

1 A MEMORIAL

2 REQUESTING THE DRUG POLICY ALLIANCE TO CONVENE A TASK FORCE
3 AND MAKE RECOMMENDATIONS REGARDING MEDICAL CANNABIS
4 AFFORDABILITY AND ACCESSIBILITY, AND RECOMMENDATIONS SPECIFIC
5 TO THE STATE ON ENTERING INTO INTERGOVERNMENTAL AGREEMENTS
6 WITH NEW MEXICO INDIAN NATIONS, TRIBES AND PUEBLOS TO
7 PARTICIPATE AS LICENSED PRODUCERS IN THE STATE'S MEDICAL
8 CANNABIS PROGRAM.

9
10 WHEREAS, the use of cannabis for medical purposes under
11 a state-licensed system has been legal in New Mexico since
12 the Lynn and Erin Compassionate Use Act was passed in 2007;
13 and

14 WHEREAS, medical cannabis program participants are often
15 on fixed incomes and may be unable to work because of their
16 serious medical conditions; and

17 WHEREAS, the cost of medical cannabis is not covered by
18 health insurance or medicaid; and

19 WHEREAS, many program participants report that the cost
20 of medical cannabis is not affordable; and

21 WHEREAS, there are tribal members who are New Mexico
22 residents who live on tribal land, are qualified to
23 participate in the state medical cannabis program and are
24 licensed by the department of health to cultivate their own
25 medicine; and

1 WHEREAS, department of health regulations exclusively
2 permit personal cultivation at a site that is at an
3 individual's residence, which provision, as state law, does
4 not extend to federal trust land; and

5 WHEREAS, the department of health does not permit
6 qualified patients to collectively cultivate medical
7 cannabis; and

8 WHEREAS, New Mexicans who are renters are required to
9 provide written approval from their landlord or property
10 owner in order to obtain a personal cultivation license,
11 presenting concerns about personal health information
12 privacy; and

13 WHEREAS, medical cannabis is not easy to access by
14 members of tribes and other New Mexicans living on tribal
15 land or in rural or frontier areas of New Mexico; and

16 WHEREAS, there are only thirty-five producers licensed
17 by the state to grow and provide medical cannabis to
18 qualified patients, and the department of health is not
19 accepting applications for additional licenses; and

20 WHEREAS, medical cannabis program participation grows by
21 hundreds of patients every month, and there are currently
22 more than forty-seven thousand eight hundred forty qualified
23 patients across the state; and

24 WHEREAS, there is a need for a safe space for all
25 New Mexicans who are qualified patients to be able to use and

1 grow their medicine where they are not under threat of
2 prosecution; and

3 WHEREAS, many New Mexicans who would qualify for the
4 medical cannabis program do not even apply to become program
5 participants as a result of factors of affordability and
6 accessibility and for fear of federal prosecution; and

7 WHEREAS, the department of health does not collect
8 demographic information related to qualified patients who are
9 military veterans or members of Indian nations, tribes or
10 pueblos; and

11 WHEREAS, military veterans and members of Indian
12 nations, tribes or pueblos receiving health care from the
13 federal veterans health administration or the federal Indian
14 health service may not be certified for the medical cannabis
15 program by their primary health care providers; and

16 WHEREAS, agreements between the department of health and
17 any sovereign Indian nation, tribe or pueblo located in
18 New Mexico that elects to implement the provisions of the
19 medical cannabis program would be beneficial;

20 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE
21 STATE OF NEW MEXICO that the drug policy alliance be
22 requested to convene a task force to make recommendations to
23 improve medical cannabis affordability and accessibility for
24 all New Mexicans, especially New Mexicans who are members of
25 Indian nations, tribes or pueblos and reside on federal trust

1 lands; and

2 BE IT FURTHER RESOLVED that the medical cannabis
3 affordability and accessibility task force include
4 recommendations specific to the state on entering into an
5 intergovernmental agreement with any sovereign Indian nation,
6 tribe or pueblo in New Mexico that elects to implement the
7 provisions of the state's medical cannabis program; and

8 BE IT FURTHER RESOLVED that the drug policy alliance
9 request the following individuals to join the task force:

10 A. the secretary of health or the secretary's
11 designee;

12 B. liaisons from interested Indian nations, tribes
13 and pueblos;

14 C. a medical cannabis patient advocate living in a
15 rural area of the state;

16 D. a medical cannabis patient advocate who
17 possesses a personal cultivation license;

18 E. a military veteran who is a medical cannabis
19 patient;

20 F. a representative from the licensed nonprofit
21 producers;

22 G. a representative from the office of the
23 attorney general; and

24 H. anyone else with subject matter expertise as
25 indicated by the drug policy alliance; and

1 BE IT FURTHER RESOLVED that the medical cannabis
2 affordability and accessibility task force be requested to
3 provide recommendations regarding guidelines for compliance
4 with department of health rules or compliance with express
5 provisions of an intergovernmental agreement to govern the
6 rights and responsibilities of the department of health and
7 an Indian nation, tribe or pueblo when that Indian nation,
8 tribe or pueblo transports or sells medical cannabis outside
9 of the boundaries of that Indian nation, tribe or pueblo; and

10 BE IT FURTHER RESOLVED that the medical cannabis
11 affordability and accessibility task force be requested to
12 report its recommendations to the interim legislative
13 committee focused on Indian affairs and the legislative
14 health and human services committee by November 1, 2018; and

15 BE IT FURTHER RESOLVED that copies of this memorial be
16 transmitted to the secretary of health, the chair of the
17 interim legislative committee focused on Indian affairs, the
18 chair of the legislative health and human services committee
19 and a representative of each New Mexico Indian nation, tribe
20 and pueblo.

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