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AN ACT

RELATING TO HEALTH; AMENDING THE LYNN AND ERIN COMPASSIONATE
USE ACT TO PROVIDE FOR THREE-YEAR CERTIFICATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 26-2B-1 NMSA 1978 (being Laws 2007,
Chapter 210, Section 1) is amended to read:

"26-2B-1. SHORT TITLE.--Chapter 26, Article 2B NMSA
1978 may be cited as the "Lynn and Erin Compassionate Use
Act" in honor of Lynn Pierson and Erin Armstrong."

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 created pursuant to
Section 26-2B-6 NMSA 1978, 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

1 necessary to constitute an adequate supply, including amounts
2 for topical treatments;

3 (3) identify criteria and set forth
4 procedures for including additional medical conditions,
5 medical treatments or diseases to the list of debilitating
6 medical conditions that qualify for the medical use of
7 cannabis. Procedures shall include a petition process and
8 shall allow for public comment and public hearings before the
9 advisory board;

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

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

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

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

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

1 daycare center;

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

4 (8) be revised and updated as necessary.

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

9 (1) a written certification;

10 (2) the name, address and date of birth of
11 the patient;

12 (3) the name, address and telephone number
13 of the patient's practitioner; and

14 (4) the name, address and date of birth of
15 the patient's primary caregiver, if any.

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

1 D. The department shall issue a registry
2 identification card within five days of approving an
3 application, and a card shall expire three years after the
4 date of issuance; provided that a registry identification
5 card issued to a person under the age of eighteen shall be
6 valid for one year. A registry identification card shall
7 contain:

8 (1) the name, address and date of birth of
9 the qualified patient and primary caregiver, if any;

10 (2) the date of issuance and expiration date
11 of the registry identification card; and

12 (3) other information that the department
13 may require by rule.

14 E. A person who possesses a registry
15 identification card shall:

16 (1) notify the department of any change in
17 the person's name, address, qualified patient's practitioner,
18 qualified patient's primary caregiver or change in status of
19 the qualified patient's debilitating medical condition within
20 ten days of the change; and

21 (2) visit the qualified patient's
22 practitioner annually regarding the status of the qualified
23 patient's debilitating medical condition, regardless of the
24 length of time for which the qualified patient's registration
25 identification card is valid.

1 F. Subsequent to the visit required pursuant to
2 Paragraph (2) of Subsection E of this section, the qualified
3 patient's practitioner shall submit a notice to the
4 department, in a form and manner required by department
5 rules, that shall allow for submission in writing or by
6 secure electronic means. The notice shall affirm that the
7 qualified patient's practitioner has examined the patient and
8 that the patient still qualifies for the medical use of
9 cannabis program according to the provisions of the Lynn and
10 Erin Compassionate Use Act.

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

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

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

25 (2) to authorized employees of state or

1 local law enforcement agencies, but only for the purpose of
2 verifying that a person is lawfully in possession of a
3 registry identification card; or

4 (3) as provided in the federal Health
5 Insurance Portability and Accountability Act of 1996."

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