



The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
Bureau of Health Care Safety and Quality
Medical Use of Marijuana Program
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MEMORANDUM

TO: Interested Parties

FROM: Eric J. Sheehan, J.D.
Director, Bureau of Health Care Safety and Quality

DATE: May 16, 2017

RE: Clarification of Caregivers and Approved Dispensaries

Purpose

The purpose of this memorandum is to clarify what entities are authorized by the Department of Public Health (“Department”) to deliver marijuana for medical use to registered patients and caregivers in Massachusetts.

Registered Marijuana Dispensaries

Only state-approved Registered Marijuana Dispensaries (“RMD”) are authorized to sell or deliver marijuana for medical use in Massachusetts. The sale of marijuana or marijuana-infused products by anyone other than a RMD is prohibited. For a list of state-authorized RMDs, you may visit the Medical Use of Marijuana Program’s (Program) at:

<http://www.mass.gov/eohhs/gov/departments/dph/programs/hcq/medical-marijuana/dispensing-rmds.html>

Caregivers

A personal caregiver is defined in Department Regulations, 105 CMR 725.004, as:

“a person, registered by the Department, who is at least 21 years old, who has agreed to assist with a registered qualifying patient’s medical use of marijuana, and is not the registered qualifying patient’s certifying physician. An employee of a hospice provider, nursing, or medical facility or a visiting nurse, personal care attendant, or home health aide providing care to a qualifying patient may serve as a personal caregiver, including to patients under 18 years of age as a second caregiver.”

A personal caregiver MUST:

- Register with the Department;
- Carry his or her registration cardⁱ at all times while in possession of marijuana; *and*
- Only serve ONE registered qualifying patient:
 - Unless they are an employee of a hospice provider, nursing, or medical facility or a visiting nurse, personal care attendant, home health aide, or immediate family member of more than one registered qualifying patient.

A personal caregiver MAY:

- Transport a registered qualifying patient to and from a registered marijuana dispensary (RMD) as an incidental service to care, including assistance with activities of daily living, being provided for the registered patient;
- Obtain and transport marijuana from a RMD on behalf of a registered qualifying patient;
- Engage in limited cultivation of a patient's sixty day supply of marijuana on behalf of a registered qualifying patient either at the primary residence of the personal caregiver or the primary residence of the registered qualifying patient;
- Prepare marijuana for consumption by a registered qualifying patient; *and*
- Administer marijuana to a registered qualifying patient.

A personal caregiver MUST NOT:

- Sell or otherwise divert marijuana that has been dispensed to or cultivated on behalf of a registered qualifying patient;
- Consume, by any means, marijuana that has been dispensed to or cultivated on behalf of a registered qualifying patient;
- Allow a registered qualifying patient who is under 18 years of age to possess marijuana at any time when not in the presence of the personal caregiver;
- Cultivate marijuana for the personal caregiver's own use, unless the personal caregiver is also a registered qualifying patient who has obtained a hardship cultivation registration;
- Cultivate marijuana for purposes of selling or providing marijuana to anyone other than the registered qualifying patient; *or*
- Cultivate marijuana for more than one registered qualifying patient unless they are immediate family members.

Should you have any questions, please contact the Program at MedicalMarijuana@state.ma.us.

ⁱ An image of the Department's official Program ID Card here:

<http://www.mass.gov/eohhs/gov/departments/dph/programs/hcq/medical-marijuana/mmj-id-cards-samples.html>