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**CALIFORNIA SUSPENDS MEDICAL MARIJUANA ID CARD
PROGRAM, SEEKS LEGAL ADVICE FROM ATTORNEY GENERAL**

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SACRAMENTO – California’s program that issues identification cards to seriously ill patients using marijuana under a physician’s recommendation has been suspended to allow for legal review, State Health Director Sandra Shewry announced today.

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"In light of a recent Supreme Court decision, I am concerned about unintended potential consequences of issuing medical marijuana ID cards that could affect medical marijuana users, their families and staff of the California Department of Health Services (CDHS)," Shewry said.

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The U.S. Supreme Court affirmed that the personal cultivation and possession of marijuana continues to be a punishable federal offense. After reviewing the decision, CDHS became concerned that, by issuing ID cards to patients, the Medical Marijuana Identification Card Program potentially aids and abets individuals in committing a federal crime, Shewry said. If so, CDHS staff that implement the program could potentially face prosecution.



CDHS has asked State Attorney General Bill Lockyer to review whether continued operation of the program would, under federal law, aid and abet individuals in committing a federal crime.

Other factors in the state’s decision to suspend the program, Shewry said, were that possession of a state medical marijuana card could give patients a false sense of security and lead them to believe that they are protected from federal prosecution. In addition, information gathered from card holders could potentially be seized by federal officials to identify medical marijuana users for prosecution.

On June 6, 2005, in *Gonzales v. Raich*, the U.S. Supreme Court ruled against two California women who sought a ruling that the federal government does not have jurisdiction to enforce federal law against individuals growing marijuana for their personal medical use. The court determined that Congress does have the authority to

prohibit local cultivation and use of marijuana.

Although the court's decision does not directly affect California's Compassionate Use Act, approved by voters in 1996, and state law, the decision raises questions about whether the state can legally conduct a program that assists in the violation of federal law.

California's Compassionate Use Act says that with the recommendation of a physician, a patient may obtain and use marijuana for personal medical purposes.

The Controlled Substance Act makes it a federal crime to possess, manufacture, distribute or dispense a controlled substance. Federal law also says that "whoever commits an offense against the United States or aids, abets, counsels, commands, induces or procures its commission, is punishable as a principal."

The Medical Marijuana Identification Card Program was designed to provide patients an ID card that could be used as evidence that they had received a recommendation from their physician to use marijuana for medicinal purposes. The card can assist law enforcement officials in determining whether an individual using marijuana meets the requirements of the Compassionate Use Act.

In May CDHS began pilot testing an identification card and registry system in three counties: Amador, Del Norte and Mendocino. To date, 123 cards have been issued. The pilot testing was scheduled to be completed at the end of July. However, CDHS has now directed these three counties to cease processing their applications through the state system until further notice. In addition, CDHS has postponed processing requests from counties to implement the program locally.

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