SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
SENATE BILL 127

51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

AN ACT

RELATING TO CONTROLLED SUBSTANCES; AMENDING THE CONTROLLED SUBSTANCES ACT TO ADD AND REMOVE CERTAIN SUBSTANCES IN THE LIST OF SCHEDULE I CONTROLLED SUBSTANCES.

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;

underscored material = new
[~~bracketed material~~] = delete

(2) allylprodine;

(3) alphacetylmethadol;

(4) alphameprodine;

(5) alphamethadol;

(6) alpha-methylfentanyl;

[~~(6)~~] (7) benzethidine;

[~~(7)~~] (8) betacetylmethadol;

[~~(8)~~] (9) betameprodine;

[~~(9)~~] (10) betamethadol;

[~~(10)~~] (11) betaprodine;

[~~(11)~~] (12) clonitazene;

[~~(12)~~] (13) dextromoramide;

[~~(13)~~] (14) dextrorphan;

[~~(14)~~] (15) diampromide;

[~~(15)~~] (16) diethylthiambutene;

(17) difenoxin;

[~~(16)~~] (18) dimenoxadol;

[~~(17)~~] (19) dimepheptanol;

[~~(18)~~] (20) dimethylthiambutene;

[~~(19)~~] (21) dioxaphetyl butyrate;

[~~(20)~~] (22) dipipanone;

[~~(21)~~] (23) ethylmethylthiambutene;

[~~(22)~~] (24) etonitazene;

[~~(23)~~] (25) etoxeridine;

[~~(24)~~] (26) furethidine;

underscored material = new
[~~bracketed material~~] = delete

[~~(25)~~] (27) hydroxypethidine;

[~~(26)~~] (28) ketobemidone;

[~~(27)~~] (29) levomoramide;

[~~(28)~~] (30) levophenacylmorphan;

[~~(29)~~] (31) morpheridine;

[~~(30)~~] (32) noracymethadol;

[~~(31)~~] (33) norlevorphanol;

[~~(32)~~] (34) normethadone;

[~~(33)~~] (35) norpipanone;

[~~(34)~~] (36) phenadoxone;

[~~(34)~~] (37) phenampromide;

[~~(36)~~] (38) phenomorphan;

[~~(37)~~] (39) phenoperidine;

[~~(38)~~] (40) piritramide;

[~~(39)~~] (41) proheptazine;

[~~(40)~~] (42) properidine;

[~~(41)~~] (43) racemoramide; [~~and~~]

(44) tilidine; and

[~~(42)~~] (45) trimeperidine;

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

(1) acetorphine;

underscored material = new
[~~bracketed material~~] = delete

(2) acetyl dihydrocodeine;

(3) benzyl morphine;

(4) codeine methylbromide;

(5) codeine-N-oxide;

(6) cyprenorphine;

(7) desomorphine;

(8) dihydromorphine;

(9) etorphine;

(10) heroin;

(11) hydromorphinol;

(12) methyldesorphine;

(13) methyldihydromorphine;

(14) morphine methylbromide;

(15) morphine methylsulfonate;

(16) morphine-N-oxide;

(17) myrophine;

(18) nicocodeine;

(19) nicomorphine;

(20) normorphine;

(21) pholcodine; [~~and~~]

(22) thebacon;

(23) drotebanol;

(24) beta-hydroxy-3-methylfentanyl;

(25) 3-methylthiofentanyl;

(26) acetyl-alpha-methylfentanyl;

underscored material = new
[~~bracketed material~~] = delete

(27) alpha-methylthiofentanyl;

(28) beta-hydroxfentanyl;

(29) para-fluoro fentanyl; and

(30) thiofentanyl;

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

(1) 3,4-methylenedioxy amphetamine;

(2) 5-methoxy-3,4-methylenedioxy amphetamine;

(3) 3,4,5-trimethoxy amphetamine;

(4) bufotenine;

(5) diethyltryptamine (DET);

(6) dimethyltryptamine (DMT);

(7) 4-methyl-2,5-dimethoxy-amphetamine (DOM) or (STP);

(8) ibogaine;

(9) lysergic acid diethylamide;

[~~(10) marijuana;~~

~~(11)~~] (10) mescaline;

[~~(12)~~] (11) peyote, except as otherwise provided in the Controlled Substances Act;

[~~(13)~~] (12) N-ethyl-3-piperidyl benzilate;

underscored material = new
[~~bracketed material~~] = delete

[~~(14)~~] (13) N-methyl-3-piperidyl benzilate;

[~~(15)~~] (14) psilocybin;

[~~(16)~~] (15) psilocyn;

[~~(17)~~] (16) tetrahydrocannabinols;

[~~(18)~~] (17) hashish;

[~~(19) synthetic cannabinoids, including~~]

(18) parahexyl (synthetic analog of delta-9-tetra-hydrocannabinol (THC), an active ingredient of cannabis);

(19) 2, 5-dimethoxyamphetamine (DMA);

(20) 4-bromo-2, 5-dimethoxy-amphetamine (DOB);

(21) 4-methoxyamphetamine (PMA);

(22) N-ethyl-1-phenylcyclohexylamine (PCE), (ethylamine analog of phencyclidine);

(23) 1-(1-phenylcyclohexyl)pyrrolidine (PCPy), (pyrrolidine analog of phencyclidine);

(24) thiophene analog of phencyclidine (TCP) or (TPCP);

(25) alpha-ethyltryptamine;

(26) 2, 5-dimethoxy-4-ethylamphet-amine;

(27) ibogaine;

(28) 2, 5 dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7);

(29) alpha-methyltryptamine (AMT);

(30) 5-methoxy-N,N-diisopropyltryptamine

underscored material = new
[~~bracketed material~~] = delete

(5-MeO-DIPT);

(31) synthetic cannabinoids, unless specifically exempted or unless listed in another schedule, including any material, compound, mixture or preparation that contains any quantity of synthetic cannabinoids that demonstrate binding activity to the cannabinoid receptor or analogs or homologs with binding activity, including:

(a) CP 55,244 ((hydroxymethyl)-4-[2-hydroxy-4-(2-methyloctan-2-yl)phenyl] 1,2,3,4,4a,5,6,7,8,8a-decahydronaphthalen-2-ol);

(b) CP 55,940 ((5-hydroxy-2-(3-hydroxypropyl) cyclohexyl)-5-(2-methyloctan-2-yl)phenol);

(c) JWH-081 (1-pentyl-3-[1-(4-methoxynaphthoyl)]indole);

(d) JWH-122 (1-pentyl-3-(4-methyl-1-naphthoyl)indole);

(e) JWH-133 3-(1,1-dimethylbutyl)-6a,7,10,10a-tetrahydro -6,6,9-trimethyl-6H dibenzo[b,d]pyran;

(f) JWH 203 (1-pentyl-3-(2-chlorophenylacetyl)indole);

(g) JWH 210 4-ethylnaphthalen-1-yl-(1-pentylindol-3-yl)methanone;

(h) AM-694 (1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole);

(i) AM-1221 (1-(N-methylpiperdin)-2-yl)

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[~~bracketed material~~] = delete

methyl-2-methyl-3-(1-naphthoyl)-6-nitroindole;

(j) AM-2201 (1-(5-fluoropentyl)-3-(1-naphthoyl)indole);

(k) RCS-4 or SR-19 (1-pentyl-3-[(4-methoxy)-benzoyl]indole);

(l) RCS-8 or SR-18 (1-cyclohexylethyl-3-(2-methoxyphenylacetyl)indole);

(m) WIN-49,098 (pravadoline)(4-methoxyphenyl)-[2-methyl-1-(2-morpholin-4-ylethyl)indol-3-yl] methanone;

(n) WIN-55,212-2 (2,3-dihydro-5-methyl-3-(4-morpholinylmethyl)pyrrolo-1,4-benzooxazin6-yl)-1-naphthalenylmethanone;

(o) any of the following synthetic cannabinoids, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation: 1) naphthoylindoles, or any compound containing a 3-(1-naphthoyl) indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl) methyl or 2-(4-morpholinyl) ethyl group, whether or not further substituted in the indole ring to any extent, and whether or not substituted in the naphthyl ring to any extent, including, but not limited to, JWH-015, JWH-018,

underscored material = new
[bracketed material] = delete

JWH-019, JWH-073, JWH-081, JWH-122, JWH-200, JWH-210, JWH-398 and AM-2201; 2) naphthylmethylindoles, or any compound containing alhindol-3-yl-(1-naphthyl) methane structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl) methyl or 2-(4-morpholinyl) ethyl group, whether or not further substituted in the indole ring to any extent, and whether or not substituted in the naphthyl ring to any extent, including, but not limited to, JWH-175, JWH-184 and JWH-199; 3) naphthoylpyrroles, or any compound containing a 3-(1-naphthoyl) pyrrole structure with substitution at the nitrogen atom of the pyrrole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl) methyl or 2-(4-morpholinyl) ethyl group, whether or not further substituted in the pyrrole ring to any extent, and whether or not substituted in the naphthyl ring to any extent, including, but not limited to, JWH-307; 4) naphthylmethylindenes, or any compound containing a naphthylideneindene structure with substitution at the 3-position of the indene ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl) methyl or 2-(4-morpholinyl) ethyl group, whether or not further substituted in the indene ring to any extent, and whether or not substituted in the naphthyl ring to any extent, including, but not limited to, JWH-176; 5) phenylacetylindoles, or any

underscored material = new
[bracketed material] = delete

compound containing a 3-phenylacetylindole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl) methyl or 2-(4-morpholinyl) ethyl group, whether or not further substituted in the indole ring to any extent, and whether or not substituted in the phenyl ring to any extent, including, but not limited to, JWH-203, JWH-250, JWH-251 and RCS-8; 6) cyclohexylphenols, or any compound containing a 2-(3-hydroxycyclohexyl) phenol structure with substitution at the 5- position of the phenolic ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl) methyl or 2-(4-morpholinyl) ethyl group, whether or not substituted in the cyclohexyl ring to any extent, including, but not limited to, cannabicyclohexanol (CP 47,497 C8 homologue), CP 47,497 and CP 55,490; and 7) benzoylindoles, or any compound containing a 3-(benzoyl) [5] OTS-3833.4 indole structure with substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl) methyl or 2-(4-morpholinyl) ethyl group, whether or not further substituted in the indole ring to any extent, and whether or not substituted in the phenyl ring to any extent, including, but not limited to, AM-694, pravadoline (WIN 48,098), RCS-4 and AM-1241;

(p) UR-144 1-(pentyl-1H-indol-3-yl)(2,2,

underscored material = new
[bracketed material] = delete

3,3-tetramethylcyclopropyl)methanone;

(q) XLR11 1-(5-fluoro-pentyl)-1H-indol-3-yl(2,2,3,3-tetramethylcyclopropyl)methanone;

(r) AKB48 N-(1-adamantyl)-1-pentyl-1H-indazole-3-carboxamide;

[~~(a)~~] (s) 1-[2-4-(morpholinyl)ethyl] -3-(1-naphthoyl)indole;

[~~(b)~~] (t) 1-butyl-3-(1-napthoyl)indole;

[~~(c)~~] (u) 1-hexyl-3-(1-naphthoyl)indole;

[~~(d)~~] (v) 1-pentyl-3-(1-naphthoyl) indole;

[~~(e)~~] (w) 1-pentyl-3-(2-methoxyphenylacetyl) indole;

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

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

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

[~~(i)~~] (aa) 1-pentyl-3-(4-chloro naphthoyl) indole;

underscored material = new
[~~bracketed material~~] = delete

[~~(j)~~] (bb) (2-methyl-1-propyl-1H-indol-3-yl)-1-naphthalenyl-methanone; and

[~~(k)~~] (cc) 5-(1,1-dimethylheptyl)-2-(3-hydroxy cyclohexyl)-phenol;

[~~(20)~~] (32) 3,4-methylenedioxymethcathinone;

[~~(21)~~] (33) 3,4-methylenedioxypyrovalerone;

[~~(22)~~] (34) 4-methylmethcathinone;

[~~(23)~~] (35) 4-methoxymethcathinone;

[~~(24)~~] (36) 3-fluoromethcathinone; [~~and (25)~~] (37) 4-fluoromethcathinone;

(38) substances determined by the board to have the pharmacological effect of the substance, the risk to the public health by abuse of the substance and the potential of the substance to produce psychic or physiological dependence liability, including:

(a) salvia divinorum; and

(b) salvinorin A (methyl (2S,4aR,6aR,7R,9S,10aS,10bR)-9-(acetyloxy)-2-(furan-3-yl)-6a,10b-dimethyl-4,10-dioxododecahydro-2H-benzo[f]isochromene-7-carboxylate);

(39) 4-methyl-ethylcathinone (4-MEC);

(40) 4-ethyl-methcathinone (4-EMC);

(41) 2-ethylamino-1-phenyl-propan-1-one (ethcathinone);

(42) 3',4'-methylenedioxyethcathinone (ethylone);

underscored material = new
[~~bracketed material~~] = delete

(43) beta-keto-N-methyl-3,4-benzodioxyolybutanamine (bk-MBDB, butylone);

(44) naphthylpyrovalerone (NRG-1, naphyrone);

(45) N,N-dimethylcathinone (metamfepramone);

(46) alpha-pyrrolidinopropiophenone (alpha-PPP);

(47) alpha-pyrrolidinobutiophenone (alpha-PBP);

(48) 4'-methoxy-alpha-pyrrolidinopropiophenone (MOPPP);

(49) 4'-methyl-alpha-pyrrolidinopropiophenone (MPPP);

(50) 3',4'-methylenedioxy-alpha-pyrrolidinopropiophenone (MDPPP);

(51) 3',4'-methylenedioxy-alpha-pyrrolidinobutiophenone (MDPBP);

(52) 4'-methyl-alpha-pyrrolidinobutiophenone (MPBP);

(53) alpha-pyrrolidinovalerophenone (alpha-PVP);

(54) 5,6-methylenedioxy-2-aminoindane (MDAI);

(55) alpha-methylamino-butyrophenone (buphedrone);

(56) beta-keto-ethylbenzodioxolylbutanamine (eutylone); and

underscored material = new
[bracketed material] = delete

(57) beta-keto-ethylbenzodioxolylpentanamine (pentylone);

D. any of the following, unless specifically exempt or unless listed in another schedule, including any material, compound, mixture or preparation that contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers and salts of isomers, whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) mecloqualone;

(2) methaqualone;

(3) benzodiazepines, including:

(a) bromazepam;

(b) camazepam;

(c) cloxazolam;

(d) delorazepam;

(e) ethylloflazepate;

(f) fludiazepam;

(g) flunitrazepam;

(h) haloxazolam;

(i) ketazolam;

(j) loprazolam;

(k) lormetazepam;

(l) medazepam;

underscored material = new
[bracketed material] = delete

(m) nimetazepam;

(n) nitrazepam;

(o) nordiazepam;

(p) oxazolam;

(q) pinazepam; and

(r) tetrazepam;

(4) gamma hydroxybutyric acid and any chemical compound that is metabolically converted to GHB;

(5) gamma butyrolactone and any chemical compound that is metabolically converted to GHB; and

(6) 1-4 butane diol and any chemical compound that is metabolically converted to GHB;

E. any of the following, unless specifically exempted or unless listed in another schedule, including any material, compound, mixture or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers and salts of isomers:

(1) fenethylline;

(2) N-ethylamphetamine;

(3) cis-4-methylaminorex;

(4) N, N-dimethylamphetamine; and

(5) N-benzylpiperazine (BZP, 1-benzylpiperazine);

F. any material, compound, mixture or preparation

underscored material = new
[bracketed material] = delete

that contains any quantity of the following substances:

(1) 3-methylfentanyl(N-3-methyl-1-(2-phenylethyl)-4-piperidyl)-N-phenylpropanamide, including its optical and geometric isomers, salts and salts of isomers;

(2) 3, 4-methylenedioxymethamphetamine (MDMA), including its optical, positional and geometric isomers, salts and salts of isomers;

(3) 1-methyl-4-phenyl-4-proprionoxypiperidine (MPPP), including its optical isomers, salts, and salts of isomers;

(4) 1-(-2-phenylethyl)-4-phenyl-4-acetoxy piperidine (PEPAP), including its optical isomers, salts and salts of isomers;

(5) cathinone; and

(6) methcathinone;

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

[~~E.~~] H. the enumeration of [~~marijuana~~] tetrahydrocannabinols or chemical derivatives of

underscored material = new
[~~bracketed material~~] = delete

tetrahydrocannabinol as Schedule I controlled substances does not apply to the use of [~~marijuana~~] tetrahydrocannabinols or chemical derivatives of tetrahydrocannabinol by certified patients pursuant to the Controlled Substances Therapeutic Research Act or by qualified patients pursuant to the provisions of the Lynn and Erin Compassionate Use Act; and

[~~F.~~] I. controlled substances added to Schedule I by rule adopted by the board pursuant to Section 30-31-3 NMSA 1978."

underscored material = new
[~~bracketed material~~] = delete