

**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 December 10 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 \*Present in person  
Christopher Calder, MD—Neurology \*By phone  
Annette Campbell-Fontaine, MD—Oncology \*By phone  
Rachel Goodman, MD—Obstetrics/Gynecology \*By phone  
Ken Corazza—Pharmacist \*By phone  
Ariele Bauer—CNM \*By phone

Excused MCAB Members:

David Woog, MD--Anesthesiology

Vacant MCAB positions (2) = Infectious Disease, Psychiatry

**Present representing NMDOH:**

Dominic Zurlo-MCP Program Director  
Andrea Sundberg  
Martinik Gonzales  
Matthew Peralta  
Joshua Wilson

**B. Actions of the NMDOH Secretary of Health on Previously-Submitted MCAB Recommendations from March 19, 2019**

Current NMDOH Secretary of Health Kunkel added Autism Spectrum Disorder, Alzheimer's Disease, and Opioid Use Disorder as medical cannabis qualifying conditions. In addition, Secretary Kunkel added Friedrich's Ataxia, Lewy Body Disease, and Spinal Muscular Atrophy as medical cannabis qualifying conditions.

Secretary Kunkel did not adopt the MCAB recommendation to add Substance Use Disorder and Neurological Disorder and Neuroprotective Factors to the list of medical cannabis qualifying conditions.

**C. Medical Cannabis Program Update**

Please see NMDOH Medical Cannabis Program detailed meeting minutes  
Per MCP Program Director Dr. Dominick Zurlo, there were approximately 78,810 active medical cannabis patients as of November 2019. Specific to recently-added medical cannabis qualifying conditions, 21 New Mexicans with Alzheimer’s Disease, 120 New Mexicans with opioid use disorder, and 40 New Mexicans with autism were enrolled into the Medical Cannabis Program.

**D. Proposed Rule Changes to Allow Reciprocity**

Dr. Zurlo presented information about SB 406 which passed in 2019, which included a provision to allow for reciprocity, which would allow those with verified medical cannabis cards from other US states to purchase from New Mexico licensed producers. Those from other states seeking to purchase medical cannabis in New Mexico would have the same purchase limit, eight ounces per 90 days, as those New Mexicans enrolled in New Mexico’s medical cannabis program.

NMDOH held its first public hearing on this issue November 22, 2019, with a second hearing scheduled for January 16, 2020 9AM.

NMDOH sought the opinion of the MCAB regarding the allowance of the same quantity of medical cannabis for medical cannabis patients of New Mexico and other states. After NMDOH Legal Counsel Chris Woodward recommended that MCAB vote to accept or deny a recommendation to support the eight-ounce limit over the course of 90 days for all reciprocal medical cannabis participants, the MCAB passed a motion unanimously to accept this recommendation.

**E. Petitions from the Public**

**Dr. Brown again first presented her petition review criteria before petitions were heard:**

- 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) 2019-006 Expand Qualifying Medical Conditions for Medical Cannabis in New Mexico**

This petition was presented to the MCAB by the petitioner who is a nurse practitioner. The petitioner believes that the patient’s clinical provider should decide which medical conditions that medical cannabis could be recommended, beyond the list of NMDOH MCP medical qualifying conditions. This would empower patient and provider, potentially improve health outcomes in the spirit of LECUA, and potentially reduce overall healthcare costs. Dr. Brown pointed out that the MCAB has expressed support for this concept in the past.

**MCAB Chair Comment:** Petition specifies that a practitioner could “immediately begin prescribing medical cannabis”. However, medical cannabis is not to be prescribed by NM clinicians; the role of the clinician in New Mexico is only to certify that a medical condition exists for which medical cannabis can be recommended to alleviate the suffering associated with the diagnosed medical condition. Moreover, the petitioner’s specific proposed change refers to “treatment with medical cannabis” which is not consistent with the spirit of LECUA which highlights the use of medical cannabis not as treatment of medical qualifying conditions, but again, in the alleviation of suffering associated with medical qualifying conditions.

Knowing that changes in LECUA statutory law and associated NMDOH administrative rules would be necessary to allow New Mexico medical providers to recommend for MCP enrollment any and all medical cannabis qualifying conditions, the MCAB unanimously passed a motion to have the NMDOH Secretary of Health seek a change to LECUA.

**2) 2019-007 Re-Open APPs to Address Social Inequity**

This petition was presented by the petitioner who highlights the lack of minority and/or US veteran ownership and/or operation of New Mexico’s medical cannabis dispensaries. The petition also mentions “social inequalities and chronic shortage of medical cannabis for patients in New Mexico”, in part due to both high medical cannabis product cost which is not affordable for many New Mexicans experiencing poverty.

**MCAB Chair Comment:** The issues raised by this petition certainly fall into the purview of the MCAB’s duty to ensure adequate supply of medical cannabis for New Mexicans. The petition also highlights the NM SM 105 Task Force charged with addressing affordability and accessibility of medical cannabis for all New Mexicans.

Multiple additional themes emerged from the discussion of this petition: how poverty impacts health outcomes; increasing diversity of LNPP Boards; initiation of subsidies to minority owned/operated medical cannabis dispensaries; reduction of LNPP fees;

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allowing licensure of smaller medical cannabis growing operations with reduced fees; cooperative medical cannabis operations to improve rural access to medical cannabis, especially in southern NM; and making poverty a medical cannabis qualifying condition, among others noted in the meeting minutes.

While the MCAB expressed broad support for many of these themes, a motion to table this petition for now to learn how California and other US states have addressed these issues passed unanimously.

**At this point in the MCAB public hearing, quorum was lost, so the following items #3-7 were not discussed. Instead, the MCAB public hearing continue with public comment and adjournment.**

- 3) 2019-008 Add ADHD ADD Tourette’s Anxiety**—Relevant background = MCAB has voted to recommend addition of these medical cannabis qualifying conditions in the past (2017). In addition, many other states in the US already include ADHD, anxiety, and Tourette’s in their lists of medical cannabis qualifying conditions.
- 4) 2019-009 Substance Use Disorder**—Relevant background = MCAB has voted twice in recent past to recommend addition of this medical cannabis qualifying condition. Key is to address Sec. Kunkel’s comment about consideration of the need to remove caffeine and/or cannabis from this petition. Also important to consider adding sedative-hypnotic use disorder (ex. benzodiazepines) to list of substance use disorders in this petition. Finally, important to keep opioid use disorder in this “Substance Use Disorder” petition list due to very common polysubstance use disorder
- 5) 2019-010 Medical Cannabis Therapy for Seizure in Animals**
- 6) “Letter to Cannabis Board”**
- 7) To have been added to the agenda 12/10/19 by MCAB Chair: MCAB follow-up regarding 2 tabled petitions from previous MCAB public hearings?**

**F. Public Comment**—Included recommendation to increase NM’s medical cannabis testing capacity, as NM has only 2 testing facilities

**G. Adjournment**—Discussion of possible next MCAB meeting in early 2020 to hear remaining petitions not heard at 12/10/19 MCAB meeting