

NEW MEXICO MEDICAL CANNABIS PROGRAM – LEGAL PERSPECTIVE

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FEDERAL CANNABIS LAW

- Despite medical cannabis laws in 44 states (about 28 full medical cannabis and 16 exclusively CBD), cannabis is still illegal under federal law. The federal government regulates drugs through the Controlled Substances Act (CSA).
- Under the CSA, cannabis is classified as a Schedule I drug, just like Heroin, which means that the federal government views cannabis as highly addictive and having NO medical value.
- Doctors may not "prescribe" cannabis for medical use under federal law, though they can "recommend" its use under the First Amendment.
- Federal cannabis laws are very serious, and punishment for people found guilty is frequently very steep. Federal law still considers cannabis a dangerous illegal drug with no acceptable medicinal value.

FEDERAL & STATE CANNABIS LAW CONFLICTS

- As of 2016, several federal agencies have issued guidelines and other policy memorandums to manage the conflict between federal and state laws as they pertain to medical marijuana.
- On August 29, 2013 the Department of Justice (DOJ) issued a guidance memo by Deputy Attorney General James Cole (“Cole Memo”) to prosecutors concerning marijuana enforcement under the Controlled Substance Act (CSA) making it clear that prosecuting state legal medical marijuana cases is not a priority.

Cole Memo

- The memo states that while it is the intent of the DoJ to continue to enforce the CSA, the focus of that enforcement should remain on activities that are not governed by a state law.
- The Cole memo included eight guidelines for prosecutors to use to determine current federal enforcement priorities.

Cole Memo

Prosecution Guidelines

- 1. Preventing of distribution of marijuana to minors;
- 2. Preventing revenue from the sale of marijuana from going to criminal enterprises, gangs or cartels;
- 3. Preventing the diversion of marijuana from states where it is legal under state law in some form to other states;
- 4. Preventing state-authorized marijuana activity from being used as a cover or a pretext to traffic other illegal drugs or other illegal activity;
- 5. Preventing violence or the use of firearms in cultivation and distribution of marijuana;
- 6. Preventing drugged driving and the exacerbation of other adverse public health consequences associated with marijuana use;
- 7. Preventing the growing of marijuana on public lands and the attendant public safety and environment dangers posed by marijuana production on public lands;
- 8. Preventing marijuana possession or use on federal property.

Federal Sentencing Laws

- If convicted and sentenced to jail, a minimum of 85% of that sentence must be served.
- There are statutory mandatory minimum sentences.
- There is a five-year mandatory minimum for cultivation of 100 plants or possession of 100kgs, and there is a 10-year mandatory minimum for these offenses if the defendant has a prior felony drug conviction.
- Cultivation or possession of 1000kg or 1000 plants triggers a 10 year mandatory minimum, with a 20-year mandatory sentence if the defendant has one prior felony drug conviction, and a life sentence with two prior felony drug convictions.

New Mexico's Medical Cannabis Law: The Lynn and Erin Compassionate Use Act

- **State Law 26-2B (1- 7) New Mexico Statutes:** New Mexico became the 12th state to allow medical cannabis with the Lynn & Erin Compassionate Use Act in 2007 (Senate Bill 523).
- The purpose of the Act is to allow the beneficial use of medical cannabis in a regulated system for alleviating symptoms caused by debilitating medical conditions and their medical treatments.
- The objective of the law is to ensure the safe use and possession of cannabis for individuals living with debilitating medical conditions.

New Mexico Medical Cannabis Program Enrollment Process

- A patient can apply with a complete application including a NM ID, information pages, and a certification from a licensed medical provider certifying that the patient has one of the state's approved medical conditions of the program.
- Within 30 days:
 - the Program Staff verifies all required documentation, contacts or sends a letter to the patient if necessary.
 - Medical Director verifies the application medically and the provider's authority to certify; calls the provider if necessary for additional documentation.
- If approved the patient receives a new patient packet with a patient registry card (yearly expiration), general program information, and Licensed Nonprofit Producers contact information (free of charge).

NM Medical Cannabis Patient Application



Application Checklist

Please print clearly and ensure application is complete. Incomplete or illegible applications or applications with missing documents will delay processing. Incomplete applications will be kept on file for six months from the date received by the program, after six months it will be voided and a new application must be submitted. All forms must have original signatures. **Photocopies, faxed and electronic copies will not be accepted.**

For Patient Applications

This checklist applies to both new enrollments and re-enrollments.

Please keep a copy of all application documents for your records including your New Mexico ID.

- Information Form filled out completely. If signed by a representative please include medical power of attorney.
- Medical Certification Form filled out completely. It is recommended that medical records regarding the diagnosis be included.
- Release of Medical Information Form
- Clinical/Diagnostic Notes Form completed by the Certifying Practitioner and/or Medical Records.
- Valid NM issued Photo ID or Driver's License. – PLEASE MAKE SURE IT IS CLEAR AND VISIBLE. **Temporary or Extension IDs are not accepted. If application is for a minor please include a copy of the minor's birth certificate.**
- If you wish to produce your own medical cannabis, submit a separate application for a patient Personal Production License (PPL). This must be completed annually or if any information changes, such as location, security, etc.

Once complete, please mail application to the Medical Cannabis Program Mailing Address

There is currently no fee for the patient enrollment card.

Contact Information

Mailing Address: Department of Health
Medical Cannabis Program
PO Box 26110
Santa Fe, NM 87502-6110

Physical Address: Department of Health
Medical Cannabis Program
1474 Rodeo Road Suite 200
Santa Fe, NM 87505

Website: www.nmhealth.org/go/mcp

Telephone Number: 505-827-2321

New Mexico Medical Cannabis Patient Statistics -February 2017

NM Medical Cannabis Program
Patient Statistics
February 2017

Active Patients 33,654

Active PPL 5,721

Qualifying Condition Count	
Amyotrophic Lateral Sclerosis	23
Cancer	2287
Crohn's Disease	149
Damage to the nervous tissue of the spinal cord	147
Epilepsy	566
Glaucoma	219
Hepatitis C Infection	59
HIV/AIDS	453
Hospice Care	70
Huntington's Disease	5
Inclusion Body Myositis	1
Inflammatory autoimmune-mediated arthritis	639
Intractable Nausea/Vomiting	355
Multiple Sclerosis	405
Painful Peripheral Neuropathy	1043
Parkinson's Disease	166
Post-Traumatic Stress Disorder	15696
Severe Anorexia/Cachexia	165
Severe Chronic Pain	11035
Spasmodic Torticollis (Cervical Dystonia)	36
Ulcerative Colitis	80

The number of patients by condition is an average patient census by condition for the month, and may not equal total number of active patients.

Medical Cannabis Licensed Nonprofit Producer List

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Licensed Nonprofit Producers

The following is a list of agencies licensed to produce and sell medical cannabis in the State of New Mexico. Active enrollees may register and purchase product from any of these entities. These are privately operated businesses, so each agency may carry different products and have various policies regarding delivery and pricing of product.

Agency Name	County	Address	Telephone	Website	Email
Cannaceutics Dispensary	Bernalillo	4316 Carlisle Blvd. NE Suite D Albuquerque, NM 87107	505-872-2003 Fax: 274-7760	www.cannaceutics.org	Support@Cannaceutics.org
CG Corrigan	Bernalillo	6614 Gulton Ct. NE Suite A Albuquerque, NM 87109	505-933-5599	www.cgcorrigan.org	info@cgcorrigan.org
Everest Apothecary	Bernalillo	9237 Fourth Street NW Albuquerque, NM 87114	505-898-2800	www.everestnm.com	info@everestnm.com
Grassroots RX Dispensary	Bernalillo	2717 2nd Street NW Albuquerque, NM 87107			
Healthy Education Society	Bernalillo	5401 Lomas Blvd. NE Suite A Albuquerque, NM 87111	505-312-7664	www.healthyeducationsociety.com	info@hesmmj.com
High Desert Relief	Bernalillo	4730-C Pan American Fwy. NE Albuquerque, NM 87109	505-750-4015	www.highdesertrelief.org	order@highdesertrelief.org
Minerva Canna Group	Bernalillo	7103 4th St. NW Bldg. M Albuquerque, NM 87107	505-888-2699	www.minervacanna.com	info@minervacanna.com
Natural RX	Bernalillo	8612 Paseo Alameda NE Suite E Albuquerque, NM 87113	505-404-8214	www.naturalrxnm.org	info@naturalrxnm.org
New Mexico Top Organics- Ultra Health	Bernalillo	5115 Coors Blvd. NW Suite A Albuquerque, NM 87120	505-433-4945	www.ultrahealth.com	westside@ultrahealth.com

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