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## FISCAL IMPACT REPORT

ORIGINAL DATE 03/06/09

SPONSOR McSorley LAST UPDATED \_\_\_\_\_ HB \_\_\_\_\_

SHORT TITLE Medical Cannabis Law Enforcement Policy SM 69

ANALYST Weber

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
	NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

### SUMMARY

#### Synopsis of Bill

New Mexico's medical marijuana bill took effect on July 1, 2007, after enactment of the Lynn and Erin Compassionate Use Act. In January 2009, the Department of Health issued rules governing production, distribution and use of medicinal cannabis under state law, affording legal protection to persons with serious, debilitating medical conditions, including cancer, glaucoma, multiple sclerosis, epilepsy, spinal cord damage or HIV-AIDS for possession and use of medical cannabis. Even so, a Silver City woman who joined the state's medical cannabis program and who has a license to grow marijuana plants to aid in her pain from car crash injuries was unexpectedly threatened with eviction from her apartment. President Barack Obama has stated that he believes that "federal resources should not be used to circumvent state laws" and has stated that he expects federal law enforcement leadership to review their policies with that in mind. It is predicted that the Obama administration soon will instruct the federal drug enforcement agency to conduct medical cannabis raids only in instances where investigators believe a business is in violation of state or local regulations or is operating as a cover for other criminal behavior.

New Mexico is among thirteen states that have passed laws that permit individuals living with a serious or chronic illness to use medical cannabis, as recommended by a licensed physician according to state and local regulation. New Mexico law enforcement agencies recognize that state law protects patients who have registered with the Department of Health for the medical cannabis program for possession of medical cannabis.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NEW MEXICO that:

- state law enforcement agencies continue to honor the Lynn and Erin Compassionate Use Act and, in keeping with expected changes in federal rules, immediately stop enforcing federal law against medical marijuana use,
- the senate discourage use of state funds, especially in this lean budget climate, for investigation, arrest or prosecution of those authorized by state law to use or provide medical cannabis in accordance with state or local law,
- the senate urge the New Mexico congressional delegation to support any federal legislation that removes medical cannabis from Schedule I of the federal Controlled Substances Act, allowing for greater federal and state oversight of the medical use of cannabis,
- the senate urge the New Mexico congressional delegation to support any federal legislation that supports and recognizes the protections of the Lynn and Erin Compassionate Use Act under federal law or that otherwise protects medical cannabis patients and providers, and
- copies of this memorial are transmitted to the secretary of public safety, the chief of each law enforcement agency in the state and the New Mexico congressional delegation.

MW/mc