Law Enforcement Information Sheet

Additional information may be found on the program website
www.nmhealth.org/mcp

Qualified Patients, Primary Caregivers and Licensed Non-Profit Producers all carry New Mexico Department of Health (DOH) issued registry Identification Cards (ID). To verify that a card or license is valid and in good standing, please call **505-231-6740** anytime. **This number is for New Mexico Law Enforcement only.** If you need assistance during business hours you may also call the Medical Cannabis Program (MCP) at **505-827-2321.**

Qualified Patients are allowed to possess up to 6 ounces of usable cannabis. Primary Caregivers may transport up to this amount for each patient listed on the Caregiver ID card. If an exception to the 6 ounce limit is granted, it is noted on the Patient ID card.

Qualified Patients may apply for a license to grow their own supply of medical cannabis. The license should be posted or kept near the growing area. A Personal Production License (PPL) allows Patients to have 4 mature plants and 12 seedlings at any given time. The definitions for mature and seedling plants are as follows:

- **Mature plant** – A harvestable female cannabis plant that is flowering.
- **Seedling** – A cannabis plant that has no flowers.

Participation in the Medical Cannabis Program by qualified patients or primary caregivers does not relieve them from criminal prosecution or civil penalty arising out of:

- Operation of a vehicle while under the influence of cannabis.
- Possession or use of cannabis:
  - In a school bus or public vehicle
  - On school grounds or property
  - In the workplace of the Qualified Patient's or Primary Caregiver's employment
  - At a public park, recreation center, youth center or other public place
- Sale, distribution, dispensing or transfer of cannabis to a person not registered by DOH.
- Obtaining or transporting cannabis outside New Mexico in violation of federal law.
- Possessing cannabis on federal property, including national parks, federal courthouse, immigration checkpoints, etc.
- Possessing more than 6 ounces of usable cannabis without DOH approval.

Licensed Non-Profit Producers (LNPP) are limited to 150 total plants; including mature, seedlings, cuttings and clones and usable cannabis in the form of plant material, resins, compounds, salts and mixtures or preparations.

- Employees and volunteers of the LNPP's must have their cards on them at all times when handling or transporting medical cannabis products. The rules and regulations regarding possession and transportation apply to Qualified Patients, Primary Caregivers and Licensed Non-Profit Producers.

MEDICAL CANNABIS PROGRAM
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Other points of note for Law Enforcement (taken verbatim from the Lynn and Erin Compassionate Use Act):

- Any property interest that is possessed, owned or used in connection with the medical use of cannabis, or acts incidental to such use, shall not be harmed, neglected, injured or destroyed while in the possession of state or local law enforcement officials. Any such property interest shall not be forfeited under any state or local law providing for the forfeiture of property except as provided in the Forfeiture Act. Cannabis, paraphernalia or other property seized from a qualified patient or primary caregiver in connection with the claimed medical use of cannabis shall be returned immediately upon the determination by a court or prosecutor that the qualified patient or primary caregiver is entitled to the protections of the provisions of the Lynn and Erin Compassionate Use Act, as may be evidenced by a failure to actively investigate the case, a decision not to prosecute, the dismissal of charges or acquittal. (Lynn and Erin Compassionate Use Act, NMSA Section 26-2B)

- A person shall not be subject to arrest or prosecution for a cannabis-related offense for simply being in the presence of the medical use of cannabis as permitted under the provisions of the Lynn and Erin Compassionate Use Act. (Lynn and Erin Compassionate Use Act, NMSA Section 26-2B)

- Possession of or application for a registry identification card shall not constitute probable cause or give rise to reasonable suspicion for a governmental agency to search the person or property of the person possessing or applying for the card. (Lynn and Erin Compassionate Use Act, NMSA Section 26-2B)

- A qualified patient or a primary caregiver shall be granted the full legal protections provided in this section if the patient or caregiver is in possession of a registry identification card. If the qualified patient or primary caregiver is not in possession of a registry identification card, the patient or caregiver shall be given an opportunity to produce the registry identification card before any arrest or criminal charges or other penalties are initiated. (Lynn and Erin Compassionate Use Act, NMSA Section 26-2B)

- A person who makes a fraudulent representation to a law enforcement officer about the person's participation in a medical use of cannabis program to avoid arrest or prosecution for a cannabis-related offense is guilty of a petty misdemeanor and shall be sentenced in accordance with the provisions of Section 31-19-1 NMSA 1978. (Lynn and Erin Compassionate Use Act, NMSA Section 26-2B)