Frequently Asked Questions

This FAQ is as complete as possible, however it is not possible to answer every question, and some categories overlap. Because of this, some questions/answers may be in a different section. Please completely read this FAQ before contacting the Medical Cannabis Program with questions.

Table of Contents

Frequently Asked Questions 1
- Table of Contents 1
- General Questions 4
  - What is the contact information for the Medical Cannabis Program? 4
  - Where do I find program applications and information updates? 4
  - What happens if I send old application forms? 4
  - Can I get help with my application if I come to the program office? 4
  - If I come to the office, will the program make copies of my application or other items for me? 4
- Qualifying Conditions 5
  - What conditions make a patient eligible for the program? 5
  - Can other conditions be added to the list? 5
  - What does the term certification (or certify) mean in the Medical Cannabis Program? And what does referral (or recommendation) to the program mean? 5
  - I have one of the eligible conditions, am I automatically a certified patient? 5
- Patient Applications 6
  - How do I apply for the Medical Cannabis Program? 6
  - What else do I need to submit with my certification form (or forms)? 6
  - Can a minor apply to be a patient in the program? 6
  - Do I need to pay someone to help me complete my enrollment application? 6
  - How can I send (submit) my application to the program? 6
  - Is there a way to expedite my application? 7
  - How much does it cost to enroll in the Medical Cannabis Program? 7
  - What medical providers can certify me for medical cannabis? 7
  - Can the program give me a list of doctors who will certify me to the Medical Cannabis Program? 7
  - How long does it take to receive an answer once I submit my forms to the program? 7
  - What happens if my application is not complete? 7
  - What happens at the end of the 30 days? 7
  - What can I do if my application is denied? 7

How can I check the status of my application? 8
Can I find out my application status through email? 8
How can I ensure my application was received by the program? 8
Why does it sometimes take so long to get a response from the program? 8
Replacement Cards and Renewal Information 9
I received my enrollment card, but my name is misspelled (or other incorrect information). What do I do? 9
What do I do if I lose my card? 9
I've moved, do I need to do anything for the program or change my card? 9
How long is my enrollment in the Medical Cannabis Program valid? 9
What do I do to re-enroll (or renew) each year? 9
I sent in my re-enrollment paperwork but haven't gotten my card yet. Why? 9
If my card expired and I didn't submit my re-enrollment paperwork before the deadline, am I still enrolled in the program? 9
Rights and Responsibilities of Patients 10
Is my confidentiality protected if I am approved for medical cannabis? 10
Can I use medical cannabis anywhere in New Mexico? 10
Why can't I go to a pharmacy to fill a prescription for medical cannabis? 10
Where can I legally get medical cannabis if I can't produce my own supply? 10
How much medical cannabis may I possess as a licensed patient? 10
As a licensed patient, is there a way to possess more than six ounces legally? 10
Personal Production Licenses 11
Can I produce my own medical cannabis? 11
Where can I grow my personal supply of medical cannabis? 11
How much does it cost to apply for a Personal Production License? 11
I received my Patient Enrollment Card, but didn't get my Personal Production License. Why? 11
How long is my Personal Production License valid? 11
How do I renew my Personal Production License? 11
I have a personal production license, can I grow for other patients? 11
What should I do if I change my plan with regard to my Personal Production License? 11
What is a seedling? 12
What is a mature cannabis plant? 12
Where can I legally get seeds or clones (cuttings) to start my own personal production? 12
If I grow more medical cannabis than I need, can I sell it? 12
Caregivers 13
What is a caregiver? 13
How do I enroll to be a Caregiver? 13

May my Caregiver produce medical cannabis for me? ... 13
My Caregiver is trying to charge me for a cost associated with obtaining or possessing medical cannabis on my behalf. Do I need to pay them for their services? ... 13
Legal Questions ... 14
Does the Medical Cannabis Program give legal advice? ... 14
What happens if I get stopped by law enforcement officers (or they come to my house)? ... 14
Does the Medical Cannabis Program offer protection for my housing or employment? ... 14
What federal legal rights to possess does the program provide? ... 14
Are cards from other state medical cannabis programs valid in New Mexico? ... 14
Am I protected under New Mexico law if I'm visiting another state and using my medical cannabis? ... 14
I live in another state and have one of the eligible conditions. Can I apply? ... 14
Licensed Nonprofit Producers ... 15
How can I become a medical cannabis nonprofit state licensed producer? ... 15
Does the Medical Cannabis Program give nonprofit or business formation advice? ... 15
How can I find out who the Licensed Nonprofit Producers are? ... 15

'ÅÎÅÒÁÌ 1ÕÅÓÎÉÏÎÓ

What is the contact information for the Medical Cannabis Program?

Our contact information is as follows:

- **MAIL:** 1190 SAINT FRANCIS DRIVE SUITE S-3400, SANTA FE, NEW MEXICO 87502
- **E-MAIL:** MEDICAL.CANNABIS@STATE.NM.US
- **WEBSITE:** HTTP://NMHEALTH.ORG/MCP/

Where do I find program applications and information updates?

All applications and updates can be found on the program website, or by sending a self-addressed, stamped envelope to the program.

What happens if I send old application forms?

Please ensure you use current applications. Old application forms will be returned without processing.

Can I get help with my application if I come to the program office?

Yes, however, please remember that the office is an administrative office, and while we try to help patients as much as possible, staff availability and resources are limited.

If I come to the office, will the program make copies of my application or other items for me?

No, the program does not make copies. If you want to have a copy of your application or records, you must make them prior to submitting them to the program.

Qualifying Conditions

What conditions make a patient eligible for the program?

Currently, there are 16 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, inflammatory autoimmune-mediated arthritis, and hospice patients.

Can other conditions be added to the list?

Yes. Individuals can request a new condition be added by petitioning the Medical Advisory Board to add the new condition. The Medical Advisory Board then makes a recommendation to the Secretary of Health. The Secretary then makes a determination to add the new condition if there is sufficient scientific evidence presented 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 on the program website.

What does the term certification (or certify) mean in the Medical Cannabis Program? And what does referral (or recommendation) to the program mean?

Certification (or to certify) means a medical provider is attesting and referring a patient to the medical cannabis program in the event.

All of the following apply:

- A PATIENT HAS AN ELIGIBLE CONDITION.
- THE CONDITION IS DEBILITATING.
- THE PATIENT CAN'T BE HELPED BY STANDARD TREATMENTS.
- THE BENEFITS OF MEDICAL CANNABIS USAGE OUTWEIGH THE DETRIMENTS. REFERRALS OR RECOMMENDATIONS BY MEDICAL PROVIDERS MEAN THE SAME AS CERTIFICATION.

NOTE: All certifications must be submitted on the program application forms.

I have one of the eligible conditions, am I automatically a certified patient?

No. A medical provider must certify a patient for medical cannabis use and the patient must submit an application for the program with all the required forms.

Patient Applications

How do I apply for the Medical Cannabis Program?

Using the program application form, a medical provider must certify the patient has an eligible condition.

For some eligible conditions there are additional requirements:

- Post Traumatic Stress Disorder -a psychiatrist's diagnosis must be included.
- Glaucoma -an ophthalmologist must provide the diagnosis.
- Severe Chronic Pain -provide objective proof of severe chronic pain (X-rays, CT scans, MRIs) and receive two certifications, one from a primary care provider and one from a specialist who is board certified in the particular condition who is consulting on the case.
- Inflammatory Autoimmune-Mediated Arthritis -certification and diagnosis must come from a medical professional who is board-certified in rheumatology by the American Board of Internal Medicine.
- Painful Peripheral Neuropathy -medical records with proof of diagnosis through either diagnostic tests or other objective evidence provided by your certifying provider.
- Hepatitis C with Anti-Viral Treatment -proof of the patient currently receiving a course of anti-viral treatment.

NOTE: Providers should consult the Medical Provider FAQ for further details regarding specific conditions and to ensure proper certification.

What else do I need to submit with my certification form (or forms)?

Please send the following with the certification form(s):

- New Mexico State ID or Driver's License.
- Release of Information.
- Medical records when required and as stated on the application.

Can a minor apply to be a patient in the program?

Yes, so long as a parent or legal guardian is enrolled as the minor's Caregiver (see section on Caregivers).

Do I need to pay someone to help me complete my enrollment application?

The program applications are as short and as easy as possible for individuals to complete. While a patient will have the usual costs associated with medical provider visits, it is up to the patient to decide if they wish to pay a third party to help them complete the rest of the application.

How can I send (submit) my application to the program?

Currently, the program only accepts paper copies of applications. They may be mailed to the program office (address above). The program does not accept electronic versions or faxes.

Is there a way to expedite my application?

No, applications are processed in the order in which they are received in order to be as fair as possible to all patients. Every patient is very important and the staff try to meet their needs as best as possible.

How much does it cost to enroll in the Medical Cannabis Program?

There is no enrollment fee for the Medical Cannabis Program.

What medical providers can certify me for medical cannabis?

Medical doctors (MD), doctors of osteopathy (DO), nurse practitioners (NP), and most mid-level medical providers may write a certification for a patient to the Medical Cannabis Program.

The medical provider must meet both of the following requirements:

- *Have a current New Mexico medical license.*
- *Be currently licensed to prescribe controlled substances in New Mexico.*

Can the program give me a list of doctors who will certify me to the Medical Cannabis Program?

No, the program is not able to refer patients to medical providers due to confidentiality and legal issues.

How long does it take to receive an answer once I submit my forms to the program?

The program has 30 days to review an application. This starts only when the program receives your complete application. Please note that the 30 days does not start until your application is complete. If you are missing any required application information or documentation (including a copy of your NM State photo ID), the application is not considered complete, and the 30 day period will not begin to run until that information or documentation is received.

What happens if my application is not complete?

If an application is not complete, a letter stating the information that is still needed will be sent to the patient. This does not mean the application was denied, only that more information is required. Once the patient submits the appropriate documentation, the 30 day review period will start.

What happens at the end of the 30 days?

If an application is approved, the program will issue a MCP Registry ID card to the patient. If an application is denied, the program will send a letter explaining the denial to the applicant.

What can I do if my application is denied?

If an application is denied, the applicant will receive a letter describing available options. For more information, please refer to NMAC 7.34.3.11. Pursuant to statute, a person whose application has been denied shall not reapply for six months from the date of the denial unless otherwise authorized by the Department of Health.

How can I check the status of my application?

Due to the volume of applications, the program is often close to the 30 day processing limit. Please do not request a status update on your application until 30 days have passed from the date you submitted your full and complete application, as this slows staff processing applications. If 30 days have passed, you may request a status update by mail (see the address above). Please include a written request for the update with a copy of your photo ID, and contact information (address and telephone number).

Can I find out my application status through email?

Due to changes in confidentiality regulations and law, it is not possible for the program to transmit protected patient information through email. This includes requests to verify an application has been received.

How can I ensure my application was received by the program?

If you would like to be notified that your application has been received by the program, please include a self-addressed stamped envelope with your application and the program will send you a receipt.

NOTE: Mail sent registered or certified is signed as received in the DOH main mailroom, not by the program, and may take an extra business day or two before it is received by the program.

Why does it sometimes take so long to get a response from the program?

The program staff attempt to answer patients and other inquiries as quickly as possible, however, due to the volume of requests, this may take some time. The program apologizes for any delays, and is working to serve patients as best as possible with the resources available.

Replacement Cards and Renewal Information

I received my enrollment card, but my name is misspelled (or other incorrect information). What do I do?

Please complete a change of address/replacement card form (found on the website) and send it, along with the incorrect card, back to the program, and a corrected replacement will be sent as soon as possible. The program staff members apologize for any inconvenience in advance and appreciate your patience.

What do I do if I lose my card?

Please complete a change of address/replacement card form (found on the website) and send it to the program, and a replacement will be sent as soon as possible. The program staff will process this request as soon as possible, and appreciate your patience.

I've moved, do I need to do anything for the program or change my card?

Yes, please complete a change of address/replacement card form (found on the website) and send it, along with your old card, back to the program, and an updated replacement will be sent as soon as possible. The program staff members apologize for any inconvenience in advance and appreciate your patience.

How long is my enrollment in the Medical Cannabis Program valid?

If approved, 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.

What do I do to re-enroll (or renew) each year?

Re-enrollment or "renewal" forms are located on the program website or available to be mailed if you send the program a self-addressed stamped envelope. Please submit all re-enrollment paperwork to the program a minimum of 30 days in advance of the expiration of your card, and no more than 60 days prior to the expiration of your card.

I sent in my re-enrollment paperwork but haven't gotten my card yet. Why?

If you've submitted your re-enrollment paperwork as required, your new card will be mailed out approximately a week before your current card expires. If you submitted your re-enrollment paperwork after the required deadline, the re-enrollment will be processed in the order it was received and the new card will be sent as soon as it is created.

If my card expired and I didn't submit my re-enrollment paperwork before the deadline, am I still enrolled in the program?

If your card expires, your enrollment in the program will lapse, and there is no legal protection offered by the Lynn and Eric Compassionate Use Act. You may still submit your re-enrollment forms and they will be processed in the order they are received.

Rights and Responsibilities of Patients

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

Yes. We keep patient, primary caregiver, and medical provider 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.

Can I use medical cannabis anywhere in New Mexico?

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, reservations, and federal parks. It is still illegal to operate a motor vehicle while under the influence of cannabis.

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

Pharmacies can only dispense medications that are prescribed. Marijuana is currently classified by the federal government as a Schedule I controlled substance, 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.

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

Once a patient is approved the list of licensed nonprofit producers is sent with the program enrollment card. If new producers are licensed, patients are sent the new producer's contact information approximately 6-8 weeks after licensure. If a patient loses the letter with the contact information, they may obtain a copy by sending a self-addressed stamped envelope to the program office (address at the end of the FAQ). The self-addressed stamped envelope must be addressed to the patient's address of record. It will not be sent to any other address. This information is confidential and is not released to anyone other than enrolled patients.

How much medical cannabis may I possess as a licensed patient?

Six ounces of useable medical cannabis may be possessed at any given time.

As a licensed patient, is there a way to possess more than six ounces legally?

Until the Secretary approves the practice, this practice is not allowed.

Personal Production Licenses

Can I produce my own medical cannabis?

Yes, patients may apply for a Personal Production License (see website for the application). If licensed, a patient may have up to twelve (12) seedlings and four (4) mature plants.

Where can I grow my personal supply of medical cannabis?

Patients can only produce medical cannabis at their residence or owned property once their application is approved. Patients can only produce in one location. Patients must conform to the plan described in their Personal Production License application.

How much does it cost to apply for a Personal Production License?

There is no enrollment fee for the Personal Production License if an applicant's individual income is less than 200% of the federal poverty guideline. If an applicant's individual income is more than 200% of the federal poverty guideline, there is a $30.00 annual non-refundable fee (please see the program website for the link to the current federal poverty guidelines).

I received my Patient Enrollment Card, but didn't get my Personal Production License. Why?

Enrollment Applications and Personal Production License Applications are processed differently. It may take up to 30 days after enrollment in the program to receive a Personal Production License.

How long is my Personal Production License valid?

Personal production licenses are valid only for current patients and must be renewed yearly at the same time as enrollment in the program.

How do I renew my Personal Production License?

You must submit a new Personal Production License Application each year along with your patient re-enrollment forms.

I have a personal production license, can I grow for other patients?

Patients can only produce for themselves, it is illegal for a patient to distribute in any way to anyone else.

What should I do if I change my plan with regard to my Personal Production License?

Patients must submit a new, fully completed, personal production license application in the event the patient moves, changes from an indoor to an outdoor production plan, changes security features, or any other change to the original licensed personal production application.

NOTE: if the patient changed residence (moved), they also need to submit a change of address form (see above to obtain the appropriate forms and applications).

What is a seedling?

Any cannabis plant that is not flowering. Exact definition may be found in the New Mexico Administrative Code 7.34.4.

What is a mature cannabis plant?

Any cannabis plant that is flowering. Exact definition may be found in the New Mexico Administrative Code 7.34.4.

Where can I legally get seeds or clones (cuttings) to start my own personal production?

Patients may legally obtain seeds or clones from Licensed Nonprofit Producers. Not all Producers have product available for patients at all time. Please check with them for availability and cost.

If I grow more medical cannabis than I need, can I sell it?

No. If a patient is producing more cannabis than they can personally use, it must be destroyed. Patients who possess cannabis over the legal limits, or who give, or sell cannabis are committing illegal acts, and may be subject to prosecution.

Caregivers

What is a caregiver?

Someone empowered by the patient to help manage the patient's medical care and medication. Caregivers must enroll in the program. An enrolled caregiver is issued a medical cannabis registry ID card that allows them to possess up to six (6) ounces of medical cannabis on behalf of their patient. It is not legal for caregivers to use medical cannabis (unless they are certified patients themselves).

How do I enroll to be a Caregiver?

Submit a caregiver application to the program.

The caregiver application includes:

- Patient's signature.
- Certifying medical provider's signature. In the case where there are two certifying medical providers, only one needs to sign this acknowledgement form.
- Caregiver's signature.
- Consent to release medical information form from patient.
- Completed federal background check.
- Copy of the caregiver applicant's New Mexico State Issued Photo ID/driver's license.

May my Caregiver produce medical cannabis for me?

It is not legal for caregivers to produce medical cannabis for patients. Caregivers may, however, assist patients grow under the terms specified in the patient's personal production license. Caregivers can only help patients produce medical cannabis at the patient's residence or on the patient's property.

My Caregiver is trying to charge me for a cost associated with obtaining or possessing medical cannabis on my behalf. Do I need to pay them for their services?

The Medical Cannabis Regulation (NMAC) 7.34.3 states: "A qualified patient shall only reimburse their primary caregiver for the cost of travel, supplies, or utilities associated with the possession of medical cannabis by the primary caregiver for the qualified patient. No other cost associated with the possession of medical use cannabis by the primary caregiver for the qualified patient, including the cost of labor, shall be reimbursed or paid. All medical cannabis possessed by a primary caregiver for a qualified patient is the property of the qualified patient.

Legal Questions

Does the Medical Cannabis Program give legal advice?

No. The Department of Health cannot provide legal advice to patients, caregivers, producers, or any private individual; and neither this FAQ nor any other document provided by the Medical Cannabis Program should be considered legal advice. If you have a question concerning the Lynn and Erin Compassionate Use Act or state or federal criminal laws, you will need to contact a private attorney.

What happens if I get stopped by law enforcement officers (or they come to my house)?

Show the officers your enrollment card. State Law Enforcement officials have also been provided with a hot-line number if necessary. Your current enrollment card offers certain legal protections under state law, so long as you are acting within the guidelines of the law. If you are engaging in an activity that is prohibited under state law, your enrollment card will not offer those protections. At this present time, cannabis continues to be identified as a Schedule I controlled substance under Federal statue. For that reason, participation in the New Mexico Medical Cannabis Program may not protect participating patients, caregivers or producers from potential criminal liability under federal laws.

Does the Medical Cannabis Program offer protection for my housing or employment?

No. There are no protections specifically provided in the Lynn and Erin Compassionate Use Act with regard to Housing and Employment.

What federal legal rights to possess does the program provide?

None. The Lynn and Erin Compassionate Use Act protects enrolled patients from arrest and prosecution for the possession and use of medical cannabis under New Mexico 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.

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

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

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

No. You are protected from arrest and prosecution for the possession and use of medical cannabis under State Law while in New Mexico. If you cross a state border, you are no longer protected under New Mexico law.

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

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.

Licensed Nonprofit Producers

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

You must apply as a registered nonprofit business to produce medical cannabis for registered New Mexico Medical Cannabis patients. Proposal requirements are available on the program website. 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, which may factor various considerations, including public safety and patient demand.

Does the Medical Cannabis Program give nonprofit or business formation advice?

No. The Medical Cannabis Program can only answer questions about the application. Questions regarding nonprofit registration, legal issues, or other organization or business formation questions must be researched by the applicant.

How can I find out who the Licensed Nonprofit Producers are?

Once a patient is approved the list of licensed nonprofit producers is sent with the program enrollment card. If new producers are licensed, patients are sent the new producer's contact information approximately 6-8 weeks after licensure. If a patient loses the letter with the contact information, they may obtain a copy by sending a self-addressed stamped envelope to the program office (address can be found at the top of this FAQ). The self-addressed stamped envelope must be addressed to the patient's address of record. It will not be sent to any other address. This information is confidential and is not released to anyone other than enrolled patients.