

<b>AIRPORT POLICE SERVICES POLICY AND PROCEDURE</b>	NUMBER: 5.03	PAGES: 1 of 3
	RELATED ORDERS: General Order 16.12	
	ISSUED DATE: December 11, 2007	
	REVIEW DATE:	
REVISION DATE:		
CHAPTER: Law Enforcement Operations		SUBJECT: Medical Marijuana at the Oakland International Airport Checkpoints

- I. **PURPOSE:** To establish uniform procedures as it applies to individuals found to be in possession of or transporting marijuana into the Oakland International Airport or onto an aircraft, with or without the “medical marijuana” exception as defined in H&S Code sections 11362.5 and 11362.7 et seq.
- II. **POLICY:** It is the policy of the Airport Police Services to recognize the provisions allowed under California Health and Safety Code sections 11362.5 and 11362.7 et seq as well as to uniformly enforce California State Law-Health and Safety Code 11357(b), 11357(c), 11359 and 11360.
- III. **DEFINITIONS:**
- A. California Health and Safety Code 11362.5 is defined as the Compassionate Use Act of 1996. The purposes include:
1. To ensure that seriously ill Californians have the right to obtain and use marijuana for medical purposes where that 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 marijuana in the treatment of a serious medical condition such as cancer, AIDS, anorexia, chronic pain, etc. or any other illness for which marijuana provides relief.
  2. To ensure that **patients** and their **primary caregivers** who obtain and use marijuana for medical purposes upon the recommendation of a physician are not subject to criminal prosecution. Less than eight (8) ounces in the possession of a qualified patient or primary caregiver who has **received an oral or written recommendation or approval from a physician for the marijuana, regardless of whether or not they have or are carrying a “medical marijuana card,”** is allowed under the Compassionate Use Act and may be legally used and transported in California.
- B. **Attending Physician**-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 and who has taken responsibility for an aspect of the medical care, treatment, diagnosis, counseling, or referral of a patient and who has conducted a medical examination of that patient before recording in the patient’s medical record the physician’s assessment of whether the patient has a serious medical condition and whether the medical use of marijuana is appropriate. H&S 11362.7(a)

- C. **Qualified Patient**-a person who is entitled to the protections of H&S Section 11362.5, who does not necessarily possess a medical marijuana card but who possesses no more than eight ounces of dried marijuana or has a doctor's recommendation for an amount consistent with the patient's needs. H&S 11362.7(f); H&S 11362.71(f), H&S 11362.77
- D. **Identification Card**-An official document issued by a California county health department that identifies a person authorized to engage in the medical use of marijuana and the identity of that person's designated primary caregiver, if any. H&S 11362.71
- E. **Person with an identification card**-an individual who is a qualified patient who has applied for and received a valid identification card.
- F. **Primary Caregiver**-the individual designated by a qualified patient or by a person with an identification card, who has consistently assumed responsibility for the housing, health, or safety of that patient or person. A primary caregiver must be at least 18 years of age. H&S 11362.5(e) and 11362.7(d)(e)
- G. **Serious Medical Condition**-AIDS, anorexia, arthritis, cachexia, cancer, chronic pain, glaucoma, migraines, muscle spasms, seizures or any other chronic or persistent medical symptom. H&S 11362.5(b)(A); H&S 11362.7(h)
- H. **California Health and Safety Code 11357(b)**-Possession of less than an ounce of marijuana.
- I. **California Health and Safety Code 11357(c)**-Possession of more than an ounce of marijuana.
- J. **California Health and Safety Code 11359**-Possession of marijuana for sale.
- K. **California Health and Safety code 11360**-Transportation of marijuana for sale.

#### IV. PROCEDURE:

- A. Deputies will respond to all requests by Transportation Security Administration employees who have identified passengers found to be in possession of suspected marijuana at the checkpoints located inside of Terminals 1 & 2.
  - 1. Deputies will investigate and determine if the passenger found in possession of the suspected marijuana is a qualified patient or a primary caregiver as defined in H&S Code 11362.5 and 11362.7. If the passenger is deemed to be a qualified patient or primary caregiver and there are no other extenuating circumstances such as evidence of sales, the suspected marijuana will then be recognized as medical marijuana. If the medical marijuana is found to be eight (8) ounces or less, the passenger will be allowed to keep their medical marijuana and continue through the screening process and board their respective aircraft.
  - 2. If it is determined through the Deputy's investigation the passenger found in possession of suspected marijuana is not a qualified patient or primary caregiver as

defined in H&S Code sections 11362.5 and 11362.7, the person will be detained for a criminal investigation.

3. If the criminal investigation reveals violations of H&S 11357(b), 11357(c), 11359 or 11360, the passenger will be issued the appropriate citation and/or arrested.
4. The suspected marijuana will be processed according to General Order 16.12: Property/Evidence for Agency Use.