

Medical Cannabis Program

Application Requirements for a Licensed Producer – Updated 1-26-10

In accordance with the New Mexico Department of Health, Public Health Division's Rules (Title 7; Chapter 34; Part 4) "Licensing Requirements for Producers, Production Facilities and Distribution," the following application requirements apply to a non-profit private entity that wishes to operate a facility and produce cannabis for medical use. **Any application submitted on or after February 1, 2010 must use this format.**

General Requirements: A facility that qualifies to produce and distribute cannabis for medical use is limited to a combined total of ninety-five (95) mature plants and seedlings and an inventory of usable medical cannabis that reflects current qualified patient needs. The non-profit will sell medical cannabis at a consistent unit price and without volume discounts. Only non-profit organizations are eligible for licensure.

Application Requirements: All applicants must develop and submit policies and procedures to produce and distribute medical cannabis. The applicants, if licensed, would be required to maintain these policies and procedures on the premises. At a minimum, the application must include the criteria starting on page 2 of this document. These pages should be used as the index for the application and must be completely filled out, including the page numbers where each item starts.

*Sending an application to the Department of Health is in **no way** a guarantee that the applicant will receive a license. The number of licenses issued to non-profit entities is at the discretion of the Secretary of the Department of Health and will be based upon assessment of the needs of qualified patients and the safety of the public. There is no specific time-line currently for the process of licensing non-profit producers.*

For the purpose of redaction, please include the name of the non-profit on the title page and PRC non-profit registration only. Refer to the non-profit by a generic name (such as "the applicant") elsewhere in the application.

Note: The Department of Health may verify information on each application and accompanying documentation by any or all of the following means:

- contacting the applicant by phone or mail;
- conducting an on-site visit;
- requiring a face-to-face meeting and additional identification materials if proof of identity is uncertain;
- requesting additional relevant information that the Department deems necessary.

For review purposes, please send two complete and **untabbed** copies of the application in three-ring binders to:
Medical Cannabis Program
Infectious Disease Bureau
New Mexico Department of Health
1190 St. Francis, Drive, S-1306
Santa Fe, NM 87502

If you have an inquiry regarding this process, please email the program at medical.cannabis@state.nm.us
The Medical Cannabis Program can not offer any legal advice, or advice about non-profits.

The application must include the following list as an index page and must include each of the specified items, in the order identified below. This list must be completely filled out, and must identify the starting page of the application for each item.

- Pg. # ____ Payment of non-refundable fee of \$100. Please include a check or money order payable to the New Mexico Department of Health Medical Cannabis Program with your application.
- Pg. # ____ Proof of non-profit status pursuant to NMSA 1978, Section 53-8-1 *et seq.*.
- Pg # ____ Copies of the non-profit's articles of incorporation and by-laws.
- Pg. # ____ A list of the board of directors for the non-profit. The board of directors must include, but need not be limited to, one (1) physician, nurse or other health care provider, and three (3) patients currently registered in the New Mexico Medical Cannabis Program.
- Pg. # ____ A list of all persons and businesses, if applicable, that have direct or indirect authority over the management of policies of the facility that will be used to produce medical cannabis.
- Pg. # ____ A list of all persons or business entities having five percent or more ownership in the facility, and whether the interest is in profits, land or building, including owners of any business entity which owns all or part of the land or building.
- Pg. # ____ A list of all creditors holding a security interest in the premises.
- Pg. # ____ An acknowledgement that production will not exceed a total of ninety-five (95) mature plants and seedlings and an inventory of usable marijuana that reflects current qualified patient needs.
- Pg. # ____ A description of the facility that will be used to produce cannabis.
- Pg. # ____ Proof that the facility is not within three hundred (300) feet of any school, church or daycare center, including a map.
- Pg. # ____ A description of the device(s) that will be used to provide security.
- Pg. # ____ A description of the non-profit's distribution criteria for qualified patients and approved caregivers.
- Pg. # ____ Distribution criteria that include a clear identifiable photocopy of each registry identification card of a qualified patient and the patient's caregiver (if applicable) who are served by the non-profit.
- Pg. # ____ A description of how the non-profit will safely dispense the cannabis to qualified patients or to qualified patients' primary caregivers.
- Pg. # ____ A description of the non-profit's policy on the right of the entity to refuse service.
- Pg. # ____ A description/sample of the documents the non-profit will use to notify qualified patients and/or caregivers of the quality of the medical cannabis.
- Pg. # ____ A description of the packaging for the medical cannabis that the non-profit will produce, including a label containing the name of the strain, batch, and quantity. The label must display a statement that the cannabis is for medical use only and not for resale.

- Pg. #____ A description/sample of the non-profit's confidential sale records. Both clients and the Department of Health will have access to this information at any time.
- Pg. #____ A description of how the non-profit will educate qualified patients and caregivers on the limitation of the right to possess and use cannabis per the *Lynn and Erin Compassionate Use Act*, NMSA 1978, Section 26-2B-1 *et seq.*
- Pg. #____ A description of how the non-profit will keep staff and patients updated on informational developments in the field of medical cannabis
- Pg. #____ A description of safe smoking techniques, which the non-profit entity will provide to qualified patients and their primary caregivers.
- Pg. #____ A description of ingestion options of useable cannabis, which the non-profit entity will provide to qualified patients and their primary caregivers.
- Pg. #____ A description of potential side effects qualified patients could experience while using the cannabis, along with a description of how the non-profit entity will communicate that information to qualified patients and their primary caregivers.
- Pg. #____ An on-site training curriculum, or a copy of a contract or proposed contract with outside resources capable of meeting employee training needs, which training must include (but need not be limited to) training in professional conduct, ethics and patient confidentiality.
- Pg. #____ A description of the non-profit's security policies, safety and security procedures, personal safety and crime prevention techniques.
- Pg. #____ A description of the non-profit's training in security measures and specific instructions on how to respond to an emergency, including robbery or a violent accident.
- Pg. #____ Training documentation for each employee and a form to be signed by each employee indicating the date, time and place the employee received training and topics discussed, to include the name and title of presenters. The non-profit must maintain documentation of each employee's training for at least six (6) months after termination of the individual's employment.
- Pg. #____ A job description or employment contract developed for all employees, which includes provisions for employee duties, authority, responsibilities, qualifications and supervision.
- Pg. #____ Policies and procedures relating to an alcohol and drug free workplace program.
- Pg. #____ A personnel record for each employee that includes an application for employment and a record of any disciplinary action taken.
- Pg. #____ Documentation of completed background checks on all board members, employees or volunteers. This includes anyone who has regular access to production facilities or records.