

# Open medical marijuana delivery service full

[Literature](#), [Russian Literature](#)



County Guidelines | Page Chapter 1: Obtaining a Doctor's Recommendation A doctor's recommendation will allow you to take the next critical step of obtaining a Medical Marijuana Card through California's MMP Program. No official registration is required to obtain a doctor's recommendation. Marijuana can be recommended by a doctor for ANY serious condition for which it provides relief; over 250 uses have been reported. Resource: To see a sample Doctor's Recommendation go to: <http://www.canorml.org/prop/MDRecForm.jpg> WARNING: Beware bogus clinics!

Some unethical doctors are charging clients extra for so-called "cultivation licenses" supposedly entitling them to grow more than the normal number of plants. There is no such thing as a "cultivation license" under California law. Any patient with a California physician's recommendation may legally cultivate or possess as much marijuana as they need for their own personal medical use, and no more. No physician can authorize them to cultivate more (they can only testify in court that a certain amount of marijuana is consistent with the individual patient's needs, and they do not have professional competence to prescribe plant numbers).

Resource: To find a California Physician you can go to: <http://listings.canorml.org/physicians/listings.lasso> 3| Page Chapter 2: Obtaining a California Medical Marijuana Identification Card The next step to starting a Legal Medical Marijuana Delivery Service is to obtain a Medical Marijuana Identification Card through the California Medical Marijuana Program (MMP). This identification card will allow you to legally carry a given amount of Medical Marijuana as outlined in your counties bylaws, and to be recognized as a caregiver for your patients.

<https://assignbuster.com/open-medical-marijuana-delivery-service-full/>

In other words each county has their own guidelines as to how much marijuana each caregiver can carry legally for each of their patients. Establishing yourself as a Medical Marijuana Caregiver will allow you to legally serve your patients. Resource: To apply simply fill out the form located at: [www.cdph.ca.gov/pubsforms/forms/CtrlDForms/cdph9042.pdf](http://www.cdph.ca.gov/pubsforms/forms/CtrlDForms/cdph9042.pdf) After you have completed this form it is best to apply in person at your local County Department of Public Health for expediency purposes. You can do it online or via fax, but this can take months to complete. Resource: You can find your local County Department of Public Health by going to: <http://www.cdph.ca.gov/services/Pages/MMPCounties.aspx> When you apply you will need to bring the necessary documentation which includes: a) b) c) d) Your Application Form Your Physician's License Number Your Doctor's Recommendation Form You will also need to supply personal information to prove residency such as a driver's license, utility bill, or government issued photo ID. 4 | Page You will need to pay the application fees and be photographed. The application fees vary by county and are usually \$66.00 + administrative fees.

To ensure the application process goes smoothly and to give yourself the best chance of not having any unforeseen obstacles it is always a good idea to take an individual who has signed documentation stating they are a patient in your care. We will talk more about the necessary patient care documentation later. It is important to understand that to be a registered primary caregiver for more than one patient you must live in the same county as all of your patients. It is strictly forbidden and illegal to operate a

delivery business across county lines. 5| Page Chapter 3: Starting The Business / Nonprofit

**Step 1 - Your Delivery Business / Nonprofit Name** The first step in creating your new medical marijuana delivery business is to think of a name for your new business. Most medical marijuana collectives and coops use the terms collective, caregiver, or something of that of that nature in their name. You'll also need to make sure that your physical address resides in the city and county that your delivery business will be operating in an. It is also important to note that this physical address cannot be a P. O. Box. Resource: Make sure to check the availability of your nonprofit name by going to: [http://www.sos.ca.gov/business/corp/corp\\_naav.tm](http://www.sos.ca.gov/business/corp/corp_naav.tm)

**Step 2 - Start a Nonprofit Organization** Next we will need to create a Non-Profit because nonprofits are the only types of organizations that are allowed to operate as medical marijuana patient care givers. This is also the quickest and easiest way to get into the medical marijuana industry. The best way to set this up is to place yourself in the role of president of the Non-Profit. This enables you to recuse yourself of responsibility for the actions of other members. Your membership agreement will outline the rules for membership and no one can join or become a patient unless they have agreed to the membership guidelines.

The process of starting a nonprofit organization generally involves: 1. Drafting Bylaw 2. Submitting Articles of Incorporation to the State of California Drafting Bylaws Drafting Bylaws sets forth the structure of the organization and creates a governing board with final authority for the organization Resource: For an example of Nonprofit Bylaws go to: Link 6| <https://assignbuster.com/open-medical-marijuana-delivery-service-full/>

Page Completing and Submitting Articles of Organization To incorporate as a nonprofit in the state of California you will need to complete articles of organization and submit them. There is generally a \$30. 0 filing fee for these forms. Resource: Articles of Organization Forms [www. sos. ca. gov/business/corp/pdf/articles/corp\\_artsnp. pdf](http://www.sos.ca.gov/business/corp/pdf/articles/corp_artsnp.pdf) To submit this form you will need to go to one of the 2 regional offices located at either: Sacramento Main Office 1500 11th Street Sacramento, CA 95814 (916) 657-5448 Or Los Angeles Regional Office 300 South Spring Street, Room 12513 Los Angeles, CA 90013 (213) 897-3062 Step 3 - Creating a Website The next step is to create a website. If you do not have any experience creating websites do not be frightened.

You can register a domain name (URL) at one of the many registration services found online. You can then use one of the many web site builders also found online that allow you to do simple drag and drop web design that enables even a novice to create a website with absolutely no programming skills necessary. Please note that it is also a good idea to utilize this URL for your e-mail account. Many of the registration services allow you to do this and it looks much more professional than having a generic e-mail address like Gmail. All told you can expect to spend between \$30. 00 and \$50. 0 getting your website up and running and this can be achieved in as little as a couple of hours. 7| Page Step 4 - Financials In the next step we will be establishing the necessary financial aspects for our Non-Profit. The first of which is a bank account and a FEIN Number. To set up a bank account simply go to your local branch and tell them you would like to set up a business account. You'll need to provide them with the necessary documentation

including the documentation for your Non-Profit. To obtain a seller's permit, which we will talk about later, you will need to obtain your FEIN Number.

Resource: For a simple form that you can give your bank which includes the legal name and structure of your medical marijuana delivery business as well as your physical mailing address go to: <http://www.irs.gov/pub/irs-pdf/fss4.pdf> Resource: To get your FEIN Number go to: <http://www.irs.gov/businesses/small/article/0,,id=102767,00.html> Step 5 - Obtaining a Sellers Permit Now it is time to get your Sellers Permit. The sellers permit is one of the most important aspects in keeping your medical marijuana delivery business legal. A sellers permit allows you to pay taxes on your business.

Even though you are operating a nonprofit, you are liable for taxes. We have devoted an entire chapter to taxes found later in this book. You'll need to get your Sellers permit from the California State board of equalization. All you will need to do is bring all the documentation we've outlined in the previous sections and go to the local office of the board of equalization and make an estimated down payment based on your estimated quarterly income. This down payment will be very small if you currently only have one patient, which will generally be the case.

Resource: For a California Sellers Permit Application Form, as well processing instructions go to: <http://boe.ca.gov/pdf/boe400spa.pdf> 8| Page Step 6 - Obtaining a Business License Now it is time to get a Business license. To do this we will need to fill out the necessary form depending upon what town or county you live in. The easiest way is to simply Google "business license" + your town or county. Next you will need to go to your county specific <https://assignbuster.com/open-medical-marijuana-delivery-service-full/>

business license branch, with your documentation, and simply tell them you will be operating at a " Home Healthcare delivery surface".

Resource: For county by county business license application instructions go to: <http://www.cityapplications.com/business-licenses/CA-California/biz-California.html> 9| Page Chapter 4: Operating The Business Now it is time to discuss the operations and management of your medical marijuana delivery service in regards to staying compliant with California Law. Membership The lifeblood of your business will be membership because if you do not have anyone to deliver to you will not be making any money. To join your Non-Profit and become a patient each member will have to agree to your membership terms.

Legal Application Requirements To legally operate in the state of California you must perform certain steps when taking on new members or patients. Step 1 - Verification You must verify each member's status as legally able to be a patient under your care. The way that you do this is by verifying their medical marijuana identification card number. Resource: To verify a potential patient's medical marijuana card go to: <http://www.calmmp.ca.gov/> Step 2 - Primary Caregiver Form Next you will need each person to sign a form designating you as their primary caregiver.

Resource: You can find a sample form by going to: <http://www.peaceinmedicine.org/PDFs/PrimaryCareGiver.pdf> 10 | Page Step 3 - Membership Form For you to legally distribute Medical Marijuana to your patients they must be members of you Nonprofit. To become members they need to simply fill out a membership form. Resource: For a sample membership form go to: <http://www.greendotguy.com/Membership-https://assignbuster.com/open-medical-marijuana-delivery-service-full/>

Agreement. pdf 11 | Page Chapter 5: Products / Medical Marijuana If you have not already you'll need to acquire the products or medical marijuana you will be providing to your patients.

This is an important step because you must make sure that you acquire your products lawfully. As per California law collectives and cooperatives can only acquire medical marijuana from their own members. This means you can only acquire medical marijuana grown by fellow members of your collective. In other words before you can purchase medical marijuana from a grower they must first be a member of your collective. This is very simple to do. Simply have the grower or growers sign a membership agreement before you obtain the medical marijuana you will be delivering to your patients from them.

This allows your operations to consist of acquiring medical marijuana from one of your nonprofit members and distribute it to your non-profit patients. This is what we call a closed cycle. Resource: For a sample membership for go to: <http://www.greendotguy.com/Membership-Agreement.pdf> 12 | Page Chapter 6: Revenue Members of your non-profit may reimburse you for medical marijuana that has been allocated to them in the amount necessary to cover overhead and operating expenses as well as services provided. This means that members can reimburse you for your delivery service through reasonably calculated compensation.

This is the way in which you want to record accrued revenue in addition to the overhead costs. 13 | Page Chapter 7: Possession, Delivery, and the Law As per California law a primary caregivers may possess a certain amount of medical marijuana for each patient under their care. If you are operating <https://assignbuster.com/open-medical-marijuana-delivery-service-full/>



your delivery business and you have more than the personal legal limit of medical marijuana you should have supporting records readily available showing that you have under the legal limit allowed for the number of patients you have under your care.

This is especially important when you're transporting medical marijuana for delivery. Primary Caregiver To be classified as a primary caregiver the Supreme Court has set forth certain requirements: a) A primary caregiver is an individual who consistently provides caregiving; independent of any assistance in taking medical marijuana at or before the time he or she assumed responsibility for assisting with medical marijuana. " People v. Mentch(2008) 45 Cal. 4th 274, 283 (85 Cal. Rptr. 3d 480, 195 P. d 1061) b) The person must show " a caretaking relationship directed at the core survival needs of a seriously ill patient, not just one single pharmaceutical need. " Id. at p. 286. To be classified as a primary care giver it is important to operate within these guidelines. SB 420 allows caregivers to be compensated for their services but it does not authorize the sale of marijuana itself for profit. Therefore, to run a successful medical marijuana delivery business it is recommended that you stipulate your compensation is being accrued from the service of medical marijuana delivered in the form of donations. California State Law It is important to note California State law and how it pertains to a medical marijuana delivery services. 1. Patients and caregivers with a state-issued ID card are immune from arrest and allowed to possess whatever amount the law allows them. 2. Patients and caregivers without a state-issued ID card, even with a

physician's statement or county entitlement, are subject to case by case scrutiny that can lead to arrest.

As per California State law, possession and cultivation of marijuana grants immunity to patients and caregivers who possess or cultivate marijuana for personal medical use based on the recommendation of a Physician and within county guidelines of residence. 15 | Page Chapter 8: Taxes In October 2005, after meeting with taxpayers, businesses, and advocacy groups, the Board directed staff to issue seller's permits regardless of the fact that the property being sold may be illegal, or because the applicant for the permit did not indicate what products it sold.

This new policy was effective immediately. BOE policy regarding the issuance of a seller's permit was amended to provide that a seller's permit shall be issued to anyone requesting a permit to sell tangible personal property, the sale of which would be subject to sales tax if sold at retail. Previously, the Board would not issue a seller's permit when sales consisted only of medical marijuana. Anyone selling tangible personal property in California, the sale of which would be subject to sales tax if sold at retail, is required to hold a seller's permit and report and pay the taxes due on their sales.

The sale of tangible personal property in California is generally subject to tax unless the sale qualifies for a specific exemption or exclusion. Sales and Use Tax Regulation 1591, Medicines and Medical Devices, explains when the sale or use of property meeting the definition of "medicine" qualifies for exemption from tax. Generally, for an item's sale or use to qualify for an

exemption from tax under Regulation 1591, the item must qualify as a medicine and the sale or use of the item must meet specific conditions.

Regulation 1591 defines a medicine, in part, as any substance or preparation intended for use by external or internal application to the human body in the diagnosis, cure, mitigation, treatment, or prevention of disease and which is commonly recognized as a substance or preparation intended for that use. A medicine is also defined as any drug or any biologic, when such are approved by the U. S. Food and Drug Administration to diagnose, cure, mitigate, treat, or prevent any disease, illness, or medical condition regardless of ultimate use.

In order to be exempt, a medicine must qualify under the definition, and it must be either (1) prescribed for treatment by medical professional authorized to prescribe medicines and dispensed by a pharmacy; (2) furnished by a physician to his or her own patients; or (3) furnished by a licensed health facility on a physician's order. (There are some other specific circumstances not addressed here such as being furnished by a state-run medical facility or a pharmaceutical company without charge for medical research. ) 16 | Page

Generally, all of these requirements must be fulfilled in accordance with state and federal law. Regulation 1591 exempts the sale or use of medicines furnished by qualifying health care facilities. (See response to Question 5, above, regarding the requirements to qualify as an exempt medicine. ) State law defines a qualifying " health facility" as either a facility licensed under state law to provide 24-hour inpatient care or a state-licensed clinic. Not making a profit does not relieve a seller of his or her sales tax liability.

<https://assignbuster.com/open-medical-marijuana-delivery-service-full/>

However, whether or not you make a profit, like other retailers making taxable sales, you can ask your customers to reimburse you for the sales taxes due on your sales, if you fulfill the requirements explained in Regulation 1700, Reimbursement for Sales Tax. As discussed in the response to Question 10, the Board may enter into a payment plan with a seller when the seller has difficulty meeting its tax liabilities. The Board has an Offers in Compromise Program that provides a payment alternative for individuals and businesses who have closed out their accounts.

The Board will issue a seller's permit to an applicant who does not indicate the products being sold. The applicant, however, will be asked to sign a waiver acknowledging that his or her application is incomplete, which may result in the applicant not being provided with complete information regarding obligations as a holder of a seller's permit, or notified of future requirements by the Board related to the products sold. Applicants who do not wish to indicate the type of products they are selling should leave the line, " What items do you sell? blank and discuss the issue with a Board representative regarding the incomplete application. As with any other seller who has operated without a permit, or who has failed to timely file and pay the taxes due, back taxes are owed on any taxable sales made, but not reported and paid. Generally, penalty and interest will also be due. When you apply for a seller's permit and your application is processed, Board staff will provide sales and use tax returns from prior periods for you to report your sales of medical marijuana and any other products you may have sold, but did not report.

You will need to use these returns to self-report all your sales beginning with the month you first started selling taxable 17 | P a g e products. Once you have filed all your back returns, you will receive a current return for each reporting period in which you make sales. You will continue to receive a return until such time as you stop making sales and have notified the Board of the discontinuance of your business. The Board, however, may grant relief from penalty charges if it is determined that a person's failure to file a timely return or payment was due to reasonable cause and circumstances beyond the person's control.

If a seller wishes to file for such relief, he or she must file a statement with the Board stating, under penalty of perjury, the facts that apply. Sellers may use form BOE-735, Request for Relief from Penalty, available on the Board's website. A seller who cannot pay a liability in full may be eligible for an installment payment agreement. Sellers in need of this type of plan should contact their local Board office, as eligibility is determined on a case-by-case basis.

All California sellers of tangible personal property the sale of which would be subject to tax if sold at retail are required to hold seller's permits. A seller's permit should be obtained prior to making sales of tangible personal property. If you are currently making sales of medical marijuana and you do not hold a seller's permit, you should obtain one as soon as possible. Sellers have a continuing obligation to hold a seller's permit until such time they stop making sales of products that are subject to tax when sold at retail.

Sales tax provides revenues to the state's General Fund as well as to cities, counties, and other local jurisdictions where the sale was made. The tax from <https://assignbuster.com/open-medical-marijuana-delivery-service-full/>

the sales of medical marijuana is treated the same as the tax received from the sale of all tangible personal property. Registering for a seller's permit brings sellers into compliance with the Sales and Use Tax Law, but holding a seller's permit does not allow sales that are otherwise unlawful by state or federal law. The Compassionate Use Act of 1996 decriminalized the cultivation and use of marijuana by certain persons on the recommendation of a physician.

California's Medical Marijuana Program Act also exempted qualifying patients and primary caregivers from criminal sanctions for certain other activities involving marijuana. Apart from any provisions of state law, the sale of marijuana remains illegal under federal law. 18 | P a g e 19 | P a g e Chapter 9: The Medical Marijuana Program The medical marijuana program (MMP) has been established to provide a voluntary marijuana identification card issuance and registry program for individuals who qualify as patients as well as their caregivers.

A web-based registry has been created which allows law enforcement and the public to verify patient or caregiver cards which give authorization to possess, grow, transport, and for the use of medical marijuana in California. In 2003, Senate Bill (SB) 420 (Chapter 875, Statutes of 2003) was passed as an extension and clarification of Proposition 215, the Compassionate Use Act of 1996. The Medical Marijuana Program, within CDPH, is administered through a patient's county of residence.

Upon obtaining a recommendation from their physician for use of medicinal marijuana, patients and their primary caregivers may apply for and be issued; a Medical Marijuana Identification Card. Senate Bill 420 also required

<https://assignbuster.com/open-medical-marijuana-delivery-service-full/>

that the MMP be fully supported through the card application processing fees. Both the state and the counties have authority to cover the costs for the program through these application fees. 20 | Page Chapter 10: County Guidelines County guidelines have been established to outline legal amounts of medical marijuana possession in regards two personal use, patient care givers, and an growing operations.

At the writing of this document, 9-7-2011, they are as follows: Alameda: 6 mature plants or 12 immature plants ; 8 ounces of bud Alpine: 6 mature plants or 12 immature plants ; 8 ounces of bud Amador: 6 mature plants or 12 immature plants ; 8 ounces of bud Butte: 6 mature plants or 12 immature plants ; one pound of processed (formerly 6 plants at any stage) Calaveras: 6 mature plants or 12 immature plants ; 8 ounces of bud Colusa: No firm policy; case-by-case review, though “ tentative guidelines” of 6 mature plants or 12 immature plants ; 8 ounces of bud or 1. lb. processed (formerly 2 plants outdoors or 4 plants indoors) Contra Costa: 6 mature plants or 12 immature plants ; 8 ounces of bud Del Norte: Current status remains cloudy, so fol-low the state minimum guidelines for maximum safety: 6 mature plants or 12 immature plants ; 8 ounces of bud. El Dorado: Outdoors: 20 plants from March 1 through July 31; 10 plants through October (or end of season); 2 lbs. f bud from September 1 through February 28; and 1 lb from March 1 to August 31. Indoors: 10 vegetative plants, 1 mother plant, 10 flowering plants and 1 lb of bud per patient (formerly 6 plants and/or 2 pounds processed). NB: Caregivers can take care of household plus three outside patients. Also see El Dorado County DA Policy. Fresno: 6 mature

plants or 12 immature plants ; 8 ounces of bud Glenn: 6 mature plants or 12 immature plants ; 8 ounces of bud 21 | P a g e

Humboldt: 3 lbs of bud or equivalent; 100 square feet of garden canopy, no limit on plant numbers or lamp wattage. Caregiver amounts calculated per patient served. [Original DA policy: Up to 99 plants with up to 100 square feet of canopy and up to lb. of bud. Indoor gardens limited to 1500 watts total illumination. ] Imperial: 6 mature plants or 12 immature plants ; 8 ounces of bud Inyo: 6 mature plants or 12 immature plants ; 8 ounces of bud Kern: 6 mature plants or 12 immature plants ; 8 ounces of bud.

King: 6 mature plants or 12 immature plants ; 8 ounces of bud Lake: 6 mature plants or 12 immature plants ; 8 ounces of bud Lassen: 6 mature plants or 12 immature plants ; 8 ounces of bud Los Angeles: 6 mature plants or 12 immature plants ; 8 ounces of bud Madera: 6 mature plants or 12 immature plants ; 8 ounces of bud Marin: 6 mature plants or 12 immature plants ; 8 ounces of bud, county ID cards now honored by all law enforcement. Mariposa: 6 mature plants or 12 immature plants ; 8 ounces of bud Mendocino: 99 plants (from 25) with permit—[This County's guidelines are covered in Hemp Publication's Monograph No. : Grows] Merced: 6 mature plants or 12 immature plants ; 8 ounces of bud Modoc: 6 mature plants or 12 immature plants ; 8 ounces of bud Mono: 6 mature plants or 12 immature plants ; 8 ounces of bud Monterey: 6 mature plants or 12 immature plants ; 8 ounces of bud Napa: 6 mature plants or 12 immature plants ; 8 ounces of bud 22 | P a g e Nevada: 6 mature plants or 12 immature plants any size; or, in the alternative, 75 square feet of total canopy area ; up to 2 lb. of bud.



Collectives must keep copies of all patients' recommendations available for inspection.

Orange: 6 mature plants or 12 immature plants ; 8 ounces of bud Placer: 6 mature plants or 12 immature plants ; 8 ounces of bud Plumas: 6 mature plants or 12 immature plants ; 8 ounces of bud Riverside: 6 mature plants or 12 immature plants ; 8 ounces of bud Sacramento: 6 mature plants or 12 immature plants ; 8 ounces of bud San Benito: 6 mature plants or 12 immature plants ; 8 ounces of bud San Bernardino: 6 mature plants or 12 immature plants ; 8 ounces of bud San Diego: 6 mature plants or 12 immature plants ; 8 ounces of bud San Francisco: Patient and caregiver ID cards issued by county Health Department; no patient guidelines.

Case by case policy is based on police claims of indicia of illegal sales or diversion to non-medical market. San Joaquin: 6 mature plants or 12 immature plants ; 8 ounces of bud San

Luis Obispo: 6 mature plants or 12 immature plants ; 8 ounces of bud San Mateo: 6 mature plants or 12 immature plants ; 8 ounces of bud Santa Barbara: 6 mature plants or 12 immature plants ; 8 ounces of bud Santa Clara: 6 mature plants or 12 immature plants ; 8 ounces of bud Santa Cruz: 3 pounds of bud or equivalent, plus 100 square feet of garden canopy, no limit on plant numbers or lamp wattage Shasta: 6 mature plants or 12 immature plants ; 8 ounces of bud or 1.33 lb. processed 23 | Page

Sierra: 6 mature plants or 12 immature plants ; 8 ounces of bud or any quantity approved by physician Siskiyou: 6 mature plants or 12 immature plants ; 8 ounces of bud Solano: 6 mature plants or 12 immature plants ; 8

ounces of bud Sonoma: County policy: Up to 30 plants with up to 100 square feet of garden canopy and up to 3 lb. of bud. Stanislaus: 6 mature plants or 12 immature plants and 8 ounces of bud Sutter: 6 mature plants or 12 immature plants ; 8 ounces of bud Tehama: 12 seedlings or 6 flowering or mature plants, and 8 ounces dried marijuana.

Indoor Cultivation: 12 seedlings or 6 flowering or mature plants, and 8 ounces dried marijuana. Trinity: Board of Supervisors voted to step backward and revert to the state minimum threshold of 6 mature plants or 12 immature plant ; 8 ounces of bud. Tulare: 6 mature plants or 12 immature plants ; 8 ounces of bud Tuolumne: 6 mature plants or 12 immature plants ; 8 ounces of bud. Ventura: 6 mature plants or 12 immature plants ; 8 ounces of bud or 1 lb. ry bud or conversion. Yolo: 6 mature plants or 12 immature plants ; 8 ounces of bud Yuba: Informal policy: 6 mature plants or 12 immature plants ; 8 ounces of bud or 1.5 lb. of processed marijuana. 24 | P a g e

Disclaimer This document has been written for and is meant for educational purposes only. It is not in any way legally binding, or in other words, it cannot be used in a court of law as justification for any actions taken by its readers.

It should be noted that while California does not prosecute Medical Marijuana Patients within the guidelines of SB 420, marijuana is still illegal under federal law and individuals can still be prosecuted as such. The writers of this document have provided this document for educational purposes only. We in no way advocate or take responsibility for any actions taken by its readers.

25 | P a g e