

SENATE MEMORIAL 105

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

INTRODUCED BY

Gerald Ortiz y Pino

Pursuant to House Rule 24-1, this document incorporates amendments that have been adopted prior to consideration of this measure by the House. It is a tool to show the amendments in context and is not to be used for the purpose of amendments.

A MEMORIAL

REQUESTING THE DRUG POLICY ALLIANCE TO CONVENE A TASK FORCE AND MAKE RECOMMENDATIONS REGARDING MEDICAL CANNABIS AFFORDABILITY AND ACCESSIBILITY, AND RECOMMENDATIONS SPECIFIC TO THE STATE ON ENTERING INTO INTERGOVERNMENTAL AGREEMENTS WITH NEW MEXICO INDIAN NATIONS, TRIBES AND PUEBLOS TO PARTICIPATE AS LICENSED PRODUCERS IN THE STATE'S MEDICAL CANNABIS PROGRAM.

WHEREAS, the use of cannabis for medical purposes under a state-licensed system has been legal in New Mexico since the Lynn and Erin Compassionate Use Act was passed in 2007; and

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WHEREAS, medical cannabis program participants are often on fixed incomes and may be unable to work because of their serious medical conditions; and

WHEREAS, the cost of medical cannabis is not covered by health insurance or medicaid; and

WHEREAS, many program participants report that the cost of medical cannabis is not affordable; and

WHEREAS, there are tribal members who are New Mexico residents who live on tribal land, are qualified to participate in the state medical cannabis program and are licensed by the department of health to cultivate their own medicine; and

WHEREAS, department of health regulations exclusively permit personal cultivation at a site that is at an individual's residence, which provision, as state law, does not extend to federal trust land; and

WHEREAS, the department of health does not permit qualified patients to collectively cultivate medical cannabis; and

WHEREAS, New Mexicans who are renters are required to provide written approval from their landlord or property owner in order to obtain a personal cultivation license, presenting concerns about personal health information privacy; and

WHEREAS, medical cannabis is not easy to access by members of tribes and other New Mexicans living on tribal land or in rural or frontier areas of New Mexico; and

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WHEREAS, there are only thirty-five producers licensed by the state to grow and provide medical cannabis to qualified patients, and the department of health is not accepting applications for additional licenses; and

WHEREAS, medical cannabis program participation grows by hundreds of patients every month, and there are currently more than forty-seven thousand eight hundred forty qualified patients across the state; and

WHEREAS, there is a need for a safe space for all New Mexicans who are qualified patients to be able to use and grow their medicine where they are not under threat of prosecution; and

WHEREAS, many New Mexicans who would qualify for the medical cannabis program do not even apply to become program participants as a result of factors of affordability and accessibility and for fear of federal prosecution; and

WHEREAS, the department of health does not collect demographic information related to qualified patients who are military veterans or members of Indian nations, tribes or pueblos; and

WHEREAS, military veterans and members of Indian nations, tribes or pueblos receiving health care from the federal veterans health administration or the federal Indian health service may not be certified for the medical cannabis program by their primary health care providers; and

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WHEREAS, agreements between the department of health and any sovereign Indian nation, tribe or pueblo located in New Mexico that elects to implement the provisions of the medical cannabis program would be beneficial;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NEW MEXICO that the drug policy alliance be requested to convene a task force to make recommendations to improve medical cannabis affordability and accessibility for all New Mexicans, especially New Mexicans who are members of Indian nations, tribes or pueblos and reside on federal trust lands; and

BE IT FURTHER RESOLVED that the medical cannabis affordability and accessibility task force include recommendations specific to the state on entering into an intergovernmental agreement with any sovereign Indian nation, tribe or pueblo in New Mexico that elects to implement the provisions of the state's medical cannabis program; and

BE IT FURTHER RESOLVED that the drug policy alliance request the following individuals to join the task force:

- A. the secretary of health or the secretary's designee;
- B. liaisons from interested Indian nations, tribes and pueblos;
- C. a medical cannabis patient advocate living in a rural area of the state;
- D. a medical cannabis patient advocate who

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possesses a personal cultivation license;

E. a military veteran who is a medical cannabis patient;

F. a representative from the licensed nonprofit producers; SPAC→and←SPAC

SPAC→G. a representative from the office of the attorney general; and←SPAC

SPAC→G H←SPAC. anyone else with subject matter expertise as indicated by the drug policy alliance; and

BE IT FURTHER RESOLVED that the medical cannabis affordability and accessibility task force be requested to provide recommendations regarding guidelines for compliance with department of health rules or compliance with express provisions of an intergovernmental agreement to govern the rights and responsibilities of the department of health and an Indian nation, tribe or pueblo when that Indian nation, tribe or pueblo transports or sells medical cannabis outside of the boundaries of that Indian nation, tribe or pueblo; and

BE IT FURTHER RESOLVED that the medical cannabis affordability and accessibility task force be requested to report its recommendations to the interim legislative committee focused on Indian affairs and the legislative health and human services committee by November 1, 2018; and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the secretary of health, the chair of the

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interim legislative committee focused on Indian affairs, the chair of the legislative health and human services committee and a representative of each New Mexico Indian nation, tribe and pueblo.

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