

Therapeutic Cannabis Program

General Program Information for Designated Caregivers

Minimum Requirements to Be a Designated Caregiver

- You must be at least 21 years old.
- You cannot have been convicted of a felony. You must notify the Program immediately upon being convicted of a felony in this or any other state.
- A Qualifying Patient must designate you as his or her caregiver on their application.
- You must apply for and possess a valid Registry Identification Card issued by the NH Department of Health and Human Services, Therapeutic Cannabis Program (Program).
- You must comply with all applicable provisions of RSA 126-X and He-C 401.

Diversion of Cannabis

Any sale or diversion of cannabis to anyone who is not allowed to possess cannabis pursuant to RSA 126-X is punishable as a class B felony and will result in the revocation of your Registry Identification Card and may subject you to criminal penalties for the illegal sale of cannabis.

Number of Qualifying Patients Allowed

You may be the Designated Caregiver for up to five Qualifying Patients. An exception to this limit is if both you and any Qualifying Patients over and above five live more than a 50-mile drive from the nearest Alternative Center (ATC), in which case you may be the Designated Caregiver for up to nine Qualifying Patients. For example, if you want to have six Qualifying Patients, both you and at least one of the six Qualifying Patients must live more than a 50-mile drive from the nearest ATC. If you want to have seven Qualifying Patients, both you and at least two of the seven Qualifying Patients must live more than a 50-mile drive away from the nearest ATC, etc.

Patient-Directed Care

A Designated Caregiver must act pursuant to the Qualifying Patient's direction. For example, you may purchase cannabis for your Qualifying Patient only if instructed to do so. You may prepare cannabis for your Qualifying Patient's use only if he or she directs you to do so, including, for example, if the preparation is to take place at your home or the home of your Qualifying Patient.

Compensation

You may only be compensated for the actual costs associated with assisting your Qualifying Patient(s) with the therapeutic use of cannabis, such as gas, tolls, etc. You may not receive compensation or payment of any kind for the time or labor required to help your Qualifying Patient(s).

Registry Identification Card Required

In order to receive legal protection for the therapeutic use of cannabis, you must apply for and receive a Registry Identification Card.

You must have your Registry Identification Card with you at all times while in possession of cannabis outside your home. If you are found to be in possession of cannabis outside of your home and you do not have your Registry Identification Card with you, you could be fined up to \$100 and you may be subject to arrest.

Designated Caregiver List of Qualifying Patients

The Program will provide you with a current list of Qualifying Patients for whom you serve as Designated Caregiver. The Program strongly advises that you carry this document with you when transporting or possessing therapeutic cannabis. The information contained in the document is confidential; however, it may be shared with law enforcement officers in order for them to verify the number of Qualifying Patients for whom you serve as their Designated Caregiver.

Cultivation of Cannabis Prohibited

You and your Qualifying Patient(s) are prohibited from cultivating cannabis in any location. To do so would constitute a criminal offense.

Permitted Quantities of Cannabis

You are not permitted to purchase more than 2 ounces of cannabis per Qualifying Patient during a 10-day period, and you are not permitted to be in possession of more than 2 ounces of cannabis per Qualifying Patient at any one time. You and your Qualifying Patient(s) combined cannot have more than 2 ounces of cannabis per Qualifying Patient(s) at any one time.

Transportation

When transporting cannabis, the Program strongly advises you to:

- Keep the cannabis in a locked container in the trunk or cargo portion of your vehicle.
- Keep the cannabis in its original labeled packaging, as it was provided by the ATC.
- Have your Registry Identification Card with you.
- Have your current list of Qualifying Patient(s) provided to by the Program.

Changes of Information

You are required to notify the Program in writing of changes to the following:

- *Name or Address.* You must report a change to your name or address to Program within 10 days. Use the "Change of Information/ Lost Card" form to request such change. There is a \$25 fee for the replacement card. Failure to notify the Program of a change to your name or address will result in a fine of \$150.
- *Qualifying Patient.* Use the "Caregiver Designation/Removal" form to request such a change. The Program will provide you with a new list identifying the Qualifying Patient(s) for whom you serve as Designated Caregiver.

All forms are available on the Program's website.

Loss of All Qualifying Patients

Your Registry Identification Card will be void after being notified by the Program that all the Qualifying Patients for whom you were acting as Designated Caregiver have either lost their status as Qualifying Patients or ended your designation as a Designated Caregiver. You must return your Registry Identification Card to the Program within 10 days of receiving the notice. Failure to do so may result in the denial of a Registry Identification Card if you apply for one in the future.

Death of a Qualifying Patient

You are required to notify the Program within 5 days of the death of a Qualifying Patient and dispose of any remaining cannabis as described below. You must return the Qualifying Patient's Registry Identification Card to the Program within 10 days.

Disposal of Cannabis

If you cease to be a Designated Caregiver, you have 10 days after notification by the Program to dispose of any cannabis in your possession. You may dispose of the cannabis as follows:

- If your Qualifying Patient remains a Qualifying Patient, you may transfer the cannabis to a new Designated Caregiver for that patient;
- You may notify local law enforcement and request their assistance with disposing of the cannabis; or
- You may render it unusable by mixing it with other ingredients, like soil, and then dispose of it.

Return of Outdated or Expired Registry Identification Card

A Registry Identification Card with outdated information, whether due to a change of information or because it has expired, must be returned to the Program within 10 business days of your receipt of a new card. Failure to timely return the outdated card to the Program shall be grounds for the Program to void the newly issued card until the outdated card is returned to the Program. You will not be able to purchase cannabis at an ATC with a voided Registry Identification Card.

Lost Registry Identification Card

If you lose your Registry Identification Card, whether due to loss, theft, or destruction, you are required to notify the Program in writing within 10 days of discovering the loss. Please submit the "Change of Information/Lost Card" form along with a check or money order made payable to "Treasurer, State of New Hampshire" in the amount of \$25. Within 5 calendar days of receiving written notice of the loss and the \$25 fee, the Program will re-issue a new Registry Identification Card, including a new identification number. You will not be able to purchase cannabis at an ATC without a valid Registry Identification Card.

Renewal of a Registry Identification Card

You must annually renew your Registry Identification Card by submitting an application to the Program, including the submission of an attestation of no felony convictions in lieu of a criminal records check along with the required \$50 fee. Failure to submit a timely application for renewal of your registry Identification Card may result in your card expiring before the new card is issued. In such a case you may not act as a Designated Caregiver until the new card is issued.

Revocation

Your Registry Identification Card may be revoked by the Program for a violation of any provision of RSA 126-X or Administrative Rule He-C 401. If the Program revokes your card, you would have the right to appeal to the Administrative Appeals Unit. You would be required to return your Registry Identification Card within 10 days of a final decision to revoke the card. A future application for a Registry Identification Card may be denied if you have a prior revocation.

Depending on the nature of the violation which caused your Registry Identification Card to be revoked, you may be subject to other penalties established in law, including criminal penalties.

Confidentiality

The Program will maintain the confidentiality of all information about applicants, Qualifying Patients, Designated Caregivers, certifying medical providers, and alternative treatment centers that is provided to the Program. The Program will not maintain a public list or publicly release the names of Designated Caregivers who have applied for, or have been issued, Registry Identification Cards. Law enforcement personnel are allowed to request limited information regarding locations and individual names on the Registry if a person has been arrested or detained, or when there is probable cause to believe either cannabis is possessed at an address or specific individual is in possession of cannabis.