

This Chapter shall be known, and may be cited, as "DEL NORTE COUNTY GUIDELINES FOR MEDICAL MARIJUANA." Authority for this Chapter is found in PROPOSITION 215, California Health and Safety Code sections 11362.5, et. seq. and subsequent legislation California Health & Safety Code sections 11362.7, et. seq.

A. In 1996, the voters of the State of California approved Proposition 215, also known as the Compassionate Use Act of 1996, creating California Health & Safety Code section 11362.5.

B. Proposition 215, California Health & Safety Code section 11362.5(d) states: "Section 11357, relating to the possession of marijuana (cannabis), and section 11358, relating to the cultivation of marijuana, shall not apply to a patient or to a patient's primary caregiver, who possesses or cultivates marijuana for the personal medical purposes of the patient upon the written or oral recommendation or approval of a physician.

C. [Section Deleted Ord. 08-009 § 2008.]

D. [Section Deleted Ord. 08-009 § 2008.]

E. [Section Deleted Ord. 08-009 § 2008.]

F. [Section Deleted Ord. 08-009 § 2008.]

G. This ordinance does not require or prohibit any accommodation of any medical use of marijuana on the property or premises of any jail, correctional facility, or other type of penal institution in which prisoners reside or persons under arrest are detained.

H. This ordinance does not address the enforcement of federal law.

I. This ordinance does not address, nor is it intended to limit or restrict, the enforcement of any law, ordinance, or regulation within the boundaries of any Indian reservation or incorporated city.

J. This ordinance does not address, nor is it intended to limit or restrict, the enforcement of any state or federal law or ordinance, policy, regulation, or rule adopted by any school or community college district.

K. This ordinance does not address, nor is it intended to require, the accommodation of any medical use of marijuana on the property or premises of any place of employment or during the hours of employment.

L. This ordinance does not authorize a qualified patient or person with an identification card to engage in the use of medical marijuana under any of the following circumstances:

1. In any place where smoking is prohibited by law.

2. In or within 1,000 feet of the grounds of a school, recreation center, or youth center, unless the medical use occurs within a residence.

3. On a school bus.

4. While in a motor vehicle that is being operated.

5. While operating a boat.

Title: 7

Health

and

Chapter: 7.60

Medical

Section: 7.60.130 Application

A. [Section Deleted Ord. 08-009 § 2008.]

B. [Section Deleted Ord. 08-009 § 2008.]
C. [Section Deleted Ord. 08-009 § 2008.]
D. [Section Deleted Ord. 08-009 § 2008.]
E [Section Deleted Ord. 08-009 § 2008.]

F. A physician's recommendation shall remain effective not longer than one year from the date of issuance and shall not renew automatically.

G. A primary caregiver shall be a competent adult, over the age of 18, designated a primary caregiver for a qualified or card-holding medical marijuana patient. Additionally, the primary caregiver shall meet the criteria set forth in Health and Safety Code section 11362.7(d) or (2) and register as a primary caregiver with the County Health Department.

H. The primary caregiver's designation shall be posted at the garden site or be in the possession of the primary caregiver. The primary caregiver must also have in his or her possession a copy of the physician's document concerning the medical marijuana patient for whom he or she is designated a primary caregiver.

I. Valid identification cards issued by one of the other 57 counties in the State shall be recognized provided, that upon the cardholder becoming a resident of Del Norte County, the identification card of another county will only be valid for thirty (30) days thereafter.

(Ord. 2008-09 § 2008.) Ord. 2004-09 § 1 (part), 2004.)