

LFC Requester:	Sunny Liu
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**AGENCY BILL ANALYSIS
2019 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:

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

Date 2/11/19
Bill No: SB477

Sponsor: Sen. Antoinette Sedillo Lopez
Short Title: MEDICAL CANNABIS & REMOVAL OF CHILDREN

Agency Name and Code Number: 924 PED
Person Writing Daniel Manzano
Phone: 505-670-3820 **Email:** Daniel.Manzano@state.nm.us

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY19	FY20		
NFI	NFI	Nonrecurring	N/A

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY19	FY20	FY21		
NFI	NFI	NFI	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI	NFI	Nonrecurring	N/A

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: Senate Bill 204, Medical Marijuana in Schools

Duplicates/Relates to Appropriation in the General Appropriation Act: None as of 2/7/19

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis

Senate Bill 477 (SB477) enacts a new section of the Abuse and Neglect Act that states an individual’s participation in the State’s Medical Cannabis Program shall not constitute grounds for intervention, removal or placement into state custody of a child in that individuals care. SB477 also states that a qualified patient in the State’s Medical Cannabis Program does not constitute grounds for the provision of prevention, diversion or intervention services to that individual’s family pursuant of the Family Services Act. SB477 creates a new sections of Public School Code that eliminates the requirement for school personnel to report alleged abuse or neglect on the basis of a parent’s or child’s participation as a qualified patient in the State’s Medical Cannabis Program.

FISCAL IMPLICATIONS

The Public Education Department (PED) would need to notify school districts and charter schools of the changes in the Public School Code related to SB477. There are no apparent fiscal implications to public schools or the PED.

SIGNIFICANT ISSUES

The Lynn and Erin Compassionate Use Act allows for the beneficial use of medical cannabis in a regulated system for alleviating symptoms caused by debilitating medical conditions and their medical treatments. The Act prescribes the allowable amount of cannabis for an individual’s use over a select period of time. This Act allows for cannabis use by adults or children with qualifying conditions and as approved by New Mexico’s medical cannabis program. Individuals certified to use medical cannabis are not relieved from the possibility of “criminal prosecution or civil penalty for possession or use of cannabis in a school bus or public vehicle” or “on school grounds or property.”

New Mexico Administrative Code (NMAC) 6.29.1, Standards for Excellence, states in 6.29.1.9D.(3) that school districts and charter schools shall adopt written policies that establish a process for the coordination and internal tracking of child abuse or neglect reports made by district personnel. Additionally, all licensed school personnel, including substitute teachers, educational assistants, school nurses, school counselors, school psychologists and other instructional service providers shall complete training on the detection and reporting of child

abuse or neglect, within their first year of employment.

The PED provides an e-learning training opportunity on the detection and reporting of child abuse or neglect that may be used to meet the intent of the required training as identified in the Standards for Excellence (<http://swrtc.nmsu.edu/elearning/educators/>). The existing training is silent on medical cannabis as it relates to reporting of alleged abuse or neglect. School districts and charter schools may have individual policies or procedures that address perceived or actual substance use by a parent or guardian of a student and the appropriate response school staff would take in this situation. It is unclear whether districts or charters currently address allowable medical cannabis use. The PED could qualify the provisions of SB477 in its existing e-learning training opportunity.

PERFORMANCE IMPLICATIONS

None

ADMINISTRATIVE IMPLICATIONS

The PED would need to communicate these changes to school districts and charter schools. The PED would need to collaborate with New Mexico State University to update the existing online training related child abuse and neglect reporting to reflect the changes per SB477.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

SB477 relates to Senate Bill 204, Medical Marijuana in Schools

TECHNICAL ISSUES

None

OTHER SUBSTANTIVE ISSUES

None

ALTERNATIVES

On page 2, line's 15 and 17, the legislator may wish to add "or guardian" after the word parent on each line.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

School districts and charter schools would continue to follow existing state statutes regarding the reporting of child abuse and neglect per district and charter protocol and local administrative procedures.

AMENDMENTS

None