

1 HOUSE BILL 154

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

4 Rick Little

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8 FOR THE ECONOMIC AND RURAL DEVELOPMENT COMMITTEE

9  
10 AN ACT

11 RELATING TO AGRICULTURE; PROVIDING FOR THE ESTABLISHMENT OF AN  
12 INDUSTRIAL HEMP RESEARCH AND DEVELOPMENT PROGRAM AND THE NEW  
13 MEXICO INDUSTRIAL HEMP RESEARCH AND DEVELOPMENT FUND; EXEMPTING  
14 INDUSTRIAL HEMP FROM THE CONTROLLED SUBSTANCES ACT; MAKING AN  
15 APPROPRIATION.

16  
17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

20 "[NEW MATERIAL] INDUSTRIAL HEMP RESEARCH AND DEVELOPMENT  
21 PROGRAM--NEW MEXICO DEPARTMENT OF AGRICULTURE.--

22 A. As used in this section, "industrial hemp" means  
23 the plant Cannabis sativa L. and any part of the plant, whether  
24 growing or not, containing a delta-9-tetrahydrocannabinol  
25 concentration of no more than three-tenths percent on a dry

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1 weight basis.

2 B. Notwithstanding any other provision of law to  
3 the contrary, the board of regents of New Mexico state  
4 university through the New Mexico department of agriculture  
5 shall institute and administer an industrial hemp research and  
6 development program to permit persons and institutions of  
7 higher education to grow industrial hemp for the purpose of  
8 studying the growth, cultivation and marketing of industrial  
9 hemp in New Mexico.

10 C. The board of regents of New Mexico state  
11 university on behalf of the New Mexico department of  
12 agriculture shall promulgate rules to establish and carry out  
13 the industrial hemp research and development program, including  
14 requirements for participation, application procedures,  
15 issuance of permits, inspections, recordkeeping, participation  
16 fees not to exceed administrative costs, compliance processes  
17 and training of law enforcement personnel.

18 D. The New Mexico department of agriculture shall  
19 issue permits to grow industrial hemp to persons or  
20 institutions of higher education pursuant to the promulgated  
21 rules.

22 E. A person or institution of higher education  
23 permitted to grow industrial hemp pursuant to this section may  
24 grow industrial hemp for the purpose of studying the growth,  
25 cultivation or marketing of industrial hemp. The cultivation

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1 of industrial hemp shall be subject to and comply with the  
2 rules promulgated by the board of regents of New Mexico state  
3 university on behalf of the New Mexico department of  
4 agriculture pursuant to this section.

5 F. The board of regents of New Mexico state  
6 university shall establish a "New Mexico industrial hemp  
7 research and development fund". The fund consists of revenue  
8 collected by the New Mexico department of agriculture in  
9 administration of the industrial hemp research and development  
10 program, donations, grants and income earned from investment of  
11 the fund and money otherwise accruing to the fund. Money in  
12 the fund shall not revert to any other fund at the end of a  
13 fiscal year. The board of regents of New Mexico state  
14 university shall administer the fund, and money in the fund is  
15 appropriated to the board of regents of New Mexico state  
16 university for the New Mexico department of agriculture to  
17 administer the industrial hemp research and development program  
18 and related programs. Money in the fund shall be disbursed on  
19 warrants signed by the board of regents of New Mexico state  
20 university pursuant to vouchers signed by the director of the  
21 New Mexico department of agriculture or the director's  
22 authorized representative."

23 SECTION 2. Section 30-31-6 NMSA 1978 (being Laws 1972,  
24 Chapter 84, Section 6, as amended) is amended to read:

25 "30-31-6. SCHEDULE I.--The following controlled

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1 substances are included in Schedule I:

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

- 7 (1) acetylmethadol;
- 8 (2) allylprodine;
- 9 (3) alphacetylmethadol;
- 10 (4) alphameprodine;
- 11 (5) alphamethadol;
- 12 (6) benzethidine;
- 13 (7) betacetylmethadol;
- 14 (8) betameprodine;
- 15 (9) betamethadol;
- 16 (10) betaprodine;
- 17 (11) clonitazene;
- 18 (12) dextromoramide;
- 19 (13) dextrorphan;
- 20 (14) diampromide;
- 21 (15) diethylthiambutene;
- 22 (16) dimenoxadol;
- 23 (17) dimepheptanol;
- 24 (18) dimethylthiambutene;
- 25 (19) dioxaphetyl butyrate;

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- 1 (20) dipipanone;
- 2 (21) ethylmethylthiambutene;
- 3 (22) etonitazene;
- 4 (23) etoxeridine;
- 5 (24) furethidine;
- 6 (25) hydroxypethidine;
- 7 (26) ketobemidone;
- 8 (27) levomoramide;
- 9 (28) levophenacymorphan;
- 10 (29) morpheridine;
- 11 (30) noracymethadol;
- 12 (31) norlevorphanol;
- 13 (32) normethadone;
- 14 (33) norpipanone;
- 15 (34) phenadoxone;
- 16 (35) phenampromide;
- 17 (36) phenomorphan;
- 18 (37) phenoperidine;
- 19 (38) piritramide;
- 20 (39) proheptazine;
- 21 (40) properidine;
- 22 (41) racemoramide; and
- 23 (42) trimeperidine;

24 B. any of the following opium derivatives, their  
25 salts, isomers and salts of isomers, unless specifically

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1 exempted, whenever the existence of these salts, isomers and  
2 salts of isomers is possible within the specific chemical  
3 designation:

- 4 (1) acetorphine;
- 5 (2) acetyldihydrocodeine;
- 6 (3) benzylmorphine;
- 7 (4) codeine methylbromide;
- 8 (5) codeine-N-oxide;
- 9 (6) cyprenorphine;
- 10 (7) desomorphine;
- 11 (8) dihydromorphine;
- 12 (9) etorphine;
- 13 (10) heroin;
- 14 (11) hydromorphinol;
- 15 (12) methyldesorphine;
- 16 (13) methyldihydromorphine;
- 17 (14) morphine methylbromide;
- 18 (15) morphine methylsulfonate;
- 19 (16) morphine-N-oxide;
- 20 (17) myrophine;
- 21 (18) nicocodeine;
- 22 (19) nicomorphine;
- 23 (20) normorphine;
- 24 (21) pholcodine; and
- 25 (22) thebacon;

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1 C. any material, compound, mixture or preparation  
2 that contains any quantity of the following hallucinogenic  
3 substances, their salts, isomers and salts of isomers, unless  
4 specifically exempted, whenever the existence of these salts,  
5 isomers and salts of isomers is possible within the specific  
6 chemical designation:

- 7 (1) 3,4-methylenedioxy amphetamine;
- 8 (2) 5-methoxy-3,4-methylenedioxy amphetamine;
- 9 (3) 3,4,5-trimethoxy amphetamine;
- 10 (4) bufotenine;
- 11 (5) diethyltryptamine;
- 12 (6) dimethyltryptamine;
- 13 (7) 4-methyl-2,5-dimethoxy amphetamine;
- 14 (8) ibogaine;
- 15 (9) lysergic acid diethylamide;
- 16 (10) marijuana;
- 17 (11) mescaline;
- 18 (12) peyote, except as otherwise provided in  
19 the Controlled Substances Act;
- 20 (13) N-ethyl-3-piperidyl benzilate;
- 21 (14) N-methyl-3-piperidyl benzilate;
- 22 (15) psilocybin;
- 23 (16) psilocyn;
- 24 (17) tetrahydrocannabinols;
- 25 (18) hashish;

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- 1 (19) synthetic cannabinoids, including:  
2 (a) 1-[2-(4-(morpholinyl)ethyl)-3-(1-  
3 naphthoyl)indole;  
4 (b) 1-butyl-3-(1-naphthoyl)indole;  
5 (c) 1-hexyl-3-(1-naphthoyl)indole;  
6 (d) 1-pentyl-3-(1-naphthoyl)indole;  
7 (e) 1-pentyl-3-(2-methoxyphenylacetyl)  
8 indole;  
9 (f) cannabicyclohexanol (CP 47, 497 and  
10 homologues: 5-(1,1-dimethylheptyl)-2-[(1R,3S)  
11 -3-hydroxycyclohexyl]-phenol (CP-47,497); and 5-(1,  
12 1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol;  
13 (g) 6aR,10aR)-9-(hydroxymethyl)  
14 -6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,  
15 10a-tetrahydrobenzo[c]chromen-1-ol);  
16 (h) dexanabinol, (6aS,10aS)  
17 -9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)  
18 -6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;  
19 (i) 1-pentyl-3-(4-chloro naphthoyl)  
20 indole;  
21 (j) (2-methyl-1-propyl-1H-indol-3-yl)  
22 -1-naphthalenyl-methanone; and  
23 (k) 5-(1,1-dimethylheptyl)-2-(3-hydroxy  
24 cyclohexyl)-phenol;  
25 (20) 3,4-methylenedioxy methcathinone;

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1 (21) 3,4-methylenedioxypropylvalerone;

2 (22) 4-methylmethcathinone;

3 (23) 4-methoxymethcathinone;

4 (24) 3-fluoromethcathinone; and

5 (25) 4-fluoromethcathinone;

6 D. the enumeration of peyote as a controlled  
7 substance does not apply to the use of peyote in bona fide  
8 religious ceremonies by a bona fide religious organization, and  
9 members of the organization so using peyote are exempt from  
10 registration. Any person who manufactures peyote for or  
11 distributes peyote to the organization or its members shall  
12 comply with the federal Comprehensive Drug Abuse Prevention and  
13 Control Act of 1970 and all other requirements of law;

14 E. the enumeration of marijuana,  
15 tetrahydrocannabinols or chemical derivatives of  
16 tetrahydrocannabinol as Schedule I controlled substances does  
17 not apply to:

18 (1) the cultivation of industrial hemp by  
19 qualified entities pursuant to the industrial hemp research and  
20 development program and rules promulgated by the board of  
21 regents of New Mexico state university on behalf of the New  
22 Mexico department of agriculture pursuant to that program; or

23 (2) the use of marijuana,  
24 tetrahydrocannabinols or chemical derivatives of  
25 tetrahydrocannabinol by certified patients pursuant to the

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1 Controlled Substances Therapeutic Research Act or by qualified  
2 patients pursuant to the provisions of the Lynn and Erin  
3 Compassionate Use Act; and

4 F. controlled substances added to Schedule I by  
5 rule adopted by the board pursuant to Section 30-31-3 NMSA  
6 1978."

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