of California, this 15th day of June, 2004.

AYES:

NOES:

ABSTAIN:

ABSENT:

**By _____
Chairman, Board of Supervisors
County of Santa Barbara
State of California**

Date _____

**ATTEST:
Michael Brown
Clerk of the Board of Supervisors**

By _____

Date _____

**APPROVED AS TO FORM
Shane Stark
County Counsel**

By _____

Date _____

**APPROVED AS TO ACCOUNT FORM
Robert W. Geis, C.P.A.
Auditor- Controller**

By _____

Date _____

**APPROVED AS TO FORM
Roger E. Heroux
Public Health Department**

By _____

Date _____