

LFC Requester:	Scott Sanchez
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**AGENCY BILL ANALYSIS
2024 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

AgencyAnalysis.nmlegis.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}

Check all that apply:

Original **Amendment**
Correction **Substitute**

Date January 25, 2024
Bill No: HB 239

Sponsor: Zamora
Short Title: Cannabis as Prison Contraband
Agency Name and Code: NM Sentencing Commission (354)
Number: _____
Person Writing: Douglas Carver
Phone: 505-239-8362 **Email:** dhmcarver@unm.edu

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(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:

HB 239 amends Section 30-22-14, concerning bringing contraband into places of imprisonment, to add cannabis, cannabis extract and cannabis products to the list of banned items. Exceptions are made for these products if carried into a prison or jail through regular prison or jail channels and pursuant to the direction or prescription of a health care provider.

FISCAL IMPLICATIONS

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

SIGNIFICANT ISSUES

The exception carved out in HB 239 mirrors the exception for substances covered under the Controlled Substances Act that already exists in Section 30-22-14.

The definitions provided in HB 239 for “cannabis”, “cannabis extract”, and “cannabis products” roughly mirror the definitions for those terms that are in the Cannabis Regulation Act, with some small differences. To ensure that there is not a divergence between that Act and this statute, it might be safer for those three terms to be defined by cross-reference to the Cannabis Regulation Act. For instance, the definition of “cannabis extract” in HB 239 states that term means “a product obtained by separating resins, tetrahydrocannabinols or other substances from cannabis by approved extraction methods,” without any indication of who is doing the approving. The definition of “cannabis extract” in the Cannabis Regulation Act, however, specifies that the extraction methods have to be approved by the Cannabis Control Division of the Regulation and Licensing Department.

It is difficult to determine what the effect of passing HB 239 would be on the state’s prison population, but the penalties included in the bill could lead to more people being incarcerated by the Corrections Department. The average per day cost to incarcerate someone in the state’s prison system is \$156.45/day; this average includes private and public facilities.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS