



County of Santa Cruz

HEALTH SERVICES AGENCY
ADMINISTRATION

HEALTH SERVICES AGENCY

P.O. BOX 962, 1080 EMELINE AVENUE
SANTA CRUZ, CA 95061
(831) 454-4000 FAX: (831) 454-4770

November 11, 2005

Terry Trinidad
Department of Health Services
Medical Marijuana Program
M/S 5000
PO Box 997413
Sacramento, CA 95899-7413

Genny Fleming
Department of Health Services
Medical Marijuana Program
M/S 5203
PO Box 997413
Sacramento, CA 95899-7413

RE: Local and State Medical Marijuana ID Card Program

Dear Ms. Trinidad and Ms. Fleming,

I am the Director of the Santa Cruz County Health Services Agency, and in that capacity I am responsible for the implementation of Santa Cruz County's medical marijuana patient identification card program.

I am writing to share our experience with our local Medical Marijuana ID program and the concerns the Health Services Agency has about the State program and its requirements. Our local program has been in place for two years, and it includes many of the provisions in the State program related to confirming the authenticity of the medical recommendation from the doctor for a specific patient. The most significant differences are as follows: after everything is verified, we shred all of the documentation and we do not keep patient names or doctor names in our database or on the picture ID cards. We just keep valid numbers in the database that we have assigned to the specific patient or caregiver. We also do not send the data to a central registry in State government. If a police agency calls us we can confirm valid ID numbers but do not release or confirm names.

This program has had the support of local physicians and patients because it does optimally protect their confidentiality. When recently presented with a court order seeking information from our records, we were able to honestly say we have no names of doctors or patients in our database. We have valid card numbers only. The cards are renewed every two years or sooner if recommended by the doctor. There is a system for replacing lost cards.

There are significant concerns about the State program requirements to keep names and records on file that could put patients and doctors at risk related to federal prosecution. The recent decision by the Supreme Court in the Raich v. Gonzales case has increased concern about the State program and information falling into the wrong hands. Because of these concerns about the privacy of patient and physician records, Santa Cruz County is very reluctant to join the State program, and will delay doing so as long as legally possible. If forced to implement the State program we intend to offer patients a choice between a local ID card and a State ID card so they can make the choice that is most comfortable to them.

I understand there may have been recent changes to your regulations that would permit individual counties to implement whatever record-keeping procedures they prefer. If so, this would be a welcome change, however, I also understand that many counties may not be as protective of patient and physician privacy as we are. For this reason, I would encourage you to adopt the procedure we have been using for two years, rather than leave this important issue unsettled, and California patients, vulnerable; i.e., after we verify the patient's eligibility status, we shred all identifying information and require renewal (and once again verify the patient's status) every two years or sooner upon physician recommendation.

We have had no complaints from law enforcement, patients, caregivers, or doctors related to our local program. It has worked well and met the intent of our local initiative and ordinance as well as the new state legislation. We appreciate your consideration of this information.

Sincerely,



Rama K Khalsa, Ph.D.
County of Santa Cruz
Health Services Agency Director

cc: Poki Namkung, MD Health Officer
Board of Supervisors
County Counsel
County Administrative Officer