

## Public Comment LHHS Committee OCT. 9 2018

My name is Tisha Brick, I am a mother and caregiver for a Pediatric Patient on the medical cannabis program who is also my son, his name is Anthony Brick. My son has been a successful mental health patient on the medical cannabis program for almost four years now. Prior to becoming a medical cannabis patient, my son was stuck in a harmful and unsuccessful revolving-door cycle of going in and out of mental institutions and being prescribed harmful pharmaceutical drugs, which only hindered his quality of life. Once my son had been on medical cannabis, the results were immediate and positive. My son for the first time in his life, was able to live and function more like a normal person, and he has not gone backwards ever since. Medical cannabis is critical to my son's ability to be able to have the highest quality of life altogether. I would like to take a few moments today to address an issue that affects many across the state of New Mexico. The issue is that although we are legal caregivers and/or patients in the medical cannabis program, that the state has legally set in place for us, the program is flawed. The Lynn and Erin Compassionate Use Act is supposed to exist to protect caregivers and patients on the medical cannabis program, yet it is being used as a weapon against patients and caregivers. The Lynn and Erin Compassionate Use Act is being used as a reason to allow discrimination and restrict the necessary administration and use of medical cannabis in places such as schools and hospitals. My son has been unable to attend his elementary school for well over a year now as a medical cannabis patient which has had a detrimental impact on both of our lives, and he cannot attend any other public school, due to the fact that the schools across the state claim they would lose their federal funding because medical cannabis is federally illegal, and they claim they would be breaking the law as allegedly stated in the Lynn and Erin Compassionate Use Act by allowing the administration of medical cannabis on school property. I recently held the state's first public Due Process Hearing before a state appointed hearing officer and the New Mexico Public Education Department to address for the first time the issue of public schools prohibiting medical cannabis administration and use. A decision won't be rendered until December, there were several comments and questions raised by the school districts' legal counsel and by the hearing officer, regarding this issue. Among those comments and questions were: whether or not it would be the Department of Health, lawmakers, the Public Education Department, or a court of law to be

responsible for enacting change towards these issues. I have reached out to almost every lawmaker in this state on every level for almost two years now on this issue including our current congresswoman, whom which I have some documentation regarding her concerns on this issue as well; only to be told that no resolution has been reached. I have inquired to the Department of Health, the State of New Mexico, the Department of Justice, and the New Mexico Public Education Department only to be sent in a circle with no help. I have been and continue to currently be threatened by my sons' school district and their legal counsel while in pending legal proceedings with them, to be subject to never-ending CYFD referrals because I cannot bring my son back to school. This issue is not one I can fix myself. This issue is an extremely unfair burden to have placed on parents like me, as well as it being an unfair burden to patients like my son. I stand before you all today to inform you that I have been fighting and will continue to publicly fight this huge battle alone. However, I also stand here to tell you that I should not have to do so and am asking for your immediate help. I kindly ask you today that this issue be made record of, that this issue be taken very seriously, and that state-wide resolution on this issue be given to all medical cannabis patients and caregivers alike on this program who are also suffering along with my son and I. I thank you so much for taking the time to hear me out today.

**MICHELLE LUJAN GRISHAM**  
1ST DISTRICT, NEW MEXICO

214 CANNON HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515  
T: (202) 225-8316  
F: (202) 225-4975

400 GALL AVENUE, SW, SUITE 680  
ALBUQUERQUE, NM 87102  
T: (505) 346-6781  
F: (505) 346-6723

[www.lujangrisham.house.gov](http://www.lujangrisham.house.gov)

COMMITTEE ON AGRICULTURE  
CONSERVATION AND FORESTRY, RANGING MEMBER  
NUTRITION

COMMITTEE ON THE BUDGET

COMMITTEE ON OVERSIGHT AND  
GOVERNMENT REFORM

HEALTH CARE, BENEFITS,  
AND ADMINISTRATIVE RULES

**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515-3101

July 26, 2018

Secretary Christopher N. Ruskowski  
New Mexico Public Education Department  
300 Don Gaspar Ave.  
Santa Fe, NM 87501

Secretary Ruskowski,

I am writing on behalf of my constituent, Tisha Brick. She contacted my office for assistance in obtaining clarification of the New Mexico Public Education Department's policy on medical cannabis use on public school campuses.

Ms. Brick's son has been prescribed medical cannabis but has been barred from taking his medication on school grounds. The Estancia School District has stated that doing so would violate state law. I would like to request that your department provide clarification of state law regarding this issue. In addition, I ask that you provide any guidance or directives that have been issued to school districts on how to respond to students who have been prescribed medical cannabis.

Additionally, I would like to request information on any compassionate considerations for use of cannabis that may be applied to an individual within the public school system. I am aware that other states, including Colorado, have limited exemptions that allow students who have been prescribed cannabis to take their medication while on school grounds. Does New Mexico law allow similar flexibility?

As a result of the Estancia school district's refusal to allow Ms. Brick's son access to his medication, he has been unable to attend classes the last several months. This has had a serious, detrimental effect on his education. I would like you to provide possible options for him to continue to receive schooling while this issue is under review.

Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact Matt Ruybal at [Matt.Ruybal@mail.house.gov](mailto:Matt.Ruybal@mail.house.gov) or 505-346-6781.

Sincerely,



Michelle Lujan Grisham  
Member of Congress