

1 SENATE BILL 129

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026**

3 INTRODUCED BY

4 Heather Berghmans

10 AN ACT

11 RELATING TO MEDICAL CANNABIS; EXPANDING PROTECTIONS AGAINST  
12 ADVERSE EMPLOYMENT ACTIONS.

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

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

17 "26-2B-9. EMPLOYMENT PROTECTIONS.--

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

24 B. Nothing in this section shall:

25 (1) restrict an employer's ability to prohibit

1 or take adverse employment action against an employee for use  
2 of, or being impaired by, medical cannabis on the premises of  
3 the place of employment or during the hours of employment; or

4 (2) apply to an employee whose employer deems  
5 that the employee works in a safety-sensitive position.

6 C. Nothing in this section gives a state or  
7 political subdivision employer the power to control an  
8 employee's use of medical cannabis outside the employee's hours  
9 of employment as long as the employee remains a qualified  
10 patient and unless use is limited by other state law or rules."

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