

1 HOUSE BILL 566

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO AGRICULTURE; AUTHORIZING AND REGULATING RESEARCH ON
12 CANNABIS SATIVA L. PLANTS FOR CERTAIN PURPOSES; CREATING
13 EXEMPTIONS FROM PROSECUTION UNDER THE CONTROLLED SUBSTANCES
14 ACT.
15

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

17 SECTION 1. A new section of Chapter 76, Article 24 NMSA
18 1978 is enacted to read:

19 "[NEW MATERIAL] HEMP PLANT RESEARCH AND DEVELOPMENT---NEW
20 MEXICO DEPARTMENT OF AGRICULTURE.--

21 A. As used in this section:

22 (1) "hemp plant research" means conducting
23 research on Cannabis sativa L. plants to develop plant
24 varieties with increased productivity or that are adapted to
25 the state's diverse ecosystems; and

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1 (2) "low THC Cannabis sativa" means a viable
2 Cannabis sativa L. plant containing a delta-9-
3 tetrahydrocannabinol concentration of more than three-tenths
4 percent but not more than one percent on a dry weight basis as
5 measured using a post-decarboxylation testing method approved
6 by the New Mexico department of agriculture.

7 B. The New Mexico department of agriculture shall
8 adopt rules, including rules for licensing, testing,
9 recordkeeping, inspections, numbers of plants and fees for
10 licenses, authorizing a person to conduct hemp plant research.

11 C. A person who is not licensed pursuant to this
12 section shall not conduct hemp plant research in this state.

13 D. A person holding a valid license to conduct hemp
14 plant research shall be exempt from prosecution under the
15 Controlled Substances Act for possession of low THC Cannabis
16 sativa.

17 E. The board of regents of New Mexico state
18 university, on behalf of the New Mexico department of
19 agriculture, shall establish a fee for a license to conduct
20 hemp plant research not to exceed the cost of administration.
21 The fees shall be deposited in the New Mexico industrial hemp
22 research and development fund.

23 F. Possession of a license to conduct hemp plant
24 research shall not preclude the licensee from possessing
25 another license issued pursuant to Chapter 76, Article 24 NMSA

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1 1978."

2 SECTION 2. Section 30-31-6 NMSA 1978 (being Laws 1972,
3 Chapter 84, Section 6, as amended by Laws 2017, Chapter 139,
4 Section 2, by Laws 2017, Chapter 140, Section 3 and by Laws
5 2018, Chapter 41, Section 1) is amended to read:

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

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

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

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- 1 (14) diampromide;
- 2 (15) diethylthiambutene;
- 3 (16) dimenoxadol;
- 4 (17) dimepheptanol;
- 5 (18) dimethylthiambutene;
- 6 (19) dioxaphetyl butyrate;
- 7 (20) dipipanone;
- 8 (21) ethylmethylthiambutene;
- 9 (22) etonitazene;
- 10 (23) etoxeridine;
- 11 (24) furethidine;
- 12 (25) hydroxypethidine;
- 13 (26) ketobemidone;
- 14 (27) levomoramide;
- 15 (28) levophenacymorphan;
- 16 (29) morpheridine;
- 17 (30) noracymethadol;
- 18 (31) norlevorphanol;
- 19 (32) normethadone;
- 20 (33) norpipanone;
- 21 (34) phenadoxone;
- 22 (35) phenampromide;
- 23 (36) phenomorphan;
- 24 (37) phenoperidine;
- 25 (38) piritramide;

- 1 (39) proheptazine;
- 2 (40) properidine;
- 3 (41) racemoramide; and
- 4 (42) trimeperidine;

5 B. any of the following opium derivatives, their
6 salts, isomers and salts of isomers, unless specifically
7 exempted, whenever the existence of these salts, isomers and
8 salts of isomers is possible within the specific chemical
9 designation:

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

- 1 (17) myrophine;
- 2 (18) nicocodeine;
- 3 (19) nicomorphine;
- 4 (20) normorphine;
- 5 (21) pholcodine; and
- 6 (22) thebacon;

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

- 13 (1) 3,4-methylenedioxy amphetamine;
- 14 (2) 5-methoxy-3,4-methylenedioxy amphetamine;
- 15 (3) 3,4,5-trimethoxy amphetamine;
- 16 (4) bufotenine;
- 17 (5) diethyltryptamine;
- 18 (6) dimethyltryptamine;
- 19 (7) 4-methyl-2,5-dimethoxy amphetamine;
- 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;

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

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1 indole;

2 (j) (2-methyl-1-propyl-1H-indol-3-yl)
3 -1-naphthalenyl-methanone; and

4 (k) 5-(1,1-dimethylheptyl)-2-(3-hydroxy
5 cyclohexyl)-phenol;

6 (20) 3,4-methylenedioxy methcathinone;

7 (21) 3,4-methylenedioxy pyrovalerone;

8 (22) 4-methylmethcathinone;

9 (23) 4-methoxymethcathinone;

10 (24) 3-fluoromethcathinone; and

11 (25) 4-fluoromethcathinone;

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

20 E. the enumeration of marijuana,
21 tetrahydrocannabinols or chemical derivatives of
22 tetrahydrocannabinol as Schedule I controlled substances does
23 not apply to:

24 (1) industrial hemp, pursuant to rules
25 promulgated by the board of regents of New Mexico state

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1 university on behalf of the New Mexico department of
2 agriculture;

3 (2) cultivation of industrial hemp by
4 ~~[qualified entities]~~ persons pursuant to rules ~~[adopted by]~~
5 promulgated by the board of regents of New Mexico state
6 university on behalf of the New Mexico department of
7 agriculture;

8 (3) viable Cannabis sativa L. plants
9 containing a delta-9-tetrahydrocannabinol concentration of more
10 than three-tenths percent but not more than one percent on a
11 dry weight basis as measured using a post-decarboxylation
12 testing method approved by the New Mexico department of
13 agriculture, possessed by a person in connection with
14 cultivation, transportation, testing or research, if authorized
15 pursuant to rules promulgated by the board of regents of New
16 Mexico state university on behalf of the New Mexico department
17 of agriculture;

18 ~~[(3)]~~ (4) the use of marijuana,
19 tetrahydrocannabinols or chemical derivatives of
20 tetrahydrocannabinol by certified patients pursuant to the
21 Controlled Substances Therapeutic Research Act or by qualified
22 patients pursuant to the provisions of the Lynn and Erin
23 Compassionate Use Act; or

24 ~~[(4)]~~ (5) the use, dispensing, possession,
25 prescribing, storage or transport of a prescription drug that

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1 the United States food and drug administration has approved and
2 that contains marijuana, a tetrahydrocannabinol derivative or a
3 chemical derivative of tetrahydrocannabinol; 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."

7 SECTION 3. EFFECTIVE DATE.--The effective date of the
8 provisions of this act is July 1, 2019.

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