The Facts About Cultivator's Licenses

by Compassionate Health Options

with special thanks to Dr. Deborah Malka as well as CANORML

At Compassionate Health Options, we are often asked about a cultivator's license, also known as a grower's permit. This article will provide a few facts about this issue that patients may not be aware of.

There are a number of doctors and clinics offering grower's permits, usually at a price of several hundred dollars. These doctors are either unaware of the facts or deliberately conducting an unethical practice. There is no such thing as a clause for a doctor to issue a cultivator's license to grow beyond the guidelines of a county in the state of California. Size and potency of cannabis plants are not uniform and are factors too broad for a doctor to say that one patient would require twelve plants while another would need fifty to medicate. There is simply nothing in the law that says a doctor can issue such a permit, and so for a doctor to charge a patient any amount of money for such a document is simply wrong: the document is meaningless and without legal standing. The "Kelly Decision" by the California Supreme Court in January, 2010, is a recent addition to the growing list of potentially confusing legal directives regarding medical marijuana. Patrick Kelly was arrested with twelve ounces of dried marijuana. He possessed more than the eight ounce limit established in Health & Safety Code Sec. 11362.77 (SB420). The court ruled that, "the prosecutor's argument was improper. It was improper because the CUA [Compassionate Use Act] can only be amended with voter's approval. Voters, however, did not approve the eight ounce limit and other caps in Section 11362.77 of SB420." The Kelly Decision is important for all medical marijuana patients in California in that the eight ounce limit set by counties is not legally binding. It does, however, make it incumbent upon each patient to be ready, willing and able to support their need for medical marijuana in amounts above the county limit in a court of law. The issuance of a certificate "allowing" possession or growth of an amount of marijuana above the county-generated guidelines is in itself not enough to ensure legal protection. We here at Compassionate Health Options suggest that patients follow local or state guidelines and prevent extra harassment from law enforcement. In other words, we do not want a patient to believe that, because of the Kelly Decision or because they possess an erroneous "cultivator's license", that there are now no restrictions on the amount of cannabis that he or she can have as a medical marijuana patient. We advise patients to proceed with caution, as arrest is still a possibility in the matter of growing beyond county guidelines, even if they may ultimately be exonerated.

Medical marijuana remains a delicate issue in these United States. The federal government at this time finds itself having to defend its classification of marijuana as a Substance 1 narcotic, when clearly the scientific evidence overwhelmingly supports its tremendous medicinal value. Like every bureaucracy whose strength has over-reached its need, citizens in this country are seeing a reluctance on the part of the federal government to account for itself. In a defensive mode, the federal government has decided to enact tactics of intimidation on states where medical marijuana has been made legal on a state level. Now is the time for everyone involved in medical marijuana, be they doctors, patients, activists, supporters and certainly growers, to represent the cause in its most unassailable spirit. We can show the rest of the country and the rest of the world that this is a cause for good, for better health and for happiness. Those who look to make money off of those in need, who act inside questionable areas of the law only injure the veracity the campaign to see marijuana made legal. As always, we at Compassionate Health Options wish everyone to be aware, be safe and stay healthy.