

TOWN OF FAIRFAX**STAFF REPORT****Planning & Building Services Department**

TO: Planning Commission

FROM: Ken Kirkey, Director of Planning & Building Services

DATE: June 20, 2002

RE: Review of Use Permit 97-UP-2

APPLICANT: Marin Alliance for Medical Marijuana

LOCATION: 6 School Street Plaza, Suite 210, Fairfax

OVERVIEW

On May 16, 2002 the Planning Commission voted to continue the review of Use Permit 97-UP-2 to a Public Hearing on June 20, 2002 with possible revocation of the Use Permit if the conditions had not been met. Staff has reviewed the status and record of compliance and has found that nearly all of the conditions have been met by the applicant. Staff has outlined the current status of each of the conditions below. Staff has also made several recommendations for amendments to/or deletion of several conditions.

During the time period in which Staff has reviewed this Use Permit, two significant events relative to the facility have occurred. On June 7, 2002 the Marin County District Attorney's office adopted a new Medical Marijuana policy in cooperation with the twelve local police departments in Marin County. The policy of the District Attorney's office effective 6/7/02 relative to medicinal use of marijuana is that any case involving a claim (of medicinal use of marijuana) will be reviewed on a case-by-case basis.

The Marin County District Attorney's Office will accept valid registration cards issued by the Marin County Department of Health & Human Services as evidence of being a patient with a valid medical recommendation of the legitimate use of marijuana for a medical purpose (Exhibit A). On June 13, 2002 U.S. District Judge Charles Breyer issued a permanent injunction against several medical marijuana facilities including the Marin Alliance for Medical Marijuana. The injunction is being appealed by the Marin Alliance for Medical Marijuana.

BACKGROUND

The Use Permit process relative to the Marin Alliance for Medical Marijuana has been quite long and complicated. In 1993, the Fairfax Town Council adopted Ordinance 627 reflecting the Town's support for the use of marijuana for medicinal purposes. In November, 1996 California voters passed Proposition 215, the Compassionate Use Act, exempting from criminal prosecution those individuals who possess or grow for their own use, marijuana used for medicinal purposes with the recommendation of a physician. Proposition 215 was supported by an overwhelming majority of voters in Fairfax.

At a public hearing on June 19th, 1997 the Fairfax Planning Commission approved a conditional use permit to allow a medical marijuana dispensary to operate from School Street Plaza subject to compliance with the conditions of approval listed in the attached Exhibit A. The conditions were developed in response to concerns identified by Staff (the Planning & Police Departments), Commissioners, and the public. Voter approved Proposition 215 is unclear or silent on certain implementation aspects of the Act. As a result the approved Use Permit conditions attempt to provide regulations, standards and performance criteria for the medical marijuana dispensary use.

On September 13, 2001 the Planning Commission reviewed the Use Permit for compliance with the original conditions. At that hearing the Commission approved a Use Permit for compliance, amending several of the conditions recommended in the Staff Report dated April 25, 2001.

CURRENT STATUS

Staff has reviewed the Use Permit Conditions as originally approved and subsequently amended by the Planning Commission for compliance. Information related to compliance, as well as Staff recommendations to amend or delete Conditions is outlined below.

CONDITIONS LIST FOR USE PERMIT # 97-UP-2 FOR THE MARIN ALLIANCE FOR MEDICAL MARIJUANA DISPENSARY

1. The Dispensary is to be operated in an area zoned as Limited Commercial (CL). A dispensary will not be located in a residential area.
No current compliance issue.
2. No dispensary shall be operated within 500 feet of any public or private school.
No current compliance issue.
3. No dispensary shall be operated after 9:00 P.M. at night or before 9:00 A.M. in the morning.
No current compliance issue.
4. The dispensary shall not be in operation when there is any organized youth activity occurring within 500 feet of the dispensary for which the dispensary has received at least 7 days prior notice. It shall be the responsibility of the permittee to prohibit dispensary clients from being on the parcel of real property that is the subject of the Use Permit at any time an organized youth activity is occurring within 500 feet of the dispensary for which the Alliance has received 7 days prior notice from the youth activity organizer.
No current compliance issue.
5. No live marijuana plants nor cultivation of marijuana is permitted in the dispensary.
No known compliance issue.

6. Except as provided in items 47-52, there shall be no transportation of medicinal marijuana.

No known compliance issue.

7. No amount of medicinal marijuana which is unduly disproportionate to the average number of patients served by the dispensary may be stored in the dispensary.

No known compliance issue.

8. The Dispensary file records will contain the patient's current name, current photograph, current home telephone number and current residential street address. Post Office boxes and pager numbers are deemed not to satisfy this requirement.

Commission action on September 13, 2001 amended language recognizing the benefits to patients of possessing an accepted identification card issued by the Marin County Health and Human Services Department, the County of San Francisco, or the City of Oakland. This issue has created some confusion on the part of the permittee, as well as Staff relative to the Commission intent.

Dr. Ray Seet of the Bel Marin Medical Center has provided written confirmation of a completed medical audit dated 5/22/02 (Exhibit B). Dr. Seet indicates that all of the 272 active clients of the Marin Alliance have a current ID card from the Marin County, San Francisco, or Oakland certifying agencies. In light of the audit, the new policy of the Marin County District Attorney's office, staff review of the Application for the Marin & San Francisco ID cards (Exhibit C) as well as the significant burden placed upon Staff to review client records,

Staff recommends the following:

Condition #8 as written shall be revised. New language shall read as follows: All clients of the Marin Alliance for Medical Marijuana are required to possess a valid and current Marijuana for Medical Purposes identification card from the County of Marin Department of Health Services, the City and County of San Francisco Department of Public Health, or the City of Oakland Department of Public Health. The permittee will contract a licensed physician to conduct an audit of client records prior to the close of any six month use permit compliance period, and report the findings of the audit to the Town of Fairfax to ensure compliance with this condition.

9. Dispensary files will contain the patient's specific ailment.

Condition #9 shall be eliminated. Recommendation for Condition #8 if adopted would replace this requirement.

10. Dispensary files will contain a dated physician's recommendation for the use of marijuana as a treatment for the named individual. Such recommendation is valid for a period of six months after which time another recommendation may be made. The recommendation must contain the name of the recommending physician.

Staff recommends the following:

Condition #10 shall be eliminated. Recommendation for Condition #8 if adopted would replace this requirement.

11. Should the patient be a minor, the record shall include signed consent of the parent or legal guardian of the minor.

No known compliance issue.

12. Gravely ill, homebound patients may have a designated care-giver on record that shall be entitled to obtain marijuana on the behalf of the patient.

No known compliance issue.

13. Care-giver files will include the person's current name, current photograph, current home telephone number and current residential street address. Post office boxes and pager numbers are deemed not to satisfy this requirement.

Staff recommends the following:

Condition #13 shall be eliminated. New language shall read as follows:

Any designated caregiver of a client of the Marin Alliance shall comply with any and all requirements as set forth by the health department grantee (either the Marin Department of Health & Human Services, the San Francisco Department of Public Health, or the City of Oakland Department of Public Health) from which the client has a valid, current identification card for the use of marijuana for medical purposes.

14. Care-giver files will contain a form prepared by and signed by the patient that identifies the care-giver. Such authorization is valid for a period of six months after which time another authorization may be made.

Staff recommends the following:

Condition #14 shall be eliminated. Recommendation for Condition #13 if adopted would replace this requirement.

15. Any care-giver as authorized by this section shall be an adult.

Staff recommends the following:

Condition #15 shall be eliminated. Recommendation for Condition #13 if adopted would replace this requirement.

16. If the patient is a minor, the authorization of a care-giver shall include the consent of a parent or legal guardian of the minor.

Staff recommends the following:

Condition #16 shall be eliminated. Recommendation for Condition #13 if adopted would replace this requirement.

17. Prior to commencing business each day, the dispensary operator will record the total gross weight of all marijuana possessed at the dispensary which is no longer affixed to any living marijuana plant.

Kurt Obermeyer, Administrative Services Director audited the receipts, transactions, financial records, and scales of the facility on 6/12/02 and found that the facility is in compliance with this condition (Exhibit D).

18. At the close of business each day, operators of the dispensary will record the total gross weight of marijuana dispensed on that date and the total gross weight of all marijuana possessed at the dispensary which is no longer affixed to any living marijuana plant.

Kurt Obermeyer, Administrative Services Director audited the receipts, transactions, financial records, and scales of the facility on 6/12/02 and found that the facility is in compliance with this condition (Exhibit D).

19. The proprietor(s), as primary care givers, shall record upon an individual receipt and retain each transaction whether or not funds were exchanged during, or were involved in, the transaction.

Kurt Obermeyer, Administrative Services Director audited the receipts, transactions, financial records, and scales of the facility on 6/12/02 and found that the facility is in substantial compliance with this condition (Exhibit D).

20. Receipts will show the name of the person obtaining the marijuana.

Kurt Obermeyer, Administrative Services Director audited the receipts, transactions, financial records, and scales of the facility on 6/12/02 and found that the facility is in compliance with this condition (Exhibit D).

21. Receipts will show the date, time and amount of marijuana dispensed.

Kurt Obermeyer, Administrative Services Director audited the receipts, transactions, financial records, and scales of the facility on 6/12/02 and found that the facility is in substantial compliance with this condition (Exhibit D).

22. Receipts will show the amount paid for the marijuana, if any.

Kurt Obermeyer, Administrative Services Director audited the receipts, transactions, financial records, and scales of the facility on 6/12/02 and found that the facility is in compliance with this condition (Exhibit D).

23. Proprietor(s) shall maintain financial records identifying information for all savings accounts, checking accounts, investment accounts and trusts associates with the operation of the dispensary.

Kurt Obermeyer, Administrative Services Director audited the receipts, transactions, financial records, and scales of the facility on 6/12/02 and found that the facility is in compliance with this condition (Exhibit D).

24. Proprietor(s) shall maintain ledgers documenting all credits and debits affecting said accounts.

Kurt Obermeyer, Administrative Services Director audited the receipts, transactions, financial records, and scales of the facility on 6/12/02 and found that the facility is in compliance with this condition (Exhibit D).

25. Proprietor(s) shall maintain records documenting all parties involved in, amounts of and purposes, for all cash transactions.

Kurt Obermeyer, Administrative Services Director audited the receipts, transactions, financial records, and scales of the facility on 6/12/02 and found that the facility is in compliance with this condition (Exhibit D).

26. Proprietor(s) shall maintain records of all transactions related to the operation of the dispensary, including, but not limited to rent, utilities, inventory, insurance and payroll.

Kurt Obermeyer, Administrative Services Director audited the receipts, transactions, financial records, and scales of the facility on 6/12/02 and found that the facility is in compliance with this condition (Exhibit D).

27. Proprietor(s) shall maintain the records regarding the actual address, including assessor's Parcel number, of each site that medicinal marijuana is cultivated, grown and/or harvested on behalf of the dispensary.

No known compliance issue.

28. Proprietor(s) shall maintain the records regarding the estimated yield that the growth will provide during each harvest.

No known compliance issue.

29. The dispensary shall not obtain marijuana from any other source.

No known compliance issue.

30. The cultivation site(s) used as the source for medicinal marijuana shall not be designated in areas zoned as residential.

No known compliance issue.

31. Proprietor(s) shall maintain all of the required records at the dispensary site at all times.

Kurt Obermeyer, Administrative Services Director audited the receipts, transactions, financial records, and scales of the facility on 6/12/02 and found that the facility is in compliance with this condition (Exhibit D).

32. Unless the proprietor(s) use the alternatives set forth in items 36 - 38, below, all required records shall be subject to inspection by the Chief of Police, or his designee, without warrant and without notice, during the time the dispensary is open for business.

No current compliance issue.

33. These records shall be subject to inspection by the Chief of Police, or his designees, without warrant and with reasonable notice at all other times.

No current compliance issue.

34. Nothing in this section shall prohibit the discovery of seizure of records pursuant to court process.

No current compliance issue.

35. Proprietor(s) may use alternatives for inspection of designated records. Records not specifically exempted herein, shall be available to police inspection under the provisions of items 43-34.

No current compliance issue.

36. As an alternative to police inspection and with consent of the Marin County Department of Health and Human Services, the Marin County Department of Health and Human Services shall conduct the patient and care giver records' inspection. With this alternative the proprietor(s) as primary care givers will maintain, for police inspection, the letter of consent and a letter verifying that an inspection has been conducted within 6 months. The letter of verification shall also contain the number of patients and the estimated total marijuana, by weight, that is necessary to support patient requirements.

No current compliance issue.

37. As an alternative to police inspection, receipts and financial records will be audited on a semiannual basis by a Certified Public Accountant (CPA). With this alternative the proprietor(s) as primary care givers will maintain, for police inspection, a financial summary of the report.

Not in compliance. The CPA conducted audit is being conducted by Richard Chinlund, C.P.A. Mr. Chinlund began his work on 6/19/02 (Exhibit D).

38. As an alternative to police inspection and with the consent of the Marin County Department of Agriculture, the Marin County Department of Agriculture shall inspect grower records and inspect the actual agricultural site. With this alternative the proprietor(s) as primary care givers will maintain, for police inspection, the letter of consent and a letter verifying that an inspection of the records and the growing site has been conducted within four months. The letter of verification shall contain the number of growing sites and the estimated yield, by weight, of medicinal marijuana.

No current compliance issue.

39. Proprietor(s) shall issue required identification cards to all persons eligible to obtain marijuana from the dispensary in conformance to Health and Safety Code Section 11362.5.

Staff recommends the following:

Condition #39 shall be eliminated. This condition will in effect be replaced by revised

Condition # 8 – see above.

40. Identification cards will contain the name of the issuing dispensary.

Staff recommends the following:

Condition #40 shall be eliminated. This condition will in effect be replaced by revised

Condition # 8 – see above.

41. Identification cards will contain the name of the patient or care-giver, entitled to obtain marijuana.

Staff recommends the following:

Condition #41 shall be eliminated. This condition will in effect be replaced by revised Condition # 8 – see above.

42. Identification cards will contain a photograph of the patient or care-giver, entitled to obtain marijuana.

Staff recommends the following:

Condition #42 shall be eliminated. This condition will in effect be replaced by revised Condition # 8 – see above.

43. Identification cards will contain the date on which the identification card was issued and notation that the identification card shall expire six months from the date of issue.

Staff recommends the following:

Condition #43 shall be eliminated. This condition will in effect be replaced by revised Condition # 8 – see above.

44. The proprietor(s) shall retain a copy of the identification card in the personal information file set forth in items 8-16.

Staff recommends the following:

Condition #44 shall be eliminated. This condition will in effect be replaced by revised Condition # 8 – see above.

45. All identification cards shall be laminated prior to issuance.

Staff recommends the following:

Condition #45 shall be eliminated. This condition will in effect be replaced by revised Condition # 8 – see above.

46. The identification cards shall be presented on each transaction.

Staff recommends the following:

Condition #46 shall be eliminated. This condition will in effect be replaced by revised Condition # 8 – see above.

47. The patient may transport no more medicinal marijuana than is recommended for use during the period of one week.

No known compliance issue.

48. The medicinal marijuana shall be transported only between the dispensary and the patient's home.

No known compliance issue.

49. A designated care-giver may transport medicinal marijuana to a patient only when the patient is so gravely disabled that the patient is not capable of traveling to the dispensary.

No known compliance issue.

50. A designated care-giver may transport no more medicinal marijuana that is approved for each patient on the delivery route on the day that delivery is to be made.

No known compliance issue.

51. The medicinal marijuana shall be transported only between the dispensary and the home(s) of the patient(s).

No known compliance issue.

52. No amount of medicinal marijuana which is unduly disproportionate to the average number of patients served by the dispensary may be brought to the dispensary location.

No known compliance issue.

53. When a patient or care-giver is in possession of medicinal marijuana, as authorized by these conditions, the person shall also be in possession of the identification card specified in items 39-46.

Staff recommends the following:

Condition #53 shall be revised. New language shall read as follows:

When a patient or care-giver is in possession of medicinal marijuana, the person shall also be in possession of the identification card as specified in Condition #8.

54. No medicinal marijuana will be used or consumed at the dispensary site.

No known compliance issue.

55. No person shall use or consume medical marijuana in any public place or place open to the public.

No known compliance issue.

56. No person shall use or consume medical marijuana in any private place without the consent of the property owner or agent in charge.

No known compliance issue.

57. Proprietor(s) shall not distribute medicinal marijuana to any person without verifying that person's lawful ability to obtain marijuana in compliance with Health and Safety code Section 11362.5.

No known compliance issue.

58. Proprietor(s) shall not provide medicinal marijuana to any person without confirming the patient's or care-giver's identity by means of valid government issued identification which bears a photograph of the patient or care-giver obtaining the marijuana.

No known compliance issue.

59. Proprietor(s) shall not distribute any amount of medicinal marijuana which exceeds one ounce to, or on behalf of, any one person during any consecutive seven-day period.

No known compliance issue.

60. Any marijuana that is dispensed shall be in sealed containers. Commercially manufactured child-resistant containers shall be available.

No known compliance issue.

61. The medicinal marijuana dispensary shall be equipped with an operable alarm system. This alarm system, at a minimum, will protect the perimeter of the dispensary and the location within the structure where medicinal marijuana is stored, packaged or dispensed.

No known compliance issue.

62. The alarm is to be monitored by a professional alarm company at all times when the dispensary is closed for business.

No known compliance issue.

63. All doors and windows of the premises shall be equipped with adequate security devices. *No known compliance issue.*

64. The police department crime prevention officer is available to provide advice.

No current compliance issue.

65. All medicinal marijuana and cash shall be stored in locked safe at all times which the dispensary is closed for business.

No known compliance issue.

66. This safe will be retained at the dispensary at all times.

No known compliance issue.

67. Proprietor(s) shall notify the Fairfax Police Department of all criminal activity which is occurring at, or adjacent to, the dispensary.

No known compliance issue.

68. This activity shall be reported as it is occurring, or when first discovered by the proprietor(s), and shall include all activity which can reasonably be determined to be criminal in nature.

No known compliance issue.

69. For the purpose of these requirements the term: a. "Proprietor(s)" is defined to include, but not be limited to, all owners, directors, advisors, consultants, contractors, employees and volunteers engaged in, or assisting in, the operation of a medicinal marijuana dispensary, whether operated for profit or not.

No known compliance issue.

70. "Operator(s)" is deemed to be synonymous with the term "proprietor(s)."

No known compliance issue.

71. "Premises" is defined to include, but not be limited to, all offices, rooms, storage facilities, lockers, stationary conveyances, outbuildings, parking lots and grounds, whether open to the public or not.

No known compliance issue.

72. Any violation of these conditions shall be cause for revocation of the use permit.
The only known compliance issue identified by Staff is outlined in Item #37.

73. The use must be conducted in compliance with the provisions of Proposition 215.
No known compliance issue.

74. No persons under the age of 18 shall be permitted in the dispensary at any time.
No known compliance issue.

75. No retail sales of any products other than medical marijuana will be permitted at the dispensary.
No known compliance issue.

76. The hours of the dispensary will be limited to 9:00 A.M. to 9:00 P.M.
No current compliance issue.

77. The operator and/or property owner will be required to report any illegal activity occurring on the site or associated with the dispensary immediately. In addition, any application for such a use permit requires the written consent of the property owner as well as the proposed operator (the owner of School Street Plaza has given his written consent).
No known compliance issue.

78. The dispensary is required to have a display on the front door and within the waiting room advising its clientele that no person under the age of 18 is permitted onto the premises.
No current compliance issue.

79. Use shall be subject to all State adopted guidelines immediately upon adoption of such guidelines.
No current compliance issue.

80. A 24-hour hotline shall be made accessible to the Police Department, so they can verify at all times whether a person is a bonafide patient of the dispensary.

Staff recommends the following:
Condition #80 shall be eliminated. The Marin County District Attorney's office establishes a new protocol relative to this procedure established in cooperation with the Fairfax Police Department. This change renders this condition unnecessary and duplicative.

81. The use permit shall be revoked if any final judicial decision is made rendering the use illegal.

**** Staff has requested review of this condition by the Town Attorney.

82. The applicant shall make a good faith effort to obtain any and all required permits and/or licenses from the State or County agencies having jurisdiction over this type of use (i.e. Marin County Health Department, State Board of Equalization, etc.)

No current compliance issue.

83. There shall be no alcohol used on the premises of the dispensary.

No known compliance issue.

84. The use permit is subject to a 6 month review by the Fairfax Planning Commission.

ATTACHMENTS

In addition to the exhibits referred to above, attached you will find:

Exhibit E – Marin Alliance Waiver Form

Exhibit F – Letter from Lawrence Bragman

RECOMMENDATION

1. Open the public hearing and take testimony.
2. Close the public hearing.
3. Pending Town Attorney opinion relative to Item #81, adopt condition amendments.
4. Renew Use Permit 97-UP-2 with amendments, subject to review at the 7/18/02 of Accountant's Financial Audit Findings.



OFFICE OF THE DISTRICT ATTORNEY
MARIN COUNTY, CALIFORNIA

Prevention * Prosecution * Protection

Paula Freschi Kamena
District Attorney

TO: All Chiefs of Police, the Sheriff and Watch Commanders
FROM: Paula Freschi Kamena, District Attorney
DATE: June 7, 2002
RE: New Medical Marijuana Policy Effective Today

Following this memo is a copy of the new Marin County District Attorney Medical Marijuana Policy and a press release related thereto. This policy is effective at 2p.m. today. It is critical that all line officers be aware that all twelve local Police Chiefs have signed a memorandum of agreement to respect the presentation of a valid Marin County Department of Health and Human Services, Department of Health Services card a proof of medical need (State agencies such as CHP are not signatories to the agreement because of state policy, nor are federal law enforcement agencies, but it is good for them to be aware of the program.)

Should line officers be presented with a Marin County Card, the officer should call the Marin County Sheriff's Office Communications Center to verify the card. An information bulletin is being issued by the Sheriff's Office with further information in this regard. The press release will go out at 4:00 p.m. today to give you an opportunity to advise your staff of the effectiveness of this policy at this time.

Following also is information provided by H&HS to persons applying for cards and a copy of a sample card.

EXHIBIT # **A**



OFFICE OF THE DISTRICT ATTORNEY
MARIN COUNTY, CALIFORNIA

Prevention * Prosecution * Protection

Paula Freschi Kamena
DISTRICT ATTORNEY

Michael A. Gridley
CHIEF ASSISTANT
DISTRICT ATTORNEY

Edward S. Berberian
ASSISTANT DISTRICT
ATTORNEY-CRIMINAL

MARIN COUNTY DISTRICT ATTORNEY'S POLICY RE:
PROPOSITION 215
COMPASSIONATE USE ACT-MEDICAL MARIJUANA

This policy, dated June 7, 2002, supercedes any previously published policies or memoranda of agreement regarding the Marin County District Attorney's Guidelines about Use of Marijuana for Medical Purposes.

POLICY

It is the policy of the Marin County District Attorney's Office that cases involving the claim of medicinal use of marijuana will be reviewed on a case-by-case basis. All aspects of Proposition 215 (Compassionate Use Act) will be followed. The legitimacy of the medical purpose for use of marijuana and the appropriate amount for the medical condition to be used will be based on medical evidence available. The Marin County District Attorney's Office will accept valid registration cards issued by the Marin County Department of Health and Human Services, Division of Health Services, as evidence of being a patient with a valid medical recommendation for the legitimate use of marijuana for a medical purpose. There is no requirement to register; however, registration will ease a great many of issues involved in this complex law.

THE MARIN COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES, DIVISION OF HEALTH SERVICES, REGISTRATION CARD SYSTEM

In conjunction with extensive cooperation between the Marin County District Attorney's Office, the Marin County Department of Health and Human Services, Division of Health Services, and the Marin County Chiefs of Police Association, an updated medicinal marijuana registration system has been forged. While the law does not require application for these identification cards, possession of a valid Marin County card will aid both legitimate patients, law enforcement officers, and the District Attorney when contact occurs over various legal issues as to the decision of arrest and/or confiscation of marijuana, as well as prosecution.

If presented with a valid identification card during a contact with a person possessing or cultivating marijuana who claims medicinal use as a patient or primary caregiver, all twelve local Marin County police agencies have agreed to call a 24-hour telephone number to verify the card and the cardholder. Absent any other legal, evidentiary issues or other unrelated violations, the twelve local Marin police agencies have agreed that such valid cards will be considered presumptive proof of a valid claim of medicinal necessity for the use of marijuana. The patient will not be arrested and the marijuana will not be confiscated, unless the law enforcement officer has probable cause to believe that there is evidence of possession for sale or some other offense. Please note that because they are not local Marin police agencies, the local offices of the California Highway Patrol and federal agencies such as the U.S. Park Police are not permitted by their umbrella agencies to agree formally to this policy although they are aware of the registration system and the number to call.

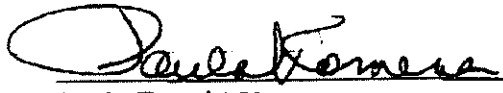
The policy with regard to obtaining a valid card has been developed and published by the Department of Health and Human Services, Division of Health Services, a copy of which is attached. Essentially, Health Services will verify the patient's or the primary caregiver's identity and residency in Marin, confirm physician recommendation, and then issue a card. No completed applications, names or addresses will be maintained by Health Services after the card is issued. Law enforcement will not have access to the records used to obtain the card, but may receive confirmation at a 24-hour telephone number upon a valid request for verification of a card presented by a person at the time claiming to be a valid patient.

REFERRALS TO THE DISTRICT ATTORNEY

Should a case involving a claim of medicinal marijuana be referred to the District Attorney's Office, if police have determined the ID card to be valid and/or the District Attorney has confirmed with the Division of Health Services that the ID card is valid, the District Attorney will not contest the issue of medical need.

If the issue involved is the appropriateness of the amount possessed, either with or without a valid card, the District Attorney's Office will, in conjunction with the police, conduct an investigation. The suspect of the investigation may voluntarily present information as to confirmation of the appropriateness of the amount and the medical need without having been a registered person with Division of Health Services. This information will be considered before filing charges. If, however, the information is not presented before filing of charges it may be necessary to file charges in order to legitimately obtain the information needed to verify the claim.

The law does not require registration for the claimant to provide any information, nor does it require a suspect to provide information to the prosecution on a voluntary basis. The offer of pre-filing review upon the voluntary request by a person referred to the District Attorney is intended to provide a service to legitimate patients and their caregivers. It is an avenue, a method to ease the issue of unnecessary confiscation of medical marijuana appropriately possessed, to avoid undue legal hardship on legitimate patients and unnecessary action by the criminal justice system.



Paula Freschi Kamena
Marin County District Attorney

Date: 6/7/02

Marin County Department of Health and Human Services
Medical Marijuana Photo ID Card Program

Jane Doe

Member ID: 9999



Date issued: 12/17/2001

Exp. Date: 12/17/2002

Call MCSD Communications Center to verify card.



OFFICE OF THE DISTRICT ATTORNEY
MARIN COUNTY, CALIFORNIA

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Paula Freschi Kamena
DISTRICT ATTORNEY

Michael A. Gridley
CHIEF ASSISTANT
DISTRICT ATTORNEY

Edward S. Berberian
ASSISTANT DISTRICT
ATTORNEY-CRIMINAL

PRESS RELEASE
June 7, 2002

TOPIC: COLLABORATIVE MEDICAL MARIJUANA POLICY ISSUED

Contact: Marin County District Attorney's Office
Edward Berberian, Ph: 499-6788

Health and Human Services, Division of Health Services
Larry Meredith, Ph: 499-6924

In a collaborative effort to resolve issues related to the use of medicinal marijuana, avoid hardship to legitimate patients who have a legitimate medical need, and to promote respect and tolerance between patients and law enforcement, Marin County District Attorney Paula Freschi Kamena released today a new policy with regard to the use of medical marijuana (Compassionate Use Act - Proposition 215). The new policy is based on medical need. The Department of Health and Human Services, Division Health Services, through the great efforts of Dr. Larry Meredith, Frima Stewart, and Sparkie Spaeth, have streamlined the issue of voluntary registration for patients who seek to avoid confiscation of their marijuana by a law enforcement officer when the patient has no present proof of need when coming in contact with that officer.

All twelve of Marin's local police agencies have agreed to respect a validly presented card as proof of medical need.

The policy and card registration system established by the Department of Health and Human Services, Division of Health Services applies to people living and registered in Marin County. The Division of Health Services will not keep completed applications, names or addresses on file.

Kamena emphasized that the registration in the program is not required. Law enforcement will be able to verify a unique identification number on the card when there is a contact between a law enforcement officer and a person claiming medical need to possess or cultivate marijuana. The purpose of the registration card system is to provide law enforcement officers in the field with an easy means of verifying valid uses of medical marijuana, and to help

ease the tension regarding the issue of confiscation of marijuana and police agencies' inability to return marijuana because of federal laws.

District Attorney Kamena said, "We are pleased that our long-standing effort to enforce this complex law fairly and judiciously has finally developed a level of acceptance and that local police authorities have been so cooperative in the development of this policy."

Larry Meredith, Director of Health and Human Services said: "The Department of Health and Human Services is pleased to join with the District Attorney and Marin's Law Enforcement agencies to implement this complex law. This policy represents our collective commitment to provide seriously ill residents the right to possess and use marijuana for medical purposes, as envisioned by Proposition 215. Our procedures for issuing a Medical Marijuana Identification Card are sensitive to and respectful of medical, legal and patient perspectives and concerns."

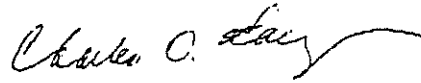
Memorandum of Agreement

The Chiefs of Police of the following cities have agreed to use the Marin County Department of Health and Human Services, Division of Health Services, Medical Marijuana ID Program to verify that a person contacted qualifies for the use of medicinal marijuana.

Dated: 6/7/02



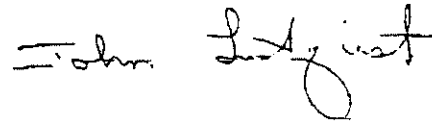
Chief Brian Brady
Novato Police Department



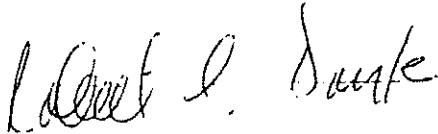
Chief Charles Lacy
College of Marin Police Dept.



Chief Michael Cronin
San Rafael Police Department



Chief John Lundquist
Belvedere Police Department



Robert Doyle
Sheriff



Chief Charles Maynard
San Anselmo Police Department



Chief Phillip Green
Twin Cities Police Department



Chief Robert Ritter
Mill Valley Police Department



Chief Ken Hughes
Fairfax Police Department



Chief Matt Odetto
Tiburon Police Department

M. Ridgway

Chief Mike Ridgway
Ross Police Department

J. Kreins

Chief Joseph Kreins
Sausalito Police Department

The following is material was prepared by the Department of Health and Human Services regarding inquiries about the Medical Marijuana registration program and is not part of the District Attorney policy. It is included in this press release for the sake of convenience and reference.