

There are important changes to the Montana 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 (MIPP):** 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 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.

## REGISTERED CARDHOLDERS (Patients under the old law):

1. **Is the Montana Marijuana Program still issuing cards?** Yes.
2. **Is my card still valid?** Registered cardholder's 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 caregiver cards became invalid on July 1, 2011.
3. **Can I keep my card if I have a chronic pain diagnosis?**
  - a. All current registered cardholder cards remain in effect until the expiration date printed on the card.
  - b. There are new requirements and a new physician's form for a chronic pain diagnosis. This form is available on the website at [www.mt.gov/marijuanaprogram](http://www.mt.gov/marijuanaprogram). The new requirements are:
    - i. The registered cardholder'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 registered cardholder'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 cardholder or a provider. The new application requires a copy of the applicant's Montana driver's license or Montana State issued ID card.
5. **Can I keep my caregiver?** Effective July 1, 2011 all caregivers cards became invalid. Caregivers must apply to be a Provider, under the new program, if they wish to provide marijuana to registered cardholders. Registered cardholders can add a provider by submitting a Change Request Form, or naming a provider on their renewal or new application.
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. **How many plants can I have under the new program?** Registered cardholders are limited to 12 seedlings (<12"), 4 mature flowering plants, and 1 ounce of usable marijuana. If a registered cardholder assigns 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 registered cardholders are growing marijuana for their use only, they do not need to have a background check and their name will not be on a list given to law enforcement. Law enforcement can call the department to verify that individuals are registered cardholders or providers.
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. Upon renewal, the minor will be subject to the new program rules.
10. **Do I need to sign up as a provider in order to be the marijuana infused products provider (MIPP) for my child?** Yes. You will need to submit a provider application, an application fee and your fingerprints to the department to become a MIPP for your minor child. See the provider section for more information about the application process.
11. **Does the new law require two physician recommendations for a minor child?** Yes, upon renewal (or for a new minor application) 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 registered cardholder's card will expire on the expiration date printed on the current card. Upon expiration, the registered cardholder 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 registered cardholder and/or provider's 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.

## PROVIDERS (Caregivers under the old law):

1. **When do the new rules for providers take effect?** July 1, 2011 all caregiver's cards became invalid. Individuals will need to register with the department as a *provider* if they wish to provide marijuana to registered cardholders.
2. **Do I need to destroy my plants?** If former caregivers have not registered under the new program they should not be in possession of any plants unless they are also a registered cardholder. Individuals growing for themselves may have 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 be named by a registered cardholder on the cardholder's application or on a change request form. Individuals who are named by a registered cardholder must submit 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 available on the department's website at [www.dphhs.mt.gov/marijuanaprogram](http://www.dphhs.mt.gov/marijuanaprogram).
5. **How do prospective providers get a fingerprint background check?** Individuals who want to be providers must take the following steps in order to submit fingerprints to the department:
  - a. Call the department at 406-444-0596 (ext. 3). Leave a message clearly stating your name and address, and request fingerprint cards (you may also request a full provider/MIPP application). Cards will be mailed to you within 2 business days.
  - b. Take the fingerprint cards to a law enforcement agency to have your fingerprints rolled. Only the fingerprint cards provided by the department can be used.
  - c. Bring a postage paid envelope to the law enforcement agency with you, addressed to: DPHHS/MMP, PO Box 202953, Helena, MT 59620-2953.
  - d. The law enforcement agency may charge a fee to roll your fingerprints. You are responsible for the fee.
  - e. Have your fingerprints rolled onto both fingerprint cards by the law enforcement personnel.
  - f. Give the postage paid, addressed envelope to the individual rolling your fingerprints. **Both** fingerprint cards must be placed in the envelope and the envelope must be sealed and mailed to DPHHS by the individual rolling your fingerprints.
  - g. You may include your full provider application in the envelope with your fingerprint cards or you may send it separately.

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. Are not under the supervision of the Department of Corrections or a youth court.
  - b. Do not owe any back taxes, interest, penalties or judgments to any government agency;
  - c. Are not in default on a student loan;
  - d. 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 registered cardholder.
  
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 be on a list given to the police?** Local law enforcement will be notified of the names of providers in their jurisdiction. No other information will be give to law enforcement.
  
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 is available at the website at [www.dphhs.mt.gov/marijuanaprogram](http://www.dphhs.mt.gov/marijuanaprogram).

## PHYSICIANS:

1. **When do the new rules for physicians take effect?** The new requirements for physician's statements take effect on July 1, 2011.
  
2. **What happens to my current patients who I have written recommendations for?** Current registered cardholder cards will expire on the date printed on the current registry ID card.
  
3. **Have the debilitating conditions, for which I can recommend marijuana for my patients changed?** There are several more debilitating conditions for which you can recommend 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 registered cardholder'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 registered cardholder'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 registered cardholder'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 registered cardholder, 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 registered cardholder forms change? Where will I find the new department physician forms?** New forms for physicians, registered cardholders and providers are available on the website at [www.dphhs.mt.gov/marijuanaprogram](http://www.dphhs.mt.gov/marijuanaprogram).

*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*