



Issue .....	Possible Points		
<b>PATIENT RIGHTS &amp; CIVIL PROTECTION (total) .....</b>	<b>100</b>	<b>65</b>	
Arrest protection .....	40	40	
Affirmative defense .....	15	13	
Child custody .....	10	0	
DUID protections .....	5	0	
Employment .....	5	0	
Explicit privacy standards.....	7	7	
Housing protections .....	5	0	
Does not create new criminal penalties for patients .....	5	5	
Organ transplants .....	5	0	
Reciprocity .....	3	0	
<b>EASE OF NAVIGATION (total).....</b>	<b>100</b>	<b>91</b>	
Comprehensive qualifying conditions.....	50	46	
<b>Adding new conditions (total).....</b>	<b>10</b>	<b>9</b>	
Law/Regs allow for new conditions .....	5	5	
System works for adding new conditions.....	5	4	
Reasonable access for minors.....	10	9	
Reasonable caregiver background check requirements..	4	4	
Number of caregivers .....	2	2	
Patient/Practitioner focused task force/advisory Board ..	2	2	
Reasonable fees (patients & caregivers).....	10	9	
Allows multiple-year registrations .....	2	0	
Reasonable physician requirements.....	5	5	
Does not classify cannabis as medicine of last resort.....	5	5	
<b>ACCESS TO MEDICINE (total) .....</b>	<b>100</b>	<b>89</b>	
<b>Allows distribution programs (total).....</b>	<b>40</b>	<b>34</b>	
Allows access to dried flowers.....	15	15	
Allows delivery .....	5	5	
No sales tax or reasonable sales tax.....	5	4	
Reasonable number of dispensing facilities .....	5	5	
Does not require vertical integration .....	2	0	
Ownership/Employment restrictions .....	2	1	
Provisions for labor standards .....	2	0	
Environmental impact regulations .....	2	2	
Unrestricted choice of dispensary .....	2	2	
<b>Non-commercial cultivation (total) .....</b>	<b>20</b>	<b>18</b>	
Personal cultivation.....	15	15	
Collective gardens .....	5	3	
Explicit right to edibles/concentrates/other forms .....	10	10	
Does not impose limits or bans on THC .....	10	9	
Does not impose minimum CBD requirements.....	10	10	
Municipal bans/zoning .....	10	8	
<b>FUNCTIONALITY (total).....</b>	<b>100</b>	<b>79</b>	
Patients are able to obtain medicine.....	50	45	
Free of significant administrative or supply problems..	15	13	
Legal protections within reasonable time frame .....	10	8	
Reasonable possession limit (ounces) .....	5	5	
Reasonable purchase limits.....	5	4	
Allows patients to medicate where they chose .....	5	4	
Covered by insurance/state health aide .....	3	0	
Financial hardship (fee waivers/discount medicine).....	7	4	
<b>PRODUCT SAFETY (total - see back for details).....</b>	<b>100</b>	<b>89</b>	
Dispensing .....	25	20	
Cultivation .....	25	22	
Manufacturing .....	25	20	
Lab .....	25	15	
<b>Improvement Bonus.....</b>		<b>10</b>	
<b>Total out of 500.....</b>		<b>442</b>	
<b>Score percentage .....</b>		<b>88</b>	

**Final Grade = B+**

**Areas for improvement:** New Mexico addressed one of the major issues hampering its medical cannabis program by nearly doubling the number of dispensing locations in the state. However, the state still lags behind in the area of civil discrimination protections for patients. With the addition of protections against discriminatory housing, employment, child custody, and organ transplant discrimination, New Mexico could make its program work even better for its patient population.

**Background:** The New Mexico legislature passed the state's medical cannabis law March 13, 2007 as Senate Bill 523, the Lynn and Erin Compassionate Use Act, by a vote of 36-31 in the House and 32-3 in the Senate. The law was signed by then-Governor Bill Richardson on April 2 and went into effect July 1, 2007. An approved New Mexico patient may legally possess marijuana for medicinal purposes and may designate a caregiver for assistance. A patient may obtain a Personal Production License (PPL) to grow medical cannabis for personal use or may obtain their medicine from a Licensed Non-Profit Producers (LNPP). The state issued IDs for both patients and caregivers. The Department of Health originally issued rules in 2008 and revised those rules in 2010. The rules are broken up into the following three separate parts, Registry Identification Cards for Patients, Caregivers; Practitioners and Licensing Requirements for Non-Profit and Personal Production; and rules pertaining to the Advisory Board. In 2015, the state brought on 17 additional licensed producers.

## PRODUCT SAFETY point breakdown

(Point totals by section included in grade calculation on reverse)

Issue .....	Possible Points		
<b>DISPENSING (total) .....</b>	<b>25</b>	<b>23</b>	
Dispensary training .....	5	5	
<b>Operating Procedures and Protocols.....</b>	<b>5</b>	<b>5</b>	
Facility sanitary conditions .....	Y or N	Y	
Storage protocols .....	Y or N	Y	
Reasonable security protocols .....	Y or N	Y	
Inventory control .....	Y or N	Y	
Recall protocol and adverse event reporting .....	5	5	
<b>Product Labeling .....</b>	<b>5</b>	<b>3</b>	
Product contents including source material ID .....	Y or N	Y	
Allergens .....	Y or N	N	
Potency/compound identification .....	Y or N	Y	
<b>Required Testing .....</b>	<b>5</b>	<b>2</b>	
Active ingredient identification .....	Y or N	Y	
Contaminants .....	Y or N	Y	
Potency .....	Y or N	Y	
Shelf life testing .....	Y or N	Y	
Sample retention .....	Y or N	Y	
Recall protocol and adverse event reporting: .....	5	5	
<b>CULTIVATION (total).....</b>	<b>25</b>	<b>23</b>	
Cultivation training.....	5	5	
<b>Standard Operating Procedures and Protocols .....</b>	<b>5</b>	<b>5</b>	
Facility and equipment sanitary conditions ..	Y or N	Y	
Workforce safety protocols .....	Y or N	Y	
Storage protocols (short and long term) .....	Y or N	Y	
Reasonable security protocols .....	Y or N	Y	
Batch and lot tracking .....	Y or N	Y	
Disposal/waste .....	Y or N	Y	
Water management .....	Y or N	Y	
<b>Pesticide Guidance and Protocols .....</b>	<b>5</b>	<b>3</b>	
Pesticide guidance.....	Y or N	Y	
Product labeling .....	Y or N	N	
Required testing .....	5	5	
Active ingredient identification .....	Y or N	Y	
Contaminants .....	Y or N	Y	
Potency .....	Y or N	Y	
Sample retention .....	Y or N	Y	
Recall protocol and adverse event reporting.....	5	5	
<b>MANUFACTURING (total).....</b>	<b>25</b>	<b>23</b>	
Manufacturing training .....	5	5	
<b>Standard Operating Procedures and Protocols.....</b>	<b>5</b>	<b>5</b>	
Facility and equipment sanitary conditions ..	Y or N	Y	
Workforce safety protocols .....	Y or N	Y	
Storage protocols .....	Y or N	Y	
Reasonable security protocols .....	Y or N	Y	
Batch and lot tracking .....	Y or N	Y	
<b>Product Labeling .....</b>	<b>5</b>	<b>3</b>	
Product contents with source material ID .....	Y or N	Y	
Allergens .....	Y or N	N	
Potency/compound identification .....	Y or N	Y	
<b>Required Testing .....</b>	<b>5</b>	<b>5</b>	
Active ingredient identification .....	Y or N	Y	
Contaminants .....	Y or N	Y	
Potency .....	Y or N	Y	
Shelf life testing .....	Y or N	Y	
Sample retention .....	Y or N	Y	
Recall protocol and adverse event reporting: .....	5	5	
<b>LABORATORY (total).....</b>	<b>25</b>	<b>20</b>	
Lab operations training.....	5	5	
Method validation in accordance with AHP guidelines ..	5	0	
Result reporting - disclose the type of testing used.....	5	5	
Independent or third party certification.....	5	5	
<b>Standard operating procedures and protocols .....</b>	<b>5</b>	<b>5</b>	
Equipment and instrument calibration .....	Y or N	Y	
Sample tracking .....	Y or N	Y	
Facility and equipment sanitary conditions ..	Y or N	Y	
Disposal/waste protocols .....	Y or N	Y	
Storage protocols .....	Y or N	Y	
Workforce safety protocols .....	Y or N	Y	
<b>Total out of 100.....</b>		<b>89</b>	

### Tools for Success:

Improving your state law has never been easier. In the appendix of this report you will find model legislation and regulators guides for product safety protocols. ASA staff are all also available to draft and/or review legislative and regulatory language. Our website has many resources online including access to our policy shop at [http://www.safeaccessnow.org/policy\\_shop](http://www.safeaccessnow.org/policy_shop), information for regulators available at <http://patientfocusedcertification.org/about/information-for-regulators/> and a breakdown of all the state laws at [http://www.safeaccessnow.org/state\\_and\\_federal\\_law](http://www.safeaccessnow.org/state_and_federal_law).



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