

County of Santa Clara

Public Health Department

Public Health Administration
976 Lenzen Avenue
San Jose, California 95126



Santa Clara County Public Health Department Medical Marijuana Identification Card Program (MMICP) Frequently Asked Questions

What is Proposition 215 (Prop 215)?

In 1996, California voters passed Proposition 215, also known as the Compassionate Use Act of 1996. Proposition 215 was passed to give seriously ill Californians the right to possess and use marijuana (also known as cannabis) for medical purposes, when they have a recommendation from a physician. Proposition 215 gives the patient's primary caregiver the right to cultivate and possess medical cannabis for the patient. Proposition 215 defines a "primary caregiver" as "the individual who has consistently assumed responsibility for the housing, health, or safety of the medical cannabis user."

What is the Medical Marijuana Identification Card Program (MMICP)?

The Medical Marijuana Identification Card Program is a program of the State of California that was established following the passage of SB 420 that requires counties to administer a voluntary card registration program that identifies medical marijuana patients.

What serious medical condition(s) do I need to have to qualify for a MMIC?

A serious medical condition, as defined by [SB 420](#), is any of the following: AIDS; anorexia; arthritis; cachexia (wasting syndrome); cancer; chronic pain; glaucoma; migraine; persistent muscle spasms (i.e., spasms associated with multiple sclerosis); seizures (i.e., epileptic seizures); severe nausea; any other chronic or persistent medical symptom that either substantially limits a person's ability to conduct one or more of major life activities as defined in the Americans with Disabilities Act of 1990, or if not alleviated, may cause serious harm to the person's safety, physical, or mental health.

Why should I apply for a Medical Marijuana Identification Card (MMIC)?

Any person in possession of a valid MMIC shall NOT be subject to arrest for possession, transportation, delivery, or cultivation of medical marijuana in the amount allowed by SB 420 (unless there is reasonable cause to believe that the MMIC is false or falsified, the card was obtained by fraud, or the person is otherwise in violation of SB 420).

How long will it take to get my MMIC?

Once you submit your completed and signed application form with the required documents (proof of residency, medical documentation, etc.) the Public Health Department has 30 days to approve or deny your application. Once the application is approved, the county program has five days to make the MMIC available to you. It can take 35 days to receive your MMIC if the application is complete. If any information or documents are missing, this may delay processing your application. If this is the case, the Public Health department will contact you within 30 days from the day you submit your application.

What happens to my application and other private health information after I give it to my county's MMICP?

Your application will be kept confidential and secure. The only release of your application will be with your written permission. This includes appeals of denied applications to the state MMP. (The [Appeals Form](#) contains a declaration and signature block regarding this release.)

How much processed marijuana can I have in my possession?

SB 420 allows eight (8) ounces of dried mature processed flowers of the female cannabis plant AND no more than six (6) mature or twelve (12) immature plants per qualified patient. Counties and cities are authorized to establish higher (but not lower) limits if they wish. For information on possession limits please visit the [Health and Safety Code Section 11362.77](#)

What if I exceed that limit?

Patients that exceed the limit risk being arrested and having to defend themselves in court. Despite the protections of Prop 215 and SB 420, patients may still be arrested if law enforcement suspects that they are outside the law; for example, by being involved in illegal sales or distribution or growing plants with excessive yields. *Please contact the District Attorney's office or your local law enforcement agency for current information.*

Where Can I Obtain Marijuana?

The MMICP is not authorized to provide information on acquiring Medical Marijuana or related products.

Do I have to be a Santa Clara County resident in order to receive an MMIC?

No, any California resident that is a qualified patient can apply for an MMIC; however, *you must apply for your MMIC in the county where you reside.* Proof of residency is required.

Can I obtain my recommendation from an out-of-county physician?

Yes. The attending physician must have a license in good standing issued by the Medical Board of California or the Osteopathic Medical Board of California, but there are no residency requirements for the physician.

Is a Medical Marijuana recommendation considered a prescription?

No. To be a prescription it must be federally approved. As marijuana is not recognized as legal by the federal government, federal law criminalizes the use of medical marijuana.

Is there a fee for applying for an MMIC?

Yes, the current fee is \$150 for each MMIC issued. Proof of eligibility and participation in the Medi-Cal program, presented at the time of application, qualifies a Medi-Cal beneficiary to receive a 50% reduction in fees. If the applicant qualifies for this fee reduction and is designating a primary caregiver, the fee for the primary caregiver's MMIC will also be reduced by 50%. ***Application fees are non-refundable.***

Do I Need to Make an Appointment?

Yes, appointments are necessary – walk-in clients cannot be accommodated.

What do I need to bring to my appointment to make sure my application is complete?

- A completed original MMIC application (not a photocopy) Application Renewal Form 9042
- Government issued photo identification (i.e. California State Driver's License, a California State ID Card, a United States Passport, a Veteran's Administration ID Card).

- Proof that you live in Santa Clara County, for example, the current photo IDs listed above, or a recent utility bill, or a recent rental or mortgage payment receipt.
- Written documentation completed by your physician that states that you have been diagnosed with a serious medical condition and that the medical use of marijuana is appropriate or Form DHS 9044-Written Documentation of patient's Medical Records. (Your physician will be contacted to confirm that the medical documentation submitted by the applicant is a true and correct copy of your medical records in the physician's office. It is the applicant's responsibility to ensure that an Authorized Release of Medical Information is on file with their medical provider).
- Non-refundable payment in the amount of \$150 (\$75 if you have proof of Medi-Cal benefits). **(Only cash and money orders will be accepted).**
- Your photo will be taken at the time of application

The primary caregiver, if any, will need to provide:

- Complete the appropriate section of the Application Renewal Form-DHS 9042.
- Government issued photo identification (i.e. California State Driver's License, a California State ID Card, a United States Passport, a Veteran's Administration ID Card).
- Proof of residency in the state of California
- A written statement documenting how the primary caregiver consistently assumes responsibility for the housing, health or safety of the patient
- An additional non-refundable payment in the amount of \$150(\$75 if the patient has proof of Medi-Cal benefits).
- Your photo will be taken at the time of application

If an applicant applies for an MMIC for a primary caregiver, both the primary caregiver and the qualified patient must be present at the time of submission of the primary caregiver's application.

Can I have more than one primary caregiver?

Yes. But only if your primary caregiver is the owner or operator of a facility providing medical care and/or supportive services to a qualified patient, he/she can designate no more than three employees as caregivers.

Can a primary caregiver care for more than one patient at a time?

Yes. However, if an individual has been designated as the primary caregiver by two or more qualified patients, the primary caregiver and all the qualified patients must reside in the same city or county.

Can I have a caregiver that lives out of county?

Yes. The primary caregiver must prove California residency and is further restricted to being the primary caregiver for only that patient.

Can I be a primary caregiver for a resident of another county?

Yes, but that will restrict you to being the primary caregiver for only that patient.

Is my MMIC recognized out of county?

Yes, this is a statewide identification program.

Does the Santa Clara County Public Health Department issue MMIC to residents in other counties?

No. In accordance with State regulation, the Santa Clara County Public Health Department can only issue cards to residents of Santa Clara County.

Does carrying a valid Medical Marijuana card protect me from prosecution for possession of marijuana?

No. Possession and distribution of marijuana is a Federal offense and individuals in California in possession of marijuana for medical purposes have been prosecuted. In addition, individuals in possession of marijuana in quantities determined by local law enforcement officials to be greater than for personal medical use have been arrested and prosecuted.

What MMIC cardholder personal information will be available to law enforcement?

When the MMIC unique identification number is entered through the MMIC website, a “Valid Card” or “Invalid Card” response is generated. No other information is accessible.

Can a minor apply for a card?

Yes, a minor can apply as a patient or caregiver. If a minor is applying as a qualified patient, they must be lawfully emancipated or of declared self-sufficiency status. If neither, the minor’s parent, legal guardian, or person with legal authority to make medical decisions for the minor applicant must complete Section 2 of the Medical Marijuana Program application.

If a minor is applying as a primary caregiver, they must meet additional requirements including:

- being consistently responsible for the housing, health, or safety of a qualified patient, or
- being the parent of a minor child who is a qualified patient.

What information will appear on the card?

- Photo of the cardholder
- Designation of “Patient” or “Primary Caregiver”
- A unique user identification number issued by CDHS
- Expiration date
- Name and telephone number of the Santa Clara County Public Health Department that approved the application
- A Web-based Internet URL that will enable state and local law enforcement officers, public and others to have immediate access to verify the validity of the card.

How long will a MMIC be valid?

Qualified patient and primary caregiver cards are valid for one year from date of issue. If the primary caregiver card is applied for at a later date than the patient’s MMIC, the primary caregiver MMIC will have the same expiration date as the patient’s MMIC.

Are medical cannabis users and their primary caregivers required to enroll in the MMICP?

No. Enrollment in the MMICP is voluntary. Santa Clara County Public Health offers this program as a service to people who wish to have the convenience of a credit card sized photo ID card that indicates they qualify as a medical marijuana user or primary caregiver under Proposition 215.

What do I need to do to get a new card if my card expires or if it is lost or stolen?

To get a new card, you must reapply following the same procedures listed above. We recommend that you keep a record of the physician's recommendation form/letter so that you can use the original letter to re-apply.

What do I do if I am questioned by a police officer about my use of medical marijuana?

Show him or her your card as proof that you qualify for use of medicinal marijuana under Proposition 215.

Where do I go to get an application?

Applications can be obtained on-line or at: **Public Health Administration**
976 Lenzen Avenue (Second Floor)
San Jose, CA 95126

