

HOUSE CONSUMER AND PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR  
HOUSE MEMORIAL 53

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

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 eight additional conditions that can qualify a person  
17 to receive marijuana for medical treatment purposes, resulting  
18 in a total of fifteen conditions and hospice care that qualify  
19 for medical cannabis treatment; and

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

23          WHEREAS, the Controlled Substances Therapeutic Research  
24 Act contains a requirement for annual reports to the  
25 legislature and the governor regarding the effectiveness of the

1 program; however, no reports have been generated in recent  
2 years, as the research program is unfunded and is not being  
3 implemented by the department of health; and

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

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

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

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

25 BE IT FURTHER RESOLVED that the study also consider

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1 testimony by medical cannabis patients and health care  
2 providers with experience using medical cannabis treatments on  
3 whether the use of marijuana for medical purposes has resulted  
4 in improvement in the quality of life of patients, the  
5 productivity of patients, the reduction or elimination of  
6 patients' use of pharmaceutical drugs and the patients'  
7 symptoms satisfactorily being treated with medical marijuana;  
8 and

9 BE IT FURTHER RESOLVED that the study identify the current  
10 and future projected state income generated by a sales tax on  
11 medical cannabis and by fees collected by the medical cannabis  
12 program and the jobs generated from the program; and

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

16 BE IT FURTHER RESOLVED that the department of health, in  
17 conducting the study, consult with and survey registered  
18 medical cannabis patients, including combat veterans suffering  
19 from posttraumatic stress disorder; the office of the attorney  
20 general; health care providers experienced in treating patients  
21 with medical cannabis; families and cohabitants of medical  
22 cannabis patients; and members of the medical cannabis  
23 program's medical advisory board; and

24 BE IT FURTHER RESOLVED that a report of the findings and  
25 recommendations of the study be presented to the appropriate

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1 interim legislative committee by October 2011; and

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

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