

1 SENATE MEMORIAL 105

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018**

3 INTRODUCED BY

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10 A MEMORIAL

11 REQUESTING THE DRUG POLICY ALLIANCE TO CONVENE A TASK FORCE AND
12 MAKE RECOMMENDATIONS REGARDING MEDICAL CANNABIS AFFORDABILITY
13 AND ACCESSIBILITY, AND RECOMMENDATIONS SPECIFIC TO THE STATE ON
14 ENTERING INTO INTERGOVERNMENTAL AGREEMENTS WITH NEW MEXICO
15 INDIAN NATIONS, TRIBES AND PUEBLOS TO PARTICIPATE AS LICENSED
16 PRODUCERS IN THE STATE'S MEDICAL CANNABIS PROGRAM.

17
18 WHEREAS, the use of cannabis for medical purposes under a
19 state-licensed system has been legal in New Mexico since the
20 Lynn and Erin Compassionate Use Act was passed in 2007; and

21 WHEREAS, medical cannabis program participants are often
22 on fixed incomes and may be unable to work because of their
23 serious medical conditions; and

24 WHEREAS, the cost of medical cannabis is not covered by
25 health insurance or medicaid; and

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1 WHEREAS, many program participants report that the cost of
2 medical cannabis is not affordable; and

3 WHEREAS, there are tribal members who are New Mexico
4 residents who live on tribal land, are qualified to participate
5 in the state medical cannabis program and are licensed by the
6 department of health to cultivate their own medicine; and

7 WHEREAS, department of health regulations exclusively
8 permit personal cultivation at a site that is at an
9 individual's residence, which provision, as state law, does not
10 extend to federal trust land; and

11 WHEREAS, the department of health does not permit
12 qualified patients to collectively cultivate medical cannabis;
13 and

14 WHEREAS, New Mexicans who are renters are required to
15 provide written approval from their landlord or property owner
16 in order to obtain a personal cultivation license, presenting
17 concerns about personal health information privacy; and

18 WHEREAS, medical cannabis is not easy to access by members
19 of tribes and other New Mexicans living on tribal land or in
20 rural or frontier areas of New Mexico; and

21 WHEREAS, there are only thirty-five producers licensed by
22 the state to grow and provide medical cannabis to qualified
23 patients, and the department of health is not accepting
24 applications for additional licenses; and

25 WHEREAS, medical cannabis program participation grows by

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1 hundreds of patients every month, and there are currently more
2 than forty-seven thousand eight hundred forty qualified
3 patients across the state; and

4 WHEREAS, there is a need for a safe space for all New
5 Mexicans who are qualified patients to be able to use and grow
6 their medicine where they are not under threat of prosecution;
7 and

8 WHEREAS, many New Mexicans who would qualify for the
9 medical cannabis program do not even apply to become program
10 participants as a result of factors of affordability and
11 accessibility and for fear of federal prosecution; and

12 WHEREAS, the department of health does not collect
13 demographic information related to qualified patients who are
14 military veterans or members of Indian nations, tribes or
15 pueblos; and

16 WHEREAS, military veterans and members of Indian nations,
17 tribes or pueblos receiving health care from the federal
18 veterans health administration or the federal Indian health
19 service may not be certified for the medical cannabis program
20 by their primary health care providers; and

21 WHEREAS, agreements between the department of health and
22 any sovereign Indian nation, tribe or pueblo located in New
23 Mexico that elects to implement the provisions of the medical
24 cannabis program would be beneficial;

25 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE

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1 OF NEW MEXICO that the drug policy alliance be requested to
2 convene a task force to make recommendations to improve medical
3 cannabis affordability and accessibility for all New Mexicans,
4 especially New Mexicans who are members of Indian nations,
5 tribes or pueblos and reside on federal trust lands; and

6 BE IT FURTHER RESOLVED that the medical cannabis
7 affordability and accessibility task force include
8 recommendations specific to the state on entering into an
9 intergovernmental agreement with any sovereign Indian nation,
10 tribe or pueblo in New Mexico that elects to implement the
11 provisions of the state's medical cannabis program; and

12 BE IT FURTHER RESOLVED that the drug policy alliance
13 request the following individuals to join the task force:

- 14 A. the secretary of health or the secretary's
15 designee;
- 16 B. liaisons from interested Indian nations, tribes
17 and pueblos;
- 18 C. a medical cannabis patient advocate living in a
19 rural area of the state;
- 20 D. a medical cannabis patient advocate who
21 possesses a personal cultivation license;
- 22 E. a military veteran who is a medical cannabis
23 patient;
- 24 F. a representative from the licensed nonprofit
25 producers; and

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1 G. anyone else with subject matter expertise as
2 indicated by the drug policy alliance; and

3 BE IT FURTHER RESOLVED that the medical cannabis
4 affordability and accessibility task force be requested to
5 provide recommendations regarding guidelines for compliance
6 with department of health rules or compliance with express
7 provisions of an intergovernmental agreement to govern the
8 rights and responsibilities of the department of health and an
9 Indian nation, tribe or pueblo when that Indian nation, tribe
10 or pueblo transports or sells medical cannabis outside of the
11 boundaries of that Indian nation, tribe or pueblo; and

12 BE IT FURTHER RESOLVED that the medical cannabis
13 affordability and accessibility task force be requested to
14 report its recommendations to the interim legislative committee
15 focused on Indian affairs and the legislative health and human
16 services committee by November 1, 2018; and

17 BE IT FURTHER RESOLVED that copies of this memorial be
18 transmitted to the secretary of health, the chair of the
19 interim legislative committee focused on Indian affairs, the
20 chair of the legislative health and human services committee
21 and a representative of each New Mexico Indian nation, tribe
22 and pueblo.

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