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HOUSE BILL

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO CANNABIS REGULATION; AMENDING THE CANNABIS  
REGULATION ACT; REMOVING LIMITATIONS ON WHAT MAY CONSTITUTE  
REASONABLE SUSPICION OF A CRIME INVOLVING CANNABIS; DECLARING  
AN EMERGENCY.

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

SECTION 1. Section 26-2C-25 NMSA 1978 (being Laws 2021  
(1st S.S.), Chapter 4, Section 25) is amended to read:

"26-2C-25. PERSONAL USE OF CANNABIS.--

A. The following conduct is lawful for a person who  
is twenty-one years of age or older [~~and shall not constitute  
grounds for detention, search or arrest of a person or search  
of property, and cannabis products that relate to the conduct  
are not contraband or subject to seizure or forfeiture pursuant  
to the Controlled Substances Act or the Forfeiture Act~~]:

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underscored material = new  
[bracketed material] = delete

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1 (1) possessing, using, being under the  
2 influence of, displaying, purchasing, obtaining or transporting  
3 not more cannabis than authorized by the Cannabis Regulation  
4 Act or the medical cannabis program;

5 (2) possessing in excess of two ounces of  
6 cannabis, sixteen grams of cannabis extract and eight hundred  
7 milligrams of edible cannabis if the excess is stored in the  
8 person's private residence and not visible from a public place;

9 (3) transferring, without financial  
10 consideration, to a person who is twenty-one years of age or  
11 older not more than the amount of cannabis lawfully purchased  
12 and obtained pursuant to the Cannabis Regulation Act or the  
13 medical cannabis program;

14 (4) ingesting or otherwise consuming cannabis  
15 or cannabis products purchased and obtained pursuant to the  
16 Cannabis Regulation Act or the medical cannabis program;

17 (5) possessing, using, displaying, purchasing,  
18 obtaining or manufacturing cannabis extract using nonvolatile  
19 solvents, alcohol or carbon dioxide or no solvents;

20 (6) manufacturing, transporting or giving away  
21 to a person twenty-one years of age or older cannabis  
22 paraphernalia;

23 (7) assisting another person who is twenty-one  
24 years of age or older in, or allowing property to be used in,  
25 any of the acts described in Paragraphs (1) through (6) of this

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1 subsection;

2 (8) smoking cannabis or cannabis products in  
3 an area authorized pursuant to the Cannabis Regulation Act or a  
4 local jurisdiction;

5 (9) possessing, planting, cultivating,  
6 harvesting, drying, manufacturing cannabis products using  
7 nonvolatile solvents, alcohol or carbon dioxide or no solvents  
8 or transporting not more than six mature cannabis plants and  
9 six immature cannabis plants per person; provided that despite  
10 a household having multiple residents, no more than twelve  
11 mature cannabis plants may be present in one household; and  
12 provided further that if the person does not exceed the maximum  
13 number of cannabis plants, the person may possess the cannabis  
14 produced by the cannabis plants notwithstanding any weight  
15 limits; and

16 (10) transporting homegrown cannabis or mature  
17 or immature cannabis plants when the person is moving the  
18 person's residence to another location or for purposes of  
19 testing or manufacturing.

20 B. Paragraph (6) of Subsection A of this section is  
21 intended to meet the requirements of 21 U.S.C. Section 863(f)  
22 by authorizing under state law any person in compliance with  
23 this section to manufacture, possess or distribute cannabis  
24 paraphernalia.

25 [~~G. None of the following shall, individually or in~~

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underscored material = new  
[bracketed material] = delete

1 ~~combination with each other, constitute reasonable articulable~~  
2 ~~suspicion of a crime and is not a basis to stop, detain or~~  
3 ~~search a person:~~

4 ~~(1) the odor of cannabis or cannabis extract~~  
5 ~~or of burnt cannabis or cannabis extract;~~

6 ~~(2) the possession of or the suspicion of~~  
7 ~~possession of cannabis without evidence of quantity in excess~~  
8 ~~of two ounces of cannabis, sixteen grams of cannabis extract or~~  
9 ~~eight hundred milligrams of edible cannabis; or~~

10 ~~(3) the possession of multiple containers of~~  
11 ~~cannabis without evidence of quantity in excess of two ounces~~  
12 ~~of cannabis, sixteen grams of cannabis extract or eight hundred~~  
13 ~~milligrams of edible cannabis.~~

14 ~~D.]~~ C. Paragraph (1) of Subsection A [~~and~~  
15 ~~Subsection G]~~ of this section shall not apply when a law  
16 enforcement officer is investigating whether a person is  
17 operating a vehicle or [~~watercraft]~~ motorboat while  
18 [~~intoxicated or]~~ under the influence of [~~or impaired by alcohol~~  
19 ~~or a]~~ intoxicating liquor or of any drug or any combination  
20 thereof in violation of Section 66-8-102 or 66-13-3 NMSA 1978."

21 **SECTION 2. EMERGENCY.**--It is necessary for the public  
22 peace, health and safety that this act take effect immediately.