

## **Medical Marijuana Program Frequently Asked Questions**

**Q: What are Proposition 215 (Prop. 215), the Compassionate Use Act of 1996, and Senate Bill (SB) 420?**

A: Prop. 215 is another term for the Compassionate Use Act of 1996. Prop. 215 was the first statewide medical marijuana measure voted into law in the United States. Prop. 215 provides protections to seriously ill persons who have their doctor's recommendation to use marijuana for medical purposes. Prop. 215 also provides protections to the physicians and primary caregivers who assist these seriously ill persons, who are known as "qualified patients" under SB 420 (Chapter 875, Statutes of 2003). SB 420 was enacted into the Health and Safety Code of California (Sections 11362.7 through 11362.83) to address problems with Prop. 215. SB 420 requires the California Department of Health Services to create the Medical Marijuana Program (MMP). The state MMP is responsible for developing and maintaining an online registry and verification system for Medical Marijuana Identification Cards or "MMICs." MMICs are available to qualified patients and their primary caregivers. The intent of SB 420 is to help law enforcement and qualified patients by creating a form of identification for qualified patients that is official and uniform throughout the State. The online registry allows law enforcement to verify that a MMIC is valid. For more information see the MMP's home page, <http://dhs.ca.gov/mmp/>.

**Q: What is the Medical Marijuana Program (MMP) and what does it do?**

A: The California Department of Health Services (CDHS) manages the State's MMP as authorized by SB 420. Several counties also use the term "MMP" for their programs. The MMP developed the "Medical Marijuana Identification Card" or "MMIC" and operates the internet system to verify these MMICs.

**Q: What is a Medical Marijuana Identification Card (MMIC) and how can it help me?**

A: This card identifies the cardholder as a person protected under the provisions of Prop 215 and SB 420. It is used to help law enforcement identify the cardholder as being able to legally possess certain amounts of medical marijuana under specific conditions.

**Q: How do I know if I qualify for a MMIC?**

A: You will need to discuss this with your attending physician. In order to qualify for the protections of Prop. 215 and SB 420, you will need to be diagnosed with a serious medical condition. The diagnosis and your physician's recommendation that the use of medical marijuana is appropriate for you must be documented in your medical records.

**Q: What serious medical condition(s) do I need to have to qualify for a MMIC?**

A: A serious medical condition, as defined by SB 420, is any of the following: AIDS; anorexia; arthritis; cachexia (wasting syndrome); cancer; chronic pain; glaucoma; migraine; persistent muscle spasms (i.e., spasms associated with multiple sclerosis); seizures (i.e., epileptic seizures); severe nausea; any other chronic or persistent medical symptom that either substantially limits a person's ability to conduct one or more of major life activities as defined in the Americans with Disabilities Act of 1990, or if not alleviated, may cause serious harm to the person's safety, physical, or mental health.

**Q: When and where can I apply for a MMIC?**

A: San Mateo County offers applications for a MMIC through the Health System's Office of Vital Statistics. The Health System is located at 225 W. 37<sup>th</sup> Ave. in San Mateo. Office hours for MMICs are from 8am-5pm Monday, Tuesday, Wednesday, and Friday. On Thursday, office hours are from 8am-4pm. Application may also be obtained online at [www.smcgov.org](http://www.smcgov.org)

**Q: Are medical marijuana patients and their primary caregivers required to enroll in the MMP?**

A: No. Participation in the MMP is voluntary.

**Q: I am a qualified patient. How do I apply for a MMIC in San Mateo County?**

A: You will need to fill out an Application/Renewal Form which can be picked up at the County of San Mateo Health System's Office of Vital Statistics. You must reside in the California county where the application is submitted, in this case, San Mateo County.

You will need to provide current documentation with your application as follows:

- A copy of your medical records that documents that the use of medical marijuana is appropriate for you and recommended by your physician.
- Proof of identity. This can be a California Department of Motor Vehicles (DMV) driver's license or identification (ID) card or other government-issued photo ID card.
- Proof of residency which can be:
  - Rent or mortgage receipt.
  - Utility bill.
  - California DMV motor vehicle registration.

You must apply in person at the Office of Vital Statistics. There you will be asked to:

- Pay a \$100.00 fee required by the San Mateo County MMIC Program. Medi-Cal beneficiaries will receive a 50% reduction in the application fee therefore paying only \$55.00.
- Have your photo taken at the county's program office. This photo will appear on your MMIC.

**Q: Is it necessary to include copies of my medical records with my application?**

A: Yes. To simplify this requirement, the state MMP offers a form to serve this purpose. It is the Written Documentation of Patients Medical Records form. It is simply a form your physician can use to state in writing that you have a serious medical condition and that the use of medical marijuana is appropriate. The original is submitted with your application and a copy must be kept in your medical records at your physician's office.

**Q: How much does it cost to apply for a card?**

A: The fee charged by the San Mateo County MMIC Program is \$154.00. If you request the 50% Medi-Cal reduction, you will need to provide proof of current participation in the Medi-Cal Program. *Once the application is accepted and the fee is charged, no refunds can be given (there are no exceptions).*

**Q: What is a primary caregiver?**

A: A primary caregiver is a person who is consistently responsible for the housing, health, or safety of a qualified patient. A primary caregiver must be at least 18 years of age, unless the primary caregiver is an emancipated minor or the parent of a minor child who is a qualified patient. This may be an individual or the owner, operator or employee of an appropriately licensed clinic, facility, hospice, or home health agency

**Q: I am a primary caregiver for a qualified patient. How do I apply for a MMIC?**

A: As a primary caregiver you cannot apply for a MMIC. The patient you care for is responsible for applying for your MMIC. Your patient will need to fill out an Application/Renewal Form and check the appropriate box on the top of page one to include primary caregiver. You do not need to reside in the California county where the application is submitted, but you must provide information on your residence. If you are the primary caregiver for more than one qualified patient you must reside in the same county as them. You will need to provide proof of identity which can be a California DMV driver's license or California ID card or other government-issued photo ID card. You must apply in person at your county's program with the patient you are caring for. There you will be asked to:

- Pay the \$100.00 fee required by San Mateo County. Current Medi-Cal beneficiaries and their primary caregivers will receive a 50% reduction to the application fee. Patients will need to provide proof of current participation in the Medi-Cal Program.
- Have your photo taken at the San Mateo County Office of Vital Statistics. This photo will appear on your MMIC.

**Q: How long will it take to get my MMIC?**

A: Once you submit your completed and signed application form with the required documents (proof of residency, medical documentation, etc.) to the Office of Vital Statistics, the Office of Vital Statistics has 30 days to approve or deny your application. Once the application is approved, the Office of Vital Statistics has five days to make the MMIC available to you. It can take 35 days to receive your MMIC if the application is complete and the county

program finds no reason to deny your application. If any information or documents are missing, this may delay processing your application. If this is the case, your county's program will contact you within 30 days from the day you submit your application. If you do not receive your MMIC in 35 days, contact the San Mateo County Office of Vital Statistics.

**Q: How long is a MMIC valid?**

A: One year. A primary caregiver card will expire when the patient's card expires even if it is less than 12 months.

**Q: How do I renew my MMIC?**

A: Renewing a MMIC requires the same process as when you originally applied. This includes re-applying with your current information and the issuance of a new MMIC and new number. If your medical documentation is still valid, you may use this for your renewal. It may be necessary for you to obtain new medical documentation. The San Mateo County Office of Vital Statistics will verify any information they feel is necessary. Please contact the program if you need further information.

**Q: Is my MMIC valid outside of California?**

A: It may be but contact the state first. California does not recognize other state's MMIC.

**Q: Is my MMIC valid in other California counties?**

A: Yes. This is a statewide identification card and registry program.

**Q: Do I need to let my county's program know when I change my attending physician or primary caregiver?**

A: Yes. You need to contact them within seven days. Failure to do so may result in the invalidation of your MMIC.

**Q: Can the state MMP refer me to a doctor?**

A: No. The MMP does not maintain lists of physicians nor is it a referral service.

**Q: What happens to my application and other private health information after I give it to my county's MMP?**

A: Your application will be kept confidential and secure. The only release of your application will be with your written permission. This includes appeals of denied applications to the state MMP. (The Appeals Form contains a declaration and signature block regarding this release.)

**Q: I am a legal representative for a qualified patient who cannot make their own medical decisions. Can I apply for them?**

A: Yes. A conservator with authority to make medical decisions, surrogate decision maker authorized under an advanced health care directive, an attorney-in-fact under durable power of attorney for healthcare, or any other individual authorized by statutory or decisional law to make medical decisions for the qualified patient may apply for that patient.

**Q: Why do I need to apply for my MMIC in person?**

A: You will need to have your photo taken which will appear on the MMIC. Also, certain verifications will need to be completed in person.

**Q: I am a caregiver for a bedridden qualified patient. What can I do to help my patient apply for a MMIC?**

A: If you are the legal representative (a conservator with authority to make medical decisions, surrogate decision maker authorized under an advanced health care directive, an attorney-in-fact under durable power of attorney for healthcare, or any other individual authorized by statutory or decisional law to make medical decisions for the qualified patient may apply for that patient) for a qualified patient who cannot make their own medical decisions you may apply for them.

**Q: Why does my primary caregiver need to come to my county's program office with me to apply for our cards?**

A: Only a patient can apply for either type of card, and both the patient and the primary caregiver must provide certain personal information to the San Mateo County Office of Vital Statistics. You both need to apply in person at the San Mateo County Office of Vital Statistics because you will both be photographed for each MMIC.

**Q: My primary caregiver lives in a different county than I do. Which county program do we apply in?**

A: The County the patient resides in.

**Q: Can a minor apply for a MMIC?**

A: Yes. A minor can apply as a patient or caregiver under certain conditions. Minors may apply for themselves as qualified patients if they are lawfully emancipated or have declared self-sufficiency status. If the minor has not declared self-sufficient status or is not emancipated, the county's program is required to contact the minor's parent, legal guardian, or person with legal authority to make medical decisions for the minor. This is to verify information on the Application/Renewal Form. An emancipated minor or the minor's parent of a qualified patient may apply as a primary caregiver. If a minor declares status as a self-sufficient minor or is an emancipated minor, the San Mateo County Office of Vital Statistics may require additional documentation.

**Q: What can be proof of identity for a minor?**

A: Minors may use government-issued photo identification, such as a California driver's license or a California ID card. A certified copy of a birth certificate can be sufficient proof of identity for a minor.

**Q: My application for a MMIC was denied. How can I appeal this decision?**

A: Please see the attached MMIC Appeals Information sheet for more information on appealing a decision to deny your application.

**Q: What information will appear on the MMIC?**

A: A unique user identification number of the cardholder

- Date of expiration of the identification card
- Name and telephone number of the county program that has approved the application
- Internet address used to verify the validity of the MMIC
- Photo identification of the cardholder
- "Patient" or "Primary Caregiver" to specify the cardholder

**Q: How do I replace my MMIC if it is lost, stolen, or damaged?**

A: Please contact the San Mateo County Office of Vital Statistics to apply for a replacement card. A fee of \$154.00 will be required by the Office of Vital Statistics to replace the card. Current Medi-Cal beneficiaries will receive a 50% reduction to the application fee upon proof of current participation in the Medi-Cal Program. There are no refunds once the application to replace a lost, stolen, or damaged card has been accepted and the fee charged.

**Q: How much marijuana can I have in my possession?**

A: For information on possession, limits please visit the Health and Safety Code Section 11362.77 or contact your local law enforcement authority.

**Q: Where can I get the seeds or plants to start growing marijuana for my medical use? How can I get related products?**

A: The MMP is not authorized to provide information on acquiring marijuana or other related products.

**Q: Where can I get information on medical marijuana dispensaries?**

A: The MMP is not authorized to provide information on acquiring marijuana through medical marijuana dispensaries.

**Q: Is the Medical Marijuana Program recognized by the Federal Law?**

A: No, it is not. The Supreme Court ruled in June 2005 that state drug laws, such as Prop. 215 and SB 420, offer no protection under federal laws.