

Commissioner Patricia M. Tilley

Patricia M. Tilley Director

STATE OF NEW HAMPSHIRE

DEPARTMENT OF HEALTH AND HUMAN SERVICES

DIVISION OF PUBLIC HEALTH SERVICES

THERAPEUTIC CANNABIS PROGRAM

29 HAZEN DRIVE, CONCORD, NH 03301-3857 603-271-9333 1-800-852-3345 Ext. 9333 TDD Access: 1-800-735-2964 email: TCP@dhhs.nh.gov

PATIENT APPLICATION For the Therapeutic Use of Cannabis

APPLICATION INSTRUCTIONS

Information about the Therapeutic Cannabis Program, including the law (<u>RSA 126-X</u>), the rules (<u>He-C 400</u>), and all required forms, is available on the Program's website at: https://www.dhhs.nh.gov/tcp

- 1. Read the "General Program Information" at the end of this application packet.
- 2. Complete ALL information on pages 1 and 3. Complete page 2 if you want to designate a caregiver and/or if you want to provide voluntary demographic information.
- 3. Submit with this Application Form:
 - 3a) The "Written Certification for the Therapeutic Use of Cannabis" form completed by your medical provider.
 - 3b) Proof of New Hampshire residency.* Submit ONE of the following:
 - · A copy of your New Hampshire driver's license or New Hampshire State ID (front only); OR
 - Any other documentation that contains your name and current NH address, such as a current lease agreement
 or vehicle registration, or a utility bill, medical bill, property tax bill, mortgage statement, bank statement,
 government check, or payroll check with a date showing that it was issued within the previous 6 months; OR
 - Other state or federal government-issued identification that shows your name and NH address.

*Proof of residency is not required for renewal applications if there has not been a change of address.

- 3c) A \$50 application fee:
 - A check or money order made payable to "Treasurer, State of New Hampshire" in the amount of \$50.
 - The Program cannot accept cash, credit cards, or installment payments.
- 4. Mail or hand-deliver the following:

Required Documents:	To This Address:
☐ A completed Patient Application	NH Department of Health and Human Services
☐ A completed Written Certification (from your provider)	Therapeutic Cannabis Program
☐ Proof of NH residency (see 3b above)	29 Hazen Drive
Application fee (see 3c above)	Concord, NH 03301

5. Application processing:

- Application processing takes up to 3 weeks.
 - The Program will approve or deny a complete application within 15 days of receipt.
 - The Program will issue a Registry ID Card within 5 days of approval.
- Incomplete applications:
 - You will be notified in writing within 10 days of receipt if an application is incomplete.
 - You will be asked to submit the missing information/documentation within 30 days from the date of the notice.
 - If you don't provide the missing information/documentation within 6 months of the notice, your application will be closed. You will need to reapply by resubmitting ALL required application materials, including the fee.
 - The processing times listed above will begin when the application is complete.
- 6. Other Applications:
 - If the applicant is a minor, use the "Minor Patient Application," which is a combined patient/caregiver application.
 - If the applicant is an <u>adult with a guardian</u>, AND the guardian is applying to be the patient's Designated Caregiver, use the "Guardianship Patient Application." See the "General Program Information" at the end of this application packet.

Patient Application Application Instructions
Version 10/23 Application Instructions
Page 1 of 1



Lori A. Weaver Commissioner

Patricia M. Tilley Director

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RSA 126-X:4, VI – NOTICE EXPLAINING FEDERAL LAW ON THE POSSESSION OF CANNABIS

RSA 126-X, Use of Cannabis for Therapeutic Purposes creates an exemption in state law from criminal penalties for the therapeutic use of cannabis provided that its use is in compliance with RSA 126-X. State law does not exempt a person from federal criminal penalties for the possession of cannabis.

Federal administrations have expressed intention not to pursue or target patients and their caregivers who possess or use small amounts of cannabis for therapeutic use who are part of and compliant with a well-regulated state therapeutic cannabis program. However, federal law does not allow for the medical or therapeutic use of cannabis, and the federal government can enforce federal cannabis laws anywhere in the United States, including in states that allow the therapeutic use of cannabis. Federal criminal penalties for the possession of cannabis, in any amount, range from misdemeanors to felonies, and may include incarceration and fines.

To decrease the risk of any federal law enforcement action, patients and caregivers should know and abide by New Hampshire law with regard to the possession and use of therapeutic cannabis at all times.

OTHER FEDERAL IMPLICATIONS

Qualifying patients who use cannabis may be denied rights and privileges by federal agencies including, but not limited to, those related to employment such as driving a commercial vehicle, those related to owning, possessing, or purchasing a firearm and ammunition, those related to federally subsidized housing, those related to immigration and naturalization, or the inability to pass a security clearance. (See below for more information on the federal firearms restriction.)

FEDERAL FIREARMS NOTICE

The U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) has directed federal firearms licensees, in an open letter issued in 2011, not to transfer firearms or ammunition to users of a controlled substance, including marijuana, regardless of whether their state has passed legislation authorizing marijuana use for medicinal purposes. According to the federal directive, any user of marijuana "is an unlawful user of or addicted to a controlled substance, and is prohibited by Federal law from possessing firearms or ammunition."

If a federal firearms licensee is aware that a person is in possession of a card authorizing the possession and use of marijuana under state law, that licensee has "reasonable cause to believe" that the person is an unlawful user of a controlled substance, and may not transfer firearms or ammunition to that person, even if the person answered "no" to question 21.g on "ATF Form 4473." Note that this form was revised effective December 2022 and includes specific reference to state marijuana laws.

References

- ATF open letter: https://www.atf.gov/file/60211/download
- ATF Form 4473: https://www.atf.gov/file/61446/download
- HUD memos: https://www.hud.gov/sites/documents/MED-MARIJUANA.PDF

https://www.hud.gov/sites/documents/USEOFMARIJINMFASSISTPROPTY.PDF

PATIENT INFORMATION							
Name	First		Last				Middle Initial
Date of	MM/DD/YYYY		☐ Female	☐ Male	☐ Non-binary/Other gender	☐ Choose no	t to disclose
Birth		Gender	☐ Choose to self-describe:				
Phone Number							
Mailing Address	Street/P.O. Box/Apt #						
	City			State		Zip Code	
Physical Address	(If different than mailing address) (If experiencing	g homelessne	ess, this is	not required)		

Provide information about the medical provider who completed your Written Certification. This section must be filled out and must match the provider who completed your Written Certification. Name First Last Business Address City State Zip Code Phone Number

THIS PATIENT APPLICATION HAS THREE PAGES.

YOU MUST SIGN AND DATE PAGE 3.

	DESIGNATE A CARE	GIVER -	OPTIONAL	
this applicat	s: Read the "Designate a Caregiver" section at the tion packet. The person you designate below must Application," submitted separately or with this app	st submit a		oplication" enclosed or has it mitted for the person listed No
Name	First	Last		Middle Initial
Mailing Address	Street/P.O. Box/Apt #			
	City	State		Zip Code
Date of Birth	MM/DD/YYYY			1
	VOLUNTARY DEMOGR	RAPHIC II	NFORMATION	
	Your voluntary ans ration on this page will not be used for eligibil and Accountability Act (HIPAA), personally identify PATIENT INI	ity determi entifiable ir	nation. Under the nformation is prote	
No Yes, spec Mexican. Another What is your ra White Black or A American Asian Indi Chinese Filipino Japanese Veteran Status Have you ever in the regular ra No Y Employment Are you currer Employed Employed Unemploy	nic, Latino/a, or Spanish origin? cify (one or more categories may be selected): , Mexican American, Chicano/a	Education What is the Some I High so Technic Are you cur No Yes, sp High so Techric Comn Health Insu What is the Employ employ A plan Medica Ameril TRICAI Other so None (in	highest level of education school chool diploma / GED cal school rently enrolled in school diploma / GED cal school diploma / GED cecify: school dical dica	Community college/2-yr degre University/4-year college Graduate program or more col? University / 4-year college Graduate program Graduate program gree ur health care coverage? ding through another person's nember buys on your own Families, Well Sense, or
Less than \$ \$25,000 to \$50,000 to Public Assistal In the past 12 program? No Yes, spec Medicaic Supplem	\$49,999	☐ Very w Do you spe ☐ No ☐ Yes, Si	Proficiency o you speak English? ell □ Well □ Not ak another language	other than English at home?

THERAPEUTIC CANNABIS PROGRAM ACKNOWLEDGMENTS

I understand that my Registry ID Card is valid for one year, unless a shorter or longer duration is indicated by my provider. I must renew or extend my card prior to its expiration in order to prevent a lapse in registration.

I understand that if I am notified of a denial or a revocation I have 30 days from the date of the notice to appeal the decision, and that if an appeal request is not made within that timeframe then I will have waived my right to an appeal and the action of the Department shall become final.

I understand that I may not possess, between myself and my Designated Caregiver, more than 2 ounces of cannabis, or obtain more than 2 ounces of cannabis in any 10-day period from any source.

I understand that I may only use cannabis for the purpose of treating or alleviating my qualifying medical condition.

I understand that I may not be under the influence of cannabis: (1) while operating a motor vehicle, commercial vehicle, boat, vessel, or any other vehicle propelled or drawn by power other than muscular power; (2) in my place of employment, without the written permission of my employer; or (3) while operating heavy machinery or handling a dangerous instrumentality.

I understand that I may not smoke or vaporize cannabis in any public place, including a public bus or other public vehicle, or any public park, public beach, or public field.

I understand that I may not be in possession of cannabis in any of the following locations: (1) the building and grounds of any preschool, elementary, or secondary school, which are located in an area designated as a drug free zone; (2) a place of employment, without the written permission of the employer; (3) any correctional facility; (4) any public recreation center or youth center; or (5) any law enforcement facility.

I understand that I may use cannabis on privately-owned real property only with written permission of the property owner or, in the case of leased property, with the permission of the tenant in possession of the property.

I have instructed a family member, caretaker, executor, and my Designated Caregiver that, in the event of my death, the Department shall be notified within 5 days that I have died, and that within 5 days of learning of my death, the family member, caretaker, executor, or my Designated Caregiver shall either request that the local law enforcement agency remove any remaining cannabis or dispose of the cannabis in a manner that is specified in RSA 126-X:2, XIV.

I understand that if I am found to be in possession of cannabis outside of my home and I am not in possession of my Registry ID Card, I will be subject to a fine of up to \$100.

I understand that any person(s) who makes a fraudulent representation to a law enforcement official of any fact or circumstance relating to the therapeutic use of cannabis to avoid arrest or prosecution shall be guilty of a violation and may be fined \$500, which shall be in addition to any other penalties that may apply for making a false statement to a law enforcement official or for the use of cannabis other than use undertaken pursuant to RSA 126-X.

I understand that the protections granted by RSA 126-X for the therapeutic use of cannabis apply only within New Hampshire.

I understand that I must be in compliance with RSA 126-X and with the administrative rules adopted thereunder, and that the Department may revoke my Registry ID Card for any violation of any provision of RSA 126-X or the rules adopted thereunder.

I understand that by using cannabis I may be denied rights and privileges by federal agencies including, but not limited to, those related to employment such as driving a commercial vehicle, those related to owning, possessing, or purchasing a firearm and ammunition, those related to federally subsidized housing, those related to immigration and naturalization, or the inability to pass a security clearance.

MEDICAL RELEASE, CERTIFICATION, AND NON-DIVERSION PLEDGE

- I, hereby, attest to the Acknowledgments listed above.
- I, hereby, authorize the release of relevant medical information by the provider listed on page 1 to the NH DHHS if additional information about my qualifying medical condition or Written Certification is required.
- I, hereby, certify that I am a resident of New Hampshire and the facts as stated in this Application are accurate to the best of my knowledge and belief. I understand that any false statements made on this Application are punishable as unsworn falsification under RSA 641:3.
- I, hereby, pledge not to divert cannabis to anyone who is not allowed to possess cannabis pursuant to RSA 126-X, acknowledge that diversion of cannabis shall result in revocation of my Registry ID Card, and acknowledge that the sale of cannabis to anyone who is not a qualifying patient or a designated caregiver is punishable as a class B felony with a sentence of a maximum term of imprisonment of not more than 7 years, and a fine of not more than \$300,000, or both, in addition to other penalties for the illegal sale of cannabis.

Applicant's Signature	Date	
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THERAPEUTIC CANNABIS PROGRAM – GENERAL PROGRAM INFORMATION (Please keep for your records)

Program Website: https://www.dhhs.nh.gov/tcp

Applications and Forms: https://www.dhhs.nh.gov/tcp-forms; (603) 271-9255

Contact: (603) 271-9333; TCP@dhhs.nh.gov; NH DHHS, Therapeutic Cannabis Program, 29 Hazen Dr., Concord, NH 03301

Minimum Requirements to Become 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 that is listed in NH law.
- You must apply for and be issued a valid Registry ID Card by the Therapeutic Cannabis Program (TCP).

Qualifying Medical Conditions

Your medical provider must certify that you have a qualifying medical condition that is listed in NH law, as follows:

- Moderate to severe chronic pain; OR
- · Severe pain; OR
- Moderate or severe post-traumatic stress disorder; OR
- Autism spectrum disorder (with an additional provider consultation requirement for those under age 21); OR
- Opioid use disorder with associated symptoms of cravings and/or withdrawal (requires a provider who is actively treating the patient for opioid use disorder and is board-certified in Addiction Medicine or Addiction Psychiatry); OR
- Any combination of a qualifying diagnosis from (1) AND a qualifying symptom or side effect from (2):
 - 1. Cancer; glaucoma; positive status for human immunodeficiency virus; acquired immune deficiency syndrome; hepatitis C; 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; Ehlers-Danlos syndrome; or one or more injuries or conditions that has resulted in one or more qualifying symptoms under (2); AND
 - 2. Elevated intraocular pressure; cachexia; chemotherapy-induced anorexia; wasting syndrome; agitation of Alzheimer's disease; severe pain; constant or severe nausea; moderate to severe vomiting; seizures; or severe, persistent muscle spasms; or moderate to severe insomnia.

Medical Providers

ANY PHYSICIAN (MD/DO), PHYSICIAN ASSISTANT (PA), OR ADVANCED PRACTICE REGISTERED NURSE (APRN) LICENSED IN NH IS *PERMITTED* BY LAW TO CERTIFY YOU FOR THE THERAPEUTIC CANNABIS PROGRAM.

- Talk with any of your current medical providers about your interest in the Program. Ask if they will certify you by issuing you a "Written Certification" (available on the Program's website).
- State law does not *require* any medical provider to issue a Written Certification to their patients.
- There is no requirement for a provider to be registered with the State as a "marijuana doctor."
- There is not a public list of medical providers who participate in the Program. The Program cannot refer you to a provider. You must work with your current providers or develop a relationship with a new provider to become certified.
- In addition, physicians and APRNs (but not PAs) licensed in <u>Maine, Massachusetts</u>, or <u>Vermont</u> are <u>permitted</u> to certify you. Border-state providers must be "primarily responsible for your care related to your qualifying medical condition," which means that you should ask your primary care provider or your specialist who is treating your qualifying condition.

Your certifying medical provider may:

- Issue a Written Certification for any duration up to 3 years. The default duration is one year.
- Send instructions to your Alternative Treatment Center (ATC; dispensary), such as the type of cannabis or the means by which the cannabis should be administered, and the ATC is required to follow such instructions.
- Withdraw your certification at any time and for any reason if in the provider's opinion you should no longer be certified for the therapeutic use of cannabis.

Designate a Caregiver

If you need help with your therapeutic use of cannabis, including help with obtaining cannabis from your ATC, you may designate someone to be your *caregiver*. You may do this on your application or any time after you've been approved (use the "Caregiver Designation/Removal" form on the Program's website). You may designate only one caregiver at a time. Your caregiver must submit a separate "Caregiver Application" and be issued a Registry ID Card before your caregiver can legally assist you with your therapeutic use of cannabis. The caregiver's Registry ID Card will allow that person to legally possess cannabis on your behalf and to legally purchase cannabis from your ATC. To be approved as a Designated Caregiver, a person must be at least 21 years old and must never have been convicted of a felony.

GENERAL PROGRAM INFORMATION (Continued)

Alternative Treatment Centers

There are seven Alternative Treatment Center (ATC) dispensaries in New Hampshire for dispensing therapeutic cannabis. Registered Qualifying Patients and their Designated Caregivers are allowed to purchase cannabis from <u>any</u> ATC location in the state. You must show your Registry ID Card and valid photo identification to enter the ATC dispensaries. It's recommended that you call the ATC before your first visit to a new dispensary. The ATCs in New Hampshire are as follows:

GraniteLeaf Cannabis (formerly Prime ATC), with dispensaries located in Merrimack and Chichester.

380 Daniel Webster Highway, Units A and C, Merrimack, NH 03054. Phone: (603) 262-5035

349 Dover Road (Route 4), Chichester, NH 03258. Phone: (603) 212-1500

Website: graniteleaf.com. Email: info@graniteleaf.com.

Sanctuary ATC, with dispensaries located in Plymouth and Conway.

568 Tenney Mountain Highway, Plymouth, NH 03264. Phone: (603) 346-4619

234 White Mountain Highway (Route16), Conway, NH 03818. Phone: (603) 662-0113

Website: www.sanctuaryatc.org. Email: info@sanctuaryatc.org.

Temescal Wellness, with dispensaries located in Dover, and Lebanon, and Keene.

26 Crosby Road, Units 11-12, Dover, NH 03820

367 Route 120, Unit E-2, Lebanon, NH 03766

69 Island Street, Suite 1, Keene, NH 03431

Website: nh.temescalwellness.com. Email: info@temescalwellness.com. Phone: (603) 285-9383

Confidentiality

The Program will maintain the confidentiality of all personal information about applicants, Qualifying Patients, Designated Caregivers, and certifying medical providers submitted to the Program and contained in the confidential Registry database. Local and state law enforcement officers, however, are allowed to receive limited information from the Registry if a person has been arrested or detained, or when there is probable cause to believe either cannabis is possessed at a specific address or by a specific individual.

Requirements for Minor Patients (under 18 years of age)

Use the "Minor Patient Application" located on the Program's website: https://www.dhhs.nh.gov/tcp-forms

Requirements for Adult Patients Who Have a Legal Guardian or Co-Guardians

- If the legal guardian(s) will be the patient's Designated Caregiver, please use the "Guardianship Patient Application" located on the Program's website: https://www.dhhs.nh.gov/tcp-forms
- If the legal guardian is signing *this* Patient Application on behalf of the patient, proof of guardianship must be submitted with this application. Submit a copy of the entire order that shows the powers granted to the guardian, which must include powers related to healthcare decisions.

Renewals/Extensions

- A Registry ID Card is effective for any duration up to three years, at the discretion of your certifying medical provider.
- There is no difference between the initial and the renewal application process or forms, except that proof of NH residency is not required if there has not been a change of address (unless your card has been expired for more than six months).
- There is no penalty for renewing after the suggested deadline; however, please submit your renewal application materials at least 30 days prior to your card's expiration to prevent a lapse in your registration.
- A card with a duration shorter than three years may be extended, without needing to renew, by using the "Written Certification Extension" form located on the Program's website: https://www.dhhs.nh.gov/tcp-forms

Application Processing

- Application processing takes up to 3 weeks.
- The Program will approve or deny a complete application within 15 days of receipt.
- The Program will issue a Registry ID Card within 5 days of approval.

Incomplete applications:

- You will be notified in writing within 10 days of receipt if an application is incomplete.
- You will be asked to submit the missing information/documentation within 30 days from the date of the notice.
- If you don't provide the missing information/documentation within 6 months of the notice, your application will be closed. You will need to reapply by resubmitting ALL required application materials, including the fee.
- The processing times listed above will begin when the application is complete.