

# Therapeutic Cannabis Program

## General Program Information for Qualifying Patients

### Minimum Requirements to Be a Qualifying Patient

- You must be a resident of New Hampshire.
- You must be diagnosed by a medical provider as having a qualifying medical condition.
- 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.

Note: Individuals applying to be a Qualifying Patient do not need to have a state and federal criminal background check completed.

### 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.

### Qualifying Medical Conditions

The list of qualifying medical conditions for the therapeutic use of cannabis is established by law in RSA 126-X:1, IX(a), as follows. "Qualifying medical condition" means "the presence of:

- (1) Cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, hepatitis C currently receiving antiviral treatment, amyotrophic lateral sclerosis, muscular dystrophy, Crohn's disease, multiple sclerosis, chronic pancreatitis, spinal cord injury or disease, traumatic brain injury, epilepsy, lupus, Parkinson's disease, Alzheimer's disease, ulcerative colitis, or one or more injuries that significantly interferes with daily activities as documented by the patient's provider; AND
- (2) A severely debilitating or terminal medical condition or its treatment that has produced at least one of the following: elevated intraocular pressure, cachexia, chemotherapy-induced anorexia, wasting syndrome, agitation of Alzheimer's disease, severe pain that has not responded to previously prescribed medication or surgical measures or for which other treatment options produced serious side effects, constant or severe nausea, moderate to severe vomiting, seizures, or severe, persistent muscle spasms."

In order to have a qualifying medical condition, as defined, your medical provider is required to certify that you have BOTH a condition listed in the first paragraph AND a symptom or side effect listed in the second paragraph.

### Medical Provider Information

Any physician or advanced practice registered nurse (APRN) who is licensed in New Hampshire, Maine, Massachusetts, or Vermont is *permitted* to issue you a Written Certification for the therapeutic use of cannabis. However, the law does not *require* medical providers to participate in the Program, nor does it require medical providers to issue Written Certifications.

In addition to meeting all other applicable requirements in NH law and NH administrative rule, certifying medical providers in Maine, Massachusetts, and Vermont must be primarily responsible for the patient's care related to his or her qualifying medical condition.

The Program will not maintain a public list of providers who have issued, or have expressed willingness to issue, Written Certifications to patients. The Program cannot recommend or refer you to a specific provider. It is up to you to work with your current medical providers or develop a relationship with a new provider for the issuance of a Written Certification.

## Provider-Patient Relationship

You must have a “provider-patient relationship” with your certifying medical provider of at least 3 months duration (unless the 3-month requirement does not apply, as described below), during which your provider has conducted a full assessment of your medical history and current medical condition, including an in-person physical examination. Examination via electronic means, such as over the phone or via the Internet, is not permitted.

A medical relationship between you and your provider may be less than 3 months duration as long as the provider certifies on the Written Certification:

- That the onset or diagnosis of your qualifying medical condition occurred within the past 3 months; and
- The certifying provider is primarily responsible for your care related to your qualifying medical condition.

Your certifying medical provider is required to:

- Explain the potential health effects of the therapeutic use of cannabis to you.
- Provide follow-up care and treatment for your qualifying medical condition at clinically appropriate intervals, at the provider’s discretion, including, but not limited to, physical examinations, to determine the health effects of cannabis for treating your qualifying medical condition or the symptom of the qualifying medical condition for which the written certification was issued.

If your certifying medical provider has recommendations for your therapeutic use of cannabis, such as the type of cannabis or the means by which the cannabis should be administered, your provider may send such recommendations to your designated ATC with your permission. When dispensing cannabis to you, the ATC is required to follow any recommendations or instructions provided by your provider.

Your certifying medical provider may determine that your Registry Identification Card should be valid for a shorter duration than one year, and may indicate on the Written Certification the number of months the card shall remain valid.

Your certifying medical provider may contact the Program at any time if, in his or her opinion, you should no longer be certified for the therapeutic use of cannabis, for whatever reason. Upon such notice your Registry Identification Card will be revoked or voided, as appropriate.

## Release of Medical Records

As part of your application to the Program, you will be required to sign a release of information which authorizes the release of medical information by your certifying medical provider to the Program if the Program determines that further information about your qualifying medical condition is required. For verification purposes, the Program may request, and your provider must supply, a copy of such records which support the certification of a qualifying medical condition. Refusal to supply such records may adversely affect your ability to obtain or maintain a Registry Identification Card.

## Designated Caregivers

If you need assistance with your therapeutic use of cannabis, including obtaining cannabis from your selected Alternative Treatment Center (ATC), you may designate a qualified individual to be your caregiver. This may be done either on your initial application or any time after you have been approved as a Qualifying Patient. You may designate only one caregiver at a time. The person you designate must be approved by the Program and be issued a Registry Identification Card before the person can assist you with the therapeutic use of cannabis.

To be approved as a Designated Caregiver an individual must be at least 21 years old and must have never been convicted of a felony.

Your Designated Caregiver may only be compensated for the actual costs associated with assisting you with the therapeutic use of cannabis, such as gas, tolls, etc. A Designated Caregiver may not receive compensation or payment of any kind for the time or labor required to help you with the therapeutic use of cannabis.

A Designated Caregiver must act pursuant to your direction. For example, your Designated Caregiver may purchase cannabis for you only if directed to do so. He or she may prepare cannabis for your use only if you direct him or her to do so, including, for example, if the preparation is to take place at your home or the home of your Designated Caregiver.

### Alternative Treatment Centers

There will be four ATCs operating in New Hampshire. The ATCs will be located in Dover, Merrimack, Lebanon, and Plymouth. You may select any of the ATCs, but you may select only one at any given time. You will be allowed to purchase cannabis only from the ATC you have selected. You may change your ATC at any time by completing a "Change of Information/Lost Card" form and submitting it to the Program. The Program will inform you when your selected ATC has been changed.

### 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.

### Cultivation of Cannabis Prohibited

You and your Designated Caregiver (if any) 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 during a 10-day period, and you are not permitted to be in possession of more than 2 ounces of cannabis at any one time. If you have a Designated Caregiver, you and your Designated Caregiver combined cannot have more than 2 ounces of cannabis 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.
- Be in possession of your Registry Identification Card.

### 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 within 10 days. Use the "Change of Information/Lost Card" form to request such a 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.
- *Alternative Treatment Center.* Use the "Change of Information/ Lost Card" form to request such a change.
- *Designated Caregiver.* Use the "Caregiver Designation/Removal" form to request such a change.

All forms are available on the Program's website.

### 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 a new Written Certification and the required \$50 fee.

### Death of a Qualifying Patient

You are required to instruct a family member, caretaker, executor, and your Designated Caregiver that, in the event of your death, the Program shall be notified of your death within 5 days and any remaining cannabis shall be disposed of as described below.

### Disposal of Cannabis

If you cease to be a Qualifying Patient, 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:

- 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.

### 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 Qualifying Patients 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.