

GUIDELINES FOR BUTTE COUNTY PHYSICIAN APPROVED PATIENTS

The following guidelines are not to be relied upon as legal advice or any promise of immunity by this office. This list merely attempts to describe the best way to avoid conflict with the vagueness of the Compassionate Use Act of 1996, also known as Proposition 215, as reflected in Health and Safety Code Section 11362.5 and later legislative amendments enacted in Health and Safety Code Sections 11362.7 et seq. Each case referred to this office is examined upon its own facts and merits. If you have any question as to whether you are qualified under the Compassionate Use Act, you should discuss your specific situation with your own attorney or feel free to contact this office.

- Do get a written recommendation signed only by a currently licensed California physician (M.D. or D.O., not a chiropractor).
- Do have your doctor note how much you need (e.g. 2 grams/day) and your method of ingestion on your recommendation. (Note: number of plants is not a recognized recommendation.)
- Do keep your recommendation current by renewing it at least once per year.
- Do not grow more than six (6) mature or twelve (12) immature plants at any one time. (A plant is considered mature at the point where the sex of the plant is apparent.)
- Do not possess more than one (1) pound of dried marijuana at any one time.
- Do document your yield, if cultivating, after every harvest and match it to your recorded need.
- Do post a copy of your recommendation (suggest it be laminated) in your garden, and with your stored marijuana.
- Do store your marijuana in clearly labeled packages consistent with your need.
- Do not possess an amount of marijuana that is not reasonably related to your approved medical need. (For example, if you are cultivating and expect your next harvest in three months, do not possess more than a three-month supply on hand.)
- Do not possess illegal substances.
- Do not sell or give your physician-approved marijuana to anyone, even another patient.
- Do not transport an amount of marijuana greater than needed for your personal medical use for the duration of that trip.
- Do report any theft of your physician-recommended marijuana to law enforcement.

PRIMARY CAREGIVER GUIDELINES

A primary caregiver is defined in the Act and subsequent legislation as an individual “who has consistently assumed responsibility for the housing, health, or safety” of a qualified patient. California courts have emphasized the consistency element of this definition. As a primary caregiver, one is not merely the grower/supplier of marijuana for a qualified patient. The patient must be so ill or infirm that he/she is physically unable to grow their own marijuana and has designated his/her primary caretaker to do so. The inability to grow marijuana due to lack of experience or “black thumb” problems is an insufficient reason to designate a primary caretaker under the Act.

- Do establish a consistent relationship with your patient. A primary caregiver needs to be knowledgeable and attendant to the patient's medical condition and needs. A primary caregiver is not just a grower/supplier of marijuana.
- Do keep records on your patient's medical needs, including a copy of the physician recommendation and recommended dosage.
- Do keep records of any expenses relative to the patient's care.
- Do not grow/possess more than needed for the individual patient needs.
- Do not grow/possess more than above limits specified generally in the patient guidelines.
- Do not have more than three (3) qualified patients.

COLLECTIVE / COOPERATIVE GUIDELINES

Qualified patients and/or primary caregivers are allowed under California law to “associate . . . in order collectively or cooperatively to cultivate marijuana for medical purposes.” No other definition is given and may lead to confusion as to what is allowed. In Butte County, the following are our guidelines to avoid conflict:

- Do document each “member” of the collective/cooperative along with their recommendations and contact information and keep documents on site or reasonably available.
- Do document each member's contribution of labor and resources to the collective/cooperative. Each member must actively participate in the cultivation. The collective/cooperative grow must not merely grow for absentee qualified patients.
- Do not grow more collectively/cooperatively than the sum of each members' total recommended needs.
- Do not distribute marijuana to anyone at all outside of the collective/cooperative.