

1 SENATE MEMORIAL 107

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

3 INTRODUCED BY

4 Benny Shendo, Jr.

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10 A MEMORIAL

11 REQUESTING THE NEW MEXICO CONGRESSIONAL DELEGATION TO URGE
12 EXPANSION OF THE FEDERAL ROHRBACHER-BLUMENAUER AMENDMENT TO
13 PROTECT THE RIGHTS OF NEW MEXICANS WHO ARE MEMBERS OF INDIAN
14 NATIONS, TRIBES OR PUEBLOS AND OTHERS WHO LIVE ON FEDERAL TRUST
15 LAND TO SAFELY PARTICIPATE IN THE NEW MEXICO MEDICAL CANNABIS
16 PROGRAM.

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18 WHEREAS, the use of cannabis for medical purposes has been
19 legal under New Mexico state law since the passage in the year
20 2007 of the Lynn and Erin Compassionate Use Act; and

21 WHEREAS, currently, there are more than forty-seven
22 thousand patients in the state who use cannabis for ailments
23 like cancer and posttraumatic stress disorder; and

24 WHEREAS, there are members of Indian nations, tribes and
25 pueblos and others living on federal trust land who are New

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1 Mexico residents who are enrolled in the New Mexico medical
2 cannabis program as qualified patients and who hold personal
3 production licenses issued by the department of health allowing
4 them to grow their own medicine; and

5 WHEREAS, members of Indian nations, tribes and pueblos and
6 others who reside on federal trust land are under threat of
7 prosecution under federal law for possessing, consuming and
8 growing medicine on tribal land; and

9 WHEREAS, members of Indian nations, tribes and pueblos and
10 others who reside on federal trust land who are qualified
11 patients need a safe place to be able to consume, possess and
12 grow medical cannabis; and

13 WHEREAS, in January 2018, United States attorney general
14 Jeff Sessions rescinded the Cole memorandum and the Wilkinson
15 policy statement that provided specific guidelines to United
16 States attorneys regarding prosecution of medical cannabis
17 patients and producers in states with medical cannabis laws and
18 in Indian country; and

19 WHEREAS, many members of Indian nations, tribes and
20 pueblos and others who reside on federal trust land who qualify
21 for medical cannabis do not even apply to participate in the
22 medical cannabis program due to fear of harassment and
23 prosecution by the United States department of justice; and

24 WHEREAS, in public surveys, a significant majority of New
25 Mexicans have been shown to support medical cannabis use;

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