

FILE NO. 992079

ORDINANCE NO. 11-00

1 [Medical Cannabis Identification Cards]
2 AMENDING THE SAN FRANCISCO HEALTH CODE BY ADDING ARTICLE 28 TO
3 AUTHORIZE THE DEPARTMENT OF PUBLIC HEALTH TO ISSUE MEDICAL CANNABIS
4 IDENTIFICATION CARDS TO INDIVIDUALS WHO QUALIFY UNDER CALIFORNIA HEALTH
5 & SAFETY CODE SECTION 11362.5 AS USERS OF MEDICAL CANNABIS OR AS
6 PRIMARY CAREGIVERS TO MEDICAL CANNABIS USERS.

7 Note: This whole section is new.

8 Be it ordained by the People of the City and County of San Francisco:

9 The San Francisco Health Code is hereby amended by adding Article 28, as follows:

10 Section 1. The following new Article is added to the San Francisco Health Code, to
11 read as follows:

12 **ARTICLE 28 MEDICAL CANNABIS USER AND PRIMARY CAREGIVER**
13 **IDENTIFICATION CARDS.**

14 **SEC. 1800. DECLARATION OF POLICY.** It is the policy of the City and County of
15 San Francisco that California Health & Safety Code section 11362.5 shall be implemented
16 with consideration for qualified users of medical cannabis, physicians, responsible and
17 accountable providers of medical cannabis, and the police. The City and County recognizes
18 that individuals who qualify to use medical cannabis may require the support of numerous
19 caregivers to meet their needs for housing, health, or safety under California Health & Safety
20 Code section 11362.5(e). Voluntary primary caregiver cards and medical cannabis user
21 identification cards will help peace officers identify individuals whose possession of medical
22 cannabis is permissible under Health & Safety Code section 11362.5. Such cards can
23 promote cooperation between the Department of Public Health and law enforcement to
24 protect the public welfare and medical cannabis users' rights. To further these goals, the
25 Department of Public Health shall heed the vision, expertise, and voluntary counsel of private

1 citizens in order to discover valuable information about the identification cards program. It
2 also shall be the policy of the City and County of San Francisco to enable the Director of
3 Health to take whatever steps are deemed necessary to protect the privacy of the physician-
4 patient relationship by ensuring the confidentiality of patients' identities. Although this
5 voluntary identification card program has no relation to any research studies, the City and
6 County of San Francisco supports additional research on the benefits of medical cannabis
7 and recognizes that such research must respect the confidentiality of patients and promote
8 safeguards governing research on human subjects.

9 **SEC. 1801. DEFINITIONS.** For the purpose of Article 28, certain words and phrases
10 shall be construed as hereafter defined. Words in the singular include the plural, and words in
11 the plural shall include the singular. Words in the present tense shall include the future.
12 Masculine pronouns include feminine meaning and are not intended to be gender-specific.

13 (a) **Department.** The term "Department" means the Department of Public Health of
14 the City and County of San Francisco or an authorized contractor of the Department of Public
15 Health of the City and County of San Francisco.

16 (b) **Director of Health.** The term "Director of Health" includes the Director of Health
17 or his designee.

18 **SEC. 1802. ELIGIBILITY FOR IDENTIFICATION CARDS.** (a) Individuals who qualify
19 to use medical cannabis under California Health & Safety Code section 11362.5 may apply for
20 a medical cannabis user identification card. Every applicant for a medical cannabis user
21 identification card shall present to the Department proof that the applicant's physician
22 recommends cannabis use for the applicant and a California driver's license, California state
23 identification card, or United States passport. The Department may also request such other
24 pertinent information as the Department may require to determine whether the applicant
25 qualifies as a user of medical cannabis under California Health & Safety Code section

1 11362.5. The Department may demand proof of identity prior to the issuance of the medical
2 cannabis user identification card.

3 (b) Individuals who qualify as primary caregivers under California Health & Safety Code
4 section 11362.5(e) may apply for a primary caregiver identification card. Every applicant for a
5 primary caregiver identification card shall present to the Department a California driver's
6 license, California state identification card, or United States passport. Every applicant for a
7 primary caregiver identification card shall present to the Department proof that a physician
8 recommends medical cannabis use for the individual for whom the applicant provides primary
9 care. Every applicant and the qualified user for whom the applicant provides primary care
10 also shall provide such other pertinent information as the Department may require to
11 determine whether the applicant qualifies as a primary caregiver under California Health &
12 Safety Code section 11362.5. The Department may demand proof of identity prior to the
13 issuance of the primary caregiver identification card.

14 **SEC. 1803. IDENTIFICATION CARDS.** (a) The medical cannabis user identification
15 card issued by the Department shall bear a unique serial number, a picture or photograph of
16 the card holder, and the date of expiration of the identification card.

17 (b) The primary caregiver identification card shall bear a unique serial number, a
18 picture or photograph of the card holder, and the date of expiration of the identification card.

19 (c) Both medical cannabis user identification cards and primary caregiver identification
20 cards shall display a message from the Department advising that it is illegal to distribute
21 marijuana or to use marijuana for nonmedical purposes.

22 **SEC. 1804. INVESTIGATION AND VERIFICATION.** (a) The Department shall satisfy
23 itself as to the accuracy of the physician's recommendation of cannabis use for the applicant
24 and other statements made in support of each medical cannabis user identification card. If
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1 the Department is satisfied with the information, the Department shall issue the requested
2 medical cannabis user identification card.

3 (b) The Department shall satisfy itself as to the accuracy of the statements made in
4 support of each primary caregiver identification card. If the Department is satisfied with the
5 supporting information, including the physician's recommendation of cannabis use for the
6 individual for whom the applicant provides primary care, the Department shall issue the
7 requested primary caregiver identification card.

8 **SEC. 1805. FEES.** The Department is authorized to charge every applicant for a
9 medical cannabis user identification card or a primary caregiver identification card a fee
10 sufficient to cover the costs of the medical cannabis user identification and primary caregiver
11 identification cards program. The Department shall consider the extent of an applicant's
12 ability to pay the whole or partial fee and may provide for fee waiver or reduction in
13 appropriate cases.

14 **SEC. 1806. EXPIRATION DATE.** (a) A medical cannabis user identification card may
15 be granted at any time and shall remain valid for the length of time during which a physician
16 certifies a recommendation for use of medical cannabis. No medical cannabis user
17 identification card shall remain valid for longer than two years. A person may apply to renew
18 such a medical cannabis user identification card. Medical cannabis user identification cards
19 shall not be transferable.

20 (b) A primary caregiver identification card may be granted at any time and shall remain
21 valid for the length of time during which a physician certifies a recommendation for use of
22 medical cannabis by the individual for whom the card holder provides primary care. No
23 primary caregiver identification card shall remain valid for longer than two years. A person
24 may apply to renew such a primary caregiver identification card. Primary caregiver
25 identification cards shall not be transferable.

1 **SEC. 1807. AUTHORITY TO ADOPT RULES AND REGULATIONS.** The Director
2 may issue and amend rules, regulations, standards, or conditions to implement and enforce
3 this Article. The Director is authorized to enforce the provisions of this ordinance, including
4 any rules, regulations, standards, or conditions issued hereunder.

5 **SEC. 1808. PENALTY.** Any person who shall present false information or falsify,
6 forge, or alter a document to support a request for a medical cannabis user identification card
7 or a primary caregiver identification card or make, create, sell, or use a false medical cannabis
8 user identification card or a primary caregiver identification card shall be guilty of a
9 misdemeanor and upon conviction thereof shall be punished by a fine not to exceed \$250, or
10 by imprisonment in the County Jail for not more than three months, or by both such fine and
11 imprisonment.

12 **SEC. 1809. CITY UNDERTAKING LIMITED TO PROMOTION OF GENERAL**
13 **WELFARE.** In undertaking the adoption and enforcement of this ordinance, the City and
14 County is assuming an undertaking only to promote the general welfare. It is not assuming,
15 nor is it imposing on its officers and employers, an obligation for breach of which it is liable in
16 money damages to any person who claims that such breach proximately caused injury.

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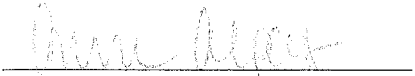
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1 SEC. 1810. SEVERABILITY. If any part or provision of this Ordinance, or the
2 application thereof to any person or circumstances, is held invalid, the remainder of this
3 Ordinance, including the application of such part or provision to the other persons or
4 circumstances, shall not be affected thereby and shall continue in full force and effect. To this
5 end, provisions of this Ordinance are severable.

6
7 APPROVED AS TO FORM:
8 LOUISE H. RENNE, City Attorney

9
10 By: 
11 ANN ALPERS
12 Deputy City Attorney



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails
Ordinance

File Number: 992079

Date Passed:

Ordinance amending Health Code by adding Article 28 to authorize the Department of Public Health to issue medical cannabis identification cards to individuals who qualify under California Health and Safety Code Section 11362.5 as users of medical cannabis or as primary caregivers to medical cannabis users.

January 24, 2000 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE
BEARING NEW TITLE

Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom,
Teng, Yaki, Yee

January 24, 2000 Board of Supervisors — PASSED ON FIRST READING AS AMENDED

Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom,
Teng, Yaki, Yee

January 31, 2000 Board of Supervisors — FINALLY PASSED

Ayes: 10 - Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki,
Yee

Noes: 1 - Ammiano

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I hereby certify that the foregoing Ordinance
was **FINALLY PASSED** on January 31, 2000
by the Board of Supervisors of the City and
County of San Francisco.



Gloria L. Young
Clerk of the Board

FEB 11 2000

Date Approved



Mayor Willie L. Brown Jr.