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HOUSE MEMORIAL 53

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

James E. Smith

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

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

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

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

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

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

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

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1 implemented by the department of health; and

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

6 WHEREAS, sufficient time has elapsed since the enactment
7 of these laws and the promulgation of the regulations to
8 support a study of the evolution and effectiveness of these
9 programs to assess the effect it has had on the state and to
10 identify lessons learned from implementation of the law;

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

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

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

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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.