

Frequently Asked Questions about Medical Cannabis

Q: What are the conditions that make me eligible for the program?

A: Currently, there are 15 qualifying conditions: severe chronic pain, painful peripheral neuropathy, intractable nausea/vomiting, severe anorexia/cachexia, hepatitis C infection currently receiving antiviral treatment, Crohn's disease, Post-traumatic Stress Disorder, Amyotrophic Lateral Sclerosis (Lou Gehrig's disease), cancer, glaucoma, multiple sclerosis, damage to the nervous tissue of the spinal cord with intractable spasticity, epilepsy, HIV/AIDS and hospice patients.

Q: How do I apply for the Medical Cannabis Program?

A: Your physician must certify that you have an eligible condition, that the condition is debilitating and can not be helped by standard treatments, and that the benefits of medical cannabis usage outweigh the detriments. For post traumatic stress disorder, a psychiatrist's diagnosis must be included. For glaucoma, an ophthalmologist must provide the diagnosis. For chronic pain, you need objective proof of severe chronic pain (X-rays, CT scans, MRIs) and receive two recommendations, one from your primary care physician and one from a specialist consulting on your case. The program has 30 days to review your application starting from when the program receives your complete application. If the Medical Director approves your application, the program will issue you a registry ID card. Application forms are available online at <http://www.nmhealth.org/marijuana.html> or by calling (505) 827-2321.

Q: If I suffer from one of the eligible conditions, am I automatically a certified patient?

A: No. Your medical provider must recommend medical cannabis for your condition and you must submit an application for the program with all the required forms.

Q: Does my medical provider need a special certification to write a recommendation for medical cannabis?

A: No. Any medical doctor (MD), doctor of osteopathy (DO) or nurse practitioner who can prescribe medicine in New Mexico can write a referral for the Medical Cannabis Program.

Q: Can you refer me to a doctor who can certify me for the Medical Cannabis Program?

A: No, the program is not able to refer you to any medical providers.

Q: How much medical cannabis can I possess?

A: Six ounces of medical cannabis. You can have more than six ounces of useable medical cannabis if you provide the Department of Health with a letter of special need from your certifying medical provider. This letter must explain why you need a larger amount and must specify what amount your medical provider thinks you need.

Q: Can I produce my own supply of medical cannabis?

A: Yes, patients can apply for a license to do produce their own medical cannabis. If you are approved, you can have four mature plants and 12 seedlings. The definitions of seedlings and

mature plants can be found in New Mexico Administrative Code 7.34.4. Copies of these regulations are sent out with each patient production license. Patients can only produce for themselves, it is illegal to distribute to anyone else. Patient production **must** conform to the plan described by the patient in their application for a personal production license. **Caregivers cannot produce medical cannabis for patients.** Caregivers can only help patients produce medical cannabis at the patient's residence or on the patient's property.

Q: What is a caregiver?

A: A caregiver is someone who a patient empowers to help them manage their medical care and medication. Registered caregivers are issued cards that allow them to possess, but not to use, up to six (6) ounces of medical cannabis on behalf of their patient. Caregivers cannot produce medical cannabis for patients. Caregivers can, however, help patients grow under the terms specified in the patient's application for a production license.

Q: Can a caregiver register in the Medical Cannabis Program?

A: Yes. Your caregiver can apply to the Medical Cannabis Program. Registered caregivers are issued cards that protect them from arrest and prosecution for the **possession** of medical cannabis under State Law. All caregiver applicants are required to undergo background checks before they are approved.

Q: How long can I be on the Medical Cannabis Program?

A: Your registry ID card for the Medical Cannabis Program will be valid for one year from the date it is issued. You must reapply to the program no less than 30 days before the expiration date of your existing registry ID card. Patient production licenses are only valid for current patients and also must be renewed yearly.

Q: Is there a fee for applying to the Medical Cannabis Program?

A: No. There is no fee to apply to the program, but patients will be responsible for their medical costs associated with applying. However, there is a \$15 fee for a patient production license, **if** the applicant makes over 400% of the Federal Poverty Guidelines for their household.

Q: Can other conditions be added to the list?

A: Yes. Patients can petition the Medical Advisory Board which will make recommendations to the Secretary of Health. The Secretary will add new conditions if there is sufficient scientific evidence that the conditions could be helped by medical cannabis and that the addition of new conditions meets the purpose of the state law, which is to provide relief from pain and suffering associated with debilitating medical conditions. Petition requirements are available online at <http://www.nmhealth.org/marijuana.html> or by calling (505) 827-2321.

Q: Is my confidentiality protected if I am approved for medical cannabis?

A: Yes. We keep patient and primary caregiver information confidential. The program will only share information with state or local law enforcement agencies to verify that a patient or primary caregiver can legally have and use medical cannabis.

Q: What legal rights does the program provide?

A: The Medical Cannabis Program protects patients from arrest and prosecution for the possession and use of medical cannabis under State Law. Caregivers are protected from prosecution for possession of medical cannabis while transporting it to a registered patient. Approved nonprofit producers will be protected from arrest and prosecution for the production, possession and distribution of medical cannabis to approved patients and caregivers. **The program does not protect patients, caregivers or producers from federal laws.**

Q: Can I use medical cannabis anywhere in New Mexico?

A: No. It is illegal to possess or use medical cannabis in a public vehicle, on school grounds or property, in the workplace of the patient or primary caregiver, or at a public park, recreation center, youth center **or other public place**. The law **does not provide protection on federal property** such as airports, immigration check-points and federal parks. It is still illegal to operate a motor vehicle while under the influence of cannabis.

Q: Where can I legally get medical cannabis if I can't produce my own supply?

A: Once a patient is approved we provide them with information about how to contact the licensed producers to receive medical cannabis.

Q: Why can't I go to a pharmacy to fill a prescription for medical cannabis?

A: Pharmacies can only dispense medications that are prescribed. Marijuana is currently classified by the federal government as a Schedule I drug, which means it cannot be prescribed by any health care professional. New Mexico law allows doctors to recommend medical cannabis for patients to be able to possess medical cannabis under State law.

Q: Am I protected under New Mexico law if I'm visiting another state and using my medical cannabis?

A: No. You are only protected from arrest and prosecution for the possession and use of medical cannabis under State Law while in New Mexico.

Q: Are cards from other state medical cannabis programs valid in New Mexico?

A: No. Only cards issued through the New Mexico Medical Cannabis Program are considered valid in New Mexico. New Mexico currently has no reciprocity agreements with any other medical cannabis state.

Q: I live in another state and have one of the eligible conditions. Can I apply?

A: No. Only New Mexico residents can apply for the Medical Cannabis Program. When applying for the program you must have a New Mexico driver's license, state issued photo identification or federal issued photo identification card verifying New Mexico residence.

Q: How can I become a medical cannabis nonprofit state licensed producer?

A: You must apply as a registered nonprofit business to produce medical cannabis for registered New Mexico Medical Cannabis patients. Proposal requirements are available online at <http://www.nmhealth.org/marijuana.html> or by calling (505) 827-2321. Proposals undergo strenuous review. If proposals are determined to meet all requirements and are accepted by a review panel then a site visit may be conducted. The Secretary of Health makes the final determination for approval of licensure based on public safety and patient demand.

Q: Does the Medical Cannabis Program give free legal advice?

A: No. Patients must seek out legal advice or hire an attorney on their own.

Q: Does the Medical Cannabis Program give business formation advice?

A: No. The Medical Cannabis Program can only answer questions about the application. Questions regarding non-profit business registration or other business formation questions must be researched by the applicant.