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AN ACT

RELATING TO MEDICAL CANNABIS; AMENDING A SECTION OF THE LYNN
AND ERIN COMPASSIONATE USE ACT TO LIMIT THE DEFINITION OF
"QUALIFIED PATIENT" TO RESIDENTS OF NEW MEXICO; DECLARING AN
EMERGENCY.

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

SECTION 1. Section 26-2B-3 NMSA 1978 (being Laws 2007,
Chapter 210, Section 3, as amended) is amended to read:

"26-2B-3. DEFINITIONS.--As used in the Lynn and Erin
Compassionate Use Act:

A. "adequate supply" means an amount of cannabis,
in any form approved by the department, possessed by a
qualified patient or collectively possessed by a qualified
patient and the qualified patient's primary caregiver that is
determined by rule of the department to be no more than
reasonably necessary to ensure the uninterrupted availability
of cannabis for a period of three months and that is derived
solely from an intrastate source;

B. "cannabis":

(1) means all parts of the plant Cannabis
sativa L. containing a delta-9-tetrahydrocannabinol
concentration of more than three-tenths percent on a dry
weight basis, whether growing or not; the seeds of the plant;
the resin extracted from any part of the plant; and every

1 compound, manufacture, salt, derivative, mixture or
2 preparation of the plant, its seeds or its resin; and

3 (2) does not include the mature stalks of
4 the plant; fiber produced from the stalks; oil or cake made
5 from the seeds of the plant; any other compound, manufacture,
6 salt, derivative, mixture or preparation of the mature
7 stalks, fiber, oil or cake; the sterilized seed of the plant
8 that is incapable of germination; the weight of any other
9 ingredient combined with cannabis to prepare topical or oral
10 administrations, food, drink or another product; or hemp;

11 C. "cannabis consumption area" means an area
12 within a licensed premises approved by the department where
13 cannabis may be consumed that complies with rule as
14 established by the department;

15 D. "cannabis courier" means a person that is
16 licensed by the department to transport usable cannabis and
17 cannabis products within the state from a cannabis
18 establishment to:

- 19 (1) a qualified patient;
- 20 (2) a primary caregiver; or
- 21 (3) another cannabis establishment;

22 E. "cannabis establishment" means:

- 23 (1) a licensed cannabis courier;
- 24 (2) a licensed cannabis testing facility;
- 25 (3) a licensed cannabis manufacturer;

- 1 (4) a licensed cannabis producer; or
- 2 (5) such other person that the department
- 3 may by rule approve for participation in the medical cannabis
- 4 program;

5 F. "cannabis manufacturer" means a person that is

6 licensed by the department to:

- 7 (1) manufacture cannabis products;
- 8 (2) package, transport or courier cannabis
- 9 products;
- 10 (3) have cannabis products tested by a
- 11 cannabis testing facility;
- 12 (4) purchase, obtain, sell and transport
- 13 cannabis products to other cannabis establishments; and
- 14 (5) prepare products for personal production
- 15 license holders;

16 G. "cannabis producer" means a person that is

17 licensed by the department to possess, produce, dispense,

18 distribute and manufacture cannabis and cannabis products and

19 sell wholesale or by direct sale to qualified patients and

20 primary caregivers;

21 H. "cannabis product":

- 22 (1) means a product that contains cannabis,
- 23 including edible or topical products that may also contain
- 24 other ingredients; and

- 25 (2) does not include the weight of any other

1 ingredient combined with cannabis or cannabis extract to
2 prepare topical or oral administrations, food, drink or
3 another product;

4 I. "cannabis testing facility" means a person that
5 is licensed by the department to perform tests of cannabis
6 products to analyze the strength or purity of the items and
7 to collect cannabis samples and transport cannabis products
8 to the cannabis testing facility from cannabis
9 establishments;

10 J. "debilitating medical condition" means:

- 11 (1) cancer;
- 12 (2) glaucoma;
- 13 (3) multiple sclerosis;
- 14 (4) damage to the nervous tissue of the
15 spinal cord, with objective neurological indication of
16 intractable spasticity;
- 17 (5) seizure disorder, including epilepsy;
- 18 (6) positive status for human
19 immunodeficiency virus or acquired immune deficiency
20 syndrome;
- 21 (7) admitted into hospice care in accordance
22 with rules promulgated by the department;
- 23 (8) amyotrophic lateral sclerosis;
- 24 (9) Crohn's disease;
- 25 (10) hepatitis C infection;

1 (11) Huntington's disease;
2 (12) inclusion body myositis;
3 (13) inflammatory autoimmune-mediated
4 arthritis;
5 (14) intractable nausea or vomiting;
6 (15) obstructive sleep apnea;
7 (16) painful peripheral neuropathy;
8 (17) Parkinson's disease;
9 (18) posttraumatic stress disorder;
10 (19) severe chronic pain;
11 (20) severe anorexia or cachexia;
12 (21) spasmodic torticollis;
13 (22) ulcerative colitis; or
14 (23) any other medical condition, medical
15 treatment or disease as approved by the department;

16 K. "department" means the department of health;

17 L. "hemp" means the plant *Cannabis sativa* L. and
18 any part of the plant, whether growing or not, containing a
19 delta-9-tetrahydrocannabinol concentration of no more than
20 three-tenths percent on a dry weight basis;

21 M. "license" means a license issued pursuant to
22 the Lynn and Erin Compassionate Use Act;

23 N. "licensee" means a person that holds a license;

24 O. "licensee representative" means an owner,
25 director, officer, manager, employee, agent or other

1 representative of a licensee, to the extent that person acts
2 in a representative capacity;

3 P. "manufacture" means to prepare a cannabis
4 product;

5 Q. "medical cannabis program" means the program
6 established pursuant to the Lynn and Erin Compassionate Use
7 Act for authorization and regulation of the medical use of
8 cannabis in the state;

9 R. "personal production license" means a license
10 issued to a qualified patient or to a qualified patient's
11 primary caregiver participating in the medical cannabis
12 program to permit the qualified patient or the qualified
13 patient's primary caregiver to produce cannabis for the
14 qualified patient's use at an address approved by the
15 department;

16 S. "practitioner" means a person licensed in
17 New Mexico to prescribe and administer drugs that are subject
18 to the Controlled Substances Act;

19 T. "primary caregiver" means a resident of
20 New Mexico who is at least eighteen years of age and who has
21 been designated by the patient's practitioner as being
22 necessary to take responsibility for managing the well-being
23 of a qualified patient with respect to the medical use of
24 cannabis pursuant to the provisions of the Lynn and Erin
25 Compassionate Use Act;

1 U. "produce" means to engage in any activity
2 related to the planting or cultivation of cannabis;

3 V. "qualified patient" means a resident of
4 New Mexico who has been diagnosed by a practitioner as having
5 a debilitating medical condition and has received written
6 certification and a registry identification card pursuant to
7 the Lynn and Erin Compassionate Use Act on the basis of
8 having been diagnosed, in person or via telemedicine, by a
9 practitioner as having a debilitating medical condition;
10 provided that a practitioner may only issue a written
11 certification on the basis of an evaluation conducted via
12 telemedicine if the practitioner has previously examined the
13 patient in person;

14 W. "reciprocal participant" means an individual
15 who holds proof of authorization to participate in the
16 medical cannabis program of another state of the United
17 States, the District of Columbia, a territory or commonwealth
18 of the United States or a New Mexico Indian nation, tribe or
19 pueblo;

20 X. "registry identification card" means a document
21 that the department issues:

22 (1) to a qualified patient that identifies
23 the bearer as a qualified patient and authorizes the
24 qualified patient to use cannabis for a debilitating medical
25 condition; or

1 (2) to a primary caregiver that identifies
2 the bearer as a primary caregiver authorized to engage in the
3 intrastate possession and administration of cannabis for the
4 sole use of a qualified patient who is identified on the
5 document;

6 Y. "safety-sensitive position" means a position in
7 which performance by a person under the influence of drugs or
8 alcohol would constitute an immediate or direct threat of
9 injury or death to that person or another;

10 Z. "telemedicine" means the use of
11 telecommunications and information technology to provide
12 clinical health care from a site apart from the site where
13 the patient is located, in real time or asynchronously,
14 including the use of interactive simultaneous audio and video
15 or store-and-forward technology, or off-site patient
16 monitoring and telecommunications in order to deliver health
17 care services;

18 AA. "THC" means delta-9-tetrahydrocannabinol, a
19 substance that is the primary psychoactive ingredient in
20 cannabis; and

21 BB. "written certification" means a statement made
22 on a department-approved form and signed by a patient's
23 practitioner that indicates, in the practitioner's
24 professional opinion, that the patient has a debilitating
25 medical condition and the practitioner believes that the

1 potential health benefits of the medical use of cannabis
2 would likely outweigh the health risks for the patient."

3 SECTION 2. EMERGENCY.--It is necessary for the public
4 peace, health and safety that this act take effect
5 immediately. _____

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