



Personal Home Cultivation of Medical Cannabis Regulations *Frequently Asked Questions*

General Provisions

1. When can I begin home cultivating medical cannabis?

The regulations allowing for home cultivation of medical cannabis go into effect October 5th, 2022.

2. Who can legally home cultivate or grow medical cannabis?

Only certified patients (patients) and designated caregivers (caregivers) 21 years of age or older, registered with the medical cannabis program can cultivate (grow) medical cannabis.

3. How do I become a certified patient?

To become a certified patient with the Office of Cannabis Management, please visit: <https://cannabis.ny.gov/patients>.

4. Can patients under the age of 21 purchase and home grow medical cannabis?

No. Although patients ages 18-20 years old can purchase manufactured medical cannabis products from a medical dispensary, they cannot purchase plants or seeds for home cultivation or grow their own medical cannabis. To participate in home cultivation, patients under the age of 21, or whose physical or cognitive impairments prevent them from cultivating cannabis, would need to designate a caregiver to grow medical cannabis on their behalf.

Section 222.15(1)(c) of the Penal Law prohibits anyone under the age of 21 from planting, cultivating, harvesting, drying, processing, or possessing cannabis plants.

5. Can a patient and their caregiver both grow medical cannabis for the patient's use?

No. Only 1 person can grow on behalf of a patient. If a caregiver is growing on behalf of the patient, then the patient cannot grow any portion of their allotted plants for themselves.



6. Can a caregiver charge a patient for home cultivation of their medical cannabis?

No, however a caregiver can be reimbursed for the costs of goods, materials, or utilities for which they have incurred expenses. Caregivers cannot be reimbursed for their time, knowledge, or expertise.

7. Is there a limit on how many patients a caregiver can grow for?

Yes. A caregiver can home grow medical cannabis for up to 4 patients, however a caregiver cannot grow more than 12 plants (6 mature and 6 immature) in total at their household, at any one time, if growing for multiple patients.

8. Can I be a caregiver if I am also a patient?

Yes, a patient can also serve as a caregiver. However, at no point in time can a person, whether also growing for themselves or not, grow more than 12 plants (6 mature and 6 immature) at their private residence.

9. Can a caregiver home cultivate at the patient's private residence?

Yes, a caregiver can cultivate cannabis at the patient's private residence.

10. What's the difference between "immature" and "mature" plants?

"Immature" cannabis plants are non-flowering female cannabis plants which do not have buds present by visual examination.

"Mature" cannabis plants are female cannabis plants that have flowered and have buds present by visual examination.

11. What is considered a private residence?

A private residence is any building or part of a building, or structure designed and occupied for residential purposes only. Patients and caregivers can only grow in residences where they primarily reside. Private residences used for other purposes (ex: second home or rental properties) should not be used.

Plant and Possession Limits

12. How many medical cannabis plants can a patient grow at one time at their private residence?



A patient can plant, cultivate, harvest, dry, process or possess 3 mature and 3 immature cannabis plants at any one time.

13. How many medical cannabis plants can a caregiver grow at their private residence at any one time?

Are you a certified patient growing for yourself?	How many patients are you growing for as a designated caregiver?	Total number of plants allowed at your residence	
		Immature	Mature
No	1	3	3
	2	6	6
	3 - 4	6	6
Yes	1	6	6
	2	6	6
	3 - 4	6	6

14. Can more than 1 patient grow medical cannabis in the same household?

Yes. If more than 1 patient lives at the same private residence, they can both cultivate (grow) medical cannabis. However, they are still limited to only growing up to 12 cannabis plants (6 mature and 6 immature) at that residence at any one time.

15. How much home cultivated cannabis can I possess?

Patients and caregivers can individually have 3 mature and 3 immature plants worth of cultivated cannabis and up to 5 pounds of useable cannabis.

16. What is the difference between the plant limit I can possess and the 5-pound weight limit I can possess?

Cannabis plants that are in soil and growing, whether mature or immature, are counted towards the plant limit. The 5-pound weight possession limit must be obeyed when plants are trimmed and are no longer sustaining life in their growing medium, therefore no longer considered a live plant.

17. Can a patient or a caregiver sell medical cannabis?

No. A patient or caregiver cannot sell or barter (exchange cannabis to receive some other non-monetary goods) any cannabis seeds, immature cannabis plants, mature cannabis plants, or cannabis produced by a plant to any other person. Only up to 3 ounces of cannabis and up to 24 grams of concentrated cannabis can be



given (without compensation of money or other goods) to another patient or caregiver.

18. What is the proper method of disposal for unwanted, unneeded, excess, or contaminated medical cannabis plant material?

Follow the written instructions for basic care and environmental considerations for the plants provided from the registered organization, or licensee authorized by the Office, that provided the plants or seeds.

If you have excess usable cannabis, it is also permissible to transfer, without compensation (give away), to a patient or a caregiver 21 years of age or older, up to 3 ounces of cannabis and up to 24 grams of concentrated cannabis. Patients and caregivers must remain mindful of lawful possession limits.

19. Do all plants count toward the plant limits?

No, only female plants are counted toward the plant limits.

20. What happens if my plant turns out to be a male plant?

If you begin your cultivation from seeds and it produces a male plant, you can grow an additional immature plant to replace it.

21. When can immature plants be transitioned to mature plants?

Immature plants can transition to mature plants once any existing mature plants are trimmed and no longer in soil or their growing medium.

Grow Locations and Safe Storage

22. What is considered acceptable secure storage of medical cannabis plants for home cultivation by a patient or caregiver?

All cannabis plants must be stored in a secure location within or on the grounds of the patient or caregiver's private residence. Reasonable measures must be taken to ensure that any home cultivated cannabis is not accessible to unauthorized persons or anyone under the age of 21.

Reasonable measures can include, but are not limited to, conducting cannabis cultivation in an enclosed area, not plainly visible from public view. Securing



medical cannabis plants can include, but not be limited to, utilizing locks, gates, doors, fences or other barriers to prevent unauthorized access.

23. Can I grow cannabis outdoors?

Yes. Medical cannabis can be lawfully grown both inside or outside of a patient or caregiver's private residence. This includes non-shared outdoor areas that the individual has legal rights to, provided that the external areas are adjacent (next to) to their private residence.

24. What does it mean to “not be plainly visible from public view”?

Medical cannabis plants for home cultivation must not be plainly visible to public view, which means that cultivation must be enclosed or behind gates, doors, fences, and/or other barriers.

25. Can a landlord refuse to lease to a patient or caregiver for growing medical cannabis?

No, in most cases. A landlord cannot refuse to lease, or otherwise penalize a patient or caregiver solely for engaging in medical cannabis activity as authorized. They also cannot include in their lease agreements a ban on medical cannabis use unless it would cause the landlord to lose a federal benefit.

26. My landlord has a no smoking policy, does this apply to medical cannabis too?

Yes. A landlord can implement a smoke free policy which would prohibit you from smoking or vaping medical cannabis in your unit. This does not prevent you from consuming other forms of medical cannabis.

27. What protections are in place for landlords leasing to a patient or caregiver who are home cultivating medical cannabis?

A patient or caregiver can be held liable for any property damage that is outlined in their lease agreement. Landlords can implement a smoke free policy, including prohibiting smoking and vaping of medical cannabis, but cannot restrict the use of medical cannabis in other forms. A landlord can prohibit all forms of medical cannabis if failing to do so would put them at risk of losing a monetary or licensing related benefit under federal laws or regulations

28. I only have access to shared outdoor space, am I allowed to grow medical cannabis in common areas?



No. Growing medical cannabis in common areas is not permitted.

29. My house is next to a church or school – am I still allowed to grow medical cannabis here?

Yes. You may grow medical cannabis next to a church or school provided that all rules, including safety and storage rules are obeyed.

Local Governments

30. Can my municipality or local government prohibit me from growing medical cannabis on my property?

No. No municipality has the authority to completely prohibit an eligible person who satisfies requirements set forth by section 41 of the Cannabis Law, from engaging in the home cultivation of cannabis.

31. If my municipality or local government has opted out of allowing consumption lounges, does that mean I cannot grow medical cannabis at home?

No. Even if a local government has opted out from consumption lounges, they cannot restrict a patient or caregiver's right to home cultivate medical cannabis.

Medical Cannabis Supplies

32. Where can seeds or plants for home cultivation of medical cannabis be purchased?

Patients and caregivers can purchase seeds or immature plants for home cultivation from a registered organization (RO) or other licensed entities authorized by the Office of Cannabis Management. Please contact the registered organization before visiting to confirm availability.

33. Are cannabis plants and seeds for home cultivation required to be tested for safety compliance?



No, registered organizations and other licensed entities are not required to test plants and seeds for home cultivation for safety purposes prior to sale, however they may voluntarily choose to do so. In addition, any pesticides used in the growing process are required to be disclosed on the plant or seed label prior to being sold.

34. Will I be provided with any safety information to home cultivate?

Patients or their caregivers will be provided with a safety insert at the time of sale, as a requirement of Section 115.3 of Part 115 Medical Home Cultivation regulations.

35. Will cannabis plants come with care instructions?

Yes, registered organizations or other licensed entities are required to supply written instructions for the basic care of cannabis plants. This can include the amount of light, water, and temperature controls a plant may require and methods for destruction.

36. Can I clone my own plant to make additional plants?

Yes, nothing prohibits a patient or caregiver from cloning their own plant to make additional plants, as long as your plant count does not exceed the plant limits.

37. What are some differences between buying and growing your own cannabis?

Some of the differences between buying and growing your own cannabis may include, but are not limited to:

	Buying Cannabis Product	Growing Cannabis
Age to Purchase	18 years and up	21 years and up
Quantity	60-day supply of product	Up to 5 pounds of useable cannabis, 3 immature cannabis plants and 3 mature cannabis plants
Final Product Safety and Potency Testing	Required	Not Required



Product Forms for Purchase	Capsules, Tinctures, Chewable Gels, Chewable Tablets, Drink Mixes, Vape Cartridges/Pens, etc.	Immature plants and seeds
Availability	Variety of products available at all dispensary locations	Plants/seeds offered at limited locations

38. Can I use the cannabis that I grow to make other cannabis products like cookies, oils, or butter?

Yes, you may use the cannabis that you grow to make other product such as oils or butters. However, patients and caregivers are prohibited from processing cannabis at home using any liquid or gas that has a flashpoint below 100 degrees Fahrenheit, other than alcohol. We recommend doing extensive research on safe extraction methods for home processing of cannabis prior to beginning any home cultivation activities.

Other

39. Where do I go for additional questions or concerns about growing medical cannabis plants or seeds?

Please refer to the written instructions provided by the registered organization or other authorized licensee or contact them directly.

40. Where do I go for additional questions about the laws and regulations pertaining to personal cultivation of medical cannabis?

Please visit the OCM website, email the Office of Cannabis Management at: medical@ocm.ny.gov or call 1-888-OCM-5151 (1-888-626-5151).