
Medical Cannabis Program

Federal Law

- 1970 – Controlled Substances Act Classifies Marijuana as a Drug with "No Accepted Medical Use."
- 1976 – Robert Randall petitioned for his use of medical cannabis being a "medical necessity"
- 28 states and Washington, D.C. have passed a state law allowing for medical cannabis use.

State Law

New Mexico became the 12th state to allow medical cannabis with the Lynn and Erin Compassionate Use Act in 2007 (Senate Bill 523).

- 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.

MCP Program Review

An application is reviewed medically and administratively to ensure all requirements are met.

Department of Health does not charge a fee to process patient applications.

If approved, the patient receives a new patient packet with a patient registry card (yearly expiration), general program information, and LNPP contact information.

All minors must apply with a caregiver.

- Caregiver requirements: federal criminal background check, NM ID, enrollment information and medical provider statement for need of caregiver.

Incomplete applications remain pending until applicant submits required information.

What enrollment provides

- Possession of no more than 230 units (approximately eight ounces) over a three-month period.
- 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, patient can have up to sixteen plants, four mature (flowering) and 12 seedlings.

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:

- A. criminal prosecution or civil penalties for activities not authorized in this rule and act;
- B. criminal prosecution or civil penalties for fraudulent representation to a law enforcement officer about the person's participation in the program to avoid arrest or prosecution;
- C. liability for damages or criminal prosecution arising out of the operation of a vehicle while under the influence of cannabis or cannabis-derived products; or
- D. criminal prosecution or civil penalty for possession, distribution, transfer, or use of cannabis or a cannabis-derived product (1) in a school bus or public vehicle; (2) on school grounds or property; (3) in the workplace of the qualified patient's or primary caregiver's employment; (4) at a public park, recreation center, youth center, or other public place; (5) to a person not approved by the department pursuant to this rule; (6) outside New Mexico or attempts to obtain or transport cannabis, or cannabis-derived products from outside New Mexico; or (7) that exceeds the allotted amount of usable medical cannabis, or cannabis-derived products. *NMAC 7.34.3.15*

24-Hour Hotline

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