



**ORDINANCE NO. 2008-**

**AN AMENDMENT TO CHAPTER 7.60  
OF THE DEL NORTE COUNTY CODE RELATING TO MEDICAL MARIJUANA  
GUIDELINES FOR THE IMPLEMENTATION OF PROPOSITION 215  
(California Health & Safety Code § 11362.5 et seq.) AND CALIFORNIA  
SENATE BILL 420 (Health & Safety Code § 11362.7 et seq.)**

The Board of Supervisors of the County of Del Norte ordains as follows:

SECTION 1: Sections 7.60.110(C), 7.60.110(D), 7.60.110(E), 7.60.110(F), 7.60.130(A) and 7.60.130(B) 7.60.130(C), 7.60.130(D), 7.60.130(E) of Chapter 7.60 of the Del Norte County Code are deleted.

SECTION 2: Section 7.6.140 is hereby modified to state as follows:

All quantities of Cannabis possessed in excess of the standards set forth in the Compassionate Use Act (Proposition 215) shall be subject to forfeiture.

SECTION 2: Classification. This ordinance is considered of a general and permanent nature and is classified as a codified ordinance.

SECTION 3: This ordinance shall become effective thirty-one (31) days following its final passage and adoption.

SECTION 3: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unenforceable, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, clauses or phrases be declared unenforceable.

Passed, approved, and adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2008.

AYES:  
NOES:  
ABSENT:

\_\_\_\_\_  
David Finigan, Chair  
Board of Supervisors, Del Norte County

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Jeremi Ruiz, Clerk of the Board  
Del Norte County

\_\_\_\_\_  
DOHN R. HENION, County Counsel  
Del Norte County

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**BOARD OF SUPERVISORS  
COUNTY OF DEL NORTE  
STATE OF CALIFORNIA**

**ORDINANCE NO. 2004-09**

**AN ORDINANCE OF THE COUNTY OF DEL NORTE ADDING CHAPTER 7.60  
TO THE DEL NORTE COUNTY CODE RELATING TO MEDICAL MARIJUANA  
GUIDELINES FOR THE IMPLEMENTATION OF PROPOSITION 215  
(California Health & Safety Code § 11362.5 et seq.) AND CALIFORNIA  
SENATE BILL 420 (Health & Safety Code § 11362.7 et seq.)**

The Board of Supervisors of the County of Del Norte ordains as follows:

SECTION 1: Sections 7.60.100, 7.60.110, 7.60.120, 7.60.130, 7.60.140, 7.60.150 of Chapter 7.60 of the Del Norte County Code are hereby added as shown on the attached pages.

SECTION 2: This ordinance shall take effect and be in force thirty (30) days from the date of its passage. A summary shall be published at least five (5) days before the date set for adoption and again fifteen (15) days after the passage of this ordinance. It shall be published once with the names of the Board of Supervisors voting for and against the ordinance in a newspaper of general circulation published in the County of Del Norte, State of California.

SECTION 3: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unenforceable, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, clauses or phrases be declared unenforceable.

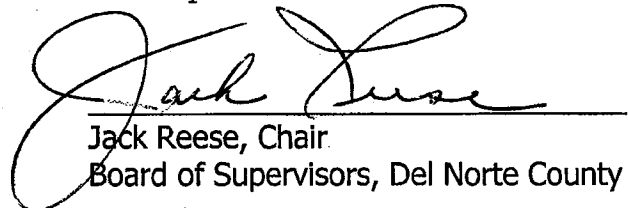
Passed, approved, and adopted this 14th day of December 2004.

AYES: Supervisors Reese, McClure and Sampels

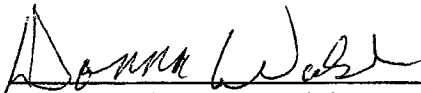
NOES: None

ABSENT: Supervisor Blackburn

ABSTAIN: Supervisor Finigan

  
\_\_\_\_\_  
Jack Reese, Chair  
Board of Supervisors, Del Norte County

ATTEST:



Donna Walsh, Clerk of the Board  
Del Norte County

## CHAPTER 7.60 MEDICAL MARIJUANA

### 7.60.100 TITLE-LEGISLATIVE AUTHORIZATION

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.

### 7.60.110 FINDINGS AND PURPOSE

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. For the purposes of this ordinance, the Del Norte County Board of Supervisors determines that one (1) pound of cannabis bud per year is a reasonable amount for medical marijuana patients to cultivate, possess and consume as their medicine, absent a demonstrated medically prescribed need for an amount greater than one (1) pound.~~

~~D. For the purposes of this ordinance, the Del Norte County Board of Supervisors determines that a one-hundred (100) square foot canopy of mature female cannabis plants, typically will have sufficient yield to provide one (1) pound of dried and processed cannabis bud per year, outdoor, regardless of the number of marijuana plants.~~

~~E. The Del Norte County Board of Supervisors through this ordinance exercises its authority under California Health & Safety Code section 11362.77 (c) to enact medical marijuana guidelines which allow qualified medical marijuana patients or their primary caregivers to exceed the default threshold set forth in Health and Safety Code section 11362.77(a).~~

~~F. The Del Norte County Board of Supervisors seeks through this ordinance to set a simple, reasonable and efficient guideline for law enforcement officers to use in~~

evaluating individual and collective patient medical marijuana gardens and on-hand supplies.

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.

#### **7.60.120 DEFINITIONS**

The definitions contained in California Health & Safety Code section 11362.7 shall apply to this Chapter of the Del Norte County Code.

#### **7.60.130 APPLICATION**

A. A qualified patient or a person holding a valid identification card, or the designated primary caregiver of that qualified patient or person, may possess amounts

of marijuana up to one (1) pound of dried cannabis bud or conversion per medical marijuana patient.

~~B. In addition, in order to produce one (1) pound of dried cannabis bud or conversion per household per qualified patient, such persons may cultivate cannabis in an amount per qualified patient not to exceed 99 plants and not more than 100 square feet of total garden canopy, as measured by the combined vegetative growth area.~~

~~C. Where more than one qualified patient resides in a household, the standards set forth in subdivisions A and B shall apply to each qualified patient in the household.~~

~~D. Qualified medical marijuana patients and caregivers who, collectively or cooperatively, cultivate marijuana for medical purposes shall not exceed the standards set forth in Section 3, subdivisions A and B of this Chapter.~~

~~E. If a qualified medical marijuana patient or primary caregiver has an attending physician's written, dated, and signed recommendation that the quantities described in Section 3, subdivisions A and B are not sufficient to meet the medical marijuana patient's needs, said patient or caregiver may possess an amount of marijuana consistent with the attending physician's written recommendation as to quantities.~~

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 as such in writing by a qualified or card-holding medical marijuana patient. Additionally, the primary caregiver shall either (1) meet the criteria set forth in Health and Safety Code section 11362.7(d) or (2) 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 caregiver. The primary caregiver must also have in his or her possession a copy of the attending physician's document concerning the medical marijuana patient for whom he or she is giving care.

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

#### **7.60.140 FORFEITURE OF QUANTITIES IN EXCESS OF STANDARDS**

If, and only if, an individual possessing or cultivating marijuana is otherwise in compliance with these Guidelines and with Proposition 215, and only in the condition of such compliance, quantities of cannabis in excess of the standards set forth in

*Amended*

~~subdivisions A and B~~ of section 7.60.130 shall be subject to forfeiture but only to the extent such quantities exceed those standards.

**7.60.150 APPLICATION TO PERSONS COVERED BY HEALTH AND SAFETY CODE SECTION 11362.795.**

This ordinance does not affect the rights or responsibilities of persons covered by Health and Safety Code section 11362.795.

Source: Legal > States Legal - U.S. > California > Find Statutes, Regulations, Administrative Materials & Court Rules > CA - Deering's California Codes Annotated, Constitution, Court Rules & ALS, Comb

TOC: Deerings California Code Annotated, Court Rules and ALS > HEALTH AND SAFETY CODE > Division 10. Uniform Controlled Substances Act > Chapter 6. Offenses and Penalties > Article 2. Marijuana > § 11362.5. Use of marijuana for medical purposes

Cal Health & Saf Code § 11362.5

DEERING'S CALIFORNIA CODES ANNOTATED
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\*\*\* THIS DOCUMENT REFLECTS ALL URGENCY LEGISLATION ENACTED \*\*\*
\*\*\* THROUGH 2007-2008 THIRD EXTRAORDINARY SESSION CH. 7 AND \*\*\*
\*\*\* CH. 17 OF THE 2008 REGULAR SESSION APPROVED 5/21/08 \*\*\*

HEALTH AND SAFETY CODE
Division 10. Uniform Controlled Substances Act
Chapter 6. Offenses and Penalties
Article 2. Marijuana

GO TO CALIFORNIA CODES ARCHIVE DIRECTORY

Cal Health & Saf Code § 11362.5 (2008)

§ 11362.5. Use of marijuana for medical purposes

(a) This section shall be known and may be cited as the Compassionate Use Act of 1996.

(b)

(1) The people of the State of California hereby find and declare that the purposes of the Compassionate Use Act of 1996 are as follows:

(A) To ensure that seriously ill Californians have the right to obtain and use marijuana for medical purposes where that medical use is deemed appropriate and has been recommended by a physician who has determined that the person's health would benefit from the use of marijuana in the treatment of cancer, anorexia, AIDS, chronic pain, spasticity, glaucoma, arthritis, migraine, or any other illness for which marijuana provides relief.

(B) To ensure that patients and their primary caregivers who obtain and use marijuana for medical purposes upon the recommendation of a physician are not subject to criminal prosecution or sanction.

Practitioner's Toolbox

History

Notes

Notes of Decisions

Resources & Practice Tools

Related Statutes & Rules

Collateral References

> Cal Criminal Defense Practice (Matthew Bender) ch 145 "Narcotics and Alcohol Offenses" § 145.01(3).

More...

Law Review Articles

Atty General's Opinions

**(C)** To encourage the federal and state governments to implement a plan to provide for the safe and affordable distribution of marijuana to all patients in medical need of marijuana.

**(2)** Nothing in this section shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, nor to condone the diversion of marijuana for nonmedical purposes.

**(c)** Notwithstanding any other provision of law, no physician in this state shall be punished, or denied any right or privilege, for having recommended marijuana to a patient for medical purposes.

**(d)** Section 11357, relating to the possession of marijuana, 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.

**(e)** For the purposes of this section, "primary caregiver" means the individual designated by the person exempted under this section who has consistently assumed responsibility for the housing, health, or safety of that person.

#### **⚡ History:**

Adopted by the voters, Prop. 215 § 1, effective November 6, 1996.

#### **⚡ Notes:**

##### **Note**

Proposition 215 (1996) provides:

SECTION. 2. If any provision of this measure or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of the measure that can be given effect without the invalid provision or application, and to this end the provisions of his measure are severable.

#### **⚡ Related Statutes & Rules:**

Medical Marijuana Program: H & S C §§ 11362.7 et seq.

#### **⚡ Collateral References:**

Cal Criminal Defense Practice (Matthew Bender) ch 145 "Narcotics and Alcohol Offenses" § 145.01(3).

Judicial Council of California Criminal Jury Instructions (LexisNexis Matthew Bender), CALCRIM No. 2350, Sale, Furnishing, etc., of Marijuana

Judicial Council of California Criminal Jury Instructions (LexisNexis Matthew Bender), CALCRIM No. 2351, Offering to Sell, Furnish, etc., Marijuana

Judicial Council of California Criminal Jury Instructions (LexisNexis Matthew Bender), CALCRIM