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LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS
56th Legislature, 1st Session, 2023

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| Bill Number | <u>HB156</u> | Sponsor | <u>Reeb/Rehm</u> |
| Tracking Number | <u>.222941.4</u> | Committee Referrals | <u>HEC/HHHC</u> |
| Short Title | <u>Cannabis School Use Prevention Resource Act</u> | | |
| Analyst | <u>Condon</u> | Original Date | <u>2/12/2023</u> |
| | | Last Updated | <u></u> |

BILL SUMMARY

House Bill 156 (HB156) enacts the Cannabis School Use Prevention Resource Act, and amends Section 22-33-5 NMSA 1978 to require a report of unauthorized use of cannabis or impairment of a student to the Department of Health (DOH).

HB156 requires DOH to develop, maintain, and oversee a cannabis school use prevention resource program, and allows the DOH to promulgate rules pertaining to the information needed in a report of willful or wanton misconduct or disregard of a qualified student's treatment plan that results in the unauthorized use of cannabis or impairment of a student.

HB156 amends Section 23-10-3 NMSA 1978 to require the New Mexico Poison and Drug Information Center (NMPDIC) to provide materials to school personnel pursuant to the Cannabis School Use Prevention Resource Act.

The effective date of this bill is July 1, 2023.

FISCAL IMPACT

The bill does not contain an appropriation.

DOH has estimated it will require 2.0 FTE health educators, equipment and office set-up at an annual salary cost of \$142.4 thousand and a start-up cost of \$4,842 for each of the two.

NMPDIC has estimated costs will require 0.5 FTE health educator for initial evidence-based research to design materials at a cost of \$38 thousand (salary and benefits), and an additional \$28 thousand in recurring annual expenses based on an estimated 280 calls per year from schools to report cases at \$100 per case.

SUBSTANTIVE ISSUES

Cannabis use in adolescents and schools. [The National Center for Educational Statistics](#) uses data from the Youth Risk Behavior Surveillance System (YYRBSS) to examine marijuana use in

students grades 9-12. In 2019, about 22 percent of students in grades 9–12 reported that illegal drugs were offered, sold, or given to them on school property during the previous 12 months. This included about 8 percent of students who reported using marijuana 1 or 2 times during the previous 30 days, 10 percent who reported using marijuana 3 to 39 times during the previous 30 days, and 4 percent who reported using marijuana 40 or more times during the previous 30 days. In 2009 and 2011, a higher percentage of male students than of female students in grades 9–12 reported using marijuana at least one time during the previous 30 days. Since 2013, there has been no measurable difference in the percentages of males and females that reported using marijuana at least one time during the previous 30 days. However, male and female students differed in their reported frequency of use. Specifically, in 2019, a higher percentage of males (5 percent) than of females (3 percent) reported using marijuana 40 or more times during the previous 30 days.

States like Colorado that have legalized cannabis use have required similar resources and reporting mechanisms as delineated in HB156. The Colorado Department of Public Safety has a resource center with many guidance documents, fact sheets and studies on youth marijuana use prevention. Additionally, in 2015, Colorado passed legislation adding the unlawful use, possession or sale of marijuana on school property to the list of items that must be included in each school’s annual written report to the state board of education. In 2017, Colorado passed legislation directing the Colorado Department of Education to create and maintain a resource bank for public schools consisting of evidence-based, research-based and promising materials and curricula pertaining to marijuana use prevention.

The Emergency Medication in Schools Act. Section 22-33-5 NMSA requires local school boards and the governing bodies of charter schools to adopt policies and procedures to authorize the possession, storage and administration of medical cannabis by parents and legal guardians, or by designated school personnel, to qualified students for use in school settings. This section pertaining to medical cannabis was added in 2019 to the Emergency Medication in Schools Act in the Public School Code after Senate Bill 204 allowed for medical cannabis use on school grounds and amended Section 26-2B-5 NMSA 1978, referred to as the Lynn and Erin Compassionate Use Act, which allows the beneficial use of medical cannabis in a regulated system for alleviating symptoms caused by debilitating medical conditions and their medical treatments.

Department of Health. HB156 requires DOH to develop, maintain and oversee a cannabis school use prevention resource program for school personnel and ensure that each school board and governing body of a charter school has access to the program which includes:

- Evidence and research based educational materials
- A school juvenile use targeted advertising campaign

Evidence and research based materials are to be produced with the purpose of helping school personnel identify cannabis in various forms, signs of student impairment caused by unauthorized cannabis use, and reporting incidents of student impairment.

The juvenile use advertising campaign, with a target audience of school personnel, juveniles and parents and guardians, must contain information relevant to the prevention of cannabis use by students and the identification of cannabis products

DOH must maintain and operate a website that is free to school personnel and allows materials to be downloaded from 2023 to 2028. DOH must present a report to the Legislative Education Study Committee and the Legislative Finance Committee before December 31 of each year.

New Mexico Poison and Drug Information Center (NMPDIC). The NMPDIC is created as part of the University of New Mexico Health Sciences Center and maintains certification by the American Association of Poison Control Centers. NMPDIC is required to provide expert, twenty-four-hour, seven-day-a-week treatment recommendations for all types of poisonings, chemical exposures, drug overdoses and exposure to chemical weapons of mass destruction.

NMPDIC reports that during 2022, there were 283 calls to NMPDIC related to cannabis. Of those, 28 were from exposures that occurred in schools and 53 calls were from January to March, prior to legalization of recreational use, representing a 45 percent increase after legalization in New Mexico. NMPDIC reports an increase in the average number of exposures per year and increased odds of exposure involving edible products, with the majority of cases involving children under the age of five.

HB156 requires NMPDIC to provide materials to school personnel on how to personnel identify cannabis in various forms, signs of student impairment caused by unauthorized cannabis use, and how to refer impaired students for medical evaluation and treatment.

ADMINISTRATIVE IMPLICATIONS

HB156 will have administrative implications on DOH and NMPDIC. DOH will need IT resources to assist with the creating, managing, and maintaining of the website hosting the educational materials and resources for school staff. Two full-time equivalent Health Educators would be required to help maintain the program and support school districts. Program staff will need to set up and manage a reporting system for incidents of unauthorized use or cannabis impairment, and will need to create the Cannabis School Use Prevention Resources Program and promulgate rules related to incident reports.

HB156 would require DOH to create school curricula for substance use prevention which may conflict with Public Education Department (PED) requirements and regulations. Creation of standardized statewide curricula for schools would be appropriate for PED in consult with DOH.

NMPDIC believes that procedures and staffing are already in place for this type of reporting and concludes the additional reporting created by HB156 will create an added administrative burden for tracking incidents as well as creating confusion or duplicative reports. NMPDIC recommends reporting to NMPDIC, instead of DOH as required by HB156, to maintain a more streamlined reporting mechanism and reduced administrative burden, while minimizing potential errors.

RELATED BILLS

[HB154](#) Cannabis Use As Child Delinquent Act, amends the Delinquency Act and the Cannabis Use, Possession, and Production Act to include cannabis use, possession and production by minors a “delinquent act”; and

[HB157](#) Cannabis Packaging Requirements, requires that cannabis packaging “shall not mimic the brand, design, name, logo or colorway of a non-cannabis consumer product of the type that is safe for child consumption” nor shall cannabis packages and labels use cartoons or symbols or images, including celebrity or celebrity likeness, that are commonly used to market to minors.

SOURCES OF INFORMATION

- LESC Files
- Public Education Department (PED)
- Department of Health (DOH)
- New Mexico Poison and Drug Information Center (NMPDIC)

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