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SENATE HEALTH AND PUBLIC AFFAIRS
2
COMMITTEE SUBSTITUTE FOR
3
SENATE BILL 129

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57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

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AN ACT

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RELATING TO MEDICAL CANNABIS; EXPANDING PROTECTIONS AGAINST
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ADVERSE EMPLOYMENT ACTIONS.

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

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SECTION 1. Section 26-2B-9 NMSA 1978 (being Laws 2019,
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Chapter 247, Section 11) is amended to read:

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"26-2B-9. EMPLOYMENT PROTECTIONS.--

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A. Unless a failure to do so would cause the
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employer to lose a monetary or licensing-related benefit under
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federal law or federal regulations, it is unlawful to take an
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adverse employment action against an applicant or an employee
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based on conduct allowed under the Lynn and Erin Compassionate
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Use Act.

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B. Nothing in this section shall [←↑] restrict an
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employer's ability to prohibit or take adverse employment

1 action against an employee for use of, or being impaired by,
2 medical cannabis on the premises of the place of employment or
3 during the hours of employment ~~[or (2) apply to an employee~~
~~whose employer deems that the employee works in a safety-~~
~~sensitive position].~~

6 C. Nothing in this section gives a state or
7 political subdivision employer the power to control an
8 employee's use of medical cannabis outside the employee's hours
9 of employment as long as the employee remains a qualified
10 patient and unless use is limited by other state law or rules."

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underscored material = new
[bracketed material] = delete