

MEDICAL CANNABIS

Frequently Asked Questions

Please note: Adult Use Cannabis may have different requirements.

I know the law says we cannot use in public space, what areas are considered “public space”?

Public space means a place the general public has access and includes hallways, lobbies and other parts of apartment houses and hotels that do not constitute rooms or apartments designed for actual residence; highways; streets; schools; places of amusement; parks; playgrounds; and places used in connection with public passenger transportation.

I have kids, can I use cannabis around my children?

All products must be kept secure and away from children. While use around children is not prohibited, New Mexico Department of Health does not recommend use of cannabis around children. This is because it can impact children through inhalation of smoke, possibility of accidental ingestion (eating) of cannabis by children and can potentially impact the ability of the parent or guardian to effectively care for the child. Remember to ensure there is an unimpaired adult caring for the child (children).

I have heard Adult Use participants can purchase more than medical cannabis patients. Is this correct?

No, it is not correct. Patients enrolled in the medical cannabis program can purchase up to **15 ounces (425 units) in any 90-day period. These purchases have no tax attached to the sale.** If a patient reaches the 425 units in any 90-day period, they can still purchase cannabis through the Adult Use program (and this is taxed). *Please note: medical cannabis patients may have 425 units of cannabis with them when outside the home while Adult Use consumers cannot have more than two ounces of cannabis (dried flower/bud), 16 grams of extract, or 800 milligrams of edible cannabis outside the home.*

Where can I sell my extra cannabis?

Only those dispensaries and distributors licensed through the Regulation and Licensing Department Cannabis Control Division can legally sell cannabis. Individuals may gift product to a person 18 and older who is enrolled as a medical patient in the program or to individuals who are 21 or older and not enrolled in the medical program, **so long as there is no exchange of cash, goods, or services for cannabis.**

Patient has a disability, what kind of accommodations can be made?

If a patient is needing assistance, please contact our office at **505-827-2321** or email us at medical.cannabis@DOH.nm.gov so we can work with the patient to make arrangements to assist in the completion of the application. We are happy to accommodate our patients as needed. Our agency cannot make accommodations related to technical issues like lack of access to a computer.

Can I grow my own cannabis?

Currently, the Cannabis Regulation Act does not allow individuals under the age of 21 to grow cannabis plants. Anyone who is 21 or older may grow up to six mature plants and six seedlings with a maximum of 12 mature plants in a household. No special license required.

I am 20 and enrolled as a medical patient. Can I grow my own plants?

Currently, the Cannabis Regulation Act does **not allow any individuals under the age of 21** to grow cannabis plants.

If I buy or get cannabis in New Mexico, can I take it home with me to another state?

All cannabis products obtained in New Mexico cannot be taken out of state. **It is against federal law to cross state lines with cannabis.**

How much product can I bring in from other States?

All product in your possession must be purchased or obtained within the State of New Mexico. It is a good idea to keep product in the original packaging to show it was purchased in New Mexico.

How much CBD/Hemp products can I possess?

CBD products **must be under 0.03% THC** content and there is no limit on possession of these products.

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Are there employment protections if I am enrolled in the medical cannabis program?

Yes, there are some employment protections. The Medical Cannabis Program cannot provide legal advice or services. Please consult with a legal professional if you have additional questions. The employment protections can be found in the Lynn and Erin Compassionate Use Act: NMSA 26-2B-9 Employment Protections, which states:

- A. Unless a failure to do so would cause the employer to lose a monetary or licensing-related benefit under federal law or federal regulations, it is unlawful to take an adverse employment action against an applicant or an employee based on conduct allowed under the Lynn and Erin Compassionate Use Act.
- B. Nothing in this section shall:
 - 1) restrict an employer's ability to prohibit or take adverse employment action against an employee for use of, or being impaired by, medical cannabis on the premises of the place of employment or during the hours of employment; or
 - 2) apply to an employee whose employer deems that the employee works in a safety-sensitive position.

How do I know how many units I have purchased as a medical patient?

One unit is equal to one gram of dried cannabis (flower/bud); or, one unit is equal to 200 milligrams of THC for cannabis derived products (oils, edibles, topicals, etc.). Packages should be marked with the THC content or dry weight. You can also ask the dispensary how many units the product contains. Patients may register to track their units through the MCP Online Patient Portal at: mcp-patient-tracking.nmhealth.org

To register online you will need an email address and your current medical cannabis patient card ID code. After you register your email address, you will receive an email for verification. Please follow the instructions in the email to verify. Once your email address is verified, you can log into the Online Patient Portal and access your sales.

I need my total sales going back for the last year. How do I get those?

Once a patient has registered on the Online Patient Portal, it can be used to access a record of the last 90 days of units purchased. For additional sales records, including prices paid, a patient would need to contact the dispensaries where they purchased products.

Can we still use telemedicine for medical provider appointments, or does it require an in-person appointment?

Telemedicine appointments are allowed **however, the appointment must be conducted using audio and visual components and must be conducted live.** In the current law, telemedicine is defined as: "the use of telecommunications and information technology provide clinical health care from a site apart from the site where the patient is located, in real time or asynchronously, including the use of interactive simultaneous audio and video or store-and-forward technology, or off-site patient monitoring and telecommunications in order to deliver health care services."

I have a medical cannabis card from another State. Do I have to pay taxes on purchases?

If you have an authorizing medical cannabis card from another State, you may register at participating dispensaries to be a reciprocal participant. This requires the following:

- You must present a State issued ID or driver's license from the State where you are a registered patient. For example, if you are enrolled in Colorado's Medical Cannabis Program you must present a current and valid Colorado ID or driver's license.
- You must also present a State or Government issued proof of enrollment. This must be from a State, Territory or Tribal entity.
- **Please note:** Letters from medical providers or cards issued by any agency that is not a government agency are not accepted as proof of enrollment in their program.
- If you are New Mexico resident, you may not register as a reciprocal participant.
- Reciprocal participants have the same ability as medical cannabis patients to purchase up to 425 units (15 ounces) of cannabis under the medical program regulations. Purchases over 425 units would need to be through the Adult Use (commercial) program and would be taxed.

How can I access my card?

The Medical Cannabis program is no longer mailing out physical cards. You can access your card through the Online Patient Portal once your application has been approved. Instructions on how to do this are available on the [Online Patient Portal login page](#). Click the **Patient instructions** for details. Patients can also print a paper copy of your card or take a screenshot for ease of access.

Frequently Asked Questions

How can I access an electronic card?

You must be registered in the Online Patient Portal to access your electronic card. Follow these instructions to access card:

1. Go to: mcp-patient-tracking.nmhealth.org
2. If you are not registered, create account.
3. Once account is created and you have confirmed your email address, log back in to the system.
4. Once you login your ID card is located in the upper right-hand corner, next to the sales icon. It looks like the same image as a driver's license.
5. Click on that image and your card will open. You can then click a second time to obtain the scannable barcode.

I am trying to login to the Online Patient Portal, and I am getting an error message: "Email not recognized-contact system administrator".

Please ensure you are using the same email address you used when you registered. In addition, you may need to reset your password. To do this:

1. Go to the Online Patient Portal at: mcp-patient-tracking.nmhealth.org and click the Login to Your Account button.
2. Click the **Forgot password** button, enter your email address then click the **Submit** button.
3. Check your email inbox for an email from the Online Patient Portal.
4. Click the link in the email to change your password.

If this does not work, please [contact the Medical Cannabis Program](#)

My password is not working.

You should first try resetting their password in the system. You can reset your password by using the "forgot password" action item on the login screen. If you have tried and it does not work or you are locked out, be patient and allow time for the system to reset. *If your password does not reset within one hour, please [contact the Medical Cannabis Program](#).*

How do I change my email address?

You may reregister using the new email address and then you must allow up to 72 hours for program staff to link the new email address.

How long is my medical cannabis card good for?

Due to the enactment of Senate Bill 242, starting June 16, 2023, enrollment in the medical cannabis program will be for two (2) years from the approval date of a new patient application or a renewal patient application. *The "Annual Recertification" *previously required every year* is no longer necessary. Current patient enrollment expiration dates in the program will not change. This includes those who have a current "3-year card." You may continue to use your card **until the expiration date on the card.**

Patient has registered on the portal but cannot see the application, what should I do?

If you do not see the application, call your medical provider to verify information was submitted correctly. If your name is misspelled, DOB, or email is incorrect you cannot see application and your medical provider may need to make those corrections. If that does not work, please contact the Medical Cannabis Program.

Patient never received the email invite to complete application?

First, check Spam or Junk folders, invitation email would have been sent from BioTrack THC. Once located, ensure you mark all emails from BioTrack as "ok" to put in your inbox. If you do to locate the email, check with your medical provider to ensure they have sent the invite and confirm the email used. If you have registered under a different email address than the one you provided to the medical provider, you must re-register using the same email address you provided to the medical provider.

I got an error code when trying to complete application. What should I do?

Please [contact the Medical Cannabis Program](#) to have them correct the error code. Please only contact if the error code appears to be from system and is **not related to technical issues around internet service, computer program issues or type of document downloaded.**

I am trying to upload my New Mexico ID into my application, and it isn't working.

If you are unable to upload your New Mexico ID or driver's license, try saving your file as a .png, .jpg, or .pdf

Frequently Asked Questions

Can I use the same email address that my Caregiver uses?

You and your caregiver must register under **separate email addresses**. The email address should be your personal email and accessible only by you, the patient.

How many patients can I be a caregiver for?

You may act as a designated Caregiver for **up to four (4) patients**. Please review the NMAC 7.34.3 rules for Personal Caregiver before applying.

Medical provider wants to be set up for a log in?

Check out our instructions for Medical Providers on the **Online Patient Portal login page**: mcp-patient-tracking.nmhealth.org.

How many Caregivers can I have?

Patients may have **one (1) designated caregiver** at any given time. However, you may change your Caregiver if needed.

I need a copy of my file, how do I get that?

Please submit a **written request** to the **Medical Cannabis Program** office for a copy of your file. You must provide your full legal name, date of birth, current address, and telephone number in the letter. You must also sign the letter. Please note, files cannot be sent via email due to privacy laws. There may be a fee per printed page.

Send to: New Mexico Department of Health
 Medical Cannabis Program
 PO Box 26110
 Santa Fe, NM 87502

Links & Resources

MCP Quick Reference Guide

nmhealth.org/publication/view/general/7462/

Online Patient Portal

mcp-patient-tracking.nmhealth.org/

Educational Resources

nmhealth.org/about/mcp/svcs/rpa/

Statutes, Rules and Regulations

nmhealth.org/about/mcp/svcs/mcsrr/

HIPAA Authorization

nmhealth.org/publication/view/form/137/

Cannabis Control Division (Adult Use)

rld.nm.gov/cannabis/

Medical Cannabis Program

Medical.Cannabis@doh.nm.gov
(505) 827-2321

MCP Website:
mcp.doh.nm.gov



Online Patient Portal:
mcp-patient-tracking.nmhealth.org

