

LFC Requester:	David Lucero
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**AGENCY BILL ANALYSIS
2015 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Date February 19, 2015

Original **Amendment**
Correction **Substitute**

Prepared: _____
Bill No: HB 466

Sponsor: Rep. Deborah A. Armstrong

Agency Code: Attorney General's Office
 S' _____

Short Title: Medical Cannabis Research,
 Board & Fund

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY15	FY16		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY15	FY16	FY17		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
 Duplicates/Relates to Appropriation in the General Appropriation Act:

SECTION III: NARRATIVE

This analysis is neither a formal Attorney General’s Opinion nor an Attorney General’s Advisory Letter. This is a staff analysis in response to an agency’s, committee’s, or legislator’s request.

BILL SUMMARY

Synopsis: House Bill 466 is an act revising the Department of Health Act and the Lynn and Erin Compassionate Use Act by creating a “Cannabis Research Fund” that partially transfers funding from the department of health to a board created by the Bill. The board is responsible for providing research into the uses of medical cannabis.

FISCAL IMPLICATIONS

Note: N/A

SIGNIFICANT ISSUES: House Bill 466 transfers 10% of the funding obtained by the department of health from the fees acquired in the administration of the medical cannabis program to the “Cannabis Research Fund.” This fund is to be used to finance research into medical cannabis. A “Cannabis Research Board,” also created by the act, is responsible for conducting medical cannabis research.

The proposed bill amends subsection 26-2B-4(E) to include an immunity clause for members of the Cannabis Research Board and anyone assisting the board, presumably to permit them to accomplish their research. However, the immunity afforded to these individuals is likely greater than that afforded to others under the Lynn and Erin Compassionate Use Act. Generally, immunity under the Act protects the recipient against arrest, prosecution or civil penalty. However, the immunity afforded to the Cannabis Research Board, and anyone assisting the board, includes protection against denial of any “right or privilege.” Since no further definition is

included as to what “rights or privileges” are referred to by this clause, such immunity may be considered unconstitutionally vague. Rights and privileges may be imposed or denied in many contexts, including employment, constitutional, parental, etc.

PERFORMANCE IMPLICATIONS

Note: N/A

ADMINISTRATIVE IMPLICATIONS

Note: N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP:

Note: N/A

TECHNICAL ISSUES

Note: N/A

OTHER SUBSTANTIVE ISSUES

Note: N/A

ALTERNATIVES: Removing the phrase “or denied any right or privilege” in 26-2B-4(E) would resolve the ambiguity of the statute and ensure consistency of the immunity afforded by the Lynn and Erin Compassionate Use Act.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo

AMENDMENTS

Note: N/A