

underscored material = new
[bracketed material] = delete

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SENATE BILL 127

51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

INTRODUCED BY

Sue Wilson Beffort

AN ACT

RELATING TO CONTROLLED SUBSTANCES; AMENDING THE CONTROLLED
SUBSTANCES ACT TO ADD MORE SYNTHETIC CANNABINOIDS AND OTHER
SUBSTANCES TO THE LIST OF SCHEDULE I CONTROLLED SUBSTANCES.

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

SECTION 1. Section 30-31-6 NMSA 1978 (being Laws 1972,
Chapter 84, Section 6, as amended) is amended to read:

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

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

- (1) acetylmethadol;

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[bracketed material] = delete

- 1 (2) allylprodine;
- 2 (3) alphacetylmethadol;
- 3 (4) alphameprodine;
- 4 (5) alphamethadol;
- 5 (6) alph-methylfentanyl;
- 6 [~~(6)~~] (7) benzethidine;
- 7 [~~(7)~~] (8) betacetylmethadol;
- 8 [~~(8)~~] (9) betameprodine;
- 9 [~~(9)~~] (10) betamethadol;
- 10 [~~(10)~~] (11) betaprodine;
- 11 [~~(11)~~] (12) clonitazene;
- 12 [~~(12)~~] (13) dextromoramide;
- 13 [~~(13)~~] (14) dextrorphan;
- 14 [~~(14)~~] (15) diampromide;
- 15 [~~(15)~~] (16) diethylthiambutene;
- 16 (17) difenoxin;
- 17 [~~(16)~~] (18) dimenoxadol;
- 18 [~~(17)~~] (19) dimepheptanol;
- 19 [~~(18)~~] (20) dimethylthiambutene;
- 20 [~~(19)~~] (21) dioxaphetyl butyrate;
- 21 [~~(20)~~] (22) dipipanone;
- 22 [~~(21)~~] (23) ethylmethylthiambutene;
- 23 [~~(22)~~] (24) etonitazene;
- 24 [~~(23)~~] (25) etoxeridine;
- 25 [~~(24)~~] (26) furethidine;

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- 1 [~~(25)~~] (27) hydroxypethidine;
2 [~~(26)~~] (28) ketobemidone;
3 [~~(27)~~] (29) levomoramide;
4 [~~(28)~~] (30) levophenacymorphan;
5 [~~(29)~~] (31) morpheridine;
6 [~~(30)~~] (32) noracymethadol;
7 [~~(31)~~] (33) norlevorphanol;
8 [~~(32)~~] (34) normethadone;
9 [~~(33)~~] (35) norpipanone;
10 [~~(34)~~] (36) phenadoxone;
11 [~~(34)~~] (37) phenampromide;
12 [~~(36)~~] (38) phenomorphan;
13 [~~(37)~~] (39) phenoperidine;
14 [~~(38)~~] (40) piritramide;
15 [~~(39)~~] (41) proheptazine;
16 [~~(40)~~] (42) properidine;
17 [~~(41)~~] (43) racemoramide; [~~and~~]
18 (44) tilidine; and
19 [~~(42)~~] (45) trimeperidine;

20 B. any of the following opium derivatives, their
21 salts, isomers and salts of isomers, unless specifically
22 exempted, whenever the existence of these salts, isomers and
23 salts of isomers is possible within the specific chemical
24 designation:

- 25 (1) acetorphine;

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- 1 (2) acetyl dihydrocodeine;
- 2 (3) benzyl morphine;
- 3 (4) codeine methylbromide;
- 4 (5) codeine-N-oxide;
- 5 (6) cyprenorphine;
- 6 (7) desomorphine;
- 7 (8) dihydromorphine;
- 8 (9) dehydro morphine;
- 9 [~~(9)~~] (10) etorphine;
- 10 [~~(10)~~] (11) heroin;
- 11 [~~(11)~~] (12) hydromorphinol;
- 12 [~~(12)~~] (13) methyldesorphine;
- 13 [~~(13)~~] (14) methyldihydromorphine;
- 14 [~~(14)~~] (15) morphine methylbromide;
- 15 [~~(15)~~] (16) morphine methylsulfonate;
- 16 [~~(16)~~] (17) morphine-N-oxide;
- 17 [~~(17)~~] (18) myrophine;
- 18 [~~(18)~~] (19) nicocodeine;
- 19 [~~(19)~~] (20) nicomorphine;
- 20 [~~(20)~~] (21) normorphine;
- 21 [~~(21)~~] (22) pholcodine; [~~and~~
- 22 ~~(22)~~] (23) thebacon;
- 23 (24) drotebanol;
- 24 (25) beta-hydroxy-3-methylfentanyl;
- 25 (26) 3-methylthiofentanyl;

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~~[bracketed material] = delete~~

1 (27) acetyl-alpha-methylfentanyl;

2 (28) alpha-methylthiofentanyl;

3 (29) beta-hydroxfentanyl;

4 (30) para-fluoro fentanyl; and

5 (31) thiofentanyl;

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

12 (1) 3,4-methylenedioxy amphetamine;

13 (2) 5-methoxy-3,4-methylenedioxy amphetamine;

14 (3) 3,4,5-trimethoxy amphetamine;

15 (4) bufotenine;

16 (5) diethyltryptamine (DET);

17 (6) dimethyltryptamine (DMT);

18 (7) 4-methyl-2,5-dimethoxy-amphetamine (DOM)

19 or (STP);

20 (8) ibogaine;

21 (9) lysergic acid diethylamide;

22 (10) marijuana;

23 (11) mescaline;

24 (12) peyote, except as otherwise provided in

25 the Controlled Substances Act;

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- 1 (13) N-ethyl-3-piperidyl benzilate;
2 (14) N-methyl-3-piperidyl benzilate;
3 (15) psilocybin;
4 (16) psilocyn;
5 (17) tetrahydrocannabinols;
6 (18) hashish;
7 [~~(19) synthetic cannabinoids, including~~]
8 (19) parahexyl (synthetic analog of
9 delta-9-tetra-hydrocannabinol (THC), an active ingredient of
10 cannabis);
11 (20) 2, 5-dimethoxyamphetamine; 2,5-DMA;
12 (21) 4-bromo-2, 5-dimethoxy-amphetamine;
13 2, 5-DMA;
14 (22) 4-methoxyamphetamine; PMA;
15 (23) ethylamine N-ethyl-1-
16 phenylcyclohexylamine (PCE);
17 (24) pyrrolidine 1-(1-phenylcyclohexyl)-
18 pyrrolidine (PCPy), (PHP) analog of the drug phencyclidine;
19 (25) thiophene (analog of phencyclidine) (TCP)
20 or (TCP);
21 (26) alpha-ethyltryptamine;
22 (27) 2, 5-dimethoxy-4-ethylamphet-amine;
23 (28) ibogaine;
24 (29) 2,.5 dimethoxy-4-(n)-
25 propylthiophenethylamine (2C-T-7);

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[bracketed material] = delete

- 1 (30) alpha-methyltryptamine (AMT);
- 2 (31) 5-methoxy-N,N-diisopropyltryptamine
- 3 (5-MeO-DIPT);
- 4 (32) synthetic cannabinoids, unless
- 5 specifically exempted or unless listed in another schedule,
- 6 including any material, compound, mixture or preparation that
- 7 contains any quantity of synthetic cannabinoids that
- 8 demonstrate binding activity to the cannabinoid receptor or
- 9 analogs or homologs with binding activity, including:
- 10 (a) CP 55,244 ((hydroxymethyl)-4-[2-
- 11 hydroxy-4-(2-methyloctan-2-yl)phenyl] 1,2,3,4,4a,5,6,7,8,8a-
- 12 decahydronaphthalen-2-ol);
- 13 (b) CP 55,940 (5-hydroxy-2-(3-
- 14 hydroxypropyl) cyclohexyl]-5-(2-methyloctan-2-yl)phenol);
- 15 (c) JWH-081 (1-pentyl-3-[1-(4-
- 16 methoxynaphthoyl)indole);
- 17 (d) JWH-122 (1-pentyl-3-(4-methyl-1-
- 18 naphthoyl)indole);
- 19 (e) JWH-133 3-(1,1-dimethylbutyl)-6a,7,
- 20 10,10a-tetrahydro -6,6,9-trimethyl-6H dibenzo[b,d]pyran;
- 21 (f) JWH 203 1-pentyl-3-(2-
- 22 chlorophenylacetyl)indole);
- 23 (g) JWH 210 4-ethylnaphthalen-1-yl-(1-
- 24 pentylindol-3-yl)methanone;
- 25 (h) AM-694 (1-(5-fluoropentyl)-3-(2-

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1 iodobenzoyl)indole);

2 (i) AM-1221 (1-(N-methylpiperdin-2-yl)
3 methyl-2-methyl-3-(1-naphthoyl)-6-nitroindole;

4 (j) AM-2201 (1-(5-fluoropentyl)-3-(1-
5 naphthoyl)indole);

6 (k) RCS-4 or SR-19 (1-pentyl-3-[(4-
7 methoxy)-benzoyl]indole);

8 (l) RCS-8 or SR-18 (1-cyclohexylethyl-3-
9 (2-methoxyphenylacetyl)indole);

10 (m) JWH-210 (1-pentyl-3-(4-
11 ethylnaphthoyl)indole);

12 (n) WIN-49,098 (pravadoline)(4-
13 methoxyphenyl)-[2-methyl-1-(2-morpholin-4-ylethyl)indol-3-yl]
14 methanone;

15 (o) WIN-55,212-2 (2,3-dihydro-5-methyl-
16 3-(4-morpholinylmethyl)pyrrolo-1,4-benzooxazin-6-yl)-1-
17 naphthalenylmethanone);

18 (p) any of the following synthetic
19 cannabinoids, their salts, isomers and salts of isomers, unless
20 specifically excepted, whenever the existence of these salts,
21 isomers and salts of isomers is possible within the specific
22 chemical designation: 1) naphthoylindoles, or any compound
23 containing a 3-(1-naphthoyl) indole structure with substitution
24 at the nitrogen atom of the indole ring by an alkyl, haloalkyl,
25 alkenyl, cycloalkylmethyl, cycloalkylethyl,

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1 1-(N-methyl-2-piperidinyl) methyl or 2-(4-morpholinyl) ethyl
2 group, whether or not further substituted in the indole ring to
3 any extent, and whether or not substituted in the naphthyl ring
4 to any extent, including, but not limited to, JWH-015, JWH-018,
5 JWH-019, JWH-073, JWH-081, JWH-122, JWH-200, JWH-210, JWH-398
6 and AM-2201; 2) naphthylmethylindoles, or any compound
7 containing alhindol-3-yl-(1-naphthyl) methane structure with
8 substitution at the nitrogen atom of the indole ring by an
9 alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
10 1-(N-methyl-2-piperidinyl) methyl or 2-(4-morpholinyl) ethyl
11 group, whether or not further substituted in the indole ring to
12 any extent, and whether or not substituted in the naphthyl ring
13 to any extent, including, but not limited to, JWH-175, JWH-184
14 and JWH-199; 3) naphthoylpyrroles, or any compound containing a
15 3-(1-naphthoyl) pyrrole structure with substitution at the
16 nitrogen atom of the pyrrole ring by an alkyl, haloalkyl,
17 alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-
18 piperidinyl) methyl or 2-(4-morpholinyl) ethyl group, whether
19 or not further substituted in the pyrrole ring to any extent,
20 and whether or not substituted in the naphthyl ring to any
21 extent, including, but not limited to, JWH-307; 4)
22 naphthylmethylindenes, or any compound containing a
23 naphthylideneindene structure with substitution at the
24 3-position of the indene ring by an alkyl, haloalkyl, alkenyl,
25 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)

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1 methyl or 2-(4-morpholinyl) ethyl group, whether or not further
2 substituted in the indene ring to any extent, and whether or
3 not substituted in the naphthyl ring to any extent, including,
4 but not limited to, JWH-176; 5) phenylacetylindoles, or any
5 compound containing a 3-phenylacetylindole structure with
6 substitution at the nitrogen atom of the indole ring by an
7 alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
8 1-(N-methyl-2-piperidinyl) methyl or 2-(4-morpholinyl) ethyl
9 group, whether or not further substituted in the indole ring to
10 any extent, and whether or not substituted in the phenyl ring
11 to any extent, including, but not limited to, JWH-203, JWH-250,
12 JWH-251 and RCS-8; 6) cyclohexylphenols, or any compound
13 containing a 2-(3-hydroxycyclohexyl) phenol structure with
14 substitution at the 5- position of the phenolic ring by an
15 alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
16 1-(N-methyl-2-piperidinyl) methyl or 2-(4-morpholinyl) ethyl
17 group, whether or not substituted in the cyclohexyl ring to any
18 extent, including, but not limited to, cannabicyclohexanol (CP
19 47,497 C8 homologue), CP 47,497 and CP 55,490; and 7)
20 benzoylindoles, or any compound containing a 3-(benzoyl) [5]
21 OTS-3833.4 indole structure with substitution at the nitrogen
22 atom of the indole ring by an alkyl, haloalkyl, alkenyl,
23 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)
24 methyl or 2-(4-morpholinyl) ethyl group, whether or not further
25 substituted in the indole ring to any extent, and whether or

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1 not substituted in the phenyl ring to any extent, including,
2 but not limited to, AM-694, pravadoline (WIN 48,098), RCS-4 and
3 AM-1241;

4 (q) UR-144 1-(pentyl-1H-indol-3-yl)(2,2,
5 3,3-tetramethylcyclopropyl)methanone;

6 (r) XLR11 1-(5-fluoro-pentyl)-1H-indol-
7 3-yl(2,2,3,3-tetramethylcyclopropyl)methanone;

8 (s) AKB48 N-(1-adamantyl)-1-pentyl-1H-
9 indazole-3-carboxamide;

10 ~~(a)~~ (t) 1-[2-(4-(morpholinyl)ethyl]
11 -3-(1-naphthoyl)indole;

12 ~~(b)~~ (u) 1-butyl-3-(1-naphthoyl)indole;

13 ~~(c)~~ (v) 1-hexyl-3-(1-naphthoyl)indole;

14 ~~(d)~~ (w) 1-pentyl-3-(1-naphthoyl)

15 indole;

16 ~~(e)~~ (x) 1-pentyl-3-(2-
17 methoxyphenylacetyl) indole;

18 ~~(f)~~ (y) cannabicyclohexanol (CP 47,
19 497 and homologues: 5-(1,1-dimethylheptyl)-2-[(1R,3S)
20 -3-hydroxycyclohexyl]-phenol (CP-47,497); and 5-(1,
21 1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol;

22 ~~(g)~~ (z) 6aR,10aR)-9-(hydroxymethyl)
23 -6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,
24 10a-tetrahydrobenzo[c]chromen-1-ol);

25 ~~(h)~~ (aa) dexanabinol, (6aS,10aS)

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[bracketed material] = delete

- 1 -9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)
2 -6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;
3 [~~(i)~~] (bb) 1-pentyl-3-(4-chloro
4 naphthoyl) indole;
5 [~~(j)~~] (cc) (2-methyl-1-propyl-1H-indol-
6 3-yl)-1-naphthalenyl-methanone; and
7 [~~(k)~~] (dd) 5-(1,1-dimethylheptyl)-2-(3-
8 hydroxy cyclohexyl)-phenol;
9 [~~(20)~~] (33) 3,4-methylenedioxymethcathinone;
10 [~~(21)~~] (34) 3,4-methylenedioxypyrovalerone;
11 [~~(22)~~] (35) 4-methylmethcathinone;
12 [~~(23)~~] (36) 4-methoxymethcathinone;
13 [~~(24)~~] (37) 3-fluoromethcathinone; [~~and~~
14 ~~(25)~~] (38) 4-fluoromethcathinone;
15 (39) substances determined by the board to
16 have the pharmacological effect of the substance, the risk to
17 the public health by abuse of the substance and the potential
18 of the substance to produce psychic or physiological dependence
19 liability, including:
20 (a) salvia divinorum; and
21 (b) salvinorin A (methyl (2S,4aR,6aR,7R,
22 9S,10aS,10bR)-9-(acetyloxy)-2-(furan-3-yl)-6a,10b-dimethyl-4,10
23 -dioxododecahydro-2H-benzo[f]isochromene-7-carboxylate);
24 (40) 4-methyl-ethylcathinone (4-MEC);
25 (41) 4-ethyl-methcathinone (4-EMC);

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- 1 (42) 2-ethylamino-1-phenyl-propan-1-one
2 (ethcathinone);
3 (43) 3',4'-methylenedioxyethcathinone
4 (ethylone);
5 (44) beta-keto-N-methyl-3,4-
6 benzodioxolybutanamine (bk-MBDB, butylone);
7 (45) naphthylpyrovalerone (NRG-1, naphyrone);
8 (46) N,N-dimethylcathinone (metamfepramone);
9 (47) alpha-pyrrolidinopropiophenone
10 (alpha-PPP);
11 (48) alpha-pyrrolidinobutiophenone (?-PBP);
12 (49) 4'-methoxy-alpha-pyrrolidinopropiophenone
13 (MOPPP);
14 (50) 4'-methyl-?-pyrrolidinopropiophenone
15 (MPPP);
16 (51) 3',4'-methylenedioxy-alpha-
17 pyrrolidinopropiophenone (MDPPP);
18 (52) 3',4'-methylenedioxy-alpha-
19 pyrrolidinobutiophenone (MDPBP);
20 (53) 4'-methyl-?-pyrrolidinobutiophenone
21 (MPBP);
22 (54) alpha-pyrrolidinovalerophenone
23 (alpha-PVP);
24 (55) 5,6-methylenedioxy-2-aminoindane (MDAI);
25 (56) alpha-methylamino-butyrophenone

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underscored material = new
[bracketed material] = delete

1 (buphedrone);

2 (57) beta-keto-ethylbenzodioxolylbutanamine

3 (eutylone); and

4 (58) beta-keto-ethylbenzodioxolylpentanamine

5 (pentylone);

6 D. any of the following, unless specifically exempt
7 or unless listed in another schedule, including any material,
8 compound, mixture or preparation that contains any quantity of
9 the following substances having a depressant effect on the
10 central nervous system, including its salts, isomers and salts
11 of isomers, whenever the existence of such salts, isomers and
12 salts of isomers is possible within the specific chemical
13 designation:

14 (1) mecloqualone;

15 (2) methaqualone;

16 (3) benzodiazepines, including:

17 (a) bromazepam;

18 (b) camazepam;

19 (c) cloxazolam;

20 (d) delorazepam;

21 (e) ethylloflazepate;

22 (f) fludiazepam;

23 (g) flunitrazepam;

24 (h) haloxazolam;

25 (i) ketazolam;

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[bracketed material] = delete

- 1 (j) loprazolam;
2 (k) lormetazepam;
3 (l) medazepam;
4 (m) nimetazepam;
5 (n) nitrazepam;
6 (o) nordiazepam;
7 (p) oxazolam;
8 (q) pinazepam; and
9 (r) tetrazepam;
10 (4) gamma hydroxybutyric acid and any chemical
11 compound that is metabolically converted to GHB;
12 (5) gamma butyrolactone and any chemical
13 compound that is metabolically converted to GHB; and
14 (6) 1-4 butane diol and any chemical compound
15 that is metabolically converted to GHB;
16 E. any of the following, unless specifically
17 exempted or unless listed in another schedule, including any
18 material, compound, mixture or preparation that contains any
19 quantity of the following substances having a stimulant effect
20 on the central nervous system, including its salts, isomers and
21 salts of isomers:
22 (1) fenethylamine;
23 (2) N-ethylamphetamine;
24 (3) cis-4-methylaminorex;
25 (4) N, N-dimethylamphetamine; and

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underscored material = new
[bracketed material] = delete

1 (5) N-benzylpiperazine (BZP, 1-
2 benzylpiperazine);

3 F. any material, compound, mixture or preparation
4 that contains any quantity of the following substances:

5 (1) 3-methylfentanyl(N-3-methyl-1-(2-phenyl-
6 ethyl)-4-piperidyl)-N-phenylpropanamide, including its optical
7 and geometric isomers, salts and salts of isomers;

8 (2) 3, 4-methylenedioxymethamphetamine (MDMA),
9 including its optical, positional and geometric isomers, salts
10 and salts of isomers;

11 (3) 1-methyl-4-phenyl-4-propionoxypiperidine
12 (MPPP), including its optical isomers, salts, and salts of
13 isomers;

14 (4) 1-(-2-phenylethyl)-4-phenyl-4-acetoxy
15 piperidine (PEPAP), including its optical isomers, salts and
16 salts of isomers;

17 (5) cathinone; and

18 (6) methcathinone;

19 ~~[D-]~~ G. the enumeration of peyote as a controlled
20 substance does not apply to the use of peyote in bona fide
21 religious ceremonies by a bona fide religious organization, and
22 members of the organization so using peyote are exempt from
23 registration. Any person who manufactures peyote for or
24 distributes peyote to the organization or its members shall
25 comply with the federal Comprehensive Drug Abuse Prevention and

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~~[bracketed material]~~ = delete

1 Control Act of 1970 and all other requirements of law;
2 ~~[E.]~~ H. the enumeration of marijuana,
3 tetrahydrocannabinols or chemical derivatives of
4 tetrahydrocannabinol as Schedule I controlled substances does
5 not apply to the use of marijuana, tetrahydrocannabinols or
6 chemical derivatives of tetrahydrocannabinol by certified
7 patients pursuant to the Controlled Substances Therapeutic
8 Research Act or by qualified patients pursuant to the
9 provisions of the Lynn and Erin Compassionate Use Act; and
10 ~~[F.]~~ I. controlled substances added to Schedule I
11 by rule adopted by the board pursuant to Section 30-31-3 NMSA
12 1978."