

**New Mexico Department of Health
Public Health Division
Medical Cannabis Program**

Application Requirements for a Licensed Producer

In accordance with the New Mexico Department of Health, Public Health Division's Rules (Title 7; Chapter 34; Part 4) "Licensing Requirements for Producers, Production Facilities and Distribution," the following application requirements apply to a non-profit private entity that wishes to operate a facility and produce cannabis for medical use.

General Qualifications: A facility that qualifies to produce and distribute cannabis for medical use is limited to a total of ninety-five (95) mature plants and seedlings and an inventory of usable medical cannabis that reflects current qualified patient needs. The non-profit will sell medical cannabis at a consistent unit price and without volume discounts.

Application Requirements: The non-profit entity must provide the following information on their application in order to be considered for a license to produce medical cannabis for patient use:

1. Copies of the non-profit's articles of incorporation and by-laws.
2. A list of all persons and businesses, if applicable, that have direct or indirect authority over the management of policies of the facility that will be used to produce medical cannabis.
3. A list of all persons or business entities having five percent or more ownership in the facility, and whether the interest is in profits, land or building, including owners of any business entity which owns all or part of the land or building.
4. The identities of all creditors holding a security interest in the premises.
5. A board of directors for the non-profit that includes, but is not limited to, one (1) physician, nurse or other health care provider, and three (3) patients currently registered in the New Mexico Medical Cannabis Program.

Note: All persons associated with a non-profit must consent to a nationwide and statewide criminal history screening background check through the New Mexico Department of Public Safety. This includes board members, employees, and persons having authority over management and/or policies. The individual or the non-profit shall pay all applicable fees associated with the background checks, and will include all background check results in the application. Please visit www.dps.nm.org/lawEnforcement/records.php or call (505) 827-9181 for more information.

Policies & Procedures:

All applicants must develop, implement and maintain on the premises policies and procedures relating to the medical cannabis program. At a minimum, the policies and procedures will include the following criteria:

- Distribution criteria for qualified patients or caregivers appropriate for medical cannabis services.
- Distribution criteria must include a clear identifiable photocopy of each registry identification card of a qualified patient and the patient's caregiver (if applicable) who are served by the non-profit.
- Policies and procedures relating to an alcohol and drug free workplace program.
- A job description or employment contract developed for all employees, which includes duties, authority, responsibilities, qualifications and supervision.
- A personnel record for each employee that includes an application for employment and a record of any disciplinary action taken.
- On-site training curriculum, or enter into contractual relationships with outside resources capable of meeting employee training needs, which includes but is not limited to:
 - a) Professional conduct, ethics and patient confidentiality.
 - b) Informational developments in the field of medical cannabis.
- Training in security measures and specific instructions on how to respond to an emergency, including robbery or a violent accident.
- All non-profits will prepare training documentation for each employee and have employees sign a statement indicating the date, time and place the employee received training and topics discussed, to include the name and title of presenters. The non-profit will maintain documentation of an employee's training for at least six (6) months after termination of employment.

Additionally, all applicants must provide:

- a) Acknowledgement that production will not exceed a total of ninety-five (95) mature plants and seedlings and an inventory of usable marijuana that reflects current qualified patient needs.
- b) Proof of non-profit status pursuant to Section 53-8-1 et seq. NMSA 1978.
- c) Payment of non-refundable fee of \$100. Please include a check or money order payable to the New Mexico Department of Health Medical Cannabis Program with your application.
- d) A description of the facility that will be used to produce cannabis, along with proof that the facility is not within three hundred (300) feet of any school, church or daycare center.
- e) A description of how the non-profit will safely dispense the cannabis to qualified patients or the qualified patient's primary caregiver.
- f) A description of ingestion options of useable cannabis for qualified patients.
- g) A description of safe smoking techniques for qualified patients.
- h) A description of potential side effects qualified patients could experience while using the cannabis.
- i) A description/sample of the documents the non-profit will use to notify qualified patients and/or caregivers of the quality of the medical cannabis.
- j) A description of how the non-profit will educate qualified patients and caregivers on the limitation of the right to possess and use cannabis per the *Lynn and Erin Compassionate Use Act*.
- k) A description of the packaging for the medical cannabis that the non-profit will produce, including a label containing the name of the strain, batch,

and quantity. The label must also have a statement that the cannabis is for medical use and not for resale.

- l) A description of the non-profit's confidential sale records. Both clients and the Department of Health will have access to this information at any time.
- m) A description of the non-profit's policy on the right of the entity to refuse service.
- n) A description of the device(s) that will be used to provide security.
- o) A description of the non-profit's security policies, safe and security procedures, personal safety and crime prevention techniques.

*Sending an application to the Department of Health is in **no way** a guarantee that the applicant will receive a license. The number of licenses issued to private entities is at the discretion of the Secretary of the Department of Health and will be based upon assessment of need.*

Note: The Department of Health may verify information on each application and accompanying documentation by any or all of the following means:

- contacting the applicant by phone or mail;
- conducting an on-site visit;
- requiring a face-to-face meeting and additional identification materials if proof of identity is uncertain;
- requesting additional relevant information that the Department deems necessary.

All applications should be sent to the attention of:

Melissa Milam
Medical Cannabis Coordinator
Infectious Disease Bureau
New Mexico Department of Health
1190 St. Francis, Drive, S-1306
Santa Fe, NM 87502