



## Medical Marijuana in California

### Overview

Whether or not to permit the use of marijuana for medical purposes is both a public policy issue and a contentious legal issue, especially in California. Under federal law (the [Controlled Substances Act of 1970](#)) marijuana use for any purpose is illegal. The federal law has not stopped a number of states from enacting medical marijuana legislation. California was one of the first. In 1996 California voters passed [Proposition 215](#), the Compassionate Use Act, legalizing marijuana for medical use. It was the first statewide medical marijuana measure voted into law in the



United States. Proposition 215 permits seriously ill Californians to use marijuana, provided they first obtain a doctor's recommendation. Proposition 215 also gives doctors a legal defense against professional or legal sanctions for recommending marijuana use.

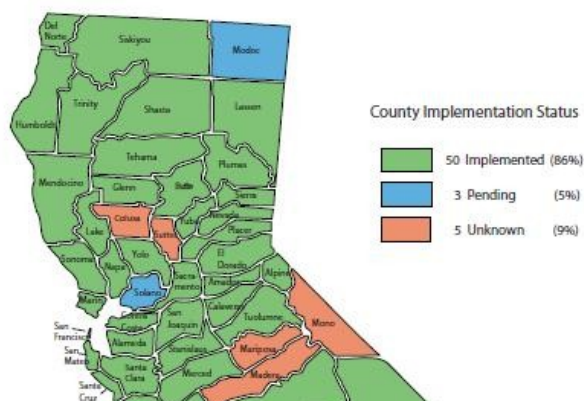
Proposition 215 put California law in direct conflict with federal law, and

litigation ensued. The key case began in January 1998 when the U.S. government sued the Oakland Cannabis Buyers' Cooperative (OCBC) in federal district court for violating the Controlled Substances Act. The government asked that the OCBC be banned from distributing cannabis to member patients. The medicinal marijuana group rebutted that it acted out of "medical necessity" on behalf of seriously ill citizens, and that such a medical necessity should stand as an exception to the law. The district court ruled in favor of the U.S. government, causing a temporary shutdown of the OCBC, but the Ninth Circuit Court of Appeals [reversed](#), holding that a medical necessity defense existed. The Supreme Court took the case and unanimously overturned Proposition 215 in a May 2001 [decision](#).

Supporters of medical marijuana and law enforcement compromised in 2003 with [Senate Bill 420](#) which created guidelines on different facets of medical marijuana use in the state. Under the bill, patients must receive a recommendation from their physician for use of the drug and can then apply for a Medical Marijuana Identification Card through their county health departments. The departments undertake the initial screening of patients and then the state health department issue the cards. Administrative costs at both the county and state level are covered by card application fees. The state portion of the application fee is \$66.00 per card for non Medi-Cal patients and \$33.00 per card for Medi-Cal patients. County fees vary and are added to the state fees.

SB 420 allows patients to possess 6 mature or 12 immature marijuana plants at a time. They are allowed up to a 8 grams of processed marijuana. The bill contains a provision that allows patients to be exempted from these limitations with a doctor's statement declaring additional need for the substance. Counties are given discretion to establish higher limits if they choose. They cannot establish lower limits. The Program began in May 2005 with 3 pilot counties and expanded statewide in August 2005. As of August, 2009, the majority of counties have implemented the Medical Marijuana program. Over 30,000 cards have been issued.

California Medical Marijuana Program  
Implementation Status



- California Local Government Documents
- Catalogs & Collections
- Find & Use Materials
- Special Collections
- Berkeley Resources
  - Research Tools
  - Services



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## Updates

On May 22, 2008, the California District Three Second Appellate Court ruled that SB 420 guidelines were unconstitutional as Prop. 215 did not declare limits on the amount of marijuana a patient may have, only declaring that patients must use the plant medicinally.

The case of People vs. Kelly concerned Los Angeles County resident Patrick Kelly, who was convicted of carrying 12 grams of medical marijuana instead of the 8 grams mandated by SB 420. The court cited Prop. 215 text that declares that it may only be amended with voter approval. Since SB 420 guidelines were never voter approved, the court found them invalid. In August, 2008, The state Supreme Court agreed to review and decide the validity of the law.

A new bill could make the medical marijuana issue moot. On February 23, 2009 Assemblyman Tom Ammiano (D) introduced Assembly Bill 390 or the "Marijuana Control, Regulation, and Education Act". The bill would effectively legalize marijuana across the state for anyone 21 years old or over. The drug would be taxed and regulated in a manner similar to alcohol. The bill would also charge for grow licenses and includes funding for substance abuse awareness programs. Ammiano claims that the bill will raise over \$1 billion annually for the state which could help with the ongoing fiscal crisis. The bill stalled in the California State Assembly's Public Safety and Health Committee and its current status is delayed. The bill is expected to be heard in early 2010.

## Arguments

The opposing sides in the legalization debate have strongly held views. Legalization advocates claim that marijuana significantly lessens pain and alleviates symptoms resulting from serious diseases. They cite major studies that find that patients can experience significant relief from nausea and vomiting when they use the drug. Advocates give evidence that the health risks associated with the drug are relatively minor, especially when compared with legal substances like alcohol and tobacco.

Anti-drug groups contend that legalizing marijuana for medical use is a smokescreen designed to enable more access to a dangerous substance. Many maintain that there is no scientific proof of Marijuana's effectiveness in treating illness. Many against medical marijuana believe that there are other drugs on the market that can provide the same relief from pain and other medical symptoms. They also voice concern over easier access to marijuana, a substance they believe is a "gateway" drug and will lead users to more dangerous drugs like heroin or cocaine.

## Key Websites

[American Medical Marijuana Association](#)

[California Department of Public Health](#)  
Medical Marijuana Program

National activist organization. [California NORML](#)

The California Chapter of the National Organization for the Reform of Marijuana Laws. Monitors legislation and litigation. Includes numerous links to news stories and other information.

[Medical Cannabis in California](#)

From Wikipedia Medical Cannabis in United States page.

[Medical Marijuana Pro/Con](#)

"Medical Marijuana ProCon.org presents laws, studies, statistics, surveys, government reports, and pro and con statements on questions related to marijuana as medicine."

[National Families in Action](#)

A national drug education, prevention, and policy center. Includes a section on [Medical Marijuana](#) with links to many informative resources.

[U.S. Drug Enforcement Administration](#)

Includes a section on [California Medical Marijuana Information](#). Among the points made is that "The DEA and its local and state counterparts routinely report that large-scale drug traffickers hide behind and invoke Proposition 215, even when there is no evidence of any medical claim."

[www.marijuana.org](#)

A marijuana legalization activist site. Contains links to articles and other information on medical marijuana in California.

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