

HOUSE CONSUMER AND PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
HOUSE BILL 144

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

AN ACT

RELATING TO CONTROLLED SUBSTANCES; PROHIBITING THE SALE OR
DISTRIBUTION OF SALVIA DIVINORUM TO A MINOR; PROHIBITING
PROCUREMENT OF SALVIA DIVINORUM BY A MINOR; PROVIDING
PENALTIES.

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

Section 1. A new section of the Controlled Substances Act
is enacted to read:

"[NEW MATERIAL] SALVIA DIVINORUM--DISTRIBUTION AND
PROCUREMENT PROHIBITED.--

A. A person shall not knowingly and intentionally
sell, give, deliver, transfer or distribute Salvia divinorum to
a minor. A person who violates this subsection is guilty of a
misdemeanor and shall be sentenced pursuant to the provisions
of Section 31-19-1 NMSA 1978.

.177947.1

underscored material = new
[bracketed material] = delete

1 B. A minor shall not knowingly procure or attempt
2 to procure Salvia divinorum for the minor's own use or for use
3 by another minor. A minor who violates this subsection is
4 guilty of a petty misdemeanor and, notwithstanding the
5 provisions of Section 31-19-1 NMSA 1978, shall be punished by a
6 fine not to exceed one hundred dollars (\$100) or forty-eight
7 hours of community service.

8 C. As used in this section, "minor" means a person
9 who is less than eighteen years of age."

10 Section 2. EFFECTIVE DATE.--The effective date of the
11 provisions of this act is July 1, 2009.