



FAQ Regarding Medical Marijuana in Massachusetts

In November 2012, Massachusetts voters approved a ballot question which allows qualifying patients with certain medical conditions to obtain and use medical marijuana. While the ballot question makes medical marijuana legal in the state, the Massachusetts Department of Public Health must consider several important issues to ensure safe and responsible use.

To that end, DPH has been meeting internally to begin the process of developing these regulations. DPH is partnering with a wide range of stakeholders in public safety, patient advocacy groups, the medical community, and municipal governments and will learn from other states' experiences to put a system in place that is right for Massachusetts.

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

What happens on January 1, 2013?

The medical marijuana law takes effect on January 1, 2013. At that point, the Department will have 120 days (until May 1, 2013) to issue regulations. Until regulations are in place, medical marijuana dispensaries cannot open, and DPH cannot issue any registration cards. DPH's regulations will reflect input from various stakeholders, and the Department will hold a hearing and comment period to allow for further public input before the regulations are finalized.

Are qualifying patients eligible for medical marijuana under the new law starting January 1 while DPH is drafting its regulations?

During the time DPH is crafting its regulations, the ballot measure allows the written recommendation of a qualifying patient's physician to act as a medical marijuana registration card. Similarly, the law allows a qualifying patient to cultivate their own limited supply of marijuana during this period. Under the law, until DPH issues its regulations, it is not involved in regulating any medical marijuana recommendations between physicians and patients, or in defining the limited cultivation registration.

How do I qualify as a patient?

The 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 qualified patients to possess up to a 60-day supply of marijuana for their personal medical use. The law directs DPH to define a 60-day supply through regulation.

What must DPH decide before dispensaries can be registered and registration cards can be issued?

Beginning on January 1, DPH will have 120 days to issue regulations governing numerous sections of the law. Some of the provisions include: setting application fees for non-profit medical marijuana treatment centers to fully cover the cost to the state; defining the quantity of marijuana that constitutes a 60-day supply; setting rules for cultivation and storage of marijuana, which will be allowed only in enclosed, locked facilities; creating registration cards for qualified patients; and defining rules around registration cards, personal caregivers, employees of medical marijuana treatment centers and individuals who qualify for a hardship cultivation registration.

I want to operate a medical marijuana dispensary. Can I apply for registration while regulations are being written?

No, because the regulations will specify what information and fee must be submitted for an application to be considered. In the first year, the law allows DPH to register up to 35 non-profit treatment centers across the state, with at least one but no more than five centers per county. The non-profit treatment centers would be registered under the law to grow, process and provide marijuana to qualified patients.

Will Massachusetts give guidance to health care providers on the medical marijuana law?

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 will collaborate with DPH to successfully implement the law and promote patient safety.

Will health insurers or governments be required to cover medical marijuana?

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.

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