

ORDINANCE NO. 4916

**AN ORDINANCE AMENDING CHAPTER 7.124 TO THE COUNTY CODE
RELATING TO MEDICAL CANNABIS USER AND PRIMARY
CAREGIVER IDENTIFICATION CARD**

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

SECTION I

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

**CHAPTER 7.124
MEDICAL CANNABIS USER AND PRIMARY CAREGIVER
IDENTIFICATION CARD**

Sections:

- 7.124.010 Declaration of policy.**
- 7.124.020 Fees.**
- 7.124.030 Medical marijuana guidelines.**
- 7.124.040 Severability.**

7.124.010 Declaration of policy.

It is the policy of the county of Santa Cruz that California Health & Safety Code Section 11362.5 be implemented by operating a voluntary state identification card program as authorized by Health and Safety Code §11362.7 et seq., with consideration for qualified users of medical cannabis, physicians, responsible and accountable providers of medical cannabis, and law enforcement officers. The purpose of this voluntary identification card program is to help law enforcement officers identify individuals whose possession of medical cannabis is permissible under Health & Safety Code Section 11362.5. It is not the purpose of this program to assist anyone in obtaining or gaining access to cannabis. Such cards can promote cooperation between the health services agency and law enforcement to protect the public welfare and medical cannabis users' rights. The 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). Although this voluntary identification card program has no relation to any research studies, the county of Santa Cruz supports additional research on the benefits of medical cannabis. The county of Santa Cruz also recognizes that not all medical cannabis users will elect to access the medical cannabis user identification card and the existence of the program shall not limit the protections afforded by the Compassionate Use Act of 1996. (Ord.4916, 3/18/08; Ord. 4728 § 1 (part), 6/26/03)

7.124.020 Fees.

In addition to the fee charged by the State of California, the county is authorized to charge a fee sufficient to cover the county's costs of the medical cannabis user identification and primary caregiver identification cards program. The county fees charged are set by resolution of the board of supervisors. The agency 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. (Ord. ~~4916~~, 3/18/08, Ord. 4728 § 1 (part), 6/26/03)

7.124.030 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 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 one hundred 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. (Ord. ~~4916~~, 3/18/08, Ord. 4728 § 1 (part), 6/26/03)

7.124.040 Severability.

If any part or provision of the ordinance codified in this chapter, or the application thereof to any person or circumstances, is held invalid, the remainder of the ordinance codified in this chapter, 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 the ordinance codified in this chapter are severable.

10

SECTION II

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

PASSED AND ADOPTED this 18th day of March, 2008, by the Board of Supervisors of the County of Santa Cruz by the following vote:

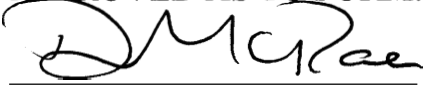
AYES:	SUPERVISORS	Stone, Coonerty, Beautz, Campos, and Pirie
NOES:	SUPERVISORS	None
ABSENT:	SUPERVISORS	None
ABSTAIN:	SUPERVISORS	None



Chairperson, Board of Supervisors

Attest: 
Clerk of the Board

APPROVED AS TO FORM:



County Counsel

Distribution: County Administrative Office
 Sheriffs Office

IN THE SUPERIOR COURT of the STATE OF CALIFORNIA
in and for the County of Santa Cruz

CERTIFICATE OF PUBLICATION

Ad No.: 02512677

STATE OF CALIFORNIA }
COUNTY OF SANTA CRUZ } ss

I, Tess E. Fitzgerald, Supervising Clerk of the Board of Supervisors of the County of Santa Cruz, do hereby certify that Ordinance No. 4916, adopted on Mar. 18, 2008, has been duly published in accordance with Section 25124 of the Government Code.

Tess E. Fitzgerald
Supervising Board Clerk
By: Tess Fitzgerald

I, Patricia Turley, hereby certify that the **Watsonville Register Pajaronian**, a newspaper of general circulation, within the provisions of the government code of the State of California, printed and published in the City of Watsonville, County of Santa Cruz, State of California; that I am the principal clerk of the printer of said newspaper; that the

Legal Notice; PUBLIC NOTICE

of which the annexed clipping is a true printed copy was published in said newspaper on the following dates, to wit: **03/22/08**

I certify under penalty of perjury that the foregoing is true and correct, at Watsonville, California, on the **03/22/08**

**PUBLIC NOTICE
ADOPTED ORDINANCE NO. 4916**

(Paste NOTICE IS HEREBY GIVEN that at its regularly scheduled meeting of the Santa Cruz County Board of Supervisors on March 18, 2008 adopted Ordinance No. 4916 Amending Chapter 7.124 of the Santa Cruz County Code Relating to Medical Cannabis User and Primary Caregiver Identification Card. This Ordinance was adopted by the following vote:

AYES: Stone, Coonerty, Beautz, Campos and Pirie
NOES: None
ABSENT: None
ABSTAIN: None

Copies of the full text of this Ordinance is available at the Office of the Clerk of the Board, Room 500, Governmental Center Building, 701 Ocean Street, Santa Cruz, California, 95060

Date: March 18, 2008

Tess Fitzgerald
Chief Deputy Clerk

March 22, 2008
02512677

Patricia Turley
Patricia Turley, Legal Clerk