

Medical Marijuana Laws and Regulations: A State By State Comparison – Hawaii and the Southwest (California, Colorado, Hawaii, Nevada, and New Mexico)

This chart is intended for educational purposes only; you should not act or rely upon the information contained herein without first seeking the advice of an attorney licensed in your jurisdiction.

The categories listed on this chart are limited so as to provide a comparative perspective of regional legislation. Please note that the listed provisions may have features that are not summarized in this chart. Pending bills may also seek to amend, repeal, or supersede these provisions – such information is not included in this comparison.

This information is current as of January 22, 2010.

	California CA ST §§ 11362.5, .7 to .9, 131051	Colorado State Constitution Article XVIII § 14 CO ST §§ 18-18- 406.3, 25-1.5-106 CO ADC 1006-2	Hawaii HI ST §§ 329-121 to -128, 712-1240.1 2009 SB 1058	Nevada NV ST §§ 453A.010 to .810, 633.521 NV ADC §§ 453A.010 to .240, 453.740	New Mexico CA ST §§ 26- 2A-1 to -7, 26B-1 to -7, 30-31-6, -7 NM ADC §§ 7.34.2 to .12, 7.34.3 to .17, 7.34.4.1 to .19
State Registration					
Registry of Authorized Users, Physicians, and Primary Caregivers Maintained by the State	X	X	X	X	X
Identification Cards Issued to Registered Users and Caregivers	X	Registered users issued cards	State does not issue ID cards. ³	X	X
Requires Development of 24 Hour Verification System for Law Enforcement	X				
Individuals Allowed Access to Registry					
Authorized Employees of Administrative Department to Perform Official Duties		X		X	X
Authorized Employees of State or Local Law Enforcement to Verify that a Person is Lawfully in Possession of ID Card		X	X	X	X
Application Information Required From Patient, Caregiver, or Physician Before Placement in Registry			Caregivers required to register, but information required is not specified		
Written Certification From a Physician Stating That The Patient Has Been Diagnosed With A Debilitating Condition and/or That The Patient May Benefit From The Medical Use of Marijuana	X	X	Must explain that the benefits of medical use would outweigh the risks	Must also state the physician has explained the risks and benefits of use	Must also state that the benefits of medical use would outweigh the risks
Name	Patient, Physician, Caregiver	Patient, Caregiver, Physician	Patient ⁴	Patient, Physician, Caregiver	Patient, Physician, Caregiver
Address	Physician	Patient, Caregiver, Physician	Patient ⁴	Patient, Physician, Caregiver	Patient, Physician, Caregiver
Date of Birth		Patient		Patient, Caregiver	Patient, Caregiver
Copy of Photo Identification				Patient	Patient
Driver's License or ID Card Number	Patient must present ID			Patient	Caregiver must submit birth certificate
Telephone Number	Physician	Physician		Patient, Physician, Caregiver	Physician
Proof of Residence	Patient must provide proof of residence within county where registering			Patient	
Patient Signature					
Social Security Number/Patient ID #		Patient	Patient ⁴	Patient, Caregiver	
Duties of Primary Caregiver	X				

	California	Colorado	Hawaii	Nevada	New Mexico
Information Required For Registry From Patient, Caregiver, or Physician (Cont'd)					
Length of Time the Patient Has Been Under the Care of the Practitioner					X
Medical License # of Physician	X				X
Written Statement Signed By Physician Verifying That The Physician Was Presented With Photo ID of Patient and Caregiver				X	
A Complete Set of Fingerprints of Patient and Caregiver				X	
A Notarized Program Waiver, Liability Release Form, and Acknowledgment Form Signed by The Patient and Caregiver		X (Application must be notarized)		X	
Written Statement From Physician Stating That The Physician Approves of the Caregiver				X	
Practitioner's Signature and Date					X
Patient's Signature and Date					X
Signed Consent for Release of Medical Information Related to Patient's Debilitating Condition					X
Additional Steps/Information That Must Be Submitted Before Use Can Be Approved for Minors					
Two Physicians Must Diagnose the Minor With A Debilitating Condition		X			
A Statement That The Minor's Physician Has Explained the Potential Risks and Benefits to the Patient and Parent/Guardian		X	X	X	(Documentation does not have to be submitted)
Parent/Guardian Must Consent in Writing to: Allow the Medical Use of Marijuana		Each parent residing in CO must consent	X	X	X
Agree to Serve As the Minor's Caregiver		X	X	X	X
Agree to Control the Acquisition of Marijuana, The Dosage, and Frequency of Use		X (does not have to be in writing)	X	X	X
Information on ID Cards					
Name		X		X	X
Address		X		X	X
Date of Birth		X		X	X
Social Security Number		X			
Photo of ID Cardholder	X			X	
Driver's License or ID Card					
Unique User ID or Serial Number	X	X		On Patient ID	X
A Statement That The Person Is Registered With The State					
A Statement That The Person Has Been Certified To The State With A Debilitating Medical Condition		X			
Date of Issuance/Expiration Date	Expiration	X		X	X
Primary Caregiver Information Included on Patient's Card		X		X	X
Patient's Information Included on Primary Caregiver's Card				X	
Name and Address of Physician				On Patient ID	
Phone Number of Administrative Agency	X (County Health Department Number)	X (Must direct patient's how to notify the department of a change in information)			
Phone Number of Real Time Verification System	X				
Period of Time an ID Card is Valid	Specified information must be submitted annually to prevent expiration of ID card	Specified information must be submitted annually to prevent expiration of ID card	Written certification is good for one year	Specified information must be submitted annually to prevent expiration of ID card	One Year
Cardholder Must Return Card If They No Longer Have A Debilitating Condition		Within 24 hours		Within 7 Days	

	California	Colorado	Hawaii	Nevada	New Mexico
Application is Considered To Be Approved If State Does Not Approve Or Deny Application Within A Specified Period of Time		35 Days (Does not apply to minors)			
Requirement to Notify State of Change in Name, Address, Physician, or Primary Caregiver	7 days to notify of physician or caregiver change	Within 10 Days	Within 5 Working Days	Within 7 Days	Within 10 days by statute, within 30 days by regulations
Primary Caregiver Conditions and Requirements					
Minimum Age	18	18	18	18	18
Disqualification For A Felony Conviction/ Probation or Parole					X
Maximum Number of Patients a Primary Caregiver May Assist	Varies ¹		One	One	Four
Must sign Statement Agreeing to Provide Marijuana Only To Qualifying Patients Who Has Named Caregiver By the Patient					
Caregiver is Allowed To Receive Compensation	X				Reimbursement
Qualifying Diseases and Debilitating Conditions					
Cancer	X	X	X	X	X
Glaucoma	X	X	X	X	X
HIV/AIDS	X	X	X	X	X
Hepatitis C					
Alzheimer's Disease					
Nail Patella					
Amyotrophic Lateral Sclerosis					
Cachexia/Wasting Syndrome	X	X	X	X	
Severe/Chronic Pain	X	X	X	X	
Severe Nausea	X	X	X	X	
Seizures	X	X	X	X	Epilepsy
Anorexia	X				
Severe and Persistent Muscle Spasms MS/Crohns's	X	X	X	X	X (MS)
Damage to the Nervous Tissue of The Spinal Cord, With Neurological Indication of Intractable Spasticity					X
Arthritis	X				
Migraine	X				
Admission to Hospice Care					X
Any Other Chronic or Persistent Medical Condition	X ²				
Other Medical Conditions Approved by the State		X(Pursuant to a petition)	X (Pursuant to a petition)	X (Pursuant to a petition)	X (Pursuant to a petition)
Reasons an Application May Be Denied					
Information Provided is False	X	X		X	X
Information Cannot Be Verified		X			
Not All Required Information Was Submitted	X	X		X	X
Failure to Establish Specified Chronic or Debilitating Medical Condition		X		X	X
Failure to Document a Consultation With an Attending Physician				X	
Failure to Comply With Established Regulations				X	
The Attending Physician Was Not Licensed in the State		X		X	
Primary Caregiver Denied If Caregiver Is Already Listed As Caregiver for Maximum Number of Patients					
Patient or Primary Caregiver Has Been Convicted of Selling A Controlled Substance				X	
An Applicant Previously Had an ID Card Revoked, or Knowingly Violated A Provision Related to The Medical Use of Marijuana				X	

	California	Colorado	Hawaii	Nevada	New Mexico
Reasons an Application May Be Denied Cont'd					
In The Case of A Minor, Parent/Guardian Did Not Sign Written Statement				X	
An Applicant Does Not Meet Established Criteria	X			X	
An Applicant Previously Had an ID Card Revoked, or Knowingly Violated A Provision Related to The Medical Use of Marijuana				X	
Places Where/Occasions When Use Is Prohibited					
Any Place Where Smoking Is Prohibited By Law	X				
Any Way That Endangers The Health or Well Being of Any Person	X	X	X		
Grounds of a School, Recreation Center, or Youth Center	Within 1,000 ft, unless use occurs in a residence		X		X
On a School Bus	X		X		X
Public Transportation			Public Bus		X
Public Park or Beach			X		X
In the Workplace		X	X		X
Places Open to the Public		X	X	X	
In a Correctional Facility				X	
In A Medical Facility					
While Operating a Motor Vehicle	While in a motor vehicle that is being operated		While in any moving vehicle	X	X
While Operating a Boat	X			X	
While Possessing A Firearm				X	
Transporting Medical Marijuana Outside The State					X
Statutory Protections for Patients and Caregivers for Medical Use of Marijuana as Defined By The State					
Protected From Arrest, Prosecution, or Penalty for the Medical Use of Marijuana ¹	X	Cardholders exempted from criminal laws		Cardholders exempted from state prosecution	X ⁹
Civil Penalty					
Assisting A Qualified Patient or Designated Caregiver	X				
Individuals Not Required to Obtain Identification Card to Claim Protection	X				
Protected From Disciplinary Action By A Professional Licensing Board	Applies to caregivers			X	
Provides That Property Used in Connection With Medical Use Will Not Be Subject to Forfeiture, and Must Be Returned, Unless Pursuant to a Sentence Imposed After Conviction of a Criminal Offense		X	X	X	X
Clarifies That Possession of a Registry ID Card Does Not Alone Constitute Probable Cause to Search an Individual or Property				X	X
Allows Medical Use of Marijuana To Be Used As An Affirmative Defense to Criminal Prosecution	X	X	X	X	
Prohibits Arrest or Prosecution of An Individual for Being In the Presence or Vicinity of Medical Use of Marijuana			X	X	X
Statutory Protections for Physicians When Acting In Compliance With State Medical Marijuana Statutes					
Protection from Arrest or Prosecution	Prohibits punishment of physicians	Exempted from state's criminal laws	X		X
Civil Penalty					
Discipline from a Professional Licensing Board	Provides that physicians will not be denied any right or privilege	Provides that physicians will not be denied any right or privilege	Provides that physicians will not be denied any right or privilege	X	Provides that physicians will not be denied any right or privilege

	California	Colorado	Hawaii	Nevada	New Mexico
Reasons a Card May Be Revoked					
It is Discovered Information on Application Was False				X	
If a Cardholder Sells Marijuana to a Person Who Is Not Authorized to Use Marijuana					
If A Person Willfully Violates A Section of the Act or Another Controlled Substances Law		X		X	X
The Discover of Repeated Violations of Statute					X
The Patient Was Not Examined By A Physician Within At Least 16 Months of Required Annual Resubmission of Application Information					
Failure To Provide Access To The State To Material and Information Necessary For Determining Compliance With Regulations					X
If A Cardholder Was Convicted of Knowingly or Intentionally Selling A Controlled Substance				X	
Creates Severability	X				
Possession Limitations for Patients and Primary Caregivers			Amount possessed jointly by patient and caregiver	Amount possessed jointly by patient and caregiver	
Ounce Limit		2 ounces	1 ounce of usable marijuana per each mature plant	1 ounce (combo)	6 ounces
Plant Limit		6 plants with 3 or fewer being mature, flowering plants	3 mature plants, and 4 immature plants	3 mature plants, and 4 immature plants	4 mature plants, and 12 seedlings, or a 3 month supply of topical ointment ¹⁰
Exemptions		A patient or caregiver may raise an affirmative defense that greater amounts were medically necessary to address the patient's condition		If a Physician determines a greater amount is medically necessary	If there is approved special need recommended by a physician
Offenses Created					
Fraudulent Representation of a Medical Condition to Obtain an ID Card	X	X			
Fraudulent Representation to Law Enforcement Relating to Medical Marijuana	X	X	X		X
Fraudulent Use or Theft of an ID Card	X	X			
Counterfeit Production of ID Card	X	X			
Releasing Confidential Information Maintained By Registry	X	X			
Department/Agency in Charge/Contact					
Agency In Charge	Department of Health Services	Department of Public Health and Environment	Department of Public Safety	Department of Health and Human Services	New Mexico Department of Health
Division In Charge	Office of County Health Services	Medical Marijuana Registry	Narcotics Enforcement Division	State Health Division	Infectious Disease Bureau: Medical Cannabis Program
Contact	(916) 552-8600	(303) 692-2184	(808) 837-8470	(775) 687-7594	(505) 827-2321

	California	Colorado	Hawaii	Nevada	New Mexico
Creates Research Program	X			X	X
Number of Designated Caregivers a Qualified User Is Allowed				One	
Clarifies that Insurance Will Not Be Required to Provide Coverage	X	X	X	X	
Provides That An Employer Will Not Be Required To Accommodate Use In The Workplace	X	X		X	
Provides That A Penal Institution is Not Required to Accommodate Use	X				
State Honors Identification Card Issued By Another State					
ID Cards Issued By Another State Do Not Qualify An Individual For Medical Use					

¹A caregiver may treat an unlimited number of patients provided that every patient lives in the same city or county as the caregiver. If a caregiver is the designated caregiver of a patient who lives in a county or city, other than the county or city in which the caregiver resides, the caregiver may only act as caregiver for that patient.

²The chronic or debilitating medical condition must substantially limit the ability of the person to conduct one or more major life activities as defined by the Americans with Disabilities Act of 1990; or if not alleviated, may cause serious harm to the patient’s safety or physical or mental health.

³To be eligible to use medical marijuana, a patient must have been diagnosed as having a debilitating medical condition, and the patient’s physician must issue, in writing, a statement that the potential benefits of medical use would likely outweigh the health risks.

⁴Physicians who issue written certification are required to register the names, addresses, and patient ID numbers of the patient.

⁵A qualified patient must be licensed to grow marijuana. In addition to licensing qualified patients, New Mexico also licenses non-profit entities that are limited to a total of 95 mature plants, and seedlings and an inventory of useable marijuana that reflects current patient needs.