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Medical Use of Marijuana Program  
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**Guidance for Law Enforcement Regarding the Medical Use of Marijuana**  
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Chapter 369 of the Acts of 2012, *An Act for the Humanitarian Medical Use of Marijuana*, allows a qualifying patient to possess a 60-day supply of marijuana if the patient has a written certification from a Massachusetts licensed physician. The Massachusetts Department of Public Health (DPH) was charged with issuing regulations to implement a medical use of marijuana program, which includes registration of qualifying patients and the definition of a 60-day supply. Once the DPH electronic patient registration system is operational, patients will receive an official registration card, which law enforcement will be able to use for purposes of patient registration verification. DPH issued final regulations on May 24, 2013, but the electronic registration system will not be operational until mid-2014. In the meantime, DPH offers the following guidance for law enforcement.

**What are patients allowed to do right now?**

- Until DPH begins registering patients, both Chapter 369 and the DPH regulations allow a qualifying patient to possess a 60-day supply of marijuana with the written certification of a Massachusetts licensed physician.
- The certification, which may take the form of a letter, template, or other format, must include the patient's name, the physician's name and signature, a statement about what the document is for, and the date it was signed by the physician.
- If the police are unsure about the validity of the certification document, police are not prohibited from contacting the named physician to verify that the document is valid (although the physician may not be able to disclose that information).

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

- DPH has defined a 60-day supply of marijuana to be 10 ounces, or the equivalent in other forms (such as edible marijuana-infused products).

**What is a 60-day supply and how will police know if a patient is allowed to possess (cont'd)?**

- If an individual is found by police to be in possession of 10 ounces or less of marijuana, and the individual has a physician's written certification that includes the required information, that individual is permitted under state law to possess the marijuana.

**Who may grow their own marijuana?**

- Chapter 369 also allows qualifying patients to apply for a hardship cultivation registration, which would allow the patient, or the patient's designated personal caregiver, to cultivate marijuana at home for his or her own use.
- A personal caregiver must:
  - be at least 21 years old,
  - have agreed to assist with a registered qualifying patient's medical use of marijuana, and
  - not be the registered qualifying patient's certifying physician.
- When the electronic registration system is operational, a registered qualifying patient will have to apply for a hardship cultivation registration if the patient's access to a Registered Marijuana Dispensary is limited by financial hardship, physical incapacity, or geographic distance.
- Until the electronic registration system is operational, a patient's written certification from a physician may serve as a hardship cultivation registration, thus allowing the patient or the patient's caregiver to cultivate marijuana in an amount sufficient to maintain a 60-day supply for the patient.
- DPH has not defined a maximum number of plants that may be grown, but there should be no more than what is necessary to meet the patient's individual needs.

**Where may patients and caregivers grow marijuana?**

- Marijuana may be cultivated and stored only in an enclosed, locked area not visible to the public at the patient's or caregiver's primary residence (not both).

**What is a caregiver?**

- Personal Caregiver means a person, registered by the Department, 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 physician. An employee of a hospice provider, nursing, or medical facility or a visiting nurse, personal care attendant, or home health aide providing care to a qualifying patient may serve as a personal caregiver, including to patients under 18 years of age as a second caregiver.

### **What are the responsibilities of personal caregivers?**

- Transport a registered qualifying patient to and from a RMD;
- Obtain and transport marijuana from a RMD on behalf of a registered qualifying patient;
- Cultivate marijuana on behalf of a registered qualifying patient who has obtained a hardship cultivation registration;
- 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 one time, except in the case of:
  - an employee of a hospice provider, nursing facility, or medical facility providing care to a qualifying patient admitted to or residing at that facility, or
  - 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 qualifying patient pursuant to a physician's written certification may be used only by that patient for the medical purpose described in the written certification provided by the patient's physician.
- Patients and their caregivers are prohibited from selling, bartering, sharing, or otherwise distributing the marijuana to anyone else.

### **What will change when DPH begins registering patients?**

- DPH will announce when the electronic registration system is operational and will specify a date by which patients who currently have a written certification must register in the electronic system.
- Once patients are registered with DPH, they will be issued a registration card. DPH regulations require patients to have their registration card in-hand when they are in possession of marijuana.

### **What will change when DPH begins registering patients (cont'd)?**

- If an individual is found by law enforcement to be in possession of marijuana, the patient must present the registration card, and a second ID, and law enforcement will then be able to verify the registration by accessing the DPH electronic registration system.
- In the event the individual does not have their registration card on their person, law enforcement can input the patient's name, date of birth, and mother's maiden name, and their user-role (i.e., patient, caregiver, or Registered Marijuana Dispensary agent) into the MMJ system to find an exact match.
- Law enforcement access to the electronic system will be limited to information necessary to confirm a patient's active physician certification and DPH registration. This information will be accessible 24/7 in real-time through the Criminal Justice Information System.
- DPH will provide outreach and education to the law enforcement community regarding the online registration system before it becomes operational.

### **Do patients have a DPH-issued registration card now?**

- No. A number of physicians are issuing documentation or cards that contain language and design elements that look as if they may be issued by DPH. They are not. DPH is requesting any physicians discovered to be issuing documentation with misleading language or design elements to cease doing so.

### **Where may a patient with a medical use of marijuana certification from a doctor acquire their marijuana right now?**

- Chapter 369 allows a qualifying patient with a written certification from a Massachusetts licensed physician to *possess* a 60-day supply of marijuana. The law is silent about where the marijuana may be purchased, although once the RMDs are operational and open for business, patients will be able to purchase marijuana and marijuana infused products from a RMD. In addition, chapter 369 allows a patient to cultivate a 60-day supply until DPH begins registering patients and awarding (or denying) hardship cultivation registrations.