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SENATE MEMORIAL 88

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

Jacob R. Candelaria

A MEMORIAL

REQUESTING THE WORKFORCE SOLUTIONS DEPARTMENT TO STUDY
DISCRIMINATION AND BARRIERS FACED BY MEDICAL CANNABIS PATIENTS
IN NEW MEXICO AND OFFER POLICY RECOMMENDATIONS TO ENSURE THAT
MEDICAL CANNABIS PATIENTS' RIGHTS ARE PROTECTED.

WHEREAS, the department of health has nearly thirteen
thousand New Mexicans actively enrolled in the medical cannabis
program; and

WHEREAS, since the department of health began tracking
medical cannabis program participant data in 2012, an average
of three hundred eighty-four new patients enroll each month and
five hundred forty-five additional patients renew their
enrollment each month; and

WHEREAS, medical cannabis may be the only medicine that
works to improve the quality of life for people living with

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1 debilitating conditions; and

2 WHEREAS, patients often report encountering discrimination
3 by employers, landlords, medical care providers, schools,
4 courts and others because of medical cannabis use; and

5 WHEREAS, medical cannabis laws in Arizona, Connecticut,
6 Maine, Delaware and Rhode Island include provisions protecting
7 patients from discrimination; and

8 WHEREAS, New Mexico ranks fourteenth among the states for
9 the highest unemployment rate; and

10 WHEREAS, the qualifying conditions suffered by medical
11 cannabis patients often cause significant financial and social
12 hardships; and

13 WHEREAS, the social stigma associated with medical
14 cannabis may prevent New Mexicans from participating in the
15 department of health's medical cannabis program; and

16 WHEREAS, two recent decisions by the New Mexico court of
17 appeals upheld the right to use medical cannabis to alleviate
18 symptoms from health conditions developed while on the job; and

19 WHEREAS, at present, there are at least two ongoing court
20 cases in New Mexico involving medical cannabis patients who
21 were terminated simply for testing positive for having
22 marijuana metabolites in their blood; and

23 WHEREAS, posttraumatic stress, chronic pain and cancer
24 afflict nearly eighty percent of the total patient population,
25 and veterans suffer from these conditions at a greater rate

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1 than the rest of the population; and

2 WHEREAS, New Mexico has a history of supporting veterans
3 as they transition after military service, including those who
4 have been injured during their military careers; and

5 WHEREAS, suicide is more prevalent among veterans than in
6 the general population, and suicide among veterans is at an
7 epidemic rate nationally;

8 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE
9 OF NEW MEXICO that the workforce solutions department be
10 requested to study and prepare a report concerning
11 discrimination and barriers faced by medical cannabis patients,
12 including barriers with respect to seeking:

- 13 A. employment;
- 14 B. housing;
- 15 C. acceptance into assisted living facilities;
- 16 D. parental custody;
- 17 E. health care providers; and
- 18 F. qualification for organ transplant lists; and

19 BE IT FURTHER RESOLVED that the report include policy
20 recommendations for preventing discrimination and reducing
21 barriers faced by medical cannabis patients; and

22 BE IT FURTHER RESOLVED that the report define model
23 practices and policies for employers, health care providers and
24 landlords with respect to medical cannabis patients; and

25 BE IT FURTHER RESOLVED that the study and report be

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- 1 completed in consultation with representatives of:
- 2 A. the medical cannabis program of the department
 - 3 of health;
 - 4 B. the New Mexico medical cannabis advisory board;
 - 5 C. the New Mexico medical cannabis patient's
 - 6 alliance;
 - 7 D. the veterans' services department;
 - 8 E. the children, youth and families department;
 - 9 F. the economic development department;
 - 10 G. the administrative office of the courts;
 - 11 H. the New Mexico alliance of health councils;
 - 12 I. the Bernalillo county health council;
 - 13 J. the New Mexico public health association;
 - 14 K. the New Mexico association of counties;
 - 15 L. the drug policy alliance-New Mexico; and
 - 16 M. any other appropriate entity; and

17 BE IT FURTHER RESOLVED that the study and report be
18 presented to the interim legislative health and human services
19 committee and the interim military and veterans' affairs
20 committee no later than October 2015; and

21 BE IT FURTHER RESOLVED that copies of this memorial be
22 transmitted to the legislative health and human services
23 committee, the co-chairs of the New Mexico legislative council
24 and the secretaries of health, workforce solutions, economic
25 development and veterans' services.