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SENATE BILL 249

53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018

INTRODUCED BY

Bill B. O'Neill

AN ACT

RELATING TO PHARMACEUTICALS; AMENDING A SECTION OF THE
CONTROLLED SUBSTANCES ACT TO EXEMPT FROM PROSECUTION CERTAIN
ACTIVITIES RELATING TO PRESCRIPTION DRUGS CONTAINING A
MARIJUANA DERIVATIVE; PROVIDING FOR A CONTINGENT EFFECTIVE
DATE; AUTHORIZING RECONCILIATION OF MULTIPLE AMENDMENTS TO THE
SAME SECTION OF LAW.

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

SECTION 1. Section 30-31-6 NMSA 1978 (being Laws 1972,
Chapter 84, Section 6, as amended) is amended to read:

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

A. any of the following opiates, including their
isomers, esters, ethers, salts, and salts of isomers, esters
and ethers, unless specifically exempted, whenever the

1 existence of these isomers, esters, ethers and salts is
2 possible within the specific chemical designation:

- 3 (1) acetylmethadol;
- 4 (2) allylprodine;
- 5 (3) alphacetylmethadol;
- 6 (4) alphameprodine;
- 7 (5) alphamethadol;
- 8 (6) benzethidine;
- 9 (7) betacetylmethadol;
- 10 (8) betameprodine;
- 11 (9) betamethadol;
- 12 (10) betaprodine;
- 13 (11) clonitazene;
- 14 (12) dextromoramide;
- 15 (13) dextrorphan;
- 16 (14) diampromide;
- 17 (15) diethylthiambutene;
- 18 (16) dimenoxadol;
- 19 (17) dimepheptanol;
- 20 (18) dimethylthiambutene;
- 21 (19) dioxaphetyl butyrate;
- 22 (20) dipipanone;
- 23 (21) ethylmethylthiambutene;
- 24 (22) etonitazene;
- 25 (23) etoxeridine;

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- 1 (24) furethidine;
- 2 (25) hydroxypethidine;
- 3 (26) ketobemidone;
- 4 (27) levomoramide;
- 5 (28) levophenacylmorphan;
- 6 (29) morpheridine;
- 7 (30) noracymethadol;
- 8 (31) norlevorphanol;
- 9 (32) normethadone;
- 10 (33) norpipanone;
- 11 (34) phenadoxone;
- 12 (35) phenampromide;
- 13 (36) phenomorphan;
- 14 (37) phenoperidine;
- 15 (38) piritramide;
- 16 (39) proheptazine;
- 17 (40) properidine;
- 18 (41) racemoramide; and
- 19 (42) trimeperidine;

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

- 25 (1) acetorphine;

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- 1 (2) acetyldihydrocodeine;
- 2 (3) benzylmorphine;
- 3 (4) codeine methylbromide;
- 4 (5) codeine-N-oxide;
- 5 (6) cyprenorphine;
- 6 (7) desomorphine;
- 7 (8) dihydromorphine;
- 8 (9) etorphine;
- 9 (10) heroin;
- 10 (11) hydromorphinol;
- 11 (12) methyldesorphine;
- 12 (13) methyldihydromorphine;
- 13 (14) morphine methylbromide;
- 14 (15) morphine methylsulfonate;
- 15 (16) morphine-N-oxide;
- 16 (17) myrophine;
- 17 (18) nicocodeine;
- 18 (19) nicomorphine;
- 19 (20) normorphine;
- 20 (21) pholcodine; and
- 21 (22) thebacon;

22 C. any material, compound, mixture or preparation
23 that contains any quantity of the following hallucinogenic
24 substances, their salts, isomers and salts of isomers, unless
25 specifically exempted, whenever the existence of these salts,

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1 isomers and salts of isomers is possible within the specific
2 chemical designation:

- 3 (1) 3,4-methylenedioxy amphetamine;
- 4 (2) 5-methoxy-3,4-methylenedioxy amphetamine;
- 5 (3) 3,4,5-trimethoxy amphetamine;
- 6 (4) bufotenine;
- 7 (5) diethyltryptamine;
- 8 (6) dimethyltryptamine;
- 9 (7) 4-methyl-2,5-dimethoxy amphetamine;
- 10 (8) ibogaine;
- 11 (9) lysergic acid diethylamide;
- 12 (10) marijuana;
- 13 (11) mescaline;
- 14 (12) peyote, except as otherwise provided in
15 the Controlled Substances Act;
- 16 (13) N-ethyl-3-piperidyl benzilate;
- 17 (14) N-methyl-3-piperidyl benzilate;
- 18 (15) psilocybin;
- 19 (16) psilocyn;
- 20 (17) tetrahydrocannabinols;
- 21 (18) hashish;
- 22 (19) synthetic cannabinoids, including:
 - 23 (a) 1-[2-(4-(morpholinyl)ethyl]
24 -3-(1-naphthoyl)indole;
 - 25 (b) 1-butyl-3-(1-naphthoyl)indole;

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- 1 (c) 1-hexyl-3-(1-naphthoyl)indole;
2 (d) 1-pentyl-3-(1-naphthoyl)indole;
3 (e) 1-pentyl-3-(2-methoxyphenylacetyl)
4 indole;
5 (f) cannabicyclohexanol (CP 47, 497 and
6 homologues: 5-(1,1-dimethylheptyl)-2-[(1R,3S)
7 -3-hydroxycyclohexyl]-phenol (CP-47,497); and 5-(1,
8 1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol;
9 (g) 6aR,10aR)-9-(hydroxymethyl)
10 -6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,
11 10a-tetrahydrobenzo[c]chromen-1-ol);
12 (h) dexanabinol, (6aS,10aS)
13 -9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)
14 -6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;
15 (i) 1-pentyl-3-(4-chloro naphthoyl)
16 indole;
17 (j) (2-methyl-1-propyl-1H-indol-3-yl)
18 -1-naphthalenyl-methanone; and
19 (k) 5-(1,1-dimethylheptyl)-2-(3-hydroxy
20 cyclohexyl)-phenol;
21 (20) 3,4-methylenedioxy methcathinone;
22 (21) 3,4-methylenedioxy pyrovalerone;
23 (22) 4-methylmethcathinone;
24 (23) 4-methoxymethcathinone;
25 (24) 3-fluoromethcathinone; and

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1 (25) 4-fluoromethcathinone;

2 D. the enumeration of peyote as a controlled
3 substance does not apply to the use of peyote in bona fide
4 religious ceremonies by a bona fide religious organization, and
5 members of the organization so using peyote are exempt from
6 registration. Any person who manufactures peyote for or
7 distributes peyote to the organization or its members shall
8 comply with the federal Comprehensive Drug Abuse Prevention and
9 Control Act of 1970 and all other requirements of law;

10 E. the enumeration of marijuana,
11 tetrahydrocannabinols or chemical derivatives of
12 tetrahydrocannabinol as Schedule I controlled substances does
13 not apply to:

14 (1) the use of marijuana,
15 tetrahydrocannabinols or chemical derivatives of
16 tetrahydrocannabinol by certified patients pursuant to the
17 Controlled Substances Therapeutic Research Act or by qualified
18 patients pursuant to the provisions of the Lynn and Erin
19 Compassionate Use Act; ~~and~~ or

20 (2) the use, dispensing, possession,
21 prescribing, storage or transport of a prescription drug that
22 the United States food and drug administration has approved and
23 that contains marijuana, a tetrahydrocannabinol derivative or a
24 chemical derivative of tetrahydrocannabinol; and

25 F. controlled substances added to Schedule I by

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1 rule adopted by the board pursuant to Section 30-31-3 NMSA
2 1978."

3 SECTION 2. TEMPORARY PROVISION--COMPILATION INSTRUCTION--
4 RECONCILIATION.--If acts making amendments to Section 30-31-6
5 NMSA 1978 are enacted by the first and second sessions of the
6 fifty-third legislature, the provisions of those acts shall be
7 reconciled and compiled in accordance with the provisions of
8 Section 12-1-8 NMSA 1978, notwithstanding that the amendments
9 were not made in the same session of the legislature.

10 SECTION 3. CONTINGENT EFFECTIVE DATE--NOTIFICATION.--The
11 effective date of the provisions of this act is thirty days
12 following the date that the board of pharmacy certifies to the
13 New Mexico compilation commission and the director of the
14 legislative council service that the United States food and
15 drug administration has approved one or more drugs containing a
16 marijuana derivative. The board of pharmacy shall notify the
17 New Mexico compilation commission and the director of the
18 legislative council service immediately upon the board's
19 knowledge that the United States food and drug administration
20 has approved for the first time a drug containing a marijuana
21 derivative.