

June 13, 2014

VIA U.S. MAIL AND ELECTRONIC MAIL:

James Roger Madalena
State Representative, District 65
Chair, Legislative Health and Human Services Committee

Gerald Ortiz Y Pino
State Senator, District 12
Vice Chair, Legislative Health and Human Services Committee

Dear Representative Madalena and Senator Ortiz Y Pino:

In response to your correspondence of June 10, 2014, I want to thank you for your interest and support of the Department of Health's (DOH) Medical Cannabis Program (Program) and your commitment to the interests of your constituents, including the patients of the Program. The DOH shares a commitment to serving the needs of the patients of the Program and fulfilling its state statutory obligations under the Lynn and Erin Compassionate Use Act (LECUA). You indicated in your correspondence that your letter was prompted by constituent feedback; I have attached to this response DOH's question and answer sheets which may provide some of DOH's perspective and which were created to offer stakeholders factual information about the proposed rules.

In serving as the Secretary of the DOH, I have become familiar with the Program's history and evolution. The DOH has worked diligently to implement and operate this self-funded Program in a responsible manner and in a manner which considers patient, medical, legal and numerous other interests and considerations. This Program has evolved over time and DOH has been responsive to that evolution. The development of the proposed rules was a thoughtful, informed and considered process. The proposed rules were developed for comment and consideration by stake holders and the public and were informed by cumulative experience and feedback, research, consultation, and observations shared by patients, producers, the medical advisory board, law enforcement, programs from other states, DOH management and Program staff and other interested parties since at least 2010 after the last hearing regarding Program rules.

The proposed rules are not finalized, and DOH intends to carefully consider public input concerning the proposed rules before moving forward with the adoption of any final rule. DOH anticipates that changes will likely be made to the proposed rules directly in response to input received from members of the public at the hearing, and in written comments. Because the purpose of the June 16th rule hearing is to receive public input, DOH is concerned that to suspend or otherwise delay that hearing would prevent the Department from receiving valuable feedback. For this reason, at this time, DOH intends to proceed with the hearing on the proposed rules scheduled for Monday, June 16, 2014 and will extend the written comment period, previously scheduled to close on June 20, 2014 to July 1, 2014.

OFFICE OF THE SECRETARY

A live video of the public hearing will be available for viewing via the Department's Medical Cannabis Program website at <http://nmhealth.org/about/mcp/svcs/>. We trust this additional time for written comment and internet access to view the hearing will further offer stake holders an opportunity to inform the rule making process.

Although DOH does not intend to delay the rule promulgation process at this time, the Department anticipates that public comment and resultant proposed changes to the proposed rules may require an additional hearing or hearings, as occurred at the time of the last rulemaking in 2010. DOH is committed to a transparent and informed process in creating any final rule for the Program and DOH values input in this process. Inasmuch as your June 10, 2014 correspondence has specific comment on the proposed rules, the DOH will treat your correspondence as part of the written comment received to the proposed rule.

In response to your specific requests, DOH states the following:

- 1) Once again, at this time, DOH does not intend to delay the rulemaking process. However, the timing of the final adoption of the rules largely depends on the extent of comment received and the extent of any changes that are made to the proposed rules after the hearing.
- 2) DOH will send representatives to any scheduled Legislative Health and Human Services Committee meeting, July 17th or otherwise to discuss the proposed Program Rules;
- 3) DOH will extend the public comment period to July 1, 2014 to offer stakeholders additional opportunity to provide written public comment;
- 4) The DOH has received information from the Medical Cannabis Advisory Board and intends to continue communications with the Advisory Board members throughout the rule making process.

Thank you again for your interest in the Program, and I hope that you will find this responsive to your concerns.

Sincerely,

A handwritten signature in black ink that reads "Retta Ward". The signature is written in a cursive, flowing style.

Retta Ward, Cabinet Secretary
New Mexico Department of Health