

LFC Requester:

Connor Jorgensen

**AGENCY BILL ANALYSIS - 2026 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

[AgencyAnalysis.nmlegis.gov](http://AgencyAnalysis.nmlegis.gov) and email to [billanalysis@dfa.nm.gov](mailto:billanalysis@dfa.nm.gov)*(Analysis must be uploaded as a PDF)***SECTION I: GENERAL INFORMATION***{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

**Date Prepared:** February 5, 2026 Check all that apply:  
**Bill Number:** HB 336 Original  Correction   
 Amendment  Substitute

**Sponsor:** Dayan Hochman-Vigil **Agency Name and Code** RLD-420  
**Short Title:** USE OF FDA-APPROVED PSILOCYBIN **Number:** \_\_\_\_\_  
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**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

| Appropriation |      | Recurring or Nonrecurring | Fund Affected |
|---------------|------|---------------------------|---------------|
| FY26          | FY27 |                           |               |
| N/A           | N/A  | N/A                       | N/A           |
|               |      |                           |               |

**REVENUE (dollars in thousands)**

| Estimated Revenue |      |      | Recurring or Nonrecurring | Fund Affected |
|-------------------|------|------|---------------------------|---------------|
| FY26              | FY27 | FY28 |                           |               |
| N/A               | N/A  | N/A  | N/A                       | N/A           |
|                   |      |      |                           |               |

(Parenthesis ( ) indicate revenue decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

|              | FY26 | FY27 | FY28 | 3 Year Total Cost | Recurring or Nonrecurring | Fund Affected |
|--------------|------|------|------|-------------------|---------------------------|---------------|
| <b>Total</b> | 0    | 3    | 0    | 3                 | Nonrecurring              | Pharmacy Fund |

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:

Duplicates/Relates to Appropriation in the General Appropriation Act

## **SECTION III: NARRATIVE**

### **BILL SUMMARY**

#### **Synopsis:**

House Bill 336 (HB336) amends Section 30-31-3 NMSA 1978 by adding a new subsection (D) stating: 'If the federal food and drug administration (FDA) approves synthetic psilocybin or a drug containing synthetic psilocybin, synthetic psilocybin or the drug containing synthetic psilocybin shall be approved for use in New Mexico.'

The bill also amends Paragraph 14 of Subsection C of Section 30-31-6 NMSA 1978 to exempt psilocybin, except as otherwise provided in the Controlled Substances Act and the Medical Psilocybin Act and except for federal food and drug administration-approved synthetic psilocybin or -approved drugs that contain synthetic psilocybin' from classification as a Schedule I controlled substance. This exemption is self-executing in effect and does not require further action of the Board of Pharmacy (Board) beyond rule updates. The amendments do not alter the Schedule I status of psilocin or natural forms of psilocybin, except as otherwise provided by law.

The effective date of HB336 is May 20, 2026.

### **FISCAL IMPLICATIONS**

The Board anticipates a one-time expenditure of approximately \$3,000 in FY27 to amend the relevant administrative code, covering staff time, rule promulgation, and hearing costs. Additional minor costs may be required for stakeholder communication.

### **SIGNIFICANT ISSUES**

- HB336's exemption for FDA-approved synthetic psilocybin is self-executing, requiring no additional Board action beyond conforming rule updates. The statutory language ensures that approval by the FDA for synthetic psilocybin or a drug containing synthetic psilocybin will result in state approval for use concurrently, not subject to state board scheduling processes.
- HB336 does not change the status of psilocin or natural psilocybin derived from plant or fungal material, which remain controlled substances unless an exception is provided by the Medical Psilocybin Act.
- HB336 references and maintains all exceptions provided by both the Medical Psilocybin Act and the Controlled Substances Act, resulting in multiple, distinct exemption pathways for psilocybin and psilocin.

### **PERFORMANCE IMPLICATIONS**

#### **ADMINISTRATIVE IMPLICATIONS**

- If HB336 is enacted, upon FDA approval of synthetic psilocybin or a drug containing it, these substances shall be automatically approved for use in New Mexico. The Board would be required to amend its rule to reflect these statutory changes and is responsible for ensuring regulatory alignment. No further Board findings, hearings, or discretionary approvals are required for these specific changes. Other ongoing regulatory responsibilities and scheduling duties under Section 30-31-3 remain in effect for all other controlled

substances.

- Updating agency rules and stakeholder notification—in accordance with the State Rules Act—are required, though not specified as obligations within HB336.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

**TECHNICAL ISSUES**

**OTHER SUBSTANTIVE ISSUES**

**ALTERNATIVES**

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

**AMENDMENTS**