Travel Tips for Medical Cannabis Patients

Currently, 35 states, DC, and four U.S. territories have comprehensive medical cannabis laws, 13 states have CBD-only or low-THC laws, and DC and 13 states also allow for adult-use. However, the rights and privileges extended to medical cannabis patients vary extensively from state to state and, in some cases, among counties within a state. As a result, patients may find themselves unsure as to how to access medical cannabis outside of their home state. This guide will help you navigate medical cannabis laws and regulations in and out of your state.

Helpful Tips for Travel
While travelling, patients are encouraged to:
- Maintain a current doctor's recommendation.
- Keep their medical cannabis ID card and/or a copy of their doctor's recommendation current and on their person at all times.
- Keep another copy of their current doctor's recommendation and/or medical cannabis ID card in their luggage.
- Memorize their physician’s and lawyer's phone numbers or write them down and keep them with their current medical cannabis ID card and/or doctor's recommendation.
- Contact dispensaries in the destination state(s) prior to travel to determine where appropriate cultivars and products can be obtained.

Using a Retail Dispensary
Patients traveling to states that permit the adult-use of cannabis, and do not include a reciprocity program for non-resident patients, may have to obtain cannabis from an adult-use dispensary. While some dispensaries cater more to patients than others, patients who are unsure about the suitability of specific options of products offered by a dispensary should inform staff of their patient status. Product safety testing and labeling requirements vary from state to state, as well as testing requirements for adult-use and medical cannabis products. Appropriate certifications from an independent oversight body, such as ASA's Patient Focused Certification (PFC) program, can help patients identify companies that voluntarily subject themselves to robust oversight and products that are well made and accurately labeled. A list of PFC-certified companies is available at patientfocusedcertification.org/companies.

Reciprocity
Reciprocity refers to state laws providing some measure of legal protection for non-resident medical cannabis patients related to possession, use and access. To date 10 states, DC and two U.S. territories have organized dedicated reciprocity programs, with another seven states having reformed their laws to permit adults who are 21 years of age or older to purchase, possess and use cannabis while visiting their state. However, not all reciprocity programs are created equal, with some states providing only basic protections, and others granting visiting patients the same rights as resident patients. It is important for patients to know where, and how, they can legally access cannabis while traveling. Please refer to ASA’s full Travel Guide at www.safeaccessnow.org/travel for a full list of reciprocity laws by state.

Encountering Law Enforcement and Safeguarding Rights While Driving
A medical cannabis patient who has been stopped by the police should never give them permission to conduct a search. If officers try to search a patient’s car or belongings, the patient should loudly and clearly state: “I do not consent to a search.” This may not stop the police from conducting a search, but if the search is illegal, any evidence resulting from it may be inadmissible in court. If the search is consented to, any evidence it uncovers would be admissible in court. While patients should not consent to a search, they also should not physically resist officers in any way, even if the search is illegal. If the police conduct a search over a patient’s objections, the patient should continue to state "I do not consent to this search" loudly enough for the officers and all witnesses to hear.
Planes, Trains, and Automobiles

The Transportation Security Administration (TSA) allows the transport of prescribed, FDA-approved cannabis products (e.g. Epidiolex) as well as the transport of CBD products manufactured pursuant to the Agriculture Improvement Act of 2018, also known as the 2018 farm bill. Those products must be made from industrial hemp and cannot contain more than 0.3% THC. Though TSA agents do not actively search for cannabis or other drugs, they are required to report the discovery of such substances to law enforcement. Some airports have cannabis “amnesty boxes” where patients can dispose of any cannabis remaining in their possession before boarding their flights. Some airlines, including Delta and American, have created specific policies prohibiting the transport of cannabis on their aircraft. Other transportation companies have also created restrictive policies regarding cannabis. Amtrak bans “the use or transportation of marijuana in any form for any purpose... even in states or countries where recreational use is legal or permitted medically.” Greyhound’s policy prohibits “alcohol, drugs, or weapons anywhere on the bus (including in your checked baggage).” Patients should check the policies of any planned transportation providers before traveling.

Popular ridesharing companies have adopted different, and at-times self-contradictory, approaches to cannabis. Uber states that using its app “to commit any crime - such as transporting drugs... or to violate any other law is strictly prohibited”. Lyft, on the other hand, has a zero-tolerance drug and alcohol policy for its drivers but only prohibits passengers from transporting open containers of alcohol. It is important to recall, however, that rideshare drivers are using their personal vehicles and that some may object to the smell of cannabis in their car. To be respectful of the driver and his or her vehicle, patients are encouraged to explore scent-reducing or -eliminating storage and transportation solutions.

Patients should never drive under the influence of any substance that may negatively impact their driving ability, including cannabis. Patients who intend to drive while in possession of cannabis should make sure their vehicle registration, driver’s license, and license plates are unexpired and that all lights are operational. When driving, patients should keep cannabis locked in the trunk. In some states where cannabis is legal, driving with cannabis that is stored anywhere other than in the trunk - including in a locked glove compartment - is illegal.

Storing Cannabis

Light, heat, and oxygen can degrade cannabinoids and terpenes. Excessive moisture in a product can promote spoilage and fungal growth. Generally, cannabis floral material and derived products should be kept in a container that minimizes exposure to these factors and stored in a climate-controlled setting to avoid elevated temperatures and humidity. To protect the contents and minimize the release of odor, containers should be rigid, airtight, and made out of a non-absorptive material like glass or stainless steel.

Know Before You Go

With Americans for Safe Access’ help, Congress has passed a temporary measure to stop the U.S. Department of Justice from spending federal funds to interfere with state medical cannabis laws. However, because cannabis is still federally classified as a Schedule I controlled substance, medical cannabis patients are always violating federal law when in possession of cannabis, even in states where medical cannabis laws have been passed. Because of this, traveling across state lines with any amount of cannabis is a federal crime, even if the patient is transporting cannabis between two states that have organized medical cannabis programs. It should also be noted that several of the states in which adult-use cannabis is legal have explicitly outlawed the importation and/or exportation of cannabis across their borders. However, many medical cannabis states offer visiting patients some form of reciprocity, meaning that they will recognize medical cannabis cards granted by other states.

Before traveling, it is important for patients to review the most up-to-date information for the state(s) they will be visiting, as laws and regulations are often subject to change.

Please be sure to check out ASA’s full Travel Guide at www.safeaccessnow.org/travel
For more information like this, sign up for our updates at www.safeaccessnow.org/email-updates