

**Status Report to the San Diego City Council
From the City of San Diego Medical Marijuana/Cannabis Task Force**

Date: April 26, 2004
By: Chair, Jerry Meier

I. Background

On May 22, 2001, the City Council adopted Resolution 294886 and created the Proposition 215 Implementation Task Force (Medical Marijuana Task Force). The resolution authorized by the City Council directed the Task Force to 1) Investigate the existing local Proposition 215 advocacy network; 2) Monitor local law enforcement efforts; 3) Monitor medical research efforts; and 4) Monitor and support legislative efforts.

In February 2002 the City Council approved guidelines permitting patients and caregivers to grow marijuana plants for their own use or possess up to a pound of processed marijuana if authorized by physicians. To assist physicians, patients and law-enforcement, the guidelines allowed for a "Medical Cannabis ID Card" program.

In June 20, 2002 the City issued a Request for Proposals from organizations qualified to manage the City's new Medical Cannabis Voluntary Verification Card Program (MCVVCP). The intent of the Program was to verify applicant patient and caregiver eligibility, issue verification cards, and maintain records for use by law enforcement. After review of the two proposals that were submitted it is decided that no qualified bids were submitted.

On September 29, 2003 the City Council adopted a final ordinance amending previously approved guidelines. At that meeting, the Task Force was asked to submit a progress report to Council six months after the ordinance was adopted.

II. Current Status

The San Diego City Council did not budget funds to create the identification card program authorized by the ordinance. It was left up to the Task Force to solicit donations, estimated at \$25,000, to start-up the program. The Task Force envisioned that a local non-profit agency would be awarded a contract to implement the card program in a competitive bidding process. Through the end of March 2004 the Task Force has fallen well short of its fundraising goal. To date approximately \$2,000 has been raised, however several donors had expressed an interest in funding the program. This interest waned when Governor Davis signed SB 420 that requires counties to implement a statewide program similar to the one approved by the City Council.

Senator Vasconcellos' medical marijuana bill, SB 420 establishes state enforcement guidelines and a voluntary identification card system to protect patients and caregivers from arrest throughout the state. The card program, which is modeled on the San Francisco ID system protects patient privacy and will protect against arrest for possession, cultivation, transportation and other related charges for persons adhering to specified guidelines.

As a result of the passage of SB 420 the Task Force has discussed a number of issues regarding the City of San Diego ordinance. Some of language in the City ordinance is in conflict with the language in SB 420. It is not clear if the City can or will implement a local ID card program. On February 26, 2004 the Task Force sent a letter to Assembly Member Christine Kehoe asking her to seek clarification from the State Attorney General on a number of issues regarding conflicting language between the City ordinance and the SB 420 (please see attached letter to Assembly Member Kehoe).

The Task Force sent a letter to Dr. Nancy Bowen (see attached) of the County's Health and Human Services Agency offering to assist the County in the implementation of the local medical marijuana ID card program. Dr. Bowen confirmed that the state has stalled the implementation of SB 420 and at this point the County is waiting for direction from the state with no immediate plans to implement the local program.

Several members of the City Council have maintained that an ID card program should be the responsibility of the County of San Diego Health and Human Services Agency. It now appears that the County of San Diego will eventually be responsible for implementing the statewide card program. Although exactly when the program will take effect is unclear as the California Health and Human Services Agency has stated that no funds have been budgeted to initiate the program.

Eventually there will be a need to reconcile the City's Ordinance with the State law once State and County guidelines are issued. In the meantime, the San Diego Police Department continues to follow the Enforcement Guidelines approved by the City Council in September 2003. It is the policy of the San Diego Police Department that during any situation where an individual asserts a defense under California Health and Safety Code Section 11362.5, the SDPD Narcotics Section must be notified. SDPD Narcotics Section personnel will evaluate each situation upon arrival and make a determination whether any law enforcement action is appropriate. At this time, SDPD follows the Enforcement Guidelines approved by the San Diego City Council contained within the Medicinal Cannabis Voluntary Verification Card Program, as well as the requirements contained in SB 420.

Participation of the San Diego Police Department on the Task Force has been very positive. Representatives of the SDPD have been very cooperative and their participation at Task Force meetings has helped to improve communication between SDPD and the local Proposition 215 advocacy network.

III. Recommendations

Once clarification is received from the Attorney General and the State regarding their intended course of action, the Task Force will report back to Council with recommendations on future Task Force role. In the meantime the Task Force recommends that the Council formally contact the State Health & Human Services Agency requesting immediate implementation of SB 420.