

Guidance for Law Enforcement Regarding the Medical Use of Marijuana

Updated by the Commission: July 26, 2019

This document was issued originally by the Department of Public Health (DPH). As part of the transfer of the Medical Use of Marijuana Program on December 23, 2018, the Cannabis Control Commission adopted this document. We suggest that before you rely on the contents of this document, you check the applicable medical-use marijuana laws, which include M.G.L. c. 94I and 935 CMR 501.000, as they may provide or clarify the legal requirements related to this document. We also suggest that you periodically check for revisions to this document. Questions with regards to this document may be directed to CannabisCommission@State.MA.US.

Chapter 55 of the Acts of 2017, *An Act to Ensure Safe Access to Marijuana*, allows a qualifying patient to possess a 60-day supply of marijuana if the patient has a written certification from a Massachusetts licensed clinician/health care provider. The Massachusetts Cannabis Control Commission (Commission) is charged with issuing regulations to implement a medical use of marijuana program, which includes registration of qualifying patients, caregivers, Medical Marijuana Treatment Center (MTC) agents, and defining a 60-day supply.

In October 2014, Program ID Cards started being issued to qualifying patients, caregivers, and MTC agents (*see below for images of sample Program ID Cards by registration type*). These Program ID Cards can be used by law enforcement and MTCs (also commonly referred to as Registered Marijuana Dispensaries, or RMDs) to confirm that a patient, caregiver, or MTC agent is eligible to possess marijuana for medical use.

Who can possess marijuana for medical purposes?

- Chapter 55 and Commission regulations allow a registered patient and their registered caregiver to possess a 60-day supply of marijuana with the certification of a Massachusetts licensed clinician/health care provider.
- An MTC agent may possess marijuana on behalf of the MTC that they are employed with. There is no limit to the amount of marijuana an MTC agent can possess on behalf of an MTC. However, when transporting marijuana outside of an MTC to an approved location, the agent must have a shipping manifest showing the amount of marijuana to be transported and the location(s) that the agent is traveling to.
- Approved locations to which an MTC agent may transport marijuana on behalf of an MTC include:
 - another MTC;
 - a testing laboratory;
 - the primary residence of a registered patient or caregiver; and
 - a destruction/disposal site in compliance with the Commission's Medical Use of Marijuana Regulations.



- A temporary, paper Program ID Card can be printed by the patient, caregiver, or MTC agent once approved for registration by the Medical Use of Marijuana Program (Program). Temporary registration can be used until the plastic Program ID Card is mailed (see below for image of sample temporary, paper Program ID Card). This temporary, paper Program ID Card expires four (4) weeks from the date the registration is approved by the Program, at which time the registrant should have received a plastic Program ID Card.
- If the patient is using a temporary, paper Program ID Card more than four (4) weeks from the date of registration, it does not affect their status as an “active registrant” in the Massachusetts Criminal Justice Information System (CJIS), but the registrant should contact the Program at 833-869-6820 to report that they have not received their plastic Program ID Card.


TEMPORARY PROGRAM ID CARD



Cannabis Control Commission
Medical Use of Marijuana Program

This is your temporary, paper Program ID Card which expires four weeks from the date that your registration is approved by the Medical Use of Marijuana Program. You must carry your Program ID Card all times while you are in possession of marijuana for medical use. If you do not receive your plastic Program ID Card in the mail within three weeks, call the Program at (833) 869-6820.

PATIENT
REGISTRATION



Registration Number: C12345678

Name: NICK SAMPLE

Registration Type: Patient

Expiration Date: 06/25/2020

You must carry your Program ID Card all times while you are in possession of marijuana for medical use.

- While patients and caregivers are waiting for their registrations to be processed and approved, they may be qualified to obtain Initial Access Certification (Initial Access) from their certifying clinician/health care provider. Initial Access allows patients and caregivers to immediately enter an MTC and purchase medical-use marijuana. See below for an image of Initial Access Certification.
- Initial Access allows patients to receive a limited, 14-day supply of medical-use marijuana, which the Commission has determined is 2.5 ounces, for two weeks. The patient’s certifying clinician/health care provider may determine and certify a patient requires a different amount.
- Initial Access expires either 14 days after issuance or when the recipient is approved for a Program ID Card by the Commission. If the recipient has been approved for the Program but has not received their Program ID Card by the time Initial Access expires, they may print a temporary, paper Program ID Card (details above) through the MMJ Online Portal.



- Law enforcement officers can verify patient, caregiver, and MTC agent registrations by accessing the MMJ Online System through their existing accounts with the Massachusetts Criminal Justice Information System (CJIS).
- For instructions on accessing the MMJ Online System, see: “Guidelines for Law Enforcement Regarding the Medical Use of Marijuana Online System.”

What is a 60-day supply and how will police know if a patient is allowed to possess?

- The Commission has defined a 60-day supply of marijuana to be 10 ounces, or the equivalent in other forms (such as edible marijuana-infused products).
- To determine what the equivalent amount of a 60-day supply is for marijuana concentrate (oil) and resin (hash), the Commission has determined that marijuana plant material will, on average, yield 15% of its weight in concentrate or resin. Thus, to determine the equivalent weight of a concentrate or resin, multiply the weight of the oil/resin by 6.7 to determine the dry weight equivalent.

Amount of Resin-Concentrate	Constant 6.7 (1÷.15)	Equivalent to Marijuana Plant Material
1.8 Ounces	x 6.7	12 Ounces Marijuana Plant Material
1.5 Ounces	x 6.7	10 Ounces Marijuana Plant Material
1.2 Ounces	x 6.7	8 Ounces Marijuana Plant Material
.9 Ounces	x 6.7	6 Ounces Marijuana Plant Material
.6 Ounces	x 6.7	4 Ounces Marijuana Plant Material

Who may grow their own marijuana?

- Chapter 55 also allows qualifying patients to apply for a hardship cultivation registration, which allows the patient, or the patient’s designated personal caregiver(s), to cultivate marijuana at home for the patient’s own use. A personal caregiver must:
 - be 21 years of age or older;
 - have agreed to assist with a registered qualifying patient’s medical use of marijuana; and
 - not be the registered qualifying patient’s certifying clinician/health care provider.
- Qualifying patients or their caregivers may cultivate a limited number of plants sufficient to maintain a 60-day supply of marijuana solely for that patient's use. They must remain in compliance with all Commission regulations regarding hardship cultivation.

Where may patients and caregivers grow marijuana?

- Marijuana must be cultivated and stored in an enclosed, locked area accessible only to the qualifying patient or their caregiver(s). Marijuana cannot be visible from the street or other public areas, and may be cultivated only at the location specified in the application approved by the Commission.

What is a personal caregiver?

- Personal caregiver means a person, registered by the Commission, who is at least 21 years old, who has agreed to assist with a registered qualifying patient's medical use of marijuana, and is not the registered qualifying patient's certifying clinician/health care provider.

What are the responsibilities of personal caregivers?

- A personal caregiver may:
 - Transport a registered qualifying patient to and from an MTC;
 - Obtain and transport marijuana from an MTC on behalf of a registered qualifying patient;
 - Cultivate marijuana on behalf of a registered qualifying patient who has obtained a hardship cultivation registration, unless the caregiver is a visiting nurse, personal care attendant, or home health aide serving as a caregiver;
 - Prepare marijuana for consumption by a registered qualifying patient; and
 - Administer marijuana to a registered qualifying patient.

How many patients may a personal caregiver serve?

- An individual may serve as a personal caregiver for only one registered qualifying patient at a time, except in the case of:
 - a visiting nurse, home health aide, personal care attendant, or
 - an immediate family member of more than one registered qualifying patient.

What may a patient or caregiver legally in possession of marijuana do with it?

- Marijuana that is acquired or grown for a specific registered patient may be used only by that registered patient for medical purposes.
- Patients and their caregivers are prohibited from selling, bartering, giving away, or distributing marijuana or paraphernalia to anyone else.

Where may a registered patient with a Medical Use of Marijuana Program ID Card acquire their marijuana right now?

- Chapter 55 allows a registered patient with a Program ID Card to possess a 60-day supply of marijuana. Patients may purchase marijuana and marijuana-infused products from an MTC. In addition, patients or their caregiver(s) with hardship cultivation registrations may cultivate a 60-day supply of marijuana.

How can law enforcement access information that is not provided in the MMJ Online System?

- To initiate a request for information on a registered patient, caregiver, MTC agent, or MTC that is not provided by CJIS, law enforcement officers may telephone the Medical Use of Marijuana Program at 833-869-6820. When calling, please have the following information prepared:
 - Name of the law enforcement officer;
 - Title of the law enforcement officer;
 - Name of the law enforcement agency at which the law enforcement officer works;
 - Phone number to contact the law enforcement officer;
 - Description of what the law enforcement officer is calling about;
 - The name of the individual the law enforcement officer is inquiring about; and
 - The Medical Use of Marijuana Program registration number of the individual the law enforcement officer is inquiring about (if available).
- No information will be provided to the law enforcement officer until the Commission has verified that the request is made pursuant to a legitimate law enforcement inquiry and that information requested may be appropriately disclosed.
- **IMPORTANT: Please do not send confidential information to the Commission over email**, such as any individually identifiable information that reveals the identity of the data subject or is readily identified with the data subject, such as name, address, telephone number, social security number, health identification number, or date of birth; or provides a reasonable basis to believe that the information could be used, either alone or in combination with other information, to identify a data subject.

Should you have any questions, please contact the Medical Use of Marijuana Program at 833-869-6820.