

WEST VIRGINIA MEDICAL CANNABIS PROGRAM

Frequently Asked Questions: Patients and Caregivers

Who will be able to obtain medical cannabis?

Under the Medical Cannabis Program, patients who are residents of West Virginia and have a serious medical condition as certified by a physician will be able to obtain medical cannabis at approved dispensaries that are located in the state and have a validly-issued permit from the Bureau for Public Health.

A "caregiver" who is designated by the patient and approved by the Bureau will be able to obtain medical cannabis from an approved dispensary located in the state that has a validly-issued permit from the Bureau in order for the caregiver to deliver medical cannabis to the patient.

Who is considered a "caregiver" under the Act?

The Act defines a "caregiver" as an individual, 21 years of age or older unless otherwise authorized by the Bureau, who is:

- designated by a patient or, if the patient is under 18 years of age, an individual that is a parent or legal guardian of the patient, or
- an individual designated by a parent or legal guardian, or
- an appropriate individual approved by the Bureau upon a sufficient showing that no parent or legal guardian is appropriate or available.

Caregivers must undergo a criminal history background check, submit an application to the Bureau for an identification card, and be registered with the Bureau. The Bureau will make applications for caregivers available on its website.

How may patients participate in the Medical Cannabis Program?

In order to participate in the Medical Cannabis Program, patients must:

1. Register with the Bureau.

2. Obtain a physician's certification that they suffer from one of the 15 serious medical conditions, as defined in the Act.
3. Apply for a medical cannabis ID card and submit the application fee.
4. Obtain medical cannabis from an approved dispensary located in the state that has a valid permit issued by the Bureau.

(This process is still being developed by the Bureau. The Bureau will communicate with the public as the registration process becomes available.)

How will patients apply for medical cannabis identification cards?

The Bureau is currently working to develop the process to obtain a medical cannabis ID card. The Bureau will make applications available to patients on its website, and will communicate to the public when the application is available.

Will patients with serious medical conditions be eligible to receive medical cannabis if they are under 18?

Yes. Patients under the age of 18 with a serious medical condition may obtain medical cannabis through a caregiver. For patients under the age of 18, a caregiver may be a parent or legal guardian, a person designated by a parent or guardian, or an individual approved by the Bureau upon a sufficient showing that no parent or legal guardian is appropriate or available. The caregiver must undergo a criminal history background check, apply to the Bureau for an identification card, and be registered with the Bureau. The patient must also have an identification card issued by the Bureau. The Bureau will make applications available to patients on its website.

Can someone else obtain medical cannabis on behalf of a patient?

Yes. When a patient submits an application to the Bureau for an identification card, he or she may designate up to two caregivers. Caregivers must undergo a criminal history background check, submit an application to the Bureau for an identification card, and be registered with the Bureau. The Bureau will make applications for caregivers available on its website. There is a \$50 processing fee for caregiver applications, but the Bureau may waive or reduce the fee if the applicant demonstrates financial hardship on the application.

Can a caregiver be designated by more than one patient?

Yes. A caregiver may be designated by up to five patients. Before obtaining medical cannabis for a patient, however, a caregiver must apply for and obtain a medical cannabis identification card and be registered with the Bureau.

Where will patients or caregivers obtain medical cannabis?

Registered patients or caregivers with an identification card issued by the Bureau may purchase medical cannabis at an approved dispensary that has a valid permit from the Bureau and is located in the state. The Bureau may issue permits to up to 30 dispensaries across the state, with no more than five in any region established by the Bureau. Each dispensary may have up to two locations in the state from which to dispense medical cannabis.

Will there be enough medical cannabis for all approved patients and caregivers?

The Bureau will be reviewing a number of factors to determine the placement of dispensaries across the state in order to ensure that medical cannabis is available for patients with serious medical conditions. The Bureau will be conducting a full population study during the next year that will include: (1) Regional population; (2) The number of patients suffering from serious medical conditions; (3) The types of serious medical conditions; (4) Access to public transportation; (5) Approval by local health departments; (6) Whether the county has disallowed the location of a grower, processor or dispensary; and (7) Any other factor the Bureau deems relevant.

Can patients obtain medical cannabis from out of state and transport it back to West Virginia while they wait for it to become available in this state?

The Bureau may enter into reciprocity agreements with any states that have comparable requirements for the use and lawful purchase of medical cannabis in a manner consistent with the provisions of the Act to allow terminally ill cancer patients to purchase medical cannabis in another state.