

<b>LFC Requester:</b>	<b>Scott Sanchez</b>
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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** 01/25/2024  
**Bill No:** HB239

**Sponsor:** Martin Zamora & Andrea Reeb    **Agency Name and Code Number:** 770 - NMCD  
**Short Title:** Cannabis as Prison Contraband    **Person Writing** Anisa Griego-Quintana  
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
0	0	N/A	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
0	0	0	N/A	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY24</b>	<b>FY25</b>	<b>FY26</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>	NFI	NFI	NFI	NFI	N/A	N/A

(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: House Bill 239 prohibits cannabis in places of imprisonment; makes an exception if carried in pursuant to the direction or prescription of a health care provider.

Adds cannabis, cannabis extract and cannabis product to the definition of “contraband” if carried into a prison or jail without direction or prescription of a health care provider.

Defines:

- “Cannabis” as all parts of the plant genus cannabis containing a delta-9-tetrahydrocannabinol concentration of more than three-tenths percent on a dry weight basis, whether growing or not; its seeds; resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seed or its resin.
- “Cannabis extract” as a product obtained by separating resins, tetrahydrocannabinols or other substances from cannabis by approved extraction methods and does not include the weight of any other substance combined with the cannabis;
- “Cannabis product” as a product that is or contains cannabis or cannabis extract.

**FISCAL IMPLICATIONS**

Under the passing of this bill, if cannabis extract or cannabis products pursuant to the direction or prescription of a health care provider were allowed within prisons and jails then it would not be considered contraband. As written this bill would have little or no fiscal impact on the department.

**SIGNIFICANT ISSUES**

None for the Corrections Department.

**PERFORMANCE IMPLICATIONS**

None for the Corrections Department.

**ADMINISTRATIVE IMPLICATIONS**

None for the Corrections Department.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None for the Corrections Department.

**TECHNICAL ISSUES**

None for the Corrections Department.

**OTHER SUBSTANTIVE ISSUES**

None for the Corrections Department.

**ALTERNATIVES**

None proposed by the Corrections Department.

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status quo.

**AMENDMENTS**

None proposed by the Corrections Department.