

A MEMORIAL

REQUESTING THE DEPARTMENT OF HEALTH TO CONDUCT A STUDY OF THE IMPACT ON THE STATE OF THE CONTROLLED SUBSTANCES THERAPEUTIC RESEARCH ACT AND THE LYNN AND ERIN COMPASSIONATE USE ACT.

WHEREAS, the Controlled Substances Therapeutic Research Act was enacted in 1978 at the urging of Lynn Pierson, a young cancer patient who advocated for the use of medical marijuana to alleviate nausea and other ill-effects of cancer and glaucoma treatments; and

WHEREAS, the Lynn and Erin Compassionate Use Act was signed into law in July 2007, and was named in honor of Lynn Pierson and Erin Armstrong, a medical marijuana advocate who suffered from advanced thyroid cancer; and

WHEREAS, with the passage of that act, New Mexico became the twelfth state to legalize marijuana for medical use; and

WHEREAS, currently, fifteen states and the District of Columbia have laws that allow the use of marijuana for medical purposes, although each state has very different guidelines for its use; and

WHEREAS, the Controlled Substances Therapeutic Research Act limits the use of marijuana to cancer chemotherapy and glaucoma patients; however, it allows a patient qualification board to include other disease groups for patient research upon the approval of the federal food and drug administration;

and

WHEREAS, the Lynn and Erin Compassionate Use Act initially identified seven debilitating conditions that could qualify a patient to receive medical marijuana, and it permits the department of health, upon recommendation by an advisory board, to add other conditions, treatments or diseases; and

WHEREAS, as of today, the department of health has approved fifteen conditions that can qualify a person to receive marijuana for medical treatment purposes; and

WHEREAS, the Lynn and Erin Compassionate Use Act remains a controversial measure, with both supporters and detractors of the use of marijuana for medical purposes; and

WHEREAS, the Controlled Substances Therapeutic Research Act contains a requirement for annual reports to the legislature and the governor regarding the effectiveness of the program; however, no reports have been generated in recent years, as the research program is unfunded and is not being implemented by the department of health; and

WHEREAS, there is no provision in the Lynn and Erin Compassionate Use Act requiring reports to the legislature or the governor regarding the effectiveness of that current program; and

WHEREAS, sufficient time has elapsed since the enactment of these laws and the promulgation of the regulations to support a study of the evolution and effectiveness of these

programs to assess the effect it has had on the state and to identify lessons learned from implementation of the law;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NEW MEXICO that the department of health be requested to conduct a study of the impact on the state of the Controlled Substances Therapeutic Research Act and the Lynn and Erin Compassionate Use Act; and

BE IT FURTHER RESOLVED that the study consider new developments in the field of medicine, appropriate age ranges for treatment of debilitating conditions with medical marijuana, the legal status of the unresolved conflicts between state and federal law, whether the use of marijuana for medical purposes has resulted in any increased criminal activity and other issues; and

BE IT FURTHER RESOLVED that the study identify unresolved issues, problems and benefits and whether continuation of the program is justified; and

BE IT FURTHER RESOLVED that the department of health consult with members of law enforcement in conducting the study; and

BE IT FURTHER RESOLVED that a report of the findings and recommendations of the study be presented to the appropriate interim legislative committee by October, 2011; and

BE IT FURTHER RESOLVED that a copy of this memorial be transmitted to the department of health.