

State of New Mexico
House of Representatives

FIFTY-FOURTH LEGISLATURE
FIRST SESSION

February 7, 2019

HOUSE FLOOR AMENDMENT number _____ to HOUSE BILL 8

Amendment sponsored by Representative William "Bill" R. Rehm

1. On page 1, line 12, after "PENALTIES", insert "; REQUIRING THE NAMES AND ADDRESSES OF PERSONS WHO HAVE RECEIVED A REGISTRY IDENTIFICATION CARD PURSUANT TO THE LYNN AND ERIN COMPASSIONATE USE ACT TO BE REPORTED TO THE NATIONAL INSTANT CRIMINAL BACKGROUND CHECK SYSTEM".

2. On page 3, between lines 8 and 9, insert a new section to read:

"SECTION 2. Section 26-2B-7 NMSA 1978 (being Laws 2007, Chapter 210, Section 7) is amended to read:

"26-2B-7. REGISTRY IDENTIFICATION CARDS--DEPARTMENT RULES--
DUTIES.--

A. No later than October 1, 2007, and after consultation with the advisory board, the department shall promulgate rules in accordance with the State Rules Act to implement the purpose of the Lynn and Erin Compassionate Use Act. The rules shall:

(1) govern the manner in which the department will consider applications for registry identification cards and for the renewal of identification cards for qualified patients and primary caregivers;

(2) define the amount of cannabis that is necessary to constitute an adequate supply, including amounts for topical treatments;

(3) identify criteria and set forth procedures for

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including additional medical conditions, medical treatments or diseases to the list of debilitating medical conditions that qualify for the medical use of cannabis. Procedures shall include a petition process and shall allow for public comment and public hearings before the advisory board;

(4) set forth additional medical conditions, medical treatments or diseases to the list of debilitating medical conditions that qualify for the medical use of cannabis as recommended by the advisory board;

(5) identify requirements for the licensure of producers and cannabis production facilities and set forth procedures to obtain licenses;

(6) develop a distribution system for medical cannabis that provides for:

(a) cannabis production facilities within New Mexico housed on secured grounds and operated by licensed producers; and

(b) distribution of medical cannabis to qualified patients or their primary caregivers to take place at locations that are designated by the department and that are not within three hundred feet of any school, church or daycare center;

(7) determine additional duties and responsibilities of the advisory board; and

(8) be revised and updated as necessary.

B. The department shall issue registry identification cards to a patient and to the primary caregiver for that patient, if any, who submit the following, in accordance with the department's rules:

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- (1) a written certification;
- (2) the name, address and date of birth of the patient;
- (3) the name, address and telephone number of the patient's practitioner; and
- (4) the name, address and date of birth of the patient's primary caregiver, if any.

C. The department shall verify the information contained in an application submitted pursuant to Subsection B of this section and shall approve or deny an application within thirty days of receipt. The department may deny an application only if the applicant did not provide the information required pursuant to Subsection B of this section or if the department determines that the information provided is false. A person whose application has been denied shall not reapply for six months from the date of the denial unless otherwise authorized by the department.

D. The department shall issue a registry identification card within five days of approving an application, and a card shall expire one year after the date of issuance. A registry identification card shall contain:

- (1) the name, address and date of birth of the qualified patient and primary caregiver, if any;
- (2) the date of issuance and expiration date of the registry identification card; and
- (3) other information that the department may require by rule.

E. A person who possesses a registry identification card

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shall notify the department of any change in the person's name, address, qualified patient's practitioner, qualified patient's primary caregiver or change in status of the qualified patient's debilitating medical condition within ten days of the change.

F. Possession of or application for a registry identification card shall not constitute probable cause or give rise to reasonable suspicion for a governmental agency to search the person or property of the person possessing or applying for the card.

G. The department shall maintain a confidential file containing the names and addresses of the persons who have either applied for or received a registry identification card. Individual names on the list shall be confidential and not subject to disclosure, except:

(1) to authorized employees or agents of the department as necessary to perform the duties of the department pursuant to the provisions of the Lynn and Erin Compassionate Use Act;

(2) to authorized employees of state or local law enforcement agencies, but only for the purpose of verifying that a person is lawfully in possession of a registry identification card; ~~or~~

(3) as provided in the federal Health Insurance Portability and Accountability Act of 1996; or

(4) the department shall electronically transmit the name and address of a person who has received a registry identification card and the expiration date of the card to the federal bureau of investigation's national instant criminal background check system. The department shall also be responsible for notifying, as soon as practicable within ten days' receipt of

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the information, the federal bureau of investigation to update, correct or modify the registry information or remove a name and address from the national instant criminal background check system if the person no longer is eligible for a registry identification card."

3. Renumber the succeeding section accordingly.

William "Bill" R. Rehm

Adopted _____
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date _____