

FIFTY-SIXTH LEGISLATURE
SECOND SESSION

PROPOSED AMENDMENT DIRECTED TO A COMMITTEE

January 26, 2024

Mr. Chair:

I propose to the SENATE JUDICIARY COMMITTEE the following amendments to

SENATE BILL 6

1. On page 1, line 17, after the semicolon, insert "REQUIRING REGISTRATION AS A HOME GROWER;".

2. On page 10, between lines 20 and 21, insert:

"Y. "home grower" means a person who grows cannabis in the person's residence for personal use and not for resale;".

3. On page 10, line 22, after "are", insert "for personal use and are".

4. On page 24, before line 1, insert:

"SECTION 5. A new section of the Cannabis Regulation Act, Section 26-2C-6.1 NMSA 1978, is enacted to read:

"26-2C-6.1. [NEW MATERIAL] HOME GROWER--REGISTRATION.--The division shall provide by rule for the registration of home growers. Home growers shall register as individuals or as households, as applicable, and provide their residential addresses and other contact information as required by the division. If a registered household changes, persons who had been registered under the household shall deregister and may re-register as individuals and update their contact information with the division.".

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5. On page 43, between lines 17 and 18, insert:

"SECTION 13. Section 26-2C-25 NMSA 1978 (being Laws 2021 (1st S.S.), Chapter 4, Section 25) is amended to read:

"26-2C-25. PERSONAL USE OF CANNABIS.--

A. The following conduct is lawful for a person who is twenty-one years of age or older and shall not constitute grounds for detention, search or arrest of a person or search of property, and cannabis products that relate to the conduct are not contraband or subject to seizure or forfeiture pursuant to the Controlled Substances Act or the Forfeiture Act:

(1) possessing, using, being under the influence of, displaying, purchasing, obtaining or transporting not more cannabis than authorized by the Cannabis Regulation Act or the medical cannabis program;

(2) possessing in excess of two ounces of cannabis, sixteen grams of cannabis extract and eight hundred milligrams of edible cannabis if the excess is stored in the person's private residence and not visible from a public place;

(3) transferring, without financial consideration, to a person who is twenty-one years of age or older not more than the amount of cannabis lawfully purchased and obtained pursuant to the Cannabis Regulation Act or the medical cannabis program;

(4) ingesting or otherwise consuming cannabis or cannabis products purchased and obtained pursuant to the Cannabis Regulation Act or the medical cannabis program;

(5) possessing, using, displaying, purchasing, obtaining or manufacturing cannabis extract using nonvolatile solvents, alcohol or carbon dioxide or no solvents;

(6) manufacturing, transporting or giving away to a person twenty-one years of age or older cannabis paraphernalia;

(7) assisting another person who is twenty-one years of age or older in, or allowing property to be used in, any of the

acts described in Paragraphs (1) through (6) of this subsection;

(8) smoking cannabis or cannabis products in an area authorized pursuant to the Cannabis Regulation Act or a local jurisdiction;

(9) possessing, planting, cultivating, harvesting, drying, manufacturing cannabis products using nonvolatile solvents, alcohol or carbon dioxide or no solvents or transporting not more than six homegrown mature cannabis plants and six homegrown immature cannabis plants per person; provided that despite a household having multiple residents, no more than twelve mature cannabis plants may be [~~present~~] grown in one household; and provided further that the person is registered with the division as a home grower; and provided further that if the person does not exceed the maximum number of cannabis plants, the person may possess the cannabis produced by the cannabis plants notwithstanding any weight limits; and

(10) transporting homegrown cannabis or mature or immature cannabis plants when the person is moving the person's residence to another location or for purposes of testing or manufacturing.

B. Paragraph (6) of Subsection A of this section is intended to meet the requirements of 21 U.S.C. Section 863(f) by authorizing under state law any person in compliance with this section to manufacture, possess or distribute cannabis paraphernalia.

C. None of the following shall, individually or in combination with each other, constitute reasonable articulable suspicion of a crime and is not a basis to stop, detain or search a person:

(1) the odor of cannabis or cannabis extract or of burnt cannabis or cannabis extract;

(2) the possession of or the suspicion of possession of cannabis without evidence of quantity in excess of two ounces of cannabis, sixteen grams of cannabis extract or eight hundred milligrams of edible cannabis; or

(3) the possession of multiple containers of cannabis without evidence of quantity in excess of two ounces of cannabis, sixteen grams of cannabis extract or eight hundred milligrams of edible cannabis.

D. Paragraph (1) of Subsection A and Subsection C of this section shall not apply when a law enforcement officer is investigating whether a person is operating a vehicle or watercraft while intoxicated or under the influence of or impaired by alcohol or a drug or any combination thereof in violation of Section 66-8-102 or 66-13-3 NMSA 1978."".

6. Reletter all subsections and renumber all sections to correspond with these amendments.

Respectfully submitted,

Cliff R. Pirtle