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HOUSE BILL 38

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

Rod Montoya

AN ACT

RELATING TO CONSUMER PROTECTION; PROVIDING THAT IT IS AN UNFAIR OR DECEPTIVE TRADE PRACTICE TO SELL A PRODUCT THAT A PERSON KNOWS OR REASONABLY SHOULD KNOW IS PRIMARILY USED, CONTRARY TO LABELING OR INSTRUCTIONS, TO PRODUCE AN ALTERED MENTAL STATE.

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

SECTION 1. A new section of the Unfair Practices Act is enacted to read:

"[NEW MATERIAL] DECEPTIVELY LABELED PRODUCTS--SYNTHETIC DRUGS--PROHIBITION.--

A. A person shall not sell a product, including a synthetic drug, for which a specific intended use is provided by the product's label, packaging or instructions, and which specific intended use is not the production of an altered mental state, when the person knows or reasonably should know

1 that the product is primarily used contrary to the specific
2 intended use to produce an altered mental state through
3 introduction into the human body.

4 B. In addition to any other applicable civil or
5 criminal violations, a violation of Subsection A of this
6 section shall constitute an unfair or deceptive trade practice.
7 For the purpose of this section, a person shall have committed
8 a violation of the Unfair Practices Act for every individually
9 packaged product that the person sells in violation of
10 Subsection A of this section.

11 C. For the purpose of this section:

12 (1) "altered mental state" means a person's
13 experience of a depressant, stimulant, hallucinogenic or
14 narcotic effect; and

15 (2) "sell" means display for sale, distribute,
16 dispense, offer for sale, attempt to sell or sell."

17 SECTION 2. EFFECTIVE DATE.--The effective date of the
18 provisions of this act is July 1, 2017.