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HOUSE BILL 336

57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

INTRODUCED BY

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AN ACT

RELATING TO CONTROLLED SUBSTANCES; PROVIDING FOR THE USE OF
FEDERAL FOOD AND DRUG ADMINISTRATION-APPROVED SYNTHETIC
PSILOCYBIN OR -APPROVED DRUGS THAT CONTAIN SYNTHETIC
PSILOCYBIN.

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

SECTION 1. Section 30-31-3 NMSA 1978 (being Laws 1972,
Chapter 84, Section 3, as amended) is amended to read:

"30-31-3. DUTY TO ADMINISTER.--

A. The board shall administer the Controlled
Substances Act and may add by [~~regulation~~] rule substances to
the list of substances enumerated in Schedules I through IV
pursuant to the procedures of the [~~Uniform Licensing~~] State
Rules Act. In determining whether a substance has the
potential for abuse, the board shall consider the following:

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1 (1) the actual or relative abuse of the
2 substance;

3 (2) the scientific evidence of the
4 pharmacological effect of the substance, if known;

5 (3) the state of current scientific knowledge
6 regarding the substance;

7 (4) the history and current pattern of abuse;

8 (5) the scope, duration and significance of
9 abuse;

10 (6) the risk to the public health; and

11 (7) the potential of the substance to produce
12 psychic or physiological dependence liability.

13 B. After considering the factors enumerated in
14 Subsection A of this section, the board shall make findings and
15 issue ~~[regulations]~~ rules controlling the substance if it finds
16 the substance has a potential for abuse.

17 C. If ~~[any]~~ a substance is designated as a
18 controlled substance under federal law and notice is given to
19 the board, the board may, by ~~[regulation]~~ rule, similarly
20 control the substance under the Controlled Substances Act after
21 providing for a hearing pursuant to the ~~[Uniform Licensing]~~
22 State Rules Act.

23 D. If the federal food and drug administration
24 approves synthetic psilocybin or a drug containing synthetic
25 psilocybin, synthetic psilocybin or the drug containing

1 synthetic psilocybin shall be approved for use in New Mexico.

2 [D-] E. Authority to control under this section
3 does not extend to distilled spirits, wine, malt beverages,
4 tobacco or pesticides as defined in the Pesticide Control Act."

5 SECTION 2. Section 30-31-6 NMSA 1978 (being Laws 1972,
6 Chapter 84, Section 6, as amended) is amended to read:

7 "30-31-6. SCHEDULE I.--The following controlled
8 substances are included in Schedule I:

9 A. any of the following opiates, including their
10 isomers, esters, ethers, salts and salts of isomers, esters and
11 ethers, unless specifically exempted, whenever the existence of
12 these isomers, esters, ethers and salts is possible within the
13 specific chemical designation:

- 14 (1) acetylmethadol;
- 15 (2) allylprodine;
- 16 (3) alphacetylmethadol;
- 17 (4) alphameprodine;
- 18 (5) alphamethadol;
- 19 (6) benzethidine;
- 20 (7) betacetylmethadol;
- 21 (8) betameprodine;
- 22 (9) betamethadol;
- 23 (10) betaprodine;
- 24 (11) clonitazene;
- 25 (12) dextromoramide;

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

- (38) piritramide;
- (39) proheptazine;
- (40) properidine;
- (41) racemoramide; and
- (42) trimeperidine;

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

- (1) acetorphine;
- (2) acetyldihydrocodeine;
- (3) benzylmorphine;
- (4) codeine methylbromide;
- (5) codeine-N-oxide;
- (6) cyprenorphine;
- (7) desomorphine;
- (8) dihydromorphine;
- (9) etorphine;
- (10) heroin;
- (11) hydromorphenol;
- (12) methyl-desorphine;
- (13) methyldihydromorphine;
- (14) morphine methylbromide;
- (15) morphine methylsulfonate;

(16) morphine-N-oxide;

(17) myrophine;

(18) nicocodeine;

(19) nicomorphine;

(20) normorphine;

(21) pholcodine; and

(22) thebacon;

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

(1) 3,4-methylenedioxy amphetamine;

(2) 5-methoxy-3,4-methylenedioxy amphetamine;

(3) 3,4,5-trimethoxy amphetamine;

(4) bufotenine;

(5) diethyltryptamine;

(6) dimethyltryptamine;

(7) 4-methyl-2,5-dimethoxy amphetamine;

(8) ibogaine;

(9) lysergic acid diethylamide;

(10) mescaline;

(11) peyote, except as otherwise provided in the Controlled Substances Act;

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- 1 (12) N-ethyl-3-piperidyl benzilate;
2 (13) N-methyl-3-piperidyl benzilate;
3 (14) psilocybin, except as provided otherwise
4 in the Controlled Substances Act and the Medical Psilocybin Act
5 and except for federal food and drug administration-approved
6 synthetic psilocybin or -approved drugs that contain synthetic
7 psilocybin;
8 (15) psilocin, except as provided otherwise in
9 the Controlled Substances Act and the Medical Psilocybin Act;
10 (16) synthetic cannabinoids, including:
11 (a) 1-[2-(4-(morpholinyl)ethyl]
12 -3-(1-naphthoyl)indole;
13 (b) 1-butyl-3-(1-naphthoyl)indole;
14 (c) 1-hexyl-3-(1-naphthoyl)indole;
15 (d) 1-pentyl-3-(1-naphthoyl)indole;
16 (e) 1-pentyl-3-(2-methoxyphenylacetyl)
17 indole;
18 (f) cannabicyclohexanol (CP 47, 497 and
19 homologues: 5-(1,1-dimethylheptyl)-2-[(1R,3S)
20 -3-hydroxycyclohexyl]-phenol (CP-47,497); and 5-(1,
21 1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol;
22 (g) 6aR,10aR)-9-(hydroxymethyl)
23 -6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,
24 10a-tetrahydrobenzo[c]chromen-1-ol);
25 (h) dexanabinol, (6aS,10aS)

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- 1 -9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)
2 -6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;
3 (i) 1-pentyl-3-(4-chloro naphthoyl)
4 indole;
5 (j) (2-methyl-1-propyl-1H-indol-3-yl)
6 -1-naphthalenyl-methanone; and
7 (k) 5-(1,1-dimethylheptyl)-2-(3-hydroxy
8 cyclohexyl)-phenol;
9 (17) 3,4-methylenedioxymethcathinone;
10 (18) 3,4-methylenedioxypyrovalerone;
11 (19) 4-methylmethcathinone;
12 (20) 4-methoxymethcathinone;
13 (21) 3-fluoromethcathinone; and
14 (22) 4-fluoromethcathinone;

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

23 E. the enumeration of psilocybin and psilocin in
24 this schedule does not apply to their medical use as provided
25 in the Medical Psilocybin Act;

1 F. the enumeration of Schedule I controlled
2 substances does not apply to:

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

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

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

23 (4) tetrahydrocannabinols or chemical
24 derivatives of tetrahydrocannabinols, including
25 tetrahydrocannabinols or chemical derivatives of

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

9 G. controlled substances added to Schedule I by
10 rule adopted by the board pursuant to Section 30-31-3 NMSA
11 1978."

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