

HOUSE EDUCATION COMMITTEE SUBSTITUTE FOR
HOUSE BILL 156

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

AN ACT

RELATING TO HEALTH; ENACTING THE CANNABIS SCHOOL USE PREVENTION
RESOURCE ACT; REQUIRING THE DEPARTMENT OF HEALTH TO DEVELOP,
MAINTAIN AND OVERSEE A CANNABIS SCHOOL USE PREVENTION RESOURCE
PROGRAM; ALLOWING THE DEPARTMENT OF HEALTH TO PROMULGATE RULES.

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

SECTION 1. [NEW MATERIAL] SHORT TITLE.--Sections 1
through 7 of this act may be cited as the "Cannabis School Use
Prevention Resource Act".

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the
Cannabis School Use Prevention Resource Act:

A. "cannabis" means all parts of the plant genus
Cannabis containing a delta-9-tetrahydrocannabinol
concentration of more than three-tenths percent on a dry weight
basis, whether growing or not; the seeds of the plant; the

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1 resin extracted from any part of the plant; and every compound,
2 manufacture, salt, derivative, mixture or preparation of the
3 plant, its seeds or its resin;

4 B. "cannabis product" means a product that is or
5 that contains cannabis or cannabis extract, including edible or
6 topical products that may also contain other ingredients;

7 C. "department" means the department of health;

8 D. "school" means a public school or a charter
9 school;

10 E. "school personnel" means a person employed by a
11 public school and includes administrators, teachers, teaching
12 aides, coaches and bus drivers; and

13 F. "unauthorized use of cannabis" means use of
14 cannabis by a minor that is:

15 (1) inconsistent with Section 22-33-5 NMSA
16 1978; or

17 (2) illegal pursuant to state and federal law.

18 SECTION 3. [NEW MATERIAL] CANNABIS SCHOOL USE PREVENTION
19 RESOURCE PROGRAM--DEPARTMENT DUTIES--SCHOOL BOARD AND GOVERNING
20 BODY OF CHARTER SCHOOL ACCESS.--

21 A. By July 1, 2024, the department shall develop,
22 maintain and oversee a cannabis school use prevention resource
23 program for school personnel, including:

24 (1) evidence- and research-based educational
25 materials pursuant to Section 4 of the Cannabis School Use

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1 Prevention Resource Act; and

2 (2) a school juvenile use targeted advertising
3 campaign pursuant to Section 6 of the Cannabis School Use
4 Prevention Resource Act.

5 B. The department shall ensure that each school
6 board and governing body of a charter school has access to the
7 cannabis school use prevention resource program by January 1,
8 2024. A school and the employees of the school may use the
9 material provided by the department pursuant to this section.

10 C. From 2023 through 2028, the department shall
11 present a report to the legislative education study committee
12 and the legislative health and human services committee before
13 December 31 of each year regarding the amount of:

14 (1) drug assessments conducted during a school
15 year;

16 (2) students that were assessed multiple
17 times;

18 (3) times that a parent or guardian was
19 contacted in response to the student's drug use;

20 (4) times poison control was contacted;

21 (5) students that were at risk of immediate
22 harm:

23 (a) requiring emergency medical
24 transportation; or

25 (b) warranting a referral to an

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1 emergency room; and

2 (6) times a school district accessed the
3 cannabis school use prevention resources and whether the school
4 district distributed any materials to students or families.

5 SECTION 4. [NEW MATERIAL] CANNABIS SCHOOL USE PREVENTION
6 RESOURCE PROGRAM--EDUCATIONAL MATERIALS--DEVELOPMENT--
7 ACCESSIBILITY.--

8 A. The department shall develop evidence- and
9 research-based educational materials for school personnel in
10 the course of identifying:

- 11 (1) cannabis;
- 12 (2) cannabis products, including food
13 products, based on packaging of the food product and other
14 ascertainable features of a food item containing cannabis and
15 cannabis-containing food products that appear to replicate
16 existing non-cannabis-containing food products; and
- 17 (3) student impairment caused by unauthorized
18 use of cannabis.

19 B. The department shall maintain and operate a web
20 page that:

- 21 (1) is free for school personnel to access;
22 and
- 23 (2) provides a downloadable format of
24 educational materials pursuant to Subsection A of this section.

25 C. Pursuant to Subsection B of this section, the
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1 department shall:

2 (1) provide a link to the web page on the
3 department's website; and

4 (2) ensure that each school board and
5 governing body of a charter school receives a link to the web
6 page.

7 SECTION 5. [NEW MATERIAL] CANNABIS SCHOOL USE PREVENTION
8 RESOURCE PROGRAM--NEW MEXICO POISON AND DRUG INFORMATION CENTER
9 TO PROVIDE MATERIALS.--

10 A. Prior to the 2024-2025 school year, the New
11 Mexico poison and drug information center shall provide
12 materials to school personnel on how to:

- 13 (1) identify cannabis-containing items;
14 (2) recognize student impairment caused by
15 unauthorized use of cannabis; and
16 (3) refer impaired students for medical
17 evaluation and treatment.

18 B. The department shall collaborate with school
19 boards, governing bodies of charter schools and the New Mexico
20 poison and drug information center to ensure that school
21 personnel have access to materials pursuant to this section.

22 SECTION 6. [NEW MATERIAL] CANNABIS SCHOOL USE PREVENTION
23 RESOURCE PROGRAM--JUVENILE USE ADVERTISING CAMPAIGN.--The
24 department shall develop and publish advertisements:

25 A. with the target demographic of school personnel,

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1 juveniles and parents and guardians; and

2 B. that contain:

3 (1) the web page link provided pursuant to
4 Section 4 of the Cannabis School Use Prevention Resource Act;
5 and

6 (2) information relevant to:

7 (a) the prevention of cannabis use by
8 students; and

9 (b) the identification of cannabis and
10 cannabis products.

11 SECTION 7. [NEW MATERIAL] CANNABIS SCHOOL USE PREVENTION
12 RESOURCE PROGRAM--RULE PROMULGATION.--The department may
13 promulgate rules to implement the requirements of the Cannabis
14 School Use Prevention Resource Act.

15 SECTION 8. Section 23-10-3 NMSA 1978 (being Laws 2013,
16 Chapter 56, Section 3) is amended to read:

17 "23-10-3. DUTIES.--The New Mexico poison and drug
18 information center shall:

19 A. provide expert, twenty-four-hour, seven-day-a-
20 week assistance to the residents of New Mexico during possible
21 poisoning emergencies;

22 B. provide expert, twenty-four-hour, seven-day-a-
23 week emergency management and treatment referral of victims of
24 poisoning to determine whether treatment can be accomplished at
25 the scene of the incident or if transport to an emergency

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1 treatment or other facility is required;

2 C. provide expert, twenty-four-hour, seven-day-a-
3 week treatment recommendations for all types of poisonings,
4 chemical exposures, drug overdoses and exposure to chemical
5 weapons of mass destruction. This information shall be
6 provided to medical and nonmedical providers;

7 D. carry out follow-up for hospitalized and non-
8 hospitalized poison patients to assess progress and recommend
9 additional treatment as necessary;

10 E. carry out follow-up to families and other
11 individuals, where practicable, to ensure that adequate care is
12 provided;

13 F. work to improve the health of the residents of
14 New Mexico by reducing illness and death associated with
15 poisoning and by encouraging proper use of medications;

16 G. identify and address problems associated with
17 poisoning and medication-related illness through education and
18 public service;

19 H. work to reduce the costs associated with
20 poisoning by treating people with less severe exposures at
21 their homes with the center's guidance;

22 I. train health care professionals in the field of
23 clinical toxicology;

24 J. expand knowledge in the field of clinical
25 toxicology through an active research program;

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1 K. prevent poisonings through surveillance of toxic
2 events, education, regulation and collaboration with local,
3 state and federal agencies;

4 L. offer drug information services that provide
5 individualized, accurate, relevant and unbiased information to
6 consumers and health care professionals regarding medication-
7 related inquiries;

8 M. help train pharmacists to become drug
9 information providers;

10 N. seek to effectively use the center's resources;
11 [~~and~~]

12 O. work to advance the center's institutional
13 mission while supporting professional and personal growth; and

14 P. provide materials to school personnel pursuant
15 to the Cannabis School Use Prevention Resource Act."

16 SECTION 9. EFFECTIVE DATE.--The effective date of the
17 provisions of this act is July 1, 2023.