



## **FAQ Regarding the Medical Use of Marijuana in Massachusetts**

In November 2012, Massachusetts voters approved a ballot question that allows a qualifying patient with a debilitating medical condition to obtain and possess marijuana for medical use, beginning January 1, 2013. The Department of Public Health was required by law to develop regulations for patient and caregiver registration, operation of dispensaries, and other aspects of the law. The Public Health Council unanimously approved the regulations on May 8, 2013. The regulations are now in effect.

DPH has partnered with a wide range of stakeholders in public safety, patient advocacy, the medical community, and municipal government and will learn from other states' experiences to put a system in place that is right for Massachusetts. Listening sessions and public hearings across the Commonwealth contributed to the Department's understanding of the complexity surrounding the implementation of a program for the medical use of marijuana.

The Department is currently building the necessary infrastructure to implement the law, including the development of an on-line registration process for patients and caregivers. The Department will issue registration cards to patients and caregivers once it completes the implementation of the program.

In the first year, the law allows DPH to register up to 35 non-profit RMDs across the state, with at least one but no more than five dispensaries per county. The non-profit RMDs will be registered under the law to cultivate, process, and provide marijuana and marijuana-infused products to registered qualifying patients.

### **The following are frequently asked questions about the current status and planned timeline for the implementation of regulations required by the new law:**

#### **How do I qualify as a patient?**

A patient must obtain a written certification from a physician for a debilitating medical condition. The law specifies: cancer, glaucoma, AIDS, hepatitis C, amyotrophic lateral sclerosis (ALS), Crohn's disease, Parkinson's disease, multiple sclerosis and other conditions as determined in writing by a qualifying patient's physician. The law allows a qualifying patient to possess up to a 60-day supply of marijuana for his or her personal medical use. The regulations define a 60-day supply as up to 10 ounces.

#### **Are qualifying patients eligible for marijuana while the program is being implemented?**

Yes. During the time DPH is implementing this program, the ballot measure allows the written recommendation of a qualifying patient's physician to serve as a medical marijuana registration card. Similarly, the law allows a qualifying patient to cultivate his or her own limited supply of marijuana during this period. A certifying physician may issue a written certification only for a qualifying patient with whom the physician has a bona fide physician-patient relationship.

Under the law, until its program is implemented, DPH is not involved in regulating any recommendations between physicians and patients for the medical use of marijuana, or in defining the limited cultivation registration. DPH has clarified in its final regulations that these provisions of the law will remain in effect until further notice. Even though final regulations are in

place now, patients may continue to visit physicians for certification, and to possess legally allowable amounts of medical marijuana as defined in the regulations, before DPH's anticipated online registration system is available.

DPH will notify the public on its medical marijuana website, [www.mass.gov/medicalmarijuana](http://www.mass.gov/medicalmarijuana), when this system is operational and must be used.

**What are the requirements for personal caregivers?**

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 immediate family member of more than one registered qualifying patient, an individual may not serve as a personal caregiver for more than one registered qualifying patient at one time.

A personal caregiver may not receive payment or other compensation for services rendered as a personal caregiver other than reimbursement for reasonable expenses incurred in the provision of services as a caregiver. A caregiver's time is not considered a reasonable expense. In the case of an employee of a hospice provider, nursing facility, or medical facility, or a visiting nurse, personal care attendant, or home health aide serving as a personal caregiver, such person may not receive payment or compensation above and beyond his or her regular wages.

**When will the Department begin issuing registration cards to patients and caregivers?**

This date has not yet been determined. DPH must develop the technology to receive and process registrations. Any date for issuing registration cards will take into account the time needed to build such technology and related support systems.

**Will health insurers or governments be required to cover the cost of marijuana for medical use?**

No. Nothing in the law requires any health insurance provider, or any government agency or authority, to reimburse any person for the expenses of the medical use of marijuana.

**Will Massachusetts give guidance to health care providers on the medical use of marijuana?**

The Board of Registration in Medicine is collaborating with DPH to determine how to ensure that physicians understand the law and its provisions. The Board welcomes the recommendations of the Massachusetts Medical Society and other interested stakeholders, and is collaborating with DPH to successfully implement the law and promote patient safety.

**Can cities and towns ban Registered Marijuana Dispensaries?**

The Massachusetts Attorney General issued a decision that municipalities are not permitted to enact a total ban on Registered Marijuana Dispensaries. However, cities and towns may adopt zoning by-laws to regulate such dispensaries, so long as such by-laws do not conflict or interfere with the operation of the Department's regulations, and may enact a temporary moratorium in order to study the zoning issues related to the development of dispensaries.

**If a city or town has a temporary moratorium, what impact will it have on an application for a Registered Marijuana Dispensary?**

The Department's Selection Committee for RMDs will consider a number of factors during its review process, including local support, geographic distribution and how a temporary moratorium might impact the timeline for opening and the RMD's ability to meet patients' needs in the region.

**What municipal approvals must be in place for a Registered Marijuana Dispensary to open?**

Before an RMD can open, it must comply with all local rules, regulations, ordinances and bylaws. A demonstration of local support or non-opposition is one of the weighted factors that will be considered by the Selection Committee in reviewing RMD applications. Municipalities may

impose their own requirements as long as those requirements do not conflict or interfere with DPH regulations.