

There are important changes to the Montana Medical Marijuana Program that will affect you. These frequently asked questions (FAQs) will provide answers to questions about the new law and the transition to the new program.

## DEFINITIONS:

1. **Marijuana Infused Products Provider (MIP Provider):** Means a Montana resident who meets the requirements of the law, and who has applied for and received a registry ID card to manufacture and provide marijuana-infused products for a registered cardholder.
2. **Provider:** Means a Montana resident, 18 years or older, who is authorized by the department to assist a registered cardholder (as allowed by law) to obtain medical marijuana.
3. **Registered cardholder:** Means a Montana resident with a debilitating medical condition who has received and maintains a valid registry ID card.
4. **Resident:** A person who meets the requirements of the law and who does not claim residency in another state or country for any purposes. An absentee property owner who pays property tax in Montana is not resident.
5. **2<sup>nd</sup> Degree of Kinship (by blood or marriage):** Means a mother, father, brother, sister, son, daughter, spouse, grandparent, grandchild, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent-in-law, grandchild-in-law, stepfather, stepmother, stepsister, stepson, stepdaughter, stepgrandparent or stepgrandchild.
6. **Seedling:** A marijuana plant that has no flowers and is less than 12 inches in height and 12 inches in diameter.

## PATIENTS (Under the New Law—Registered Cardholders):

1. **Is the medical marijuana program still issuing cards?** Yes.
2. **When the new laws take effect, is my card still going to be valid?** Current patient cards will remain valid and will expire on the expiration date printed on the card. Under the new law, cardholders must carry their registry card with them at all times, along with a picture ID. All current caregiver cards will become invalid on July 1, 2011.
3. **Can I keep my card if I have a chronic pain diagnosis?**
  - a. All current patient cards remain in effect until the expiration date printed on the card
  - b. Patients who are renewing their card or sending in a new application after May 13<sup>th</sup> must include the **new physician statement for a chronic pain diagnosis** with their application

form. This form is available on the website at [www.mt.gov/medicalmarijuana](http://www.mt.gov/medicalmarijuana). The new requirements are:

- i. The patient's doctor must state that the pain is persistent and severe and can be proven by necessary and relevant x-ray, MRI or other diagnostics; OR.
  - ii. A second physician may confirm the chronic pain diagnosis, after performing a physical exam if the patient's first physician did not order diagnostic testing.
4. **I am not a Montana resident; can I still get a card?** No. Individuals must be a Montana resident to apply to be a registered patient or a provider. The new application will require a Montana driver's license or state issued ID card.
5. **When the new law takes effect, can I keep my caregiver?** Effective July 1, 2011 patients will no longer be assigned to the caregiver they have now. Caregivers may apply to be a Provider once a patient has named them on their application form or by completion of a Change Request Form.
6. **Where can I get materials and marijuana seeds or cuttings to get started?** The department does not have information about growing marijuana, but recommends using the internet, family and friends as resources to find information.
7. **Can I have the same number of plants as I do now?** No, Effective July 1, 2011, patients will be limited to 12 seedlings (<12"), 4 mature flowering plants, and 1 ounce of usable marijuana. If patients assign a provider, they cannot grow for themselves.
8. **If I grow my own marijuana, do I need to have a background check? Will my name be on a list given to law enforcement?** No. If patients are growing medical marijuana for their use only, they do not need to have a background check and their name and address will not be on a list given to law enforcement.
9. **My minor child is on the registry, will his/her card still be valid under the new law?** Yes, the card will be valid until the expiration date. The new requirements for minors take effect on July 1, 2011. If you renew your child's card after June 20, 2011, it will be under the new program
10. **Do I need to sign up as a provider in order to be the marijuana infused products (MIP) provider for my child?** Yes. You will need to submit a provider application, an application fee and your fingerprints to the department to become a MIP provider for your minor child. Under the new law, you do not need to pass the fingerprint background check before becoming your child's MIP provider, but you must submit your fingerprints to the department by October 1, 2011. See the provider section for more information.
11. **Does the new law require two physician recommendations for a minor child?** Yes, upon renewal (or for a new application submitted after June 20, 2011) minors must have a recommendation from two physicians in order to be on the registry.

12. **I am under the supervision of the department of corrections (or a youth court). After the new law takes effect what will happen to my card?** The patient's card will expire on the expiration date printed on the current card. Upon renewal, the patient will no longer be eligible to be a registered cardholder.
13. **Can I still have a card if I am convicted of a DUI?** If a cardholder's driver's license is revoked for a DUI, the patient and/or provider's medical marijuana card must be surrendered and will not be reissued until the DUI revocation period has ended.
14. **Can I be tested for marijuana if I am pulled over?** Registered cardholders who drive may be required (through a search warrant) to provide a blood sample, if they are suspected of driving under the influence. Probable cause is still required.

## **CAREGIVERS (Under the New Law—Providers or Marijuana Infused Products Providers MIPPS):**

1. **When do the new rules for caregivers take effect?** July 1, 2011 caregiver's cards will no longer be valid. Individuals will need to register with the department as a *provider* if they wish to provide marijuana to patients.
2. **Do I need to destroy my plants?** If caregivers do not register as a provider under the new rules by June 30, 2011, they must take plants and any other medical marijuana products to local law enforcement by June 30. If the caregiver is also a patient, they may keep 12 seedlings (<12"), 4 mature flowering plants, and 1 ounce of usable marijuana.
3. **Can I be a provider and a marijuana infused products provider?** Yes.
4. **How do I sign up to be a provider?** In order to become a provider, individuals must *first* be named by a patient, as their provider, on their application. Individuals who are named by a patient will need to submit their fingerprints to the department along with a new provider application form and a check or money order for the amount of the fee. New fee information and a new provider application are now available on the department's website. NOTE: Until October 1, 2011, individuals can register to be providers without submitting to the fingerprint background check. However, all providers must *submit* fingerprints to the department by October 1. After October 1 providers must *pass* the fingerprint background check *before* becoming a registered provider.
5. **How do prospective providers get a fingerprint background check?** People who want to be providers should visit their local law enforcement agency to be fingerprinted. There may be a fee for having fingerprints taken. The provider's fingerprints must be submitted to the department with the provider application packet.
6. **What are the limitations for being a provider?** Approval as a provider will not be granted if there are any drug convictions (felony or misdemeanor) or any other felony conviction in the applicant's background history. Providers must also attest on the application that they:

- a. Do not owe any back taxes, interest, penalties or judgments to any government agency;
  - b. Are not in default on a student loan;
  - c. Have not failed to pay child support.
7. **Are there special rules or considerations specifically for Marijuana infused product providers?** Yes, Marijuana infused products providers must use dedicated cookware used only for producing marijuana infused products. The cookware cannot be used for general household cooking and is subject to local health department food preparation rules.
8. **What are registered providers's growing limitations?** Providers will be limited to 12 seedlings (<12"), 4 mature flowering plants, and 1 ounce of usable marijuana in possession per approved patient.
9. **Where can I get materials and marijuana seeds or cuttings to get started?** The department does not have information about growing marijuana, but recommends using the internet, family and friends as resources to find information.
10. **Will my name or address be on a list given to the police?** Local law enforcement will be notified of the names and grow locations of providers
11. **Do I have to pay to be a provider?** There will be a fee to register with the department as a provider. This fee must cover the cost of handling the application and the fingerprint background check. Information about new fees will be on the medical marijuana website by June 20, 2011.

## PHYSICIANS:

1. **When do the new rules for physicians take effect?** The new requirements for physician's statements take effect on July 1, 2011. However, the department will stop taking new applications with old physician's statements on June 20. If a patient cannot reasonably expect to submit their paperwork to the department by June 20, the patient will need to submit the *new doctor's statement* and will be subject to the *new requirements*. New forms will be available on this website by June 20, 2011.
2. **What about my current patients, who I have written recommendations for?** Current patient cards will expire on the date printed on the current registry ID card.
3. **Have the debilitating conditions, for which I can recommend medical marijuana for my patients changed?** There are several more debilitating conditions for which you can recommend medical marijuana. The full list is:
  - a. Cancer, glaucoma, positive status for human immune deficiency syndrome when the condition or disease results in symptoms that seriously and adversely affect the patient's health status.
  - b. Cachexia or wasting syndrome
  - c. Severe, chronic pain that is persistent pain of severe intensity that significantly interferes with daily activities as documented by the patient's treating physician
  - d. Intractable nausea or vomiting
  - e. Epilepsy or intractable seizure disorder
  - f. Multiple sclerosis
  - g. Chron's Disease

- h. Painful peripheral neuropathy
  - i. A central nervous system disorder resulting in chronic, painful spasticity or muscle spasms.
  - j. Admittance into hospice care.
4. **Are there new requirements for the chronic pain diagnosis?** Yes. There are two options for certifying a chronic pain diagnosis:
- a. The physician must attest (on the new doctor's statement) that the patient's pain is persistent and severe and can be proven by necessary and relevant x-ray or MRI. OR;
  - b. A *second* physician, after conducting a physical examination of the patient, is required to confirm the chronic pain diagnosis; if the primary care physician has not completed the relevant and necessary diagnostic testing.
5. **When will patient forms change? Where will I find the new department physician forms?** New forms for physicians, patients and providers will be on this website by June 20, 2011.

*The FAQs provided herein are intended to provide general information only and to reflect the current status of the Montana Marijuana Act, subject to the on-going deliberations in Lewis and Clark County Cause No. DDV-2011-518. **These FAQs should not be construed as a legal opinion or as legal advice.** Interested individuals are encouraged to seek professional private legal counsel in interpreting the Montana Marijuana Act and any related judicial determinations*