



# COUNTY OF SANTA CRUZ

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September 29, 2004

### Agenda: October 5, 2004

Board of Supervisors  
County of Santa Cruz  
701 Ocean Street, Room 500  
Santa Cruz, California 95060

**Re: PROPOSED ORDINANCE AMENDING CHAPTER 7.124 OF THE SANTA CRUZ COUNTY CODE ENACTING MEDICAL MARIJUANA GUIDELINES AS AUTHORIZED BY CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 11362.5 AND 11362.7**

Dear Members of the Board:

On January 1, 2004, new provisions of the California Health and Safety Code went into effect. Those provisions set out an amount of marijuana which can legally be possessed by a qualified medical marijuana patient or patient's caregiver and give local jurisdictions the authority to increase that amount by establishing written guidelines.

Your Board, at the request of the Sheriff, asked George Wolfe, M.D., to convene a group of physicians to provide a recommendation to your Board regarding the appropriate amount of medical marijuana that a patient or caregiver should be allowed to possess for medical use. The physicians group returned to your Board with a recommendation, a copy of which is attached, and your Board, in turn, requested that I return today with a proposed ordinance based on the physicians' recommendation.

Attached is a draft ordinance that endeavors to codify the physicians' recommendation.

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IT IS THEREFORE RECOMMENDED that your Board approve the attached proposed ordinance in concept and place it on your next agenda for final action.

Very truly yours,

  
\_\_\_\_\_  
DANA McRAE, County Counsel

RECOMMENDED:

  
\_\_\_\_\_  
SUSAN A. MAURIELLO  
County Administrative Officer

**ORDINANCE NO. \_\_\_\_\_****ORDINANCE AMENDING CHAPTER 7.124 OF THE SANTA CRUZ COUNTY CODE BY ADDING SECTION 7.124.105 ENACTING MEDICAL MARIJUANA GUIDELINES AS AUTHORIZED BY CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 11362.5 AND 11362.7**

The Board of Supervisors of the County of Santa Cruz ordains as follows:

**SECTION I**

The Board of Supervisors of the County of Santa Cruz makes the following findings in connection with the enactment of this ordinance:

1. In 1996, the voters of the State of California approved Proposition 215, also known as the Compassionate Use Act of 1996, creating California Health and Safety Code Section 11362.5.

2. California Health and Safety Code section 11362.5(d) states: “Section 11357, relating to the possession of marijuana (cannabis), and Section 11358, relating to the cultivation of marijuana, shall not apply to a patient, or to a patient’s primary caregiver, who possesses or cultivates marijuana for the personal medical purposes of the patient upon the written or oral recommendation or approval of a physician.”

3. Effective **January** 1, 2004, the State Legislature enacted SB 420 to clarify the scope of the Compassionate Use Act of 1996 and to allow counties and other governing bodies to adopt and enforce rules and regulations consistent with SB 420. **SB** 420 created California Health and Safety Code Section 11362.7, which, among other things, empowers counties to enact medical marijuana guidelines which allow qualified medical marijuana patients or their primary caregivers to exceed the default threshold of the State of California of eight (**8**) ounces of dried marijuana in addition to no more than six (6) mature or twelve (12) immature marijuana plants per qualified patient.

4. The Santa Cruz County Board of Supervisors through this chapter exercises its authority under California Health and Safety Code section 11362.77 to enact medical marijuana guidelines that allow qualified medical marijuana patients or their primary caregivers to exceed the default threshold of the State of California.

5. For the purposes of this ordinance, the Santa Cruz County Board of Supervisors finds and determines that three (3) pounds of dried cannabis bud or its conversion per year is a reasonable amount for medical marijuana patients to possess and consume, absent a demonstrated medically recommended need for an amount greater than three pounds per year.

For the purpose of this chapter, the Santa Cruz County Board of Supervisors finds and determines that a one-hundred (100) square foot canopy of mature female cannabis plants grown outdoors will typically yield three (3) pounds of dried and processed cannabis bud per year regardless of the number of marijuana plants.

6. This ordinance does not address the enforcement of Federal law.

7. This ordinance does not address, nor is it intended to limit or restrict, the enforcement of any state or federal law or ordinance, policy, regulation, or rule adopted by any school, community college district, university or any other local public agency whose governing body is not the Santa Cruz County Board of Supervisors.

9. This ordinance does not address, nor is it intended to require, any accommodation of any medical use of marijuana on the property or premises of any place of employment or during the hours of employment.

## SECTION II

Section 7.124.020 of the Santa Cruz County Code is hereby amended to read as follows:

### 7.124.20 Definitions.

For the purpose of this chapter, certain words and phrases shall be are construed in a manner consistent with California Health and Safety Code section 11362.7 unless they are as hereinafter specifically 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.

"Agency" means the health services agency of the county of Santa Cruz or an authorized contractor of the county of Santa Cruz.

"Agency director" includes the director of the health services agency of the county of Santa Cruz or his or her designee. (Ord. 4728 § I (part), 6/26/03)

## SECTION III

Chapter 7.124 of the Santa Cruz County Code is hereby amended by adding Section 7.124.105 to read as follows:

### 7.124.105 Medical marijuana guidelines.

A. Possession. A qualified patient or a person holding a valid identification card, or the designated primary caregiver of that qualified patient or person, may possess

amounts of marijuana up to three (3) pounds of dried cannabis bud or conversion per year.

B. Cultivation. A qualified patient or a person holding a valid identification card, or the designated primary caregiver of that qualified patient or person, may cultivate cannabis in an amount not to exceed more than 100 square feet of total garden canopy, as measured by the combined vegetative growth area.

C. If a qualified medical marijuana patient or primary caregiver has an attending physician's written, dated and signed recommendation that the quantities described in Subsections A and B of this Section are not sufficient to meet the medical marijuana patient's needs, said patient or caregiver may possess and/or cultivate an amount of marijuana consistent with the attending physician's written recommendation.

D. The name of the qualified medical marijuana patient and/or the primary caregiver's designation shall be and remain posted at any garden site where medical marijuana is being cultivated.

E. A primary caregiver's designation shall be in the possession of the caregiver whenever he or she possesses or cultivates marijuana subject to this chapter.

**SECTION IV**

This ordinance shall take effect on the 31st day after the date of final passage.

PASSED AND ADOPTED this \_\_\_ day of \_\_\_\_\_, 2004, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: SUPERVISORS  
NOES: SUPERVISORS  
ABSENT: SUPERVISORS  
ABSTAIN: SUPERVISORS

  
\_\_\_\_\_  
Chair of the Board of Supervisors

Attest: \_\_\_\_\_  
Clerk of the Board

Approved as to form:

\_\_\_\_\_  
DANA McRAE, County Counsel

**ORDINANCE NO. \_\_\_\_\_****ORDINANCE AMENDING CHAPTER 7.124 OF THE SANTA CRUZ COUNTY CODE BY ADDING SECTION 7.124.105 ENACTING MEDICAL MARIJUANA GUIDELINES AS AUTHORIZED BY CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 11362.5 AND 11362.7**

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7. This ordinance does not address the enforcement of Federal law.

8. This ordinance does not address, nor is it intended to limit or restrict, the enforcement of any state or federal law or ordinance, policy, regulation, or rule adopted by any school, community college district, university or any other local public agency whose governing body is not the Santa Cruz County Board of Supervisors.

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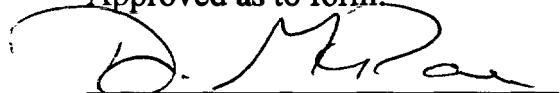
PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2004, by the Board of Supervisors of the County of Santa Cruz by the following vote:

**AYES:** SUPERVISORS  
**NOES:** SUPERVISORS  
**ABSENT:** SUPERVISORS  
**ABSTAIN:** SUPERVISORS

\_\_\_\_\_  
Chair of the Board of Supervisors

Attest: \_\_\_\_\_  
Clerk of the Board

Approved as to form:



DANA McRAE, County Counsel



BOARD OF SUPERVISORS  
County of Santa Cruz  
701 Ocean St.  
Santa Cruz, CA 95060

August 3, 2004

**RE: MEDICAL MARIJUANA GUIDELINES**

Dear Members of the Board:

On May 13, 2004, your Board requested that I convene a group of physicians to provide recommendations regarding the appropriate amount of medical marijuana that a patient should be allowed to possess for medical use (Attachment A). Senate Bill 420 (Vasconcellas) intended to clarify some areas of Proposition 215, and included limits regarding how much medical marijuana a patient or caregiver may possess. There is concern that the limits of possession in the SB 420 are not sufficient to allow for the clinical needs of persons using medical marijuana. The bill allows local jurisdictions to set limits of possession higher than those in the state law.

The purpose of the physician group was to assist the county in determining a reasonable and relevant set of guidelines for the possession of medical marijuana from a medical standpoint. The group consisted of Dr. Tal Pomeroy, an oncologist, Drs. Arnie Leff and Jeff Young, two physicians with many HIV/AIDS patients, and a family practice physician who does not wish to be identified in this letter. All of the physicians have experience in managing patients who use medical marijuana.

There is no body of medical/scientific literature from which to form an opinion on the dosage range for greatest efficacy. We were, however, able to obtain, review, and discuss information regarding the outcome of similar deliberations in other California communities; written testimony from physicians elsewhere with clinical experience with marijuana; statements from patients enrolled in the federal government's study of medical marijuana regarding their doses; a memorandum from Sheriff Tracy to Supervisor Wormhoudt regarding the issue (Attachment B) and other information. On behalf of the group, I had conversations with several individuals in Sonoma County, including the Health Officer, the Exec. of the Medical Society, and an attorney who does some work for the medical society on this issue.

Other California jurisdictions have dealt with the issue of how much medical marijuana is appropriate. The allowed/recommended marijuana amounts in other California jurisdictions are in Attachment C, which was provided by local medical marijuana advocates. The range is eight ounces to three pounds of processed marijuana.

(Amounts represent the total usage over a one year period, **as** many patients grow their own marijuana in one growing season.) Jurisdictions vary in application-some have set limits in ordinance, and some establish guidelines in the office of the Sheriff and/or the District Attorney.

At the federal level, while actively discouraging physicians from recommending medical **marijuana**, there is a study in which the federal government provides medical marijuana for a small group of patients in an ongoing study. The amounts of **marijuana** prescribed to three patients enrolled in the federal study from whom we heard were (annualized) six pounds, six pounds, and six and three quarters pounds, much greater amounts than those in current California ordinances, guidelines or law.

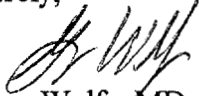
Sonoma County **has** guidelines set by the District Attorney. Those guidelines currently permit three pounds for possession, 100 square feet for cultivation, and 99 plants or fewer. Physicians may recommend a greater amount for exceptional patients. **Those** guidelines are currently under review. In response to the review, the city of Sebastopol **has** recently held public hearings on the issue. Three physicians, two with a great deal of experience with medical **marijuana**, provided written testimony to those hearings. *All* were strongly supportive of continuing to allow possession of the **three pounds**. (The **City** Council recommended that the Sonoma County guidelines be revised to **allow** a limit of 4.5 pounds at the end of their deliberations.)

**Our** group agreed that our recommendations to you should **try** to accomplish two things: first, to reflect **an** amount of marijuana sufficient to provide for the needs of most patients using it medically, and second, be flexible enough to allow for the needs of patients requiring a greater amount.

Based on the information above and on the clinical experience of the physicians in our group we recommend an amount of three pounds of mature product and a growing area of 100 square feet. Patients requiring a greater amount should be able to possess a greater amount if recommended by their physician. Three pounds of processed **marijuana** equates to **3.7 marijuana** cigarettes per day. The **majority** of clinicians in our group felt that that amount is sufficient for the needs of most patients. One member felt that a limit of four and one half pounds and 150 square feet of growing area would be more appropriate, but that physician agreed to join in the consensus of the group in recommending three pounds and 100 square feet. *All* the clinicians recognize that some patients may require a higher dose than allowed by the recommended guidelines, and our group strongly encourages allowing physicians the ability to recommend a greater amount. The three-pound limit model exists in Sonoma County **and** is supported by Sonoma County physicians who have experience with medical **marijuana**. **The** three-pound limit exists in other jurisdictions as well, and is less by half than the federal government is using in their study. (The recommendation of 100 square feet of cultivation area was developed from information from advocates and the Sheriff's memorandum that suggests that 100 square feet of cultivation area will allow production of three pounds of processed marijuana.)

We would like to thank your Board and the Sheriff for asking that this issue be referred to the medical community as a medical **issue**. I would like to **thank** the four physicians who gave generously of **their** time to provide **you** with the above recommendations.

Sincerely,



George Wolfe MD, MPH

cc: Sheriff Tracy  
Rama Khalsa, HSA Administrator  
Dr. David McNutt, Health Officer  
Valerie and Mike Corral, WAMM



# Compassion Flower Inn

Copy To Each Supervisor

W

0462

September 27, 2004

Dear Supervisors,

On October 5 you will be considering an agenda item of extreme importance to the estimated **4000** medical marijuana patients in Santa Cruz County. A proposed ordinance establishing safe and effective dosage of medical marijuana quantity amounts and cannabis cultivation yields will be the focus of the public testimony and your discussion. This ordinance would also protect county MM patients from unnecessary arrest and prosecution.

The proposed ordinance **has** been drafted to exactly reflect the recommendations made by a county appointed panel of local doctors all possessing years **of** experience in recommending MM for **AIDS, cancer** and other critically and chronically ill patients. Chaired by George **Wolf**, former Health Department Director, the **committee** recommended a yearly three-pound limit **of** dried and processed cannabis bud and a **100** square foot canopy of mature female cannabis plants (attached letter date August **2, 2004** from George Wolfe, MD). For those patients that require higher dosages **than** allowed by the recommended guidelines, the committee suggested that a physician would have the ability to recommend a greater amount.

These recommendations model a MM ordinance that **has** been in existence in Sonoma County for the past six years. The Sonoma County guidelines have been recently reviewed in public hearings with testimony **from** physicians, law enforcement, patients **and** the **general** public. The hearings supported the medical possession of three pounds of dried cannabis bud in a county with similar demographics to Santa **Cruz**. The proposed ordinance also **has** the support of **our** sheriff, **Mark** Tracy.

For **those of us** in the medical marijuana community both patients and activists, we realize that some **of** this subject may be new and confusing. A court-qualified cannabis expert and highly respected author on MM and hemp, **Chris Conrad** has printed a booklet (attached) "Cannabis Yields and Dosage" for **you** to **inform** yourselves. In addition please be **free** to phone either Mike Corral of WAMM (831) **425-1031** home and (831) **566-0409** cell **or** Andrea Tischler, Compassion Flower Inn (831) **466-0420**. Mike is an expert in growing cannabis and **has** extensive experience in **all** aspects of cultivation, potency and yields. **Andrea** has been a community activist for more **than** a dozen years, does outreach and education and operates **a** MM friendly bed and breakfast in Santa Cruz. We will be very happy to discuss and answer whatever questions you may have.




216 Laurel Street. Santa Cruz CA 95060 • Phone: (831) INN-0420

www.compassionflowerinn.com • Email: resen.ations@ompassionflowerinn.com

The SC MM patients and activists are encouraged by your willingness to address dosage and yield, a matter that has been overlooked here to this point. In **1996** Californian's overwhelmingly voted for Proposition **215** giving MM patients the right to cultivate and possess cannabis with a doctor's recommendation. Yet, since Prop **215** thousands of patients needlessly have and continue to be arrested in California and in **Santa Cruz**. We ask that you as a body vote in support of the proposed MM ordinance and protect a patient's right to use the medicine that a doctor finds safe and efficacious to recommend.

Thank you.

Respectfully,

A handwritten signature in cursive script that reads "Andrea Tischler". The signature is written in black ink and is positioned above the printed name.

Andrea Tischler