

# **HOW TO: Become a Medical Marijuana Patient in Montana**

**Medical marijuana is legal in Montana and is proven to be a safe and effective therapy for a variety of medical conditions. This document provides a brief overview of the process of participating in the state's registration program. While an “affirmative defense” provision exists (described on the back of this sheet), patients should consider registering with the state to avoid unpleasant encounters with government officials.**

**The steps for registration are as follows:**

**1. Suffer from a qualifying condition:**

To be considered, patients must suffer from a debilitating medical condition, defined as:

- (a) cancer, glaucoma, or positive status for human immunodeficiency virus, acquired immune deficiency syndrome, or the treatment of these conditions;
- (b) a chronic or debilitating disease or medical condition or its treatment that produces one or more of the following:
  - (i) cachexia or wasting syndrome;
  - (ii) severe or chronic pain;
  - (iii) severe nausea;
  - (iv) seizures, including but not limited to seizures caused by epilepsy; or
  - (v) severe or persistent muscle spasms, including but not limited to spasms caused by multiple sclerosis or Crohn's disease

**2. Print and fill out the forms:**

The required forms are available at <http://www.dphhs.mt.gov/medicalmarijuana>. You need at least the “Patient/Caregiver Application Form” and the “Attending Physician's Statement”. The “Frequently Asked Questions” document is interesting and helpful as well.

**3. Talk to with your doctor:**

Your doctor must have a valid license to practice medicine as an M.D. or D.O. in Montana. Your doctor cannot “prescribe” medical marijuana – that term has a specific legal use and is not appropriate in this context. By signing the required Physician's Statement, your doctor is simply stating that “The potential benefits of

medical marijuana will likely outweigh the health risks for this patient.” Your doctor cannot get in trouble for discussing medical marijuana with you, due to protections in the state law (*MCA 50-46-201(4)*) and a recent Supreme Court decision (*Conant v. Walters*).

#### **4. Choose a caregiver:**

Montana's medical marijuana law does not address supply. In other words, you are on your own and must obtain your medical marijuana by whatever means are available to you. If you are unable to grow the plants yourself, one option defined by law is to designate a “caregiver”, someone who will grow up to 6 marijuana plants on your behalf. In order to be protected from state criminal laws, this individual must be named on your application.

#### **5. Send the forms to the state:**

The state's Department of Public Health and Human Services (DPHHS) administers the medical marijuana registration program and the address is present on the forms. There is a \$ 25 annual fee that must accompany your forms. The law requires (*MCA 50-46-202*) DPHHS to keep the patient database secure and confidential.

**Affirmative Defense:** This portion of the state law (*MCA 50-46-206*) allows a patient to argue (with a physician's corroboration) that his or her marijuana activity was medical in nature. If the judge and/or jury agree, then the charges must be dropped. In other words, registration with the state is not strictly required, but you may have to be arrested (and suffer the various associated indignities and inconveniences) in order to defend your use of medical marijuana under the state law.

#### **Additional Resources:**

Montana Patients & Families United: <http://mtmjpatients.org/>

Conant v/ Walters Supreme Court Case:

<http://www.drugpolicy.org/marijuana/medical/challenges/cases/conant/>