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AN ACT
RELATING TO AGRICULTURE; PROVIDING FOR THE ESTABLISHMENT OF
AN INDUSTRIAL HEMP RESEARCH AND DEVELOPMENT PROGRAM AND THE
NEW MEXICO INDUSTRIAL HEMP RESEARCH AND DEVELOPMENT FUND;
EXEMPTING THE CULTIVATION OF INDUSTRIAL HEMP FROM THE
CONTROLLED SUBSTANCES ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of Chapter 76 NMSA 1978 is
enacted to read:

"INDUSTRIAL HEMP RESEARCH AND DEVELOPMENT PROGRAM--NEW
MEXICO DEPARTMENT OF AGRICULTURE.--

A. As used in this section:

(1) "board" means the board of regents of
New Mexico state university; and

(2) "industrial hemp" means the plant
Cannabis sativa L. and any part of the plant, whether growing
or not, containing a delta-9-tetrahydrocannabinol
concentration of no more than three-tenths percent on a dry
weight basis.

B. Notwithstanding any other provision of law to
the contrary, the board through the New Mexico department of
agriculture shall institute and administer an industrial hemp
research and development program to allow persons and
institutions of higher education to grow industrial hemp for

1 the purpose of studying the growth, cultivation and marketing
2 of industrial hemp in New Mexico or any other purpose allowed
3 by federal regulation or law.

4 C. The board on behalf of the New Mexico
5 department of agriculture shall develop and promulgate rules
6 to establish and carry out the industrial hemp research and
7 development program. The board may develop and promulgate
8 rules regarding requirements for participation, the issuance
9 of permits, inspections, recordkeeping, program compliance or
10 program participation fees; provided that any required
11 program participation fees shall not exceed administrative
12 costs.

13 D. The cultivation of industrial hemp shall be
14 subject to and comply with the rules promulgated by the board
15 on behalf of the New Mexico department of agriculture
16 pursuant to this section.

17 E. The board shall establish a "New Mexico
18 industrial hemp research and development fund". The fund
19 consists of revenue collected by the New Mexico department of
20 agriculture in administration of the industrial hemp research
21 and development program, donations, grants and income earned
22 from investment of the fund and money otherwise accruing to
23 the fund. Money in the fund shall not revert to any other
24 fund at the end of a fiscal year. The board shall administer
25 the fund, and money in the fund is appropriated to the board

1 for the New Mexico department of agriculture to administer
2 the industrial hemp research and development program and
3 related programs. Money in the fund shall be disbursed on
4 warrants signed by the board pursuant to vouchers signed by
5 the director of the New Mexico department of agriculture or
6 the director's authorized representative."

7 SECTION 2. Section 30-31-6 NMSA 1978 (being Laws 1972,
8 Chapter 84, Section 6, as amended) is amended to read:

9 "30-31-6. SCHEDULE I.--The following controlled
10 substances are included in Schedule I:

11 A. any of the following opiates, including their
12 isomers, esters, ethers, salts, and salts of isomers, esters
13 and ethers, unless specifically exempted, whenever the
14 existence of these isomers, esters, ethers and salts is
15 possible within the specific chemical designation:

- 16 (1) acetylmethadol;
- 17 (2) allylprodine;
- 18 (3) alphacetylmethadol;
- 19 (4) alphameprodine;
- 20 (5) alphasmethadol;
- 21 (6) benzethidine;
- 22 (7) betacetylmethadol;
- 23 (8) betameprodine;
- 24 (9) betamethadol;
- 25 (10) betaprodine;

- 1 (11) clonitazene;
- 2 (12) dextromoramide;
- 3 (13) dextrorphan;
- 4 (14) diampromide;
- 5 (15) diethylthiambutene;
- 6 (16) dimenoxadol;
- 7 (17) dimepheptanol;
- 8 (18) dimethylthiambutene;
- 9 (19) dioxaphetyl butyrate;
- 10 (20) dipipanone;
- 11 (21) ethylmethylthiambutene;
- 12 (22) etonitazene;
- 13 (23) etoxeridine;
- 14 (24) furethidine;
- 15 (25) hydroxypethidine;
- 16 (26) ketobemidone;
- 17 (27) levomoramide;
- 18 (28) levophenacylmorphane;
- 19 (29) morpheridine;
- 20 (30) noracymethadol;
- 21 (31) norlevorphanol;
- 22 (32) normethadone;
- 23 (33) norpipanone;
- 24 (34) phenadoxone;
- 25 (35) phenampromide;

- 1 (36) phenomorphan;
- 2 (37) phenoperidine;
- 3 (38) piritramide;
- 4 (39) proheptazine;
- 5 (40) properidine;
- 6 (41) racemoramide; and
- 7 (42) trimeperidine;

8 B. any of the following opium derivatives, their
9 salts, isomers and salts of isomers, unless specifically
10 exempted, whenever the existence of these salts, isomers and
11 salts of isomers is possible within the specific chemical
12 designation:

- 13 (1) acetorphine;
- 14 (2) acetyldihydrocodeine;
- 15 (3) benzylmorphine;
- 16 (4) codeine methylbromide;
- 17 (5) codeine-N-oxide;
- 18 (6) cyprenorphine;
- 19 (7) desomorphine;
- 20 (8) dihydromorphine;
- 21 (9) etorphine;
- 22 (10) heroin;
- 23 (11) hydromorphenol;
- 24 (12) methyldesorphine;
- 25 (13) methyldihydromorphine;

- 1 (14) morphine methylbromide;
- 2 (15) morphine methylsulfonate;
- 3 (16) morphine-N-oxide;
- 4 (17) myrophine;
- 5 (18) nicocodeine;
- 6 (19) nicomorphine;
- 7 (20) normorphine;
- 8 (21) pholcodine; and
- 9 (22) thebacon;

10 C. any material, compound, mixture or preparation
11 that contains any quantity of the following hallucinogenic
12 substances, their salts, isomers and salts of isomers, unless
13 specifically exempted, whenever the existence of these salts,
14 isomers and salts of isomers is possible within the specific
15 chemical designation:

- 16 (1) 3,4-methylenedioxy amphetamine;
- 17 (2) 5-methoxy-3,4-methylenedioxy
18 amphetamine;
- 19 (3) 3,4,5-trimethoxy amphetamine;
- 20 (4) bufotenine;
- 21 (5) diethyltryptamine;
- 22 (6) dimethyltryptamine;
- 23 (7) 4-methyl-2,5-dimethoxy amphetamine;
- 24 (8) ibogaine;
- 25 (9) lysergic acid diethylamide;

- 1 (10) marijuana;
- 2 (11) mescaline;
- 3 (12) peyote, except as otherwise provided in
- 4 the Controlled Substances Act;
- 5 (13) N-ethyl-3-piperidyl benzilate;
- 6 (14) N-methyl-3-piperidyl benzilate;
- 7 (15) psilocybin;
- 8 (16) psilocyn;
- 9 (17) tetrahydrocannabinols;
- 10 (18) hashish;
- 11 (19) synthetic cannabinoids, including:
- 12 (a) 1-[2-(4-(morpholinyl)ethyl)-3-(1-
- 13 naphthoyl)indole;
- 14 (b) 1-butyl-3-(1-naphthoyl)indole;
- 15 (c) 1-hexyl-3-(1-naphthoyl)indole;
- 16 (d) 1-pentyl-3-(1-naphthoyl)indole;
- 17 (e) 1-pentyl-3-(2-methoxyphenylacetyl)
- 18 indole;
- 19 (f) cannabicyclohexanol (CP 47, 497 and
- 20 homologues: 5-(1,1-dimethylheptyl)-2-[(1R,3S)
- 21 -3-hydroxycyclohexyl]-phenol (CP-47,497); and 5-(1,
- 22 1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol;
- 23 (g) 6aR,10aR)-9-(hydroxymethyl)
- 24 -6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,
- 25 10a-tetrahydrobenzo[c]chromen-1-ol);

- 1 (h) dexanabinol, (6aS,10aS)
2 -9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)
3 -6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;
4 (i) 1-pentyl-3-(4-chloro naphthoyl)
5 indole;
6 (j) (2-methyl-1-propyl-1H-indol-3-yl)
7 -1-naphthalenyl-methanone; and
8 (k) 5-(1,1-dimethylheptyl)-2-(3-hydroxy
9 cyclohexyl)-phenol;
10 (20) 3,4-methylenedioxymethcathinone;
11 (21) 3,4-methylenedioxypyrovalerone;
12 (22) 4-methylmethcathinone;
13 (23) 4-methoxymethcathinone;
14 (24) 3-fluoromethcathinone; and
15 (25) 4-fluoromethcathinone;

16 D. the enumeration of peyote as a controlled
17 substance does not apply to the use of peyote in bona fide
18 religious ceremonies by a bona fide religious organization,
19 and members of the organization so using peyote are exempt
20 from registration. Any person who manufactures peyote for or
21 distributes peyote to the organization or its members shall
22 comply with the federal Comprehensive Drug Abuse Prevention
23 and Control Act of 1970 and all other requirements of law;

24 E. the enumeration of marijuana,
25 tetrahydrocannabinols or chemical derivatives of

1 tetrahydrocannabinol as Schedule I controlled substances does
2 not apply to:

3 (1) industrial hemp, pursuant to rules
4 promulgated by the board of regents of New Mexico state
5 university on behalf of the New Mexico department of
6 agriculture; or

7 (2) the use of marijuana,
8 tetrahydrocannabinols or chemical derivatives of
9 tetrahydrocannabinol by certified patients pursuant to the
10 Controlled Substances Therapeutic Research Act or by
11 qualified patients pursuant to the provisions of the Lynn and
12 Erin Compassionate Use Act; and

13 F. controlled substances added to Schedule I by
14 rule adopted by the board pursuant to Section 30-31-3 NMSA
15 1978."

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