



**San Mateo County Health**  
**Medical Marijuana Identification Card Program (MMIC)**  
**Frequently Asked Questions**  
[www.smhealth.org](http://www.smhealth.org)

**How does Proposition 64 affect patients who use medical cannabis?**

Proposition 64 (The Adult Use of Marijuana Act, 2016) made the following changes to the Medical Marijuana Identification Card Program (MMICP):

- It extended privacy protection to patients who hold a Medical Marijuana Identification Card (MMIC) issued under the Medical Marijuana Program Act (MMPA). Health and Safety Code Section §11362.713 provides for privacy rights of patients by ensuring that all patient information is deemed "medical information," under California's Confidentiality of Medical Information Act.
- It continued the MMIC, limited the maximum fee to \$100 per card, limited the Medi-Cal maximum fee to \$50 per card, and allowed for a fee waiver for indigent patients.
- It granted new custodial and parental rights protections for patients as follows: "The status and conduct of a qualified patient who acts in accordance with the Compassionate Use Act shall not, by itself, be used to restrict or abridge custodial or parental rights to minor children in any action or proceeding under the jurisdiction of family or juvenile court."
- Qualified patients or their primary caregivers are exempted from retail sales tax on medical cannabis, medical cannabis concentrate, edible medical cannabis products, or topical cannabis if they present a valid MMIC issued by CDPH at the time of purchase.

**What are Proposition 215, the Compassionate Use Act of 1996, Senate Bill (SB) 420, SB 94, and SB 798?**

Proposition 215 is another term for the Compassionate Use Act of 1996. Proposition 215 was the first statewide medical marijuana measure voted into law in the United States. Proposition 215 established protections to seriously ill persons who have their doctor's recommendation to use marijuana for medical purposes. Proposition 215 also provided protections to the physicians and primary caregivers who assist these seriously ill persons, who are known as "qualified patients" under SB 420 (Chapter 875, Statutes of 2003). SB 420 was enacted into the Health and Safety Code (Sections 11362.7 through 11362.83) to address problems with Proposition 215.

SB 420 required the CDPH to create the Medical Marijuana Identification Card Program (MMICP). The state MMICP is responsible for developing and maintaining a web-based verification system for Medical Marijuana Identification Cards or "MMICs." MMICs are available to qualified patients and their primary caregivers. The intent of SB 420 was to help law enforcement and qualified patients create a form of identification for qualified patients that is official and uniform throughout the state. The web-based verification system allows law enforcement to verify that a MMIC is valid. For more information see the [MMIC verification webpage](#).

In 2017, Governor Brown signed [SB 94 \(Chapter 27, Statutes of 2017\)](#), which effectively repealed the "Medical Cannabis Regulation and Safety Act" and replaced it with the provisions set forth in the bill, now known as the "Medicinal and Adult-Use Cannabis Regulation and Safety

Act" (MAUCRSA). Among other things, the bill codified industry regulation, legalized adult-use of cannabis, and created a taxation framework. MAUCRSA also preserved MMICP and exempted all MMIC cardholders from sales and use taxes on retail sales of medicinal cannabis products.

Later that year, Governor Brown signed [SB 798 \(Chapter 775, Statutes of 2017\)](#), which amended the qualifications of doctors accepted to provide recommendations for medicinal cannabis to include those certified by the California Board of Podiatric Medicine.

### **What is the Medical Marijuana Identification Card Program (MMIC) and how can it help me?**

The MMIC identifies the cardholder as a person protected under the provisions of Proposition 215 (The Compassionate Use Act, 1996) and [Senate Bill 94 \(Chapter 27, Statutes of 2017\)](#). It is used to help law enforcement identify the cardholder as being able to legally possess certain amounts of medical marijuana under specific conditions.

Under Proposition 64 (The Adult Use of Marijuana Act, 2016), patients who present a valid MMIC do not have to pay the sales and use tax when making retail purchases of medical cannabis, medical cannabis concentrate, edible medical cannabis products or topical cannabis. For more information, please visit the [California Department of Tax and Fee Administration's website](#).

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

A serious medical condition, as defined by Senate Bill 94 (Chapter 27, Statutes of 2017), is any of the following: AIDS; anorexia; arthritis; cachexia (wasting syndrome); cancer; chronic pain; glaucoma; migraine; persistent muscle spasms (e.g., spasms associated with multiple sclerosis); seizures (e.g., 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 federal Americans with Disabilities Act of 1990, or if not alleviated, may cause serious harm to the person's safety, physical, or mental health.

### **How do I know if I qualify for a MMIC?**

You will need to discuss this with your attending physician. In order to qualify for the protections of Proposition 215 (The Compassionate Use Act of 1996) and [Senate Bill 94 \(Chapter 27, Statutes of 2017\)](#), you will need to be diagnosed with a serious medical condition. The diagnosis and your physician's recommendation that the use of medical marijuana is appropriate for you must be documented in your medical records.

### **How long will it take to get my MMIC?**

Once you submit your completed application form with the required documents (proof of residency, medical documentation, etc.) to County of San Mateo Health, the county has 30 days to verify your application. Once the application is verified, the county's MMIC program has five days to make the MMIC available to you. It can take up to 35 days to receive your MMIC if the application is complete and the county MMIC program finds no reason to deny your application. If any information or documents are missing, this may delay processing your application. If this is the case, County of San Mateo Health MMIC county's program will contact you within 30 days from the day you submit your application. If you do not receive your MMIC within 35 days, contact the County of San Mateo Health MMIC county's program.

**What happens to my application and other private health information after I give it to MMIC county staff?**

The administering agency must implement and utilize appropriate procedures and protocols to ensure compliance with all applicable confidentiality laws and requirements of the Health Insurance Portability and Accountability Act (HIPAA).

The Medical Marijuana Application System does not contain any personally identifiable information such as name, address or social security number. It only contains the unique user identification number, and when entered, the only information provided is whether the card is valid or invalid.

**Where can I obtain medical marijuana or related products?**

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

**Do I have to be a San Mateo County resident in order to receive a MMIC?**

You must apply for your MMIC in the county where you reside. Proof of residency is required (i.e. utility bill, DMV registration, etc.)

**Does the San Mateo County Health MMIC program issue MMIC's to residents in other counties?**

No. In accordance with State regulation, San Mateo County can only issue cards to residents of San Mateo County.

**Is my MMIC valid in other California counties?**

Yes, this is a statewide identification card and registry program.

**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.

**How much does it cost to apply for a MMIC?**

All administrative costs for the Medical Marijuana Identification Card Program at the county level are fee supported.

Proposition 64 (The Adult Use of Marijuana Act, 2016), Health and Safety Code Section 11362.755 requires the county program to establish application fees for persons seeking to obtain, renew, or replace identification cards.

Pursuant to this law, county programs may charge an amount (not to exceed \$100) per Medical Marijuana Identification Card (MMIC) application or renewal, must give a 50 percent reduction per card for Medi-Cal eligible applicants, and waive fees for indigent patients who are eligible for, and participate in, the **County Medical Services Program (CMS)**.

The current fee in County of San Mateo is \$100 for each MMIC issued. County of San Mateo does not participate in the **County Medical Service Program (CMS)**. Proof of eligibility and participation in the Medi-Cal program, presented at the time of application, qualifies a Medi-Cal patient to receive a 50% reduction in fees (\$50). If the patient 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% (\$49). **Once the application is submitted and the verification process begins, the application fees are non-refundable.**

**Do I need to make an appointment?**

No, appointments are not necessary – walk-in clients are welcome.

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

You must apply in person at San Mateo County Health, Vital Statistics Office, 225 37<sup>th</sup> Avenue, Room 11, San Mateo. You will need to fill out an application/renewal form and pay the required fee. Also have your photo taken, which will appear on the MMIC.

You will need to provide current documentation with your application as follows:

- A copy of your medical recommendation.
- Proof of identity. This can be a valid California Department of Motor Vehicles (DMV) driver license or identification (ID) card or other valid government-issued photo ID card.
- Proof of residency, such as:
  - Rental or mortgage agreement,
  - Utility bill, or
  - California DMV motor vehicle registration.

**Is it necessary to include copies of my medical records with my application?**

No. MMIC program offers a form to serve this purpose. The [Written Documentation of Patients Medical Records Form](#). This is a form your attending physician can use to state in writing that you have a serious medical condition and that the use of medical marijuana is appropriate. The original is submitted with your application and a copy must be kept in your medical records at your physician's office.

**I am a legal representative for a qualified patient who cannot make their own medical decisions. Can I apply for them?**

Yes. A conservator with authority to make medical decisions, surrogate decision maker authorized under an advanced health care directive, an attorney-in-fact under durable power of attorney for healthcare, or any other individual authorized by statutory or decisional law to make medical decisions for the qualified patient may apply for that patient.

**What is a primary caregiver?**

A primary caregiver is a person who is consistently responsible for the housing, health, or safety of a qualified patient. A primary caregiver must be at least 18 years of age, unless the primary caregiver is an emancipated minor or the parent of a minor child who is a qualified patient. This may be an individual or the owner, operator or employee of an appropriately licensed clinic, facility, hospice, or home health agency.

**Can I have more than one primary caregiver?**

Yes, but only if you are a resident 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.

**Can a minor apply for a card?**

Yes. A minor (under 18 years of age) can apply as a patient or caregiver under certain conditions. Minor's parent or legal guardian must be present at the time of the application. Minors may apply for themselves as qualified patients if they are lawfully emancipated or have declared self-sufficiency status. If a minor declares status as a self-sufficient minor or is an emancipated minor, the county health department may require additional documentation.

If the minor has not declared self-sufficient status or is not emancipated, the county program is required to contact the minor's parent, legal guardian, or person with legal authority to make medical decisions for the minor. This is to verify information on the application/renewal form.

An emancipated minor or the minor's parent of a qualified patient may apply as a primary caregiver.

**What can be proof of identity for a minor.**

Minors may use a valid government-issued photo identification, such as a California driver license or a California ID. A certified copy of a birth certificate can be sufficient proof of identity for a minor.

**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.

**How do I renew my MMIC?**

Renewing a MMIC requires the same process as when you originally applied.

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

To get a replacement card, you must reapply following the same procedures as applying for a new card. 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. You will have to pay the entire amount for a replacement.

**Where do I go to get an application?**

Applications can be obtained on-line or in person at:

**San Mateo County Health**

Office of Vital Statistics

225 37<sup>th</sup> Ave, Room 11

San Mateo, CA 94403