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“We change laws.”

Caregivers and Medical Cannabis Laws

Just as loved ones are able to pick up prescription medications for one another at a pharmacy, most medical cannabis patients need help from time to time. Even a patient who is usually able to go to a dispensary may be hospitalized, undergoing chemo, or otherwise unable to make it to a dispensary at some point. It is thus very important that all patients be permitted to have a caregiver who can pick up their medicine. The definition of who may serve as a caregiver must also be broad enough to cover both patients who need paid care and those who have loved ones assist them.

In addition to picking up medications, many patients need assistance with the act of administering their medicine, including medical cannabis. It is important that state laws be crafted broadly enough to reflect the reality of patients' situations, including those of patients with the most severe limitations. A patient with intractable seizures, muscular dystrophy, or ALS may have numerous people assist with administering medication in the course of a year — from parents or adult children to school personnel or aides at residential facilities to nurses. For patients needing round-the-clock care, each day could involve three different eight-hour shifts. Many medical cannabis laws explicitly allow any person — not just caregivers — to assist patients with the act of administering cannabis. This reflects patients' realities and avoids an unrealistic requirement that every school nurse, nurse's aide, and hospital staffer register with the state, wait up to a month, and pay a hefty fee to assist a patient administering their medicine once.

Another important feature of medical cannabis laws is that caregivers should be allowed to serve many patients. For example, if a nursing home or assisted living facility allows medical cannabis, it would likely make sense for the facility to have a single staffer, or perhaps two, pick up cannabis for all of its residents. For paid medical aides, there should be no numerical limit to patients they serve.

Sample Language:

In the definitions section:

(xx) “Designated caregiver” means a person who:

- (1) is at least 21 years of age;
- (2) has agreed to assist with a qualifying patient's medical use of cannabis; and
- (3) assists no more than five qualifying patients with their medical use of cannabis, unless the designated caregiver's qualifying patients each reside in or are admitted to a health care facility or residential care facility where the designated caregiver is employed.

In the patient application section:

(xx) if more than one designated caregiver is designated at any given time, documentation demonstrating that a greater number of designated caregivers are needed due to the patient's age or medical condition;

In the legal protections section:

(xx) No person may be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including any civil penalty or disciplinary action by a court or occupational or professional licensing board or bureau, for assisting a registered qualifying patient with the act of using or administering cannabis.