

CHAPTER 140

AN ACT

1
2 RELATING TO AGRICULTURE; ENACTING A NEW SECTION OF CHAPTER 76
3 NMSA 1978 TO PROVIDE AUTHORIZATION FOR THE NEW MEXICO
4 DEPARTMENT OF AGRICULTURE TO ADOPT RULES FOR RESEARCH ON
5 INDUSTRIAL HEMP; PROVIDING FOR THE ESTABLISHMENT OF THE
6 NEW MEXICO INDUSTRIAL HEMP RESEARCH AND DEVELOPMENT FUND.
7

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

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

11 "INDUSTRIAL HEMP RESEARCH--NEW MEXICO DEPARTMENT OF
12 AGRICULTURE.--

13 A. As used in this section, "industrial hemp"
14 means the plant *Cannabis sativa* L. and any part of the plant,
15 whether growing or not, containing a delta-9-
16 tetrahydrocannabinol concentration of no more than
17 three-tenths percent on a dry weight basis.

18 B. The intent of this section is to bring
19 New Mexico into compliance with federal law.

20 C. Notwithstanding any other provision of law to
21 the contrary, the New Mexico department of agriculture shall
22 issue licenses pursuant to rules enacted under Subsection D
23 of this section to grow industrial hemp for research and
24 development purposes, including agricultural, agronomic,
25 ecological, processing, sales and marketing research.

1 D. The director of the New Mexico department of
2 agriculture shall adopt rules to establish and carry out the
3 provisions of this section, including requirements for
4 licensure, training of law enforcement personnel, inspection,
5 recordkeeping, fees not to exceed program costs and
6 compliance processes. An institution of higher education,
7 person or business that plans to grow industrial hemp seed or
8 industrial hemp fiber shall obtain a grower's license by
9 submitting an application to the New Mexico department of
10 agriculture pursuant to promulgated rules.

11 E. A person who holds a license issued pursuant to
12 this section may grow industrial hemp for research and
13 development purposes, including agricultural, agronomic,
14 ecological, processing, sales and marketing research or any
15 other purpose allowed by federal regulation in law.

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

1 appropriation by the legislature to the New Mexico department
2 of agriculture to conduct related programs. Money in the
3 fund shall be disbursed on warrants signed by the secretary
4 of finance and administration 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 30-31-2 NMSA 1978 (being Laws 1972,
8 Chapter 84, Section 2, as amended) is amended to read:

9 "30-31-2. DEFINITIONS.--As used in the Controlled
10 Substances Act:

11 A. "administer" means the direct application of a
12 controlled substance by any means to the body of a patient or
13 research subject by a practitioner or the practitioner's
14 agent;

15 B. "agent" includes an authorized person who acts
16 on behalf of a manufacturer, distributor or dispenser. It
17 does not include a common or contract carrier, public
18 warehouseperson or employee of the carrier or
19 warehouseperson;

20 C. "board" means the board of pharmacy;

21 D. "bureau" means the narcotic and dangerous drug
22 section of the criminal division of the United States
23 department of justice, or its successor agency;

24 E. "controlled substance" means a drug or
25 substance listed in Schedules I through V of the Controlled

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1 tetrahydrocannabinols or chemical derivatives of
2 tetrahydrocannabinol as Schedule I controlled substances does
3 not apply to:

4 (1) cultivation of industrial hemp by
5 qualified entities pursuant to rules adopted by the
6 New Mexico department of 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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