

underscored material = new  
~~[bracketed material] = delete~~

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

SENATE MEMORIAL 38

**52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016**

INTRODUCED BY

Jacob R. Candelaria

A MEMORIAL

REQUESTING THE WORKFORCE SOLUTIONS DEPARTMENT TO STUDY THE DISCRIMINATION THAT MEDICAL CANNABIS PATIENTS ENCOUNTER IN NEW MEXICO AND TO OFFER POLICY RECOMMENDATIONS TO ENSURE THAT THE CIVIL RIGHTS OF MEDICAL CANNABIS PATIENTS ARE PROTECTED.

WHEREAS, nearly twenty thousand New Mexicans are actively enrolled in the medical cannabis program that the department of health administers; and

WHEREAS, since 2012, according to the department of health, program enrollment has increased, on average, by more than four hundred new patients each month; and

WHEREAS, the department of health reports that more than five hundred additional patients renew their enrollment in the medical cannabis program each month; and

WHEREAS, in states where medical cannabis is distributed,

underscoring material = new  
~~[bracketed material] = delete~~

1 there has been a significant decrease in both prescription  
2 painkiller abuse and in deaths from overdoses of prescription  
3 medicines; and

4 WHEREAS, medical cannabis may be the only medicine that  
5 works to improve the quality of life for people living with  
6 debilitating conditions; and

7 WHEREAS, medical cannabis patients often report  
8 encountering discrimination from employers, landlords, medical  
9 care providers, schools, courts and others because they use  
10 medical cannabis; and

11 WHEREAS, medical cannabis laws in Arizona, Connecticut,  
12 Maine, Delaware and Rhode Island include provisions that  
13 protect patients from discrimination; and

14 WHEREAS, the New Mexico court of appeals has recently  
15 upheld the rights of medical cannabis patients to be  
16 compensated by workers' compensation for the cost of medical  
17 cannabis used to control pain from a debilitating medical  
18 condition developed on the job; and

19 WHEREAS, medical cannabis patients suffering from  
20 discrimination are more substantially affected by unemployment  
21 and a lack of access to health care services than the general  
22 population; and

23 WHEREAS, many New Mexicans have selflessly served their  
24 country in the military, and many of these veterans have been  
25 injured in the course of their service; and

.203229.1

underscoring material = new  
~~[bracketed material] = delete~~

1           WHEREAS, a great many New Mexico veterans suffer from  
2 posttraumatic stress disorder, chronic pain and cancer,  
3 conditions that represent nearly eight percent of the  
4 conditions that qualify an individual for use of medical  
5 cannabis; and

6           WHEREAS, the debilitating medical conditions suffered by  
7 medical cannabis patients often cause significant financial and  
8 social hardships; and

9           WHEREAS, the social stigma and discrimination associated  
10 with medical cannabis may prevent other New Mexicans who would  
11 benefit from medical cannabis from participating in the  
12 department of health's medical cannabis program;

13           NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE  
14 OF NEW MEXICO that the workforce solutions department be  
15 requested to work with the department of health to study the  
16 prevalence and severity of discrimination that medical cannabis  
17 patients encounter in seeking:

- 18           A. employment;
- 19           B. housing and assisted living facilities,  
20 including public housing and substance abuse treatment centers;
- 21           C. parental custody and rights;
- 22           D. health care delivery and coverage;
- 23           E. qualification for organ transplantation; and
- 24           F. education; and

25           BE IT FURTHER RESOLVED that pursuant to its study, the

underscoring material = new  
~~[bracketed material] = delete~~

1 workforce solutions department make policy recommendations and  
2 identify best practices for reducing barriers and  
3 discrimination that medical cannabis patients encounter; and

4 BE IT FURTHER RESOLVED that the workforce solutions  
5 department make recommendations for empowering medical cannabis  
6 patients themselves to identify best practices and policies for  
7 employers, health care providers and landlords to protect the  
8 rights of medical cannabis patients; and

9 BE IT FURTHER RESOLVED that, in its study, the workforce  
10 solutions department be requested to consult with  
11 representatives from:

- 12 A. the department of health's medical cannabis  
13 program;
- 14 B. the New Mexico medical cannabis program medical  
15 advisory board;
- 16 C. the New Mexico medical cannabis patient  
17 alliance;
- 18 D. the veterans' services department;
- 19 E. the children, youth and families department;
- 20 F. the administrative office of the courts;
- 21 G. the New Mexico alliance of health councils;
- 22 H. the Bernalillo county community health council;
- 23 I. the New Mexico public health association;
- 24 J. the New Mexico association of counties;
- 25 K. the drug policy alliance;

.203229.1

underscoring material = new  
~~[bracketed material] = delete~~

- 1 L. the workers' compensation administration;  
2 M. the students for sensible drug policy; and  
3 N. any other entity that the workforce solutions  
4 department deems to have relevant expertise relating to the  
5 rights of medical cannabis patients; and

6 BE IT FURTHER RESOLVED that the study and recommendations  
7 be presented to the interim legislative health and human  
8 services committee and the interim military and veterans'  
9 affairs committee no later than December 2016; and

10 BE IT FURTHER RESOLVED that copies of this memorial be  
11 transmitted to the governor, the secretary of workforce  
12 solutions, the secretary of health, the secretary of economic  
13 development, the secretary of veterans' services and the chair  
14 and vice chair of the legislative health and human services  
15 committee.