
Medical Cannabis Program Law Enforcement Fact Sheet June 14, 2019

Background:

New Mexico became the 12th state to allow medical cannabis with the Lynn and Erin Compassionate Use Act in 2007 (Senate Bill 523). More than 30 states have Medical Cannabis Programs. New Mexico's law was updated in June 2019 (Senate Bill 406).

- The purpose of the Act is to allow the beneficial use of medical cannabis in a regulated system for alleviating symptoms caused by debilitating medical conditions and their medical treatments.
- The Department's objective is to provide patients with safe access to safe medicine.

Enrollment Process:

A patient can apply by completing an application. Application requirements include:

- Patient information and signature.
- Signature from a provider with prescribing authority certifying the applicant has been diagnosed with one of the qualifying conditions to become a patient in the program.
- A valid New Mexico ID.
- A patient can designate a primary caregiver to purchase, possess, store and help with dosing of medicine. The Department issues identification cards to approved primary caregivers.

Review Process:

- Each application is reviewed medically and administratively to ensure all requirements are met.
- Beginning June 14, 2019 patient cards will be issued for three years.
- Cards approved prior to 06-14-19, will keep the current expiration date and patients will need to reapply thirty (30) days prior to the expiration date.

What enrollment provides:

- Patients or primary caregivers are allowed to possess no more than 230 units (approximately eight ounces of flower or buds).
- The right to purchase from a Licensed Non-Profit Producer.
- The right to possess any paraphernalia in connection with their use of medical cannabis.
- If the patient is not in possession of their card, they shall be given time to produce the card before arrest or criminal charges (Lynn and Erin Compassionate Use Act).
- The right to apply for a personal production license (PPL), to allow enrollee to grow for personal use. If approved, the patient or primary caregiver can have up to sixteen plants,

with no more than four flowering plants. No more than two PPLs are allowed per location (address).

- Patients or primary caregivers with a Personal Production License can keep their harvest.
- Patients or primary caregivers may transfer (not sell) up to two ounces of cannabis to other patients or primary caregivers.
- Primary caregivers may care for up to four patients.
- A primary caregiver may hold a PPL to grow plants for a patient.

Prohibitions/restrictions:

Participation in the medical cannabis program by a qualified patient or primary caregiver does not relieve the qualified patient or primary caregiver from:

- (1) criminal prosecution or civil penalties for activities not authorized in the Lynn and Erin Compassionate Use Act;
- (2) liability for damages or criminal prosecution arising out of the operation of a vehicle while under the influence of cannabis; or
- (3) criminal prosecution or civil penalty for possession or use of cannabis:
 - (a) in the workplace of the qualified patient's or primary caregiver's employment;
 - (b) at a public park, recreation center, youth center or other public place.

24-Hour Hotline:

The MCP operates a 24-hour hotline to answer questions for law enforcement. **Only questions from law enforcement are answered on the line. (505)-231-6740.**