

Report and Recommendations to the New Mexico Secretary of Health From the NMDOH Medical Cannabis Advisory Board (MCAB) to the NMDOH Medical Cannabis Program (MCP) From a Public Hearing Friday March 29 2019 10A-1P at the Harold Runnels Building Auditorium, 1190 St. Francis Drive, Santa Fe, NM

Report prepared by Laura Brown, MD, MPH, Chair for the Medical Cannabis Advisory Board and reviewed by MCAB

A. Introductory Comments/Introduction of Board Members/Approval of Agenda

Dr. Laura Brown, MCAB Chair, called the meeting to order and reviewed the agenda

MCAB Members present (quorum achieved):

Laura Brown, MD—Family Medicine

Rachel Goodman, MD—Obstetrics/Gynecology

Belyn Schwartz, MD—Physical Medicine and Rehab/Pain Management

David Woog, MD—Anesthesia/Pain Management

Excused MCAB Members:

Chris Calder, MD—Neurology

Annette Fontaine, MD--Oncology

Vacant MCAB positions (2) = Infectious Disease, Psychiatry

Dr. Belyn Schwartz announced that she would be leaving the MCAB at the end of her term of service in April 2019. Dr. Brown thanked her for her years of MCAB service.

Present representing NMDOH:

Martinik Gonzales

Andrea Sundberg

Kenny Vigil

Environmental Scientist

Acting NMDOH General Counsel Shelly Strong

B. Actions of the Secretary of Health on Previously-Submitted MCAB Recommendations from December 7, 2018

Note: Outgoing NMDOH Secretary of Health Lynn Gallagher did not issue an opinion about recommendations from either 2018 MCAB public hearings in September and December. The MCAB hopes that new/current NMDOH Secretary of Health Kunkel will address these 2018 MCAB recommendations regarding degenerative neurological disorders, Alzheimer's Disease, nystagmus, and autism spectrum disorder.

MCAB 3/29/19 Public Hearing Report—page 2

- 1) Dr. Brown provided background of Governor Lujan-Grisham’s public statement in support of opioid use disorder being added soon to the list of medical cannabis qualifying conditions, so this meant that the MCAB public hearing was scheduled earlier, March rather than May 2019.
- 2) Dr. Brown described her recent meeting with the new NMDOH Secretary of Health Kathyeen Kunkel, who was one of the original architects with Dr. Steve Jenison of the NMDOH Medical Cannabis Program in her previous capacity as NMDOH General Counsel. Dr. Brown commented on the strength of Secretary’s Kunkel’s support of the NMDOH Medical Cannabis Program and the Medical Cannabis Advisory Board.
- 3) Dr. Brown described some of the highlights of recent NM legislation related to medical cannabis, including Senate Bill 406, which was modelled after some of the recommendations from the 2018 Senate Memorial 105 Task Force on improving affordability and accessibility of medical cannabis for all New Mexicans.

C. Medical Cannabis Program Update

Please see NMDOH Medical Cannabis Program detailed meeting minutes
Per Kenny Vigil, there were approximately 70,000 active medical cannabis patients as of February 2019.

D. Petitions from the Public

Dr. Brown presented her petition review criteria:

- 1) Quality of the petition**
- 2) Current research related to the petition condition**
- 3) Do other states have the petition condition on their list of medical cannabis qualifying conditions?**
- 4) Assessment of the risks versus benefits of medical cannabis vs. existing available medications and approaches to alleviate symptoms and suffering of petition condition**
- 5) Has the condition been previously petitioned?**
- 6) Is the petition condition consistent with the spirit of LECUA?**

1. 2019-001 Opioid Dependence Petition

Please see previous MCAB Reports for references related to MCAB’s support of this petition, which resulted in 2 previous MCAB votes to have opioid use disorder added to the list of medical cannabis qualifying conditions

MCAB 3/29/19 Public Hearing Report—page 3

Note: Dr. Brown strongly recommended that “opioid use disorder” per DSM-5 is the term which should be used.

Current petition supporting materials include statistic that there were 305 opioid overdose deaths in New Mexico in 2017, which may be an underestimate.

MCAB review of this petition includes important reminder to all of the Lynn and Erin Compassionate Use Act (LECUA) spirit, which is to have medical cannabis alleviate symptoms and suffering of a particular disease or condition, NOT provide treatment of it.

MCAB again votes to recommend the addition of opioid use disorder to the list of NM medical cannabis qualifying conditions (4-0 vote).

2. 2019-002 Add 65+ as a Qualifying Condition

Key Points =

- 1) No other state has advancing age as a medical cannabis qualifying condition
- 2) Many conditions associated with aging are already medical cannabis qualifying conditions

MCAB votes 4-0 to recommend NOT adding 65+ as a medical cannabis qualifying condition.

3. 2019-003 Substance Use Disorder to Include Alcohol Use Disorder, Tobacco Use Disorder, Stimulant Use Disorder, and Opioid Use Disorder

Please see previous MCAB Reports for references related to MCAB’s support of this petition, which resulted in a previous 2017 MCAB vote to have substance use disorder added to the list of medical cannabis qualifying conditions

Key Points =

- 1) Medical cannabis is a safer substitute for other drugs, with fewer adverse effects. This represents harm reduction, and is also aligned with the spirit of LECUA.
- 2) Medical cannabis thus can serve as an “exit” drug (not a “gateway” drug)
- 3) Other unsafe drugs, such as benzodiazepines, are associated with use disorders and involved with drug overdose deaths, but are not specifically listed in this petition’s title, so MCAB prefers “Substance Use Disorder” than previous title listing certain substances

MCAB again votes to add Substance Use Disorder to the list of NM medical cannabis qualifying conditions (4-0 vote).

4. 2019-004 Manufacturing for Patients with a Personal Production License

MCAB voted 4-0 to support concept of peoples' manufacturing of medical cannabis products but petition tabled for now until more details and regulations worked out, especially in relation to SB406.

5. 2019-005 Petition for Chemically Untainted (Non-Toxic) Medical Cannabis Supply Chain

Main petition concept = pesticide use in medical cannabis cultivation and testing for it

Again, MCAB voted 4-0 to support petition concept but tabled petition for now until there is more information from other states' regulations.

6. A letter from a person addressed to the Medical Cannabis Advisory Board

Key Points =

- 1) Letter writer appears disgruntled with MCP and MCAB, and appears not to realize that cancer is on the list of medical cannabis qualifying conditions
- 2) No return address available so no follow-up possible at this time

E. Public Comment

Additional comments were taken from members of the public present, with robust dialogue both during and after petition presentation.

Multiple comments noted in support of personal production license holders and collective cultivation by medical cannabis patients and advocates in attendance.

F. Adjournment and Next Public Hearing Date

Tentative next public hearing scheduled for Friday, June 28, 2019.