

For immediate release:
December 3, 2007

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Department of Health Drafts Proposed Regulations for Medical Marijuana Program Regulations Would Govern Licensure/Distribution System

(Santa Fe) – The New Mexico Department of Health sent proposed regulations for its medical marijuana program today to State Records Center and Archives. The proposed regulations would establish rules for a regulated system that would involve the licensure, distribution and manufacturing of medical marijuana.

These regulations are mandated by the Lynn and Erin Compassionate Use Act (Senate Bill 523), which was enacted during the 2007 legislative session.

The newly proposed regulations provide for five different kinds of licensed producers: a qualified patient, a caregiver, an association of persons, a private entity, or a state owned and/or operated facility. The regulations include measures to prevent the unauthorized use of marijuana, including applicant criminal background checks, facility security measures, and monitoring and corrective action authority. The regulations also clearly establish that unauthorized use of marijuana will be penalized.

Under the rulemaking process, the Department will publish the proposed regulations for public comment on December 14, and a public hearing has been scheduled at 9 a.m. January 14, 2008 in the Harold Runnels Auditorium, 1190 St. Francis Drive in Santa Fe. Written comments may be submitted to Brian Royer, 2040 S. Pacheco, Room 401 B, Santa Fe, NM 87505 or at Brian.Royer@state.nm.us.

At the January 14 hearing, the Department of Health will also take public comment on rules regarding the registry identification card program and the medical marijuana advisory board. The Department accepted public comment about those regulations on Oct. 1 and has made changes based on those comments.

Since the program began on July 1, the Department has approved 74 applications from chronically ill patients who are eligible to receive medical marijuana. “We are doing the right thing for New Mexicans who have painful, chronic illnesses,” said Governor Bill Richardson.

The state law specifies what conditions patients must have to be eligible for medical marijuana. Of the 74 approved applications, patients have the following conditions: 18, cancer; 16, HIV/AIDS; 16, multiple sclerosis; 13, spinal cord damage with intractable elasticity; 8, epilepsy and 3, glaucoma.

“The patients approved for medical marijuana are the reason this program exists,” said Health Secretary Dr. Alfredo Vigil. “We are proud that this program has been successful, and we are able to help relieve the suffering of people who are living with chronic, debilitating health conditions.”

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