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AN ACT

RELATING TO COMMERCE; ENACTING THE HEMP MANUFACTURING ACT;
ALLOWING AND REGULATING THE PRODUCTION, TESTING, RESEARCH,
MANUFACTURING AND TRANSPORT OF HEMP, HEMP EXTRACTS AND HEMP
FINISHED PRODUCTS; PROVIDING POWERS AND DUTIES; CREATING
EXEMPTIONS FROM PROSECUTION UNDER THE CONTROLLED SUBSTANCES
ACT; PROVIDING FOR THE IMPOSITION OF FEES; PROVIDING
PENALTIES.

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

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

"SHORT TITLE.--Chapter 76, Article 24 NMSA 1978 may be
cited as the "Hemp Manufacturing Act"."

SECTION 2. A new section of Chapter 76, Article 24 NMSA
1978 is enacted to read:

"DEFINITIONS.--As used in the Hemp Manufacturing Act:

- A. "board" means the board of regents of New
Mexico state university;
- B. "breeder" means a person who conducts research
to develop new hemp varieties;
- C. "Cannabis sativa L." means the plant Cannabis
sativa L. and any part of the plant, whether growing or not;
- D. "hemp" means the plant Cannabis sativa L. and
any part of that plant, including seeds and all derivatives,

1 extracts, cannabinoids, isomers, acids, salts and salts of
2 isomers, whether growing or not, with a THC concentration of
3 not more than three-tenths percent on a dry weight basis;

4 E. "hemp-derived material" means any material
5 containing THC in any concentration derived from Cannabis
6 sativa L. through any activity authorized pursuant to the
7 Hemp Manufacturing Act;

8 F. "hemp extract" means oil derived from hemp,
9 including cannabidiol, cannabidiolic acid and other
10 identified and non-identified compounds;

11 G. "hemp finished product" means a hemp product
12 that is intended for retail sale and containing hemp or hemp
13 extracts that includes food, food additives and herbs for
14 human use, including consumption, that has a THC content of
15 not more than three-tenths percent;

16 H. "hemp manufacturer" means a person that
17 extracts, processes or engages in other manufacturing
18 activities regarding hemp, including manufacturing
19 intermediate hemp-derived products and hemp finished
20 products;

21 I. "hemp producer" means a person that cultivates
22 and harvests hemp and includes a person that cultivates hemp
23 plants for transfer to other hemp producers;

24 J. "intermediate hemp-derived product" means oil
25 and extracts, including cannabidiol, cannabidiolic acid and

1 other identified and non-identified compounds derived from
2 hemp;

3 K. "manifest" means a form used for identifying
4 the quantity, composition, origin, routing and destination of
5 hemp-derived materials during transportation; and

6 L. "THC" means delta-9-tetrahydrocannabinol as
7 measured using a post-decarboxylation method and based on
8 percentage dry weight."

9 SECTION 3. A new section of Chapter 76, Article 24 NMSA
10 1978 is enacted to read:

11 "HARVEST CERTIFICATE OR OTHER AUTHORITY--REQUIREMENT--
12 ISSUANCE.--

13 A. A person licensed by the New Mexico department
14 of agriculture may harvest hemp for distribution or sale only
15 after obtaining from the department a harvest certificate for
16 that hemp. The department shall issue a harvest certificate
17 for hemp that meets the THC concentration required pursuant
18 to the Hemp Manufacturing Act as demonstrated by an analysis
19 performed by a person licensed pursuant to the Hemp
20 Manufacturing Act.

21 B. A licensed hemp manufacturer may only buy or
22 otherwise accept hemp that is accompanied by a harvest
23 certificate issued for that hemp pursuant to this section, a
24 document issued by a person licensed pursuant to Subsection C
25 of Section 8 of the Hemp Manufacturing Act or other document

1 recognized by the New Mexico department of agriculture
2 demonstrating compliance with the provisions of the Hemp
3 Manufacturing Act."

4 SECTION 4. A new section of Chapter 76, Article 24 NMSA
5 1978 is enacted to read:

6 "UNPROCESSED HEMP TESTING LABORATORIES--REQUIREMENTS.--

7 A. The New Mexico department of agriculture shall
8 issue licenses pursuant to rules issued under Subsection C of
9 this section for the analysis of unprocessed Cannabis sativa
10 L. samples for use in determining eligibility for a harvest
11 certificate.

12 B. A person shall not analyze unprocessed Cannabis
13 sativa L. samples for use in determining eligibility for a
14 harvest certificate unless the person is licensed by the New
15 Mexico department of agriculture to engage in that activity.

16 C. The board, on behalf of the New Mexico
17 department of agriculture, shall adopt rules that include:

18 (1) procedures for the issuance, denial,
19 renewal, suspension or revocation of a license issued by the
20 New Mexico department of agriculture for the analysis of
21 unprocessed Cannabis sativa L. samples, including license
22 terms and procedures for appeal of a denial, suspension or
23 revocation that include notice and opportunity for a hearing;

24 (2) qualifications for licensure that
25 include the demonstrated ability to analyze THC

1 concentrations in Cannabis sativa L.;

2 (3) proficiency standards and requirements
3 for storage, recordkeeping and inspections;

4 (4) requirements that unprocessed Cannabis
5 sativa L. samples containing THC levels of more than
6 three-tenths percent be disposed of according to specified
7 methods; and

8 (5) licensing fees not to exceed the lesser
9 of one thousand dollars (\$1,000) or the cost of
10 administration of a license issued pursuant to this section.

11 D. A license issued pursuant to this section does
12 not relieve a licensee of the responsibility to obtain other
13 licenses or permits required by law."

14 **SECTION 5.** A new section of Chapter 76, Article 24 NMSA
15 1978 is enacted to read:

16 "HEMP BREEDER--REQUIREMENTS--EXEMPTIONS.--

17 A. The New Mexico department of agriculture shall
18 issue licenses pursuant to rules issued under Subsection C of
19 this section to breed Cannabis sativa L. to produce new hemp
20 varieties.

21 B. A person shall not breed Cannabis sativa L. to
22 produce new hemp varieties unless the person is licensed by
23 the New Mexico department of agriculture or licensed pursuant
24 to Subsection C of Section 8 of the Hemp Manufacturing Act to
25 engage in that activity.

1 C. The board, on behalf of the New Mexico
2 department of agriculture, shall adopt rules that include:

3 (1) procedures for the issuance, denial,
4 renewal, suspension and revocation of a license issued by the
5 New Mexico department of agriculture to breed Cannabis sativa
6 L. to produce new hemp varieties, including license terms and
7 procedures for appeal of a denial, suspension or revocation
8 that include notice and opportunity for a hearing;

9 (2) qualifications for licensure that
10 include the demonstrated ability to breed Cannabis sativa L.
11 to produce new hemp varieties under secure conditions;

12 (3) proficiency standards and requirements
13 for storage, recordkeeping and inspections;

14 (4) requirements that Cannabis sativa L.
15 containing THC levels of more than three-tenths percent be
16 disposed of according to specified methods; and

17 (5) fees not to exceed the lesser of one
18 thousand dollars (\$1,000) or the cost of administration of a
19 license issued pursuant to this section.

20 D. A license issued pursuant to this section does
21 not relieve the licensee of the responsibility to obtain
22 other licenses or permits as required by law."

23 **SECTION 6.** A new section of Chapter 76, Article 24 NMSA
24 1978 is enacted to read:

25 "HEMP MANUFACTURERS--PERMITS--RULES--REQUIREMENTS.--

1 A. The department of environment shall issue
2 permits pursuant to rules issued under Subsection C of this
3 section to extract, process or engage in other manufacturing
4 activities regarding hemp, including manufacturing
5 intermediate hemp-derived products and hemp finished
6 products.

7 B. A person shall not extract, process or engage
8 in other manufacturing activities regarding hemp, including
9 manufacturing intermediate hemp-derived products and hemp
10 finished products without a permit issued by the department
11 of environment or a license issued pursuant to Subsection C
12 of Section 8 of the Hemp Manufacturing Act.

13 C. The department of environment shall adopt rules
14 that include:

15 (1) procedures for the issuance, denial,
16 renewal, suspension and revocation of a permit issued by the
17 department of environment to manufacture hemp products,
18 including permit terms and procedures for appeal of a denial,
19 suspension or revocation that include notice and opportunity
20 for a hearing;

21 (2) qualifications for permitting that
22 include health, sanitation, safety and security;

23 (3) proficiency standards and requirements
24 for storage, recordkeeping and inspections;

25 (4) requiring, and providing a process for,

1 the use or disposal of hemp-derived material containing THC
2 levels of more than three-tenths percent; and

3 (5) fees not to exceed the lesser of one
4 thousand dollars (\$1,000) or the cost of administration of a
5 permit issued pursuant to this section.

6 D. A hemp manufacturer that produces intermediate
7 hemp-derived products or hemp finished products intended for
8 human consumption by eating or drinking are subject to the
9 provisions of the Food Service Sanitation Act and the New
10 Mexico Food Act.

11 E. Hemp finished products produced by a hemp
12 manufacturer holding a permit issued pursuant to this section
13 shall not be deemed adulterated as that term is used in the
14 Food Service Sanitation Act and the New Mexico Food Act.

15 F. Fees collected pursuant to this section shall
16 be deposited in the food service sanitation fund.

17 G. A permit issued pursuant to this section does
18 not relieve the holder of the permit of the responsibility to
19 obtain other licenses or permits as required by law."

20 SECTION 7. A new section of Chapter 76, Article 24 NMSA
21 1978 is enacted to read:

22 "TRANSPORTING HEMP AND HEMP-DERIVED MATERIALS--
23 MANIFEST--RULES--REQUIREMENTS.--

24 A. A person shall not transport hemp unless during
25 such transportation the person has in the person's immediate

1 possession a harvest certificate for that hemp provided by
2 the licensed grower.

3 B. A person shall not transport hemp-derived
4 materials unless during such transportation the person has in
5 the person's immediate possession a manifest issued by a
6 person licensed pursuant to the Hemp Manufacturing Act or
7 other applicable law.

8 C. The department of environment shall establish a
9 manifest system and any other reasonable means necessary to
10 ensure that hemp-derived materials originating from a person
11 permitted pursuant to Section 6 of the Hemp Manufacturing Act
12 are identifiable during transport and that the materials are
13 transported only between persons licensed, permitted or
14 otherwise authorized to possess hemp-derived materials
15 pursuant to the Hemp Manufacturing Act or other applicable
16 law.

17 D. A person that transports hemp-derived materials
18 or food additive hemp finished products intended for human
19 consumption by eating or drinking shall be subject to the
20 provisions of the Food Service Sanitation Act and the New
21 Mexico Food Act.

22 E. Transporting hemp or hemp-derived material
23 without a harvest certificate shall constitute a petty
24 misdemeanor, punishable by a fine of up to five hundred
25 dollars (\$500).

1 F. Product in excess of eight ounces that has the
2 appearance of hemp and is in the possession of a person
3 suspected of violating the provisions of Subsection E of this
4 section may be seized by a law enforcement agency until such
5 time as the agency is able to identify the product, in
6 cooperation with the department of environment or the New
7 Mexico department of agriculture, but for no longer than five
8 days.

9 G. As used in this section, "harvest certificate"
10 means a certificate, license, permit or other document
11 pursuant to rules adopted under the Hemp Manufacturing Act
12 for use during transportation of hemp or hemp-derived
13 material, whether in the possession of a person or
14 electronically verified by a law enforcement agency."

15 SECTION 8. A new section of Chapter 76, Article 24 NMSA
16 1978 is enacted to read:

17 "INDIAN NATIONS, TRIBES AND PUEBLOS--NO STATE
18 REGULATION--COOPERATIVE OR JOINT POWERS AGREEMENTS--
19 RECOGNITION OF TRIBALLY ISSUED LICENSES.--

20 A. The state acknowledges that federally
21 recognized Indian nations, tribes and pueblos located wholly
22 or partially within New Mexico may, pursuant to Section 10113
23 of the federal Agriculture Improvement Act of 2018, and as a
24 matter of their inherent tribal sovereignty, develop their
25 own plans for the regulation of the production of hemp on

1 their own tribal lands, and that those plans shall be
2 developed in compliance with the federal Agriculture
3 Improvement Act of 2018.

4 B. The New Mexico department of agriculture and
5 the department of environment may enter into cooperative
6 agreements or joint powers agreements with federally
7 recognized Indian nations, tribes and pueblos located wholly
8 or partially within New Mexico that seek the state's
9 assistance in developing hemp production plans that are
10 acceptable to the director of the New Mexico department of
11 agriculture and the department of environment, or in the
12 regulation of hemp production on tribal lands, or in the
13 testing of hemp plants for THC, or the transportation of hemp
14 or hemp-derived material; provided that no such agreement
15 shall purport to give the state any jurisdiction over any
16 such activities or material on tribal lands.

17 C. A cooperative agreement or joint powers
18 agreement may include provisions recognizing a tribally
19 issued license that authorizes manufacturing on tribal lands,
20 including the extraction, processing or engaging in other
21 manufacturing activities regarding hemp, including
22 manufacturing intermediate hemp-derived products and hemp
23 finished products under Section 6 of the Hemp Manufacturing
24 Act."

25 SECTION 9. Section 30-31-2 NMSA 1978 (being Laws 1972,

1 Chapter 84, Section 2, as amended) is amended to read:

2 "30-31-2. DEFINITIONS.--As used in the Controlled
3 Substances Act:

4 A. "administer" means the direct application of a
5 controlled substance by any means to the body of a patient or
6 research subject by a practitioner or the practitioner's
7 agent;

8 B. "agent" includes an authorized person who acts
9 on behalf of a manufacturer, distributor or dispenser. It
10 does not include a common or contract carrier, public
11 warehouseperson or employee of the carrier or
12 warehouseperson;

13 C. "board" means the board of pharmacy;

14 D. "bureau" means the narcotic and dangerous drug
15 section of the criminal division of the United States
16 department of justice, or its successor agency;

17 E. "controlled substance" means a drug or
18 substance listed in Schedules I through V of the Controlled
19 Substances Act or rules adopted thereto;

20 F. "counterfeit substance" means a controlled
21 substance that bears the unauthorized trademark, trade name,
22 imprint, number, device or other identifying mark or likeness
23 of a manufacturer, distributor or dispenser other than the
24 person who in fact manufactured, distributed or dispensed the
25 controlled substance;

1 G. "deliver" means the actual, constructive or
2 attempted transfer from one person to another of a controlled
3 substance or controlled substance analog, whether or not
4 there is an agency relationship;

5 H. "dispense" means to deliver a controlled
6 substance to an ultimate user or research subject pursuant to
7 the lawful order of a practitioner, including the
8 administering, prescribing, packaging, labeling or
9 compounding necessary to prepare the controlled substance for
10 that delivery;

11 I. "dispenser" means a practitioner who dispenses
12 and includes hospitals, pharmacies and clinics where
13 controlled substances are dispensed;

14 J. "distribute" means to deliver other than by
15 administering or dispensing a controlled substance or
16 controlled substance analog;

17 K. "drug" or "substance" means substances
18 recognized as drugs in the official United States
19 pharmacopoeia, official homeopathic pharmacopoeia of the
20 United States or official national formulary or any
21 respective supplement to those publications. It does not
22 include devices or their components, parts or accessories;

23 L. "hashish" means the resin extracted from any
24 part of marijuana, whether growing or not, and every
25 compound, manufacture, salt, derivative, mixture or

1 preparation of such resins;

2 M. "hemp" means the plant *Cannabis sativa* L. and
3 any part of that plant, including seeds and all derivatives,
4 extracts, cannabinoids, isomers, acids, salts and salts of
5 isomers, whether growing or not, with a delta-9-
6 tetrahydrocannabinol concentration of not more than three-
7 tenths percent on a dry weight basis;

8 N. "manufacture" means the production,
9 preparation, compounding, conversion or processing of a
10 controlled substance or controlled substance analog by
11 extraction from substances of natural origin or independently
12 by means of chemical synthesis or by a combination of
13 extraction and chemical synthesis and includes any packaging
14 or repackaging of the substance or labeling or relabeling of
15 its container, except that this term does not include the
16 preparation or compounding of a controlled substance:

17 (1) by a practitioner as an incident to
18 administering or dispensing a controlled substance in the
19 course of the practitioner's professional practice; or

20 (2) by a practitioner, or by the
21 practitioner's agent under the practitioner's supervision,
22 for the purpose of or as an incident to research, teaching or
23 chemical analysis and not for sale;

24 O. "marijuana" means all parts of the plant
25 cannabis, including any and all varieties, species and

1 subspecies of the genus Cannabis, whether growing or not, the
2 seeds thereof and every compound, manufacture, salt,
3 derivative, mixture or preparation of the plant or its seeds.
4 It does not include the mature stalks of the plant, hashish,
5 tetrahydrocannabinols extracted or isolated from marijuana,
6 fiber produced from the stalks, oil or cake made from the
7 seeds of the plant, any other compound, manufacture, salt,
8 derivative, mixture or preparation of the mature stalks,
9 fiber, oil or cake, or the sterilized seed of the plant that
10 is incapable of germination; or the plant Cannabis sativa L.
11 and any part of the plant, whether growing or not, containing
12 a delta-9-tetrahydrocannabinol concentration of no more than
13 three-tenths percent on a dry weight basis;

14 P. "narcotic drug" means any of the following,
15 whether produced directly or indirectly by extraction from
16 substances of vegetable origin or independently by means of
17 chemical synthesis or by a combination of extraction and
18 chemical synthesis:

19 (1) opium and opiate and any salt, compound,
20 derivative or preparation of opium or opiate;

21 (2) any salt, compound, isomer, derivative
22 or preparation that is a chemical equivalent of any of the
23 substances referred to in Paragraph (1) of this subsection,
24 except the isoquinoline alkaloids of opium;

25 (3) opium poppy and poppy straw, including

1 all parts of the plant of the species *Papaver somniferum* L.
2 except its seeds; or

3 (4) coca leaves and any salt, compound,
4 derivative or preparation of coca leaves, any salt, compound,
5 isomer, derivative or preparation that is a chemical
6 equivalent of any of these substances except decocainized
7 coca leaves or extractions of coca leaves that do not contain
8 cocaine or ecgonine;

9 Q. "opiate" means any substance having an
10 addiction-forming or addiction-sustaining liability similar
11 to morphine or being capable of conversion into a drug having
12 addiction-forming or addiction-sustaining liability.

13 "Opiate" does not include, unless specifically designated as
14 controlled under Section 30-31-5 NMSA 1978, the
15 dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its
16 salts, dextromethorphan. "Opiate" does include its racemic
17 and levorotatory forms;

18 R. "person" means an individual, partnership,
19 corporation, association, institution, political subdivision,
20 government agency or other legal entity;

21 S. "practitioner" means a physician, certified
22 advanced practice chiropractic physician, doctor of oriental
23 medicine, dentist, physician assistant, certified nurse
24 practitioner, clinical nurse specialist, certified nurse-
25 midwife, prescribing psychologist, veterinarian, euthanasia

1 technician, pharmacist, pharmacist clinician or other person
2 licensed or certified to prescribe and administer drugs that
3 are subject to the Controlled Substances Act;

4 T. "prescription" means an order given
5 individually for the person for whom is prescribed a
6 controlled substance, either directly from a licensed
7 practitioner or the practitioner's agent to the pharmacist,
8 including by means of electronic transmission, or indirectly
9 by means of a written order signed by the prescriber, bearing
10 the name and address of the prescriber, the prescriber's
11 license classification, the name and address of the patient,
12 the name and quantity of the drug prescribed, directions for
13 use and the date of issue and in accordance with the
14 Controlled Substances Act or rules adopted thereto;

15 U. "scientific investigator" means a person
16 registered to conduct research with controlled substances in
17 the course of the person's professional practice or research
18 and includes analytical laboratories;

19 V. "ultimate user" means a person who lawfully
20 possesses a controlled substance for the person's own use or
21 for the use of a member of the person's household or for
22 administering to an animal under the care, custody and
23 control of the person or by a member of the person's
24 household;

25 W. "drug paraphernalia" means all equipment,

1 products and materials of any kind that are used, intended
2 for use or designed for use in planting, propagating,
3 cultivating, growing, harvesting, manufacturing, compounding,
4 converting, producing, processing, preparing, testing,
5 analyzing, packaging, repackaging, storing, containing,
6 concealing, injecting, ingesting, inhaling or otherwise
7 introducing into the human body a controlled substance or
8 controlled substance analog in violation of the Controlled
9 Substances Act. It includes:

10 (1) kits used, intended for use or designed
11 for use in planting, propagating, cultivating, growing or
12 harvesting any species of plant that is a controlled
13 substance or controlled substance analog or from which a
14 controlled substance can be derived;

15 (2) kits used, intended for use or designed
16 for use in manufacturing, compounding, converting, producing,
17 processing or preparing controlled substances or controlled
18 substance analogs;

19 (3) isomerization devices used, intended for
20 use or designed for use in increasing the potency of any
21 species of plant that is a controlled substance;

22 (4) testing equipment used, intended for use
23 or designed for use in identifying or in analyzing the
24 strength, effectiveness or purity of controlled substances or
25 controlled substance analogs;

1 (5) scales or balances used, intended for
2 use or designed for use in weighing or measuring controlled
3 substances or controlled substance analogs;

4 (6) diluents and adulterants, such as
5 quinine hydrochloride, mannitol, mannite dextrose and
6 lactose, used, intended for use or designed for use in
7 cutting controlled substances or controlled substance
8 analogs;

9 (7) separation gins and sifters used,
10 intended for use or designed for use in removing twigs and
11 seeds from, or in otherwise cleaning and refining, marijuana;

12 (8) blenders, bowls, containers, spoons and
13 mixing devices used, intended for use or designed for use in
14 compounding controlled substances or controlled substance
15 analogs;

16 (9) capsules, balloons, envelopes and other
17 containers used, intended for use or designed for use in
18 packaging small quantities of controlled substances or
19 controlled substance analogs;

20 (10) containers and other objects used,
21 intended for use or designed for use in storing or concealing
22 controlled substances or controlled substance analogs;

23 (11) hypodermic syringes, needles and other
24 objects used, intended for use or designed for use in
25 parenterally injecting controlled substances or controlled

1 substance analogs into the human body;

2 (12) objects used, intended for use or
3 designed for use in ingesting, inhaling or otherwise
4 introducing marijuana, cocaine, hashish or hashish oil into
5 the human body, such as:

6 (a) metal, wooden, acrylic, glass,
7 stone, plastic or ceramic pipes, with or without screens,
8 permanent screens, hashish heads or punctured metal bowls;

9 (b) water pipes;

10 (c) carburetion tubes and devices;

11 (d) smoking and carburetion masks;

12 (e) roach clips, meaning objects used
13 to hold burning material, such as a marijuana cigarette, that
14 has become too small to hold in the hand;

15 (f) miniature cocaine spoons and
16 cocaine vials;

17 (g) chamber pipes;

18 (h) carburetor pipes;

19 (i) electric pipes;

20 (j) air-driven pipes;

21 (k) chilams;

22 (l) bonges; or

23 (m) ice pipes or chillers; and

24 (13) in determining whether an object is
25 drug paraphernalia, a court or other authority should

1 consider, in addition to all other logically relevant
2 factors, the following:

3 (a) statements by the owner or by
4 anyone in control of the object concerning its use;

5 (b) the proximity of the object, in
6 time and space, to a direct violation of the Controlled
7 Substances Act or any other law relating to controlled
8 substances or controlled substance analogs;

9 (c) the proximity of the object to
10 controlled substances or controlled substance analogs;

11 (d) the existence of any residue of a
12 controlled substance or controlled substance analog on the
13 object;

14 (e) instructions, written or oral,
15 provided with the object concerning its use;

16 (f) descriptive materials accompanying
17 the object that explain or depict its use;

18 (g) the manner in which the object is
19 displayed for sale; and

20 (h) expert testimony concerning its
21 use;

22 X. "controlled substance analog" means a substance
23 other than a controlled substance that has a chemical
24 structure substantially similar to that of a controlled
25 substance in Schedule I, II, III, IV or V or that was

1 specifically designed to produce effects substantially
2 similar to that of controlled substances in Schedule I, II,
3 III, IV or V. Examples of chemical classes in which
4 controlled substance analogs are found include the following:

- 5 (1) phenethylamines;
- 6 (2) N-substituted piperidines;
- 7 (3) morphinans;
- 8 (4) ecgonines;
- 9 (5) quinazolinones;
- 10 (6) substituted indoles; and
- 11 (7) arylcycloalkylamines.

12 Specifically excluded from the definition of "controlled
13 substance analog" are those substances that are generally
14 recognized as safe and effective within the meaning of the
15 Federal Food, Drug, and Cosmetic Act or have been
16 manufactured, distributed or possessed in conformance with
17 the provisions of an approved new drug application or an
18 exemption for investigational use within the meaning of
19 Section 505 of the Federal Food, Drug, and Cosmetic Act;

20 Y. "human consumption" includes application,
21 injection, inhalation, ingestion or any other manner of
22 introduction;

23 Z. "drug-free school zone" means a public school,
24 parochial school or private school or property that is used
25 for a public, parochial or private school purpose and the

1 area within one thousand feet of the school property line,
2 but it does not mean any post-secondary school; and

3 AA. "valid practitioner-patient relationship"
4 means a professional relationship, as defined by the
5 practitioner's licensing board, between the practitioner and
6 the patient."

7 SECTION 10. Section 30-31-6 NMSA 1978 (being Laws 1972,
8 Chapter 84, Section 6, as amended by Laws 2017, Chapter 139,
9 Section 2, by Laws 2017, Chapter 140, Section 3 and by Laws
10 2018, Chapter 41, Section 1) is amended to read:

11 "30-31-6. SCHEDULE I.--The following controlled
12 substances are included in Schedule I:

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

- 18 (1) acetylmethadol;
- 19 (2) allylprodine;
- 20 (3) alphacetylmethadol;
- 21 (4) alphameprodine;
- 22 (5) alphasmethadol;
- 23 (6) benzethidine;
- 24 (7) betacetylmethadol;
- 25 (8) betameprodine;

- 1 (9) betamethadol;
- 2 (10) betaprodine;
- 3 (11) clonitazene;
- 4 (12) dextromoramide;
- 5 (13) dextrorphan;
- 6 (14) diampromide;
- 7 (15) diethylthiambutene;
- 8 (16) dimenoxadol;
- 9 (17) dimepheptanol;
- 10 (18) dimethylthiambutene;
- 11 (19) dioxaphetyl butyrate;
- 12 (20) dipipanone;
- 13 (21) ethylmethylthiambutene;
- 14 (22) etonitazene;
- 15 (23) etoxeridine;
- 16 (24) furethidine;
- 17 (25) hydroxypethidine;
- 18 (26) ketobemidone;
- 19 (27) levomoramide;
- 20 (28) levophenacymorphan;
- 21 (29) morpheridine;
- 22 (30) noracymethadol;
- 23 (31) norlevorphanol;
- 24 (32) normethadone;
- 25 (33) norpipanone;

- 1 (34) phenadoxone;
- 2 (35) phenampromide;
- 3 (36) phenomorphan;
- 4 (37) phenoperidine;
- 5 (38) piritramide;
- 6 (39) proheptazine;
- 7 (40) properidine;
- 8 (41) racemoramide; and
- 9 (42) trimeperidine;

10 B. any of the following opium derivatives, their
11 salts, isomers and salts of isomers, unless specifically
12 exempted, whenever the existence of these salts, isomers and
13 salts of isomers is possible within the specific chemical
14 designation:

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

- 1 (12) methyldesorphine;
- 2 (13) methyldihydromorphine;
- 3 (14) morphine methylbromide;
- 4 (15) morphine methylsulfonate;
- 5 (16) morphine-N-oxide;
- 6 (17) myrophine;
- 7 (18) nicocodeine;
- 8 (19) nicomorphine;
- 9 (20) normorphine;
- 10 (21) pholcodine; and
- 11 (22) thebacon;

12 C. any material, compound, mixture or preparation
13 that contains any quantity of the following hallucinogenic
14 substances, their salts, isomers and salts of isomers, unless
15 specifically exempted, whenever the existence of these salts,
16 isomers and salts of isomers is possible within the specific
17 chemical designation:

- 18 (1) 3,4-methylenedioxy amphetamine;
- 19 (2) 5-methoxy-3,4-methylenedioxy
20 amphetamine;
- 21 (3) 3,4,5-trimethoxy amphetamine;
- 22 (4) bufotenine;
- 23 (5) diethyltryptamine;
- 24 (6) dimethyltryptamine;
- 25 (7) 4-methyl-2,5-dimethoxy amphetamine;

1 (8) ibogaine;
2 (9) lysergic acid diethylamide;
3 (10) marijuana;
4 (11) mescaline;
5 (12) peyote, except as otherwise provided in
6 the Controlled Substances Act;

7 (13) N-ethyl-3-piperidyl benzilate;

8 (14) N-methyl-3-piperidyl benzilate;

9 (15) psilocybin;

10 (16) psilocyn;

11 (17) tetrahydrocannabinols;

12 (18) hashish;

13 (19) synthetic cannabinoids, including:

14 (a) 1-[2-(4-(morpholinyl)ethyl]

15 -3-(1-naphthoyl)indole;

16 (b) 1-butyl-3-(1-naphthoyl)indole;

17 (c) 1-hexyl-3-(1-naphthoyl)indole;

18 (d) 1-pentyl-3-(1-naphthoyl)indole;

19 (e) 1-pentyl-3-(2-methoxyphenylacetyl)

20 indole;

21 (f) cannabicyclohexanol (CP 47, 497 and

22 homologues: 5-(1,1-dimethylheptyl)-2-[(1R,3S)

23 -3-hydroxycyclohexyl]-phenol (CP-47,497); and 5-(1,

24 1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol;

25 (g) 6aR,10aR)-9-(hydroxymethyl)

1 -6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,
2 10a-tetrahydrobenzo[c]chromen-1-ol);

3 (h) dexanabinol, (6aS,10aS)
4 -9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)
5 -6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;

6 (i) 1-pentyl-3-(4-chloro naphthoyl)
7 indole;

8 (j) (2-methyl-1-propyl-1H-indol-3-yl)
9 -1-naphthalenyl-methanone; and

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

12 (20) 3,4-methylenedioxymethcathinone;

13 (21) 3,4-methylenedioxyprovalerone;

14 (22) 4-methylmethcathinone;

15 (23) 4-methoxymethcathinone;

16 (24) 3-fluoromethcathinone; and

17 (25) 4-fluoromethcathinone;

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

1 E. the enumeration of marijuana,
2 tetrahydrocannabinols or chemical derivatives of
3 tetrahydrocannabinol as Schedule I controlled substances does
4 not apply to:

5 (1) hemp pursuant to rules promulgated by
6 the board of regents of New Mexico state university on behalf
7 of the New Mexico department of agriculture;

8 (2) cultivation of hemp by persons pursuant
9 to rules promulgated by the board of regents of New Mexico
10 state university on behalf of the New Mexico department of
11 agriculture;

12 (3) tetrahydrocannabinols or chemical
13 derivatives of tetrahydrocannabinols, including
14 tetrahydrocannabinols or chemical derivatives of
15 tetrahydrocannabinols with concentrations of up to five
16 percent as measured using a post-decarboxylation method and
17 based on percentage dry weight, possessed by a person in
18 connection with the cultivation, transportation, testing,
19 researching, manufacturing or other processing of the plant
20 Cannabis sativa L., or any part of the plant whether growing
21 or not, if authorized pursuant to rules promulgated, pursuant
22 to the Hemp Manufacturing Act, by the board of regents of New
23 Mexico state university on behalf of the New Mexico
24 department of agriculture or the department of environment;

25 (4) tetrahydrocannabinols or chemical

1 derivatives of tetrahydrocannabinols, including
2 tetrahydrocannabinols or chemical derivatives of
3 tetrahydrocannabinols in any concentration possessed by a
4 person in connection with the extraction of
5 tetrahydrocannabinols or chemical derivatives of
6 tetrahydrocannabinols, if authorized pursuant to rules
7 promulgated, pursuant to the Hemp Manufacturing Act, by the
8 board of regents of New Mexico state university on behalf of
9 the New Mexico department of agriculture or the department of
10 environment;

11 (5) the use of marijuana,
12 tetrahydrocannabinols or chemical derivatives of
13 tetrahydrocannabinol by certified patients pursuant to the
14 Controlled Substances Therapeutic Research Act or by
15 qualified patients pursuant to the provisions of the Lynn and
16 Erin Compassionate Use Act; or

17 (6) the use, dispensing, possession,
18 prescribing, storage or transport of a prescription drug that
19 the United States food and drug administration has approved
20 and that contains marijuana, a tetrahydrocannabinol
21 derivative or a chemical derivative of tetrahydrocannabinol;
22 and

23 F. controlled substances added to Schedule I by
24 rule adopted by the board pursuant to Section 30-31-3 NMSA
25 1978."

1 SECTION 11. Section 76-24-2 NMSA 1978 (being Laws 2017,
2 Chapter 140, Section 1) is amended to read:

3 "76-24-2. HEMP--NEW MEXICO DEPARTMENT OF
4 AGRICULTURE--NEW MEXICO HEMP RESEARCH AND DEVELOPMENT FUND.--

5 A. The intent of this section is to bring
6 New Mexico into compliance with federal law.

7 B. Notwithstanding any other provision of law to
8 the contrary, the board, through the New Mexico department of
9 agriculture, shall issue licenses pursuant to rules enacted
10 under Subsection C of this section to grow hemp for research
11 and development, agricultural, agronomic, ecological,
12 processing, sales and marketing purposes.

13 C. The board, on behalf of the director of the New
14 Mexico department of agriculture, shall adopt rules to
15 establish and carry out the provisions of this section,
16 including requirements for licensure, training of law
17 enforcement personnel, inspection, recordkeeping, fees not to
18 exceed program costs and compliance processes. An
19 institution of higher education, person or business that
20 plans to grow hemp seed or hemp fiber shall obtain a grower's
21 license by submitting an application to the New Mexico
22 department of agriculture pursuant to promulgated rules.

23 D. A person who holds a license issued pursuant to
24 this section may grow hemp for research and development,
25 agricultural, agronomic, ecological, processing, sales and

1 marketing or any other purpose allowed by federal regulation
2 or law.

3 E. The board shall establish a "New Mexico hemp
4 research and development fund". The fund consists of fees
5 collected by the New Mexico department of agriculture
6 pursuant to the Hemp Manufacturing Act, donations, grants and
7 income earned from investment of the fund and money otherwise
8 accruing to the fund. Money in the fund shall not revert to
9 any other fund at the end of a fiscal year. The board shall
10 administer the fund, and money in the fund is subject to
11 appropriation by the legislature to the board for the
12 department to administer the provisions of the Hemp
13 Manufacturing Act. Money in the fund shall be disbursed on
14 warrants signed by the secretary of finance and
15 administration pursuant to vouchers signed by the director of
16 the New Mexico department of agriculture or the director's
17 authorized representative."

18 SECTION 12. REPEAL.--Section 76-24-1 NMSA 1978 (being
19 Laws 2017, Chapter 139, Section 1) is repealed.

20 SECTION 13. EFFECTIVE DATE.--The effective date of the
21 provisions of this act is July 1, 2019. _____

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