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AN ACT  
RELATING TO PHARMACEUTICALS; AMENDING A SECTION OF THE  
CONTROLLED SUBSTANCES ACT TO REMOVE FROM LIABILITY UNDER THE  
CONTROLLED SUBSTANCES ACT 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  
existence of these isomers, esters, ethers and salts is  
possible within the specific chemical designation:

- (1) acetylmethadol;
- (2) allylprodine;
- (3) alphacetylmethadol;
- (4) alphameprodine;
- (5) alphasmethadol;
- (6) benzethidine;

- 1 (7) betacetylmethadol;
- 2 (8) betameprodine;
- 3 (9) betamethadol;
- 4 (10) betaprodine;
- 5 (11) clonitazene;
- 6 (12) dextromoramide;
- 7 (13) dextrorphan;
- 8 (14) diampromide;
- 9 (15) diethylthiambutene;
- 10 (16) dimenoxadol;
- 11 (17) dimepheptanol;
- 12 (18) dimethylthiambutene;
- 13 (19) dioxaphetyl butyrate;
- 14 (20) dipipanone;
- 15 (21) ethylmethylthiambutene;
- 16 (22) etonitazene;
- 17 (23) etoxeridine;
- 18 (24) furethidine;
- 19 (25) hydroxypethidine;
- 20 (26) ketobemidone;
- 21 (27) levomoramide;
- 22 (28) levophenacylmorphane;
- 23 (29) morpheridine;
- 24 (30) noracetylmethadol;
- 25 (31) norlevorphanol;

- 1 (32) normethadone;
- 2 (33) norpipanone;
- 3 (34) phenadoxone;
- 4 (35) phenampromide;
- 5 (36) phenomorphan;
- 6 (37) phenoperidine;
- 7 (38) piritramide;
- 8 (39) proheptazine;
- 9 (40) properidine;
- 10 (41) racemoramide; and
- 11 (42) trimeperidine;

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

- 17 (1) acetorphine;
- 18 (2) acetyldihydrocodeine;
- 19 (3) benzylmorphine;
- 20 (4) codeine methylbromide;
- 21 (5) codeine-N-oxide;
- 22 (6) cyprenorphine;
- 23 (7) desomorphine;
- 24 (8) dihydromorphine;
- 25 (9) etorphine;

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

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

- 20 (1) 3,4-methylenedioxy amphetamine;
- 21 (2) 5-methoxy-3,4-methylenedioxy  
22 amphetamine;
- 23 (3) 3,4,5-trimethoxy amphetamine;
- 24 (4) bufotenine;
- 25 (5) diethyltryptamine;

- 1 (6) dimethyltryptamine;  
2 (7) 4-methyl-2,5-dimethoxy amphetamine;  
3 (8) ibogaine;  
4 (9) lysergic acid diethylamide;  
5 (10) marijuana;  
6 (11) mescaline;  
7 (12) peyote, except as otherwise provided in  
8 the Controlled Substances Act;

- 9 (13) N-ethyl-3-piperidyl benzilate;  
10 (14) N-methyl-3-piperidyl benzilate;  
11 (15) psilocybin;  
12 (16) psilocyn;  
13 (17) tetrahydrocannabinols;  
14 (18) hashish;  
15 (19) synthetic cannabinoids, including:

- 16 (a) 1-[2-(4-(morpholinyl)ethyl)  
17 -3-(1-naphthoyl)indole];  
18 (b) 1-butyl-3-(1-naphthoyl)indole;  
19 (c) 1-hexyl-3-(1-naphthoyl)indole;  
20 (d) 1-pentyl-3-(1-naphthoyl)indole;  
21 (e) 1-pentyl-3-(2-methoxyphenylacetyl)

22 indole;

- 23 (f) cannabicyclohexanol (CP 47, 497 and  
24 homologues: 5-(1,1-dimethylheptyl)-2-[(1R,3S)  
25 -3-hydroxycyclohexyl]-phenol (CP-47,497); and 5-(1,

1 1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol;

2 (g) 6aR,10aR)-9-(hydroxymethyl)  
3 -6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,  
4 10a-tetrahydrobenzo[c]chromen-1-ol);

5 (h) dexanabinol, (6aS,10aS)  
6 -9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)  
7 -6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;

8 (i) 1-pentyl-3-(4-chloro naphthoyl)  
9 indole;

10 (j) (2-methyl-1-propyl-1H-indol-3-yl)  
11 -1-naphthalenyl-methanone; and

12 (k) 5-(1,1-dimethylheptyl)-2-(3-hydroxy  
13 cyclohexyl)-phenol;

14 (20) 3,4-methylenedioxymethcathinone;

15 (21) 3,4-methylenedioxypyrovalerone;

16 (22) 4-methylmethcathinone;

17 (23) 4-methoxymethcathinone;

18 (24) 3-fluoromethcathinone; and

19 (25) 4-fluoromethcathinone;

20 D. the enumeration of peyote as a controlled  
21 substance does not apply to the use of peyote in bona fide  
22 religious ceremonies by a bona fide religious organization,  
23 and members of the organization so using peyote are exempt  
24 from registration. Any person who manufactures peyote for or  
25 distributes peyote to the organization or its members shall

1 comply with the federal Comprehensive Drug Abuse Prevention  
2 and Control Act of 1970 and all other requirements of law;

3 E. the enumeration of marijuana,  
4 tetrahydrocannabinols or chemical derivatives of  
5 tetrahydrocannabinol as Schedule I controlled substances does  
6 not apply to:

7 (1) the use of marijuana,  
8 tetrahydrocannabinols or chemical derivatives of  
9 tetrahydrocannabinol by certified patients pursuant to the  
10 Controlled Substances Therapeutic Research Act or by  
11 qualified patients pursuant to the provisions of the Lynn and  
12 Erin Compassionate Use Act; or

13 (2) the use, dispensing, possession,  
14 prescribing, storage or transport of a prescription drug that  
15 the United States food and drug administration has approved  
16 and that contains marijuana, a tetrahydrocannabinol  
17 derivative or a chemical derivative of tetrahydrocannabinol;  
18 and

19 F. controlled substances added to Schedule I by  
20 rule adopted by the board pursuant to Section 30-31-3 NMSA  
21 1978."

22 **SECTION 2. TEMPORARY PROVISION--COMPILATION**

23 INSTRUCTION--RECONCILIATION.--If acts making amendments to  
24 Section 30-31-6 NMSA 1978 are enacted by the first and second  
25 sessions of the fifty-third legislature, the provisions of

1 those acts shall be reconciled and compiled in accordance  
2 with the provisions of Section 12-1-8 NMSA 1978,  
3 notwithstanding that the amendments were not made in the same  
4 session of the legislature.

5 **SECTION 3. CONTINGENT EFFECTIVE DATE--**

6 NOTIFICATION.--The effective date of the provisions of this  
7 act is thirty days following the date that the board of  
8 pharmacy certifies to the New Mexico compilation commission  
9 and the director of the legislative council service that the  
10 United States food and drug administration has approved one or  
11 more drugs containing a marijuana derivative. The board of  
12 pharmacy shall notify the New Mexico compilation commission  
13 and the director of the legislative council service  
14 immediately upon the board's knowledge that the United States  
15 food and drug administration has approved for the first time a  
16 drug containing a marijuana derivative. \_\_\_\_\_