
Secretary of Health Kathyleen Kunkel's Final Decision on Medical Cannabis Advisory Board Reports and Recommendations

I. Qualifying Condition Petitions:

I have reviewed the recommendations of the Medical Cannabis Advisory Board contained in the following reports: September 7, 2018, December 7, 2018, and March 29, 2019. The Advisory Board held public hearings each of those days to hear petitions to add new qualifying conditions to participate in New Mexico's Medical Cannabis Program ("Program").

As part of my review, I have read the Advisory Board's recommendations and materials submitted. The purpose of the Lynn and Erin Compassionate Use Act is to allow medical cannabis use for alleviating symptoms caused by debilitating medication conditions and their treatments. Below is a summary of petitions and recommendations submitted to the Department of Health ("Department") with my final decision for each recommendation.

A. Recommendation Regarding Autism Spectrum Disorder

The Medical Cannabis Advisory Board considered a petition to add Autism Spectrum Disorder to the list of medical conditions qualifying for enrollment in the Program. The Advisory Board recommended, by a vote of 6-0, to add Autism Spectrum Disorder as an approved medical qualifying condition.

I am adopting the Advisory Board's recommendation to include Autism Spectrum Disorder as a qualifying condition for enrollment in the Program.

B. Recommendation Regarding Degenerative Neurological Disorder and Neuroprotective Applications

The Medical Cannabis Advisory Board considered a petition to add Degenerative Neurological Disorder and Neuroprotective Applications to the list of qualifying conditions for enrollment in the Program. The Advisory Board recommended, with a 6-0 vote, to add Degenerative Neurological Disorder (without Neuroprotective applications) as an approved medical qualifying condition.

A number of the diagnoses in the petition to add Degenerative Neurological Disorder have already been approved. I am approving the remainder separately to reflect this, as well to minimize redundancy in enrollment diagnoses to support accurate public health data moving forward. The new diagnoses are Friedreich's Ataxia, Lewy Body Disease, and Spinal Muscular Atrophy.

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C. Recommendation Regarding Alzheimer's Disease

The Medical Cannabis Advisory Board considered a petition to add Alzheimer's Disease to the list of qualifying conditions for enrollment in the Program. The Advisory Board recommended, by a 6-0 vote, to add Alzheimer's Disease as an approved medical qualifying condition.

I am adopting the Advisory Board's recommendation to include Alzheimer's Disease as a qualifying condition for enrollment in the Program.

D. Recommendation Regarding Nystagmus

The Medical Cannabis Advisory Board considered a petition to add Nystagmus to the list of qualifying conditions for enrollment in the Program. The Advisory Board recommended, by a 5-1 vote, to not add Nystagmus as an approved medical qualifying condition, citing a lack of inadequate medical research and evidence.

I am adopting the Advisory Board's recommendation to not include Nystagmus as a qualifying condition for enrollment in the Program.

E. Recommendation Regarding Opioid Dependence

The Medical Cannabis Advisory Board considered a petition to add Opioid Dependence to the list of qualifying conditions for enrollment in the Program. In a 4-0 vote, the Advisory Board recommended that Opioid Use Disorder, as defined in the DSM-V, be recommended for inclusion as a medical qualifying condition for enrollment in the Program.

I am adopting the Advisory Board's recommendation to include Opioid Use Disorder, as defined in the DSM-V, as a qualifying condition for enrollment in the Program.

F. Recommendation Regarding 65 + as Qualifying Condition

The Medical Cannabis Advisory Board considered a petition to add 65 and older as a qualifying condition in for enrollment in the Program. The Advisory Board, in a 4-0 vote, recommended not adding 65 and older as a medical qualifying condition.

I am adopting the Advisory Board's recommendation to not add 65 and older as qualifying condition for enrollment in the Program.

G. Recommendation Regarding Substance Use Disorder to Include Alcohol Use Disorder, Tobacco Use Disorder, Stimulant Use Disorder, and Opioid Use Disorder

The Medical Cannabis Advisory Board considered a petition to add Substance Use Disorder (to include alcohol use disorder, tobacco use disorder, stimulant use disorder and opioid use disorder) as a qualifying condition for enrollment in the Program. The Advisory Board voted 4-0 to add Substance Use Disorder (removing specific substance use disorders from the title) as an approved medical condition.

The DSM-V definition of SUD is a combination of two DSM-IV categories, substance abuse and substance dependence and can be measured on a mild to severe continuum. The category includes substances such as caffeine for which it is not clear that the risk/benefit profile of cannabis use is favorable for the health of the individual. In addition, the approval of SUD would include cannabis use disorder which is counterproductive to the individual's treatment. Although I am in strong support for harm reduction in general, harm reduction strategies are not the same for everything included as a substance under this umbrella. Substance Use Disorder could be revisited in the future after additional clarification of this broad term.

With this explanation, I am not adopting the Advisory Board's recommendations to add Substance Use Disorder as a qualifying condition for enrollment in the Program.

II. Closing

I am appreciative of the Medical Cannabis Advisory Board members, who volunteer their time and their expertise. I am also appreciative of those who have submitted petitions for the Advisory Board to consider.



Kathyleen M. Kunkel
NM Secretary of Health

June 6, 2019

Date