



Public Health
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January 5, 2018

RE: New Requirement for Medical Cannabis Identification Cards Physician Attestation

Dear Providers,

This letter is to update you with the latest changes in the Medical Marijuana Identification Card Program (MMICP) administered by DHHS - Public Health under the guidance and direction of the California Department of Public Health (CDPH). Proposition 64, passed by voters in November 2016, legalized recreational cannabis for adult use. Proposition 64 also revised some medical cannabis laws, including Health and Safety Code 11362.713(a), which addresses medical cannabis identification card issuance.

Effective January 1, 2018, as an Administrating Agency, DHHS – Public Health is responsible for ensuring any physicians recommending a prescription for medical cannabis comply with Article 25, Section 2525 of Chapter 5, Division 2 of the Business and Professions Code. Please see attached for more specific information regarding the Code.

In order to ensure any recommending physicians are in compliance, **effective immediately, any applicant requesting a state-issued medical cannabis card through the MMICP at DHHS – Public Health must, in addition to CDPH Forms 9042 and 9043, provide the following attestation form signed by their recommending physician.** This form will be included in all MMICP application packets, and applications will not be accepted as complete by DHHS – Public Health without the signed attestation included in their submittal.

Please feel free to contact us if you have any questions regarding this new requirement.

Thank you,

Michele Stephens, LCSW
Director of Public Health



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**Medical Marijuana Identification Card Program
Physician’s Attestation**

Instructions

This form must be completed by a MMICP applicant’s physician recommending the use of medical cannabis as appropriate for one or more serious medical conditions. Physicians or surgeons, recommending medical cannabis for their patients, who knowingly provide inaccurate or false information are in violation of Business and Professions Code laws, Penal Code laws, and the California False Claims Act.

Attending physician name			Office telephone number
Service mailing address (number, street)			Office fax number
City	State	ZIP code	Email and/or cell
Licensed by (check one): <input type="checkbox"/> Medical Board of California <input type="checkbox"/> Osteopathic Medical Board of			California medical license number
Patient Name			Patient Date of Birth

Certification

By signing below, I hereby certify that I am in compliance with all provisions of [Business and Professions Code Division 2. Chapter 5. Article 25. Recommending Medical Cannabis](#) as outlined below.

2525.

(a) It is unlawful for a physician and surgeon who recommends cannabis to a patient for a medical purpose to accept, solicit, or offer any form of remuneration from or to a facility issued a state license pursuant to Chapter 3.5 (commencing with Section 19300) of Division 8, if the physician and surgeon or his or her immediate family have a financial interest in that facility.

(b) For the purposes of this section, “financial interest” shall have the same meaning as in Section 650.01.

(c) A violation of this section shall be a misdemeanor punishable by up to one year in county jail and a fine of up to five thousand dollars (\$5,000) or by civil penalties of up to five thousand dollars (\$5,000) and shall constitute unprofessional conduct.

(Added by Stats. 2015, Ch. 719, Sec. 5. Effective January 1, 2016.)

2525.1. The Medical Board of California shall consult with the California Marijuana Research Program, known as the Center for Medicinal Cannabis Research, authorized pursuant to Section 11362.9 of the Health and Safety Code, on developing and adopting medical guidelines for the appropriate administration and use of medical cannabis.

(Added by Stats. 2015, Ch. 719, Sec. 5. Effective January 1, 2016.)



2525.2. An individual who possesses a license in good standing to practice medicine or osteopathy issued by the Medical Board of California or the Osteopathic Medical Board of California shall not recommend medical cannabis to a patient, unless that person is the patient's attending physician, as defined by subdivision (a) of Section 11362.7 of the Health and Safety Code.

(Added by Stats. 2015, Ch. 719, Sec. 5. Effective January 1, 2016.)

2525.3. Recommending medical cannabis to a patient for a medical purpose without an appropriate prior examination and a medical indication constitutes unprofessional conduct.

(Added by Stats. 2015, Ch. 719, Sec. 5. Effective January 1, 2016.)

2525.4. It is unprofessional conduct for any attending physician recommending medical cannabis to be employed by, or enter into any other agreement with, any person or entity dispensing medical cannabis.

(Added by Stats. 2015, Ch. 719, Sec. 5. Effective January 1, 2016.)

2525.5. (a) A person shall not distribute any form of advertising for physician recommendations for medical cannabis in California unless the advertisement bears the following notice to consumers:

NOTICE TO CONSUMERS: The Compassionate Use Act of 1996 ensures that seriously ill Californians have the right to obtain and use cannabis for medical purposes where 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 medical cannabis. Recommendations must come from an attending physician as defined in Section 11362.7 of the Health and Safety Code. Cannabis is a Schedule I drug according to the federal Controlled Substances Act. Activity related to cannabis use is subject to federal prosecution, regardless of the protections provided by state law.

(b) Advertising for attending physician recommendations for medical cannabis shall meet all of the requirements in Section 651. Price advertising shall not be fraudulent, deceitful, or misleading, including statements or advertisements of bait, discounts, premiums, gifts, or statements of a similar nature.

Physician or Surgeon:

Date:

