

1 A MEMORIAL

2 ENCOURAGING STATE LAW ENFORCEMENT TO CHANGE ITS POLICY OF  
3 ENFORCING THE FEDERAL LAW ON USE OF MEDICAL CANNABIS.

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5 WHEREAS, New Mexico's medical marijuana bill took effect  
6 on July 1, 2007, after enactment of the Lynn and Erin  
7 Compassionate Use Act; and

8 WHEREAS, in January 2009, the department of health  
9 issued rules governing production, distribution and use of  
10 medicinal cannabis under state law, affording legal  
11 protection to persons with serious, debilitating medical  
12 conditions, including cancer, glaucoma, multiple sclerosis,  
13 epilepsy, spinal cord damage or HIV-AIDS for possession and  
14 use of medical cannabis; and

15 WHEREAS, even so, a Silver City woman who joined the  
16 state's medical cannabis program and who has a license to  
17 grow marijuana plants to aid in her pain from car crash  
18 injuries was unexpectedly threatened with eviction from her  
19 apartment; and

20 WHEREAS, President Barack Obama has stated that he  
21 believes that "federal resources should not be used to  
22 circumvent state laws" and has stated that he expects federal  
23 law enforcement leadership to review their policies with that  
24 in mind; and

25 WHEREAS, it is predicted that the Obama administration

1 soon will instruct the federal drug enforcement agency to  
2 conduct medical cannabis raids only in instances where  
3 investigators believe a business is in violation of state or  
4 local regulations or is operating as a cover for other  
5 criminal behavior; and

6 WHEREAS, New Mexico is among thirteen states that have  
7 passed laws that permit individuals living with a serious or  
8 chronic illness to use medical cannabis, as recommended by a  
9 licensed physician according to state and local regulation;  
10 and

11 WHEREAS, New Mexico law enforcement agencies recognize  
12 that state law protects patients who have registered with the  
13 department of health for the medical cannabis program for  
14 possession of medical cannabis;

15 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE  
16 STATE OF NEW MEXICO that state law enforcement agencies  
17 continue to honor the Lynn and Erin Compassionate Use Act  
18 and, in keeping with expected changes in federal rules,  
19 immediately stop enforcing federal law against medical  
20 marijuana use; and

21 BE IT FURTHER RESOLVED that the senate discourage use of  
22 state funds, especially in this lean budget climate, for  
23 investigation, arrest or prosecution of those authorized by  
24 state law to use or provide medical cannabis in accordance  
25 with state or local law; and

1 BE IT FURTHER RESOLVED that the senate urge the New  
2 Mexico congressional delegation to support any federal  
3 legislation that removes medical cannabis from Schedule I of  
4 the federal Controlled Substances Act, allowing for greater  
5 federal and state oversight of the medical use of cannabis;  
6 and

7 BE IT FURTHER RESOLVED that the senate urge the New  
8 Mexico congressional delegation to support any federal  
9 legislation that supports and recognizes the protections of  
10 the Lynn and Erin Compassionate Use Act under federal law or  
11 that otherwise protects medical cannabis patients and  
12 providers; and

13 BE IT FURTHER RESOLVED that copies of this memorial be  
14 transmitted to the secretary of public safety, the chief of  
15 each law enforcement agency in the state and the New Mexico  
16 congressional delegation.

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