

CALFRESH (CF) PROGRAM REQUEST FOR POLICY/REGULATION INTERPRETATION

INSTRUCTIONS: Complete items 1 - 10 on the form. Use a separate form for each policy interpretation request. Retain a copy of the CF 24 for your records.

- Questions from counties, including county Quality Control, must be submitted by the county CalFresh Coordinator and may be submitted directly to the CalFresh Policy analyst assigned responsibility for the county, with a copy directed to the appropriate CalFresh Policy unit manager.
- Questions from Administrative Law Judges may be submitted directly to the CalFresh Policy analyst assigned responsibility to the county where the hearing took place, with a copy of the form directed to the appropriate CalFresh Bureau unit manager.

1. RESPONSE NEEDED DUE TO: <input checked="" type="checkbox"/> Policy/Regulation Interpretation <input type="checkbox"/> QC <input type="checkbox"/> Fair Hearing <input type="checkbox"/> Other:	5. DATE OF REQUEST: 5/21/12	NEED RESPONSE BY: 6/4/12
2. REQUESTOR NAME: Peggy Mazaras	6. COUNTY/ORGANIZATION: Ventura County	
3. PHONE NO.: 805-477-5362	7. SUBJECT: CalFresh Medical Expenses	
4. REGULATION CITE(S): 63-502.331	8. REFERENCES: <i>(Include ACL/ACIN, court cases, etc. in references)</i> NOTE: All requests must have a regulation cite(s) and/or a reference(s).	
9. QUESTION: (INCLUDE SCENARIO IF NEEDED FOR CLARITY):		

I have been researching CalFresh medical expenses however I have not been able to find information regarding medical marijuana (cannabis). We have a client who has a Physician Statement in order to purchase medical marijuana. I attached the Physician Statement to the e-mail that the client provided us. Is medical marijuana a medical expense for CalFresh?

10. REQUESTOR'S PROPOSED ANSWER:

According to 63-502.331 Excess Medical Deduction include (c) Prescription drugs when prescribed by a licensed practitioner authorized under state law and other over-the-counter medication (including insulin) when prescribed by a licensed practitioner or other qualified health professional. In addition, costs of medical supplies, sick-room equipment (including rental) or other prescribed equipment are deductible;

Our disabled client has received a prescription for marijuana from a licensed practitioner who is authorized under state law. According to 63-502.331 the client is eligible for the medical deduction.

11. STATE POLICY RESPONSE (CFPB USE ONLY):

No. Under both federal and state regulation, marijuana may not be allowed as a medical deduction. In December 2008 the United States Department of Agriculture, Food & Nutrition Service provided CDSS with clarification regarding the use of medical marijuana as a medical deduction as follows: In 2005, the Supreme Court outlawed the use of marijuana for medical reasons and concluded that state marijuana laws do not protect users from a federal ban on the drug. Since the FSP is a federal program and the Supreme Court has ruled that marijuana, even for medicinal purposes, is illegal, FSP recipients cannot claim the cost as a medical deduction. Per California regulations, 63-502.331 prescription drugs are an allowable medical expense for the elderly or disabled. However, a recommendation from a physician is not a prescription. Even though Prop. 215 is now law, it is still not possible to get a standard prescription for marijuana from a doctor. Instead, Prop. 215 permits doctors to make recommendations for medical marijuana use, either in writing or verbally. Pharmacies cannot carry marijuana, due to federal laws that ban the drug.

FOR CDSS USE

DATE RECEIVED:	DATE RESPONDED TO COUNTY/ALJ: 5/23/12
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