

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 292

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

AN ACT

RELATING TO MEDICAL CANNABIS; AMENDING THE LYNN AND ERIN
COMPASSIONATE USE ACT TO INCREASE EMPLOYMENT PROTECTIONS FOR
EMPLOYEES THAT WORK IN POSITIONS DESIGNATED AS SAFETY-
SENSITIVE.

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

SECTION 1. Section 26-2B-9 NMSA 1978 (being Laws 2019,
Chapter 247, Section 11) is amended to read:

"26-2B-9. EMPLOYMENT PROTECTIONS.--

A. Unless a failure to do so would cause the
employer to lose a monetary or licensing-related benefit under
federal law or federal regulations, it is unlawful to take an
adverse employment action against an applicant or an employee
based on conduct allowed under the Lynn and Erin Compassionate
Use Act.

.225567.2

underscoring material = new
[bracketed material] = delete

1 B. Nothing in this section shall:

2 (1) restrict an employer's ability to prohibit
3 or take adverse employment action against an employee for use
4 of, or being impaired by, medical cannabis on the premises of
5 the place of employment or during the hours of employment;
6 provided that a qualified patient shall not be considered to be
7 impaired by cannabis solely because of the presence of
8 metabolites or components of cannabis that appear in
9 insufficient concentration to cause impairment; or

10 (2) ~~[apply to an employee whose employer deems~~
11 ~~that the employee works in a safety-sensitive position]~~ protect
12 an employee in a safety-sensitive position from an adverse
13 employment action when:

14 (a) the employee is required to carry a
15 firearm as part of the employee's employment; or

16 (b) the employee operates a commercial
17 vehicle requiring a commercial driver's license pursuant to the
18 New Mexico Commercial Driver's License Act."