[Medical Cannabis Identification Cards]

AMENDING THE SAN FRANCISCO 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

& SAFETY CODE SECTION 11362.5 AS USERS OF MEDICAL CANNABIS OR AS

PRIMARY CAREGIVERS TO MEDICAL CANNABIS USERS.

Note: This whole section is new.

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

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

Section 1. The following new Article is added to the San Francisco Health Code, to

read as follows:

ARTICLE 28 MEDICAL CANNABIS USER AND PRIMARY CAREGIVER

IDENTIFICATION CARDS.

SEC. 1800. DECLARATION OF POLICY. It is the policy of the City and County of

San Francisco that California Health & Safety Code section 11362.5 shall be implemented

with consideration for qualified users of medical cannabis, physicians, responsible and

accountable providers of medical cannabis, and the police. The City and County recognizes

that individuals who qualify to use medical cannabis may require the support of numerous

caregivers to meet their needs for housing, health, or safety under California Health & Safety

Code section 11362.5(e). Voluntary primary caregiver cards and medical cannabis user

identification cards will help peace officers identify individuals whose possession of medical

cannabis is permissible under Health & Safety Code section 11362.5. Such cards can

promote cooperation between the Department of Public Health and law enforcement to

protect the public welfare and medical cannabis users' rights. To further these goals, the

Department of Public Health shall heed the vision, expertise, and voluntary counsel of private

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) A primary caregiver identification card may be granted at any time and shall remain
valid for the length of time during which a physician certifies a recommendation for use of
medical cannabis by the individual for whom the card holder provides primary care. No
primary caregiver identification card shall remain valid for longer than two years. A person
may apply to renew such a primary caregiver identification card. Primary caregiver
identification cards shall not be transferable.
SEC. 1807. AUTHORITY TO ADOPT RULES AND REGULATIONS. The Director may issue and amend rules, regulations, standards, or conditions to implement and enforce this Article. The Director is authorized to enforce the provisions of this ordinance, including any rules, regulations, standards, or conditions issued hereunder.

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

SEC. 1809. CITY UNDERTAKING LIMITED TO PROMOTION OF GENERAL WELFARE. In undertaking the adoption and enforcement of this ordinance, the City and County is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employers, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.
SEC. 1810. SEVERABILITY. If any part or provision of this Ordinance, or the application thereof to any person or circumstances, is held invalid, the remainder of this Ordinance, including the application of such part or provision to the other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable.

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

By: ANN ALPERS
Deputy City Attorney
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
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.