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AN ACT

RELATING TO HEALTH; AMENDING THE LYNN AND ERIN COMPASSIONATE
USE ACT TO CHANGE THE PERIOD OF VALIDITY FOR A MEDICAL
CANNABIS PATIENT REGISTRY IDENTIFICATION CARD AND TO CHANGE
THE APPLICATION PERIOD FOR RENEWAL.

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

SECTION 1. Section 26-2B-7 NMSA 1978 (being Laws 2007,
Chapter 210, Section 7, as amended) is amended to read:

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

A. 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 including additional medical conditions,
medical treatments or diseases to the list of debilitating

1 medical conditions that qualify for the medical use of
2 cannabis. Procedures shall include a petition process and
3 shall allow for public comment and public hearings before the
4 advisory board;

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

9 (5) determine additional duties and
10 responsibilities of the advisory board; and

11 (6) be revised and updated as necessary.

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

16 (1) a written certification;

17 (2) the name, address and date of birth of
18 the patient;

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

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

23 C. The department shall verify the information
24 contained in an application submitted pursuant to Subsection
25 B of this section and shall approve or deny an application

1 within thirty days of receipt. The department may deny an
2 application only if the applicant did not provide the
3 information required pursuant to Subsection B of this section
4 or if the department determines that the information provided
5 is false. A person whose application has been denied shall
6 not reapply for six months from the date of the denial unless
7 otherwise authorized by the department.

8 D. The department shall issue a registry
9 identification card within five days of approving an
10 application, and a card shall expire two years after the date
11 of issuance.

12 E. A registry identification card shall contain:

13 (1) the name and date of birth of the
14 qualified patient and primary caregiver, if any;

15 (2) the date of issuance and expiration date
16 of the registry identification card; and

17 (3) other information that the department
18 may require by rule.

19 F. A person who possesses a registry
20 identification card shall notify the department of any change
21 in the person's name, qualified patient's practitioner,
22 qualified patient's primary caregiver or change in status of
23 the qualified patient's debilitating medical condition within
24 ten days of the change.

25 G. Possession of or application for a registry

1 identification card shall not constitute probable cause or
2 give rise to reasonable suspicion for a governmental agency
3 to search the person or property of the person possessing or
4 applying for the card.

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

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

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

18 (3) to the division; or

19 (4) as provided in the federal Health
20 Insurance Portability and Accountability Act of 1996.

21 I. By March 1, 2020, the secretary of health shall
22 adopt and promulgate rules relating to medical cannabis
23 program reciprocity. The department may identify
24 requirements for the granting of reciprocity, including
25 provisions limiting the period of time in which a reciprocal

1 participant may participate in the medical cannabis program.

2 J. A reciprocal participant:

3 (1) may participate in the medical cannabis
4 program in accordance with department rules;

5 (2) shall not be required to comply with the
6 registry identification card application and renewal
7 requirements established pursuant to this section and
8 department rules;

9 (3) shall at all times possess proof of
10 authorization to participate in the medical cannabis program
11 of another state, the District of Columbia, a territory or
12 commonwealth of the United States or a New Mexico Indian
13 nation, tribe or pueblo and shall present proof of that
14 authorization when purchasing cannabis from a person licensed
15 pursuant to the Cannabis Regulation Act; and

16 (4) shall register with a person licensed
17 pursuant to the Cannabis Regulation Act for the purpose of
18 tracking sales to the reciprocal participant in an electronic
19 system that is accessible to the department."

20 SECTION 2. Section 26-2B-7.1 NMSA 1978 (being Laws
21 2019, Chapter 247, Section 9) is amended to read:

22 "26-2B-7.1. REGISTRY IDENTIFICATION CARD--
23 REGISTRATION--RENEWAL--WRITTEN CERTIFICATION.--The department
24 shall require a qualified patient to reapply for a registry
25 identification card no sooner than thirty days before the

1 date the patient's current registry identification card
2 expires; provided that, in order to remain eligible for
3 participation in the medical cannabis program established
4 pursuant to the Lynn and Erin Compassionate Use Act, a
5 qualified patient shall submit to the department together
6 with the qualified patient's application for a registry card
7 a statement from a practitioner indicating that:

8 A. the practitioner has examined the qualified
9 patient during the preceding twelve months;

10 B. the qualified patient continues to have a
11 debilitating medical condition; and

12 C. the practitioner believes that the potential
13 health benefits of the medical use of cannabis would likely
14 outweigh the health risks for the qualified patient."

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