

Roger Mentch was arrested for growing and possessing marijuana in his home. He was tried by a jury and convicted. Mentch claims that he should have been allowed to argue to the jury that he was growing marijuana only so he could provide it, as a “primary caregiver,” to other medical marijuana patients under the state’s Compassionate Use Act. The Supreme Court must decide who may qualify as a “primary caregiver” under the Act.

The Compassionate Use Act is a law that the state’s voters passed to allow Californians to use marijuana for medical purposes (under certain conditions) without fear of state criminal prosecution. The law applies to both individuals who use marijuana for medical purposes and to their designated “primary caregivers,” and it allows primary caregivers to grow and provide those individuals with marijuana. The law defines a primary caregiver in general terms as someone who consistently assumes responsibility for another’s housing, health, or safety. The Supreme Court must decide what that means in the present context.

The prosecution argues that a primary caregiver is someone who consistently assumes responsibility for a patient’s housing, health, or safety *separate and apart* from anything the caregiver does in connection with medical marijuana. The trial court agreed with the prosecution.

Mentch argues that a primary caregiver also includes someone who consistently assumes responsibility for a patient’s health by providing medical marijuana upon a doctor’s recommendation or approval, as well as counseling about medical marijuana use. He argues that he should have been allowed to show he was growing marijuana for five other medical marijuana patients, and was their primary caregiver because he counseled them concerning growing and using medical marijuana and because he took some of them to medical appointments. He argues the trial court was wrong to prevent him from presenting this defense. The Court of Appeal agreed with Mentch.

The Supreme Court will decide which of these interpretations of the Compassionate Use Act is correct.