AN ACT

RELATING TO COMMERCE; ENACTING THE HEMP MANUFACTURING ACT; ALLOWING AND REGULATING THE PRODUCTION, TESTING, RESEARCH, MANUFACTURING AND TRANSPORT OF HEMP, HEMP EXTRACTS AND HEMP FINISHED PRODUCTS; PROVIDING POWERS AND DUTIES; CREATING EXEMPTIONS FROM PROSECUTION UNDER THE CONTROLLED SUBSTANCES ACT; PROVIDING FOR THE IMPOSITION OF FEES; PROVIDING PENALTIES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of Chapter 76, Article 24 NMSA 1978 is enacted to read:

"SHORT TITLE.--Chapter 76, Article 24 NMSA 1978 may be cited as the "Hemp Manufacturing Act"."

SECTION 2. A new section of Chapter 76, Article 24 NMSA 1978 is enacted to read:

"DEFINITIONS.--As used in the Hemp Manufacturing Act:

A. "board" means the board of regents of New Mexico state university;

B. "breeder" means a person who conducts research to develop new hemp varieties;

C. "Cannabis sativa L." means the plant Cannabis sativa L. and any part of the plant, whether growing or not;

D. "hemp" means the plant Cannabis sativa L. and any part of that plant, including seeds and all derivatives,

extracts, cannabinoids, isomers, acids, salts and salts of isomers, whether growing or not, with a THC concentration of not more than three-tenths percent on a dry weight basis;

E. "hemp-derived material" means any material containing THC in any concentration derived from Cannabis sativa L. through any activity authorized pursuant to the Hemp Manufacturing Act;

F. "hemp extract" means oil derived from hemp, including cannabidiol, cannabidiolic acid and other identified and non-identified compounds;

G. "hemp finished product" means a hemp product that is intended for retail sale and containing hemp or hemp extracts that includes food, food additives and herbs for human use, including consumption, that has a THC content of not more than three-tenths percent;

H. "hemp manufacturer" means a person that extracts, processes or engages in other manufacturing activities regarding hemp, including manufacturing intermediate hemp-derived products and hemp finished products;

I. "hemp producer" means a person that cultivates and harvests hemp and includes a person that cultivates hemp plants for transfer to other hemp producers;

J. "intermediate hemp-derived product" means oil and extracts, including cannabidiol, cannabidiolic acid and

other identified and non-identified compounds derived from hemp;

K. "manifest" means a form used for identifying the quantity, composition, origin, routing and destination of hemp-derived materials during transportation; and

L. "THC" means delta-9-tetrahydrocannabinol as measured using a post-decarboxylation method and based on percentage dry weight."

SECTION 3. A new section of Chapter 76, Article 24 NMSA 1978 is enacted to read:

"HARVEST CERTIFICATE OR OTHER AUTHORITY--REQUIREMENT--ISSUANCE.--

A. A person licensed by the New Mexico department of agriculture may harvest hemp for distribution or sale only after obtaining from the department a harvest certificate for that hemp. The department shall issue a harvest certificate for hemp that meets the THC concentration required pursuant to the Hemp Manufacturing Act as demonstrated by an analysis performed by a person licensed pursuant to the Hemp Manufacturing Act.

B. A licensed hemp manufacturer may only buy or otherwise accept hemp that is accompanied by a harvest certificate issued for that hemp pursuant to this section, a document issued by a person licensed pursuant to Subsection C of Section 8 of the Hemp Manufacturing Act or other document

recognized by the New Mexico department of agriculture demonstrating compliance with the provisions of the Hemp Manufacturing Act."

SECTION 4. A new section of Chapter 76, Article 24 NMSA 1978 is enacted to read:

"UNPROCESSED HEMP TESTING LABORATORIES--REQUIREMENTS.--

A. The New Mexico department of agriculture shall issue licenses pursuant to rules issued under Subsection C of this section for the analysis of unprocessed Cannabis sativa L. samples for use in determining eligibility for a harvest certificate.

B. A person shall not analyze unprocessed Cannabis sativa L. samples for use in determining eligibility for a harvest certificate unless the person is licensed by the New Mexico department of agriculture to engage in that activity.

C. The board, on behalf of the New Mexico department of agriculture, shall adopt rules that include:

(1) procedures for the issuance, denial, renewal, suspension or revocation of a license issued by the New Mexico department of agriculture for the analysis of unprocessed Cannabis sativa L. samples, including license terms and procedures for appeal of a denial, suspension or revocation that include notice and opportunity for a hearing;

(2) qualifications for licensure that include the demonstrated ability to analyze THC

concentrations in Cannabis sativa L.;

(3) proficiency standards and requirements for storage, recordkeeping and inspections;

(4) requirements that unprocessed Cannabis sativa L. samples containing THC levels of more than three-tenths percent be disposed of according to specified methods; and

(5) licensing fees not to exceed the lesser of one thousand dollars ($1,000) or the cost of administration of a license issued pursuant to this section.

D. A license issued pursuant to this section does not relieve a licensee of the responsibility to obtain other licenses or permits required by law."

SECTION 5. A new section of Chapter 76, Article 24 NMSA 1978 is enacted to read:

"HEMP BREEDER--REQUIREMENTS--EXEMPTIONS.--

A. The New Mexico department of agriculture shall issue licenses pursuant to rules issued under Subsection C of this section to breed Cannabis sativa L. to produce new hemp varieties.

B. A person shall not breed Cannabis sativa L. to produce new hemp varieties unless the person is licensed by the New Mexico department of agriculture or licensed pursuant to Subsection C of Section 8 of the Hemp Manufacturing Act to engage in that activity.

C. The board, on behalf of the New Mexico department of agriculture, shall adopt rules that include:

(1) procedures for the issuance, denial, renewal, suspension and revocation of a license issued by the New Mexico department of agriculture to breed Cannabis sativa L. to produce new hemp varieties, including license terms and procedures for appeal of a denial, suspension or revocation that include notice and opportunity for a hearing;

(2) qualifications for licensure that include the demonstrated ability to breed Cannabis sativa L. to produce new hemp varieties under secure conditions;

(3) proficiency standards and requirements for storage, recordkeeping and inspections;

(4) requirements that Cannabis sativa L. containing THC levels of more than three-tenths percent be disposed of according to specified methods; and

(5) fees not to exceed the lesser of one thousand dollars ($1,000) or the cost of administration of a license issued pursuant to this section.

D. A license issued pursuant to this section does not relieve the licensee of the responsibility to obtain other licenses or permits as required by law."

SECTION 6. A new section of Chapter 76, Article 24 NMSA 1978 is enacted to read:

"HEMP MANUFACTURERS--PERMITS--RULES--REQUIREMENTS.--

A. The department of environment shall issue permits pursuant to rules issued under Subsection C of this section to extract, process or engage in other manufacturing activities regarding hemp, including manufacturing intermediate hemp-derived products and hemp finished products.

B. A person shall not extract, process or engage in other manufacturing activities regarding hemp, including manufacturing intermediate hemp-derived products and hemp finished products without a permit issued by the department of environment or a license issued pursuant to Subsection C of Section 8 of the Hemp Manufacturing Act.

C. The department of environment shall adopt rules that include:

(1) procedures for the issuance, denial, renewal, suspension and revocation of a permit issued by the department of environment to manufacture hemp products, including permit terms and procedures for appeal of a denial, suspension or revocation that include notice and opportunity for a hearing;

(2) qualifications for permitting that include health, sanitation, safety and security;

(3) proficiency standards and requirements for storage, recordkeeping and inspections;

(4) requiring, and providing a process for,

the use or disposal of hemp-derived material containing THC levels of more than three-tenths percent; and

(5) fees not to exceed the lesser of one thousand dollars ($1,000) or the cost of administration of a permit issued pursuant to this section.

D. A hemp manufacturer that produces intermediate hemp-derived products or hemp finished products intended for human consumption by eating or drinking are subject to the provisions of the Food Service Sanitation Act and the New Mexico Food Act.

E. Hemp finished products produced by a hemp manufacturer holding a permit issued pursuant to this section shall not be deemed adulterated as that term is used in the Food Service Sanitation Act and the New Mexico Food Act.

F. Fees collected pursuant to this section shall be deposited in the food service sanitation fund.

G. A permit issued pursuant to this section does not relieve the holder of the permit of the responsibility to obtain other licenses or permits as required by law."

SECTION 7. A new section of Chapter 76, Article 24 NMSA 1978 is enacted to read:

"TRANSPORTING HEMP AND HEMP-DERIVED MATERIALS--MANIFEST--RULES--REQUIREMENTS.--

A. A person shall not transport hemp unless during such transportation the person has in the person's immediate

possession a harvest certificate for that hemp provided by the licensed grower.

B. A person shall not transport hemp-derived materials unless during such transportation the person has in the person's immediate possession a manifest issued by a person licensed pursuant to the Hemp Manufacturing Act or other applicable law.

C. The department of environment shall establish a manifest system and any other reasonable means necessary to ensure that hemp-derived materials originating from a person permitted pursuant to Section 6 of the Hemp Manufacturing Act are identifiable during transport and that the materials are transported only between persons licensed, permitted or otherwise authorized to possess hemp-derived materials pursuant to the Hemp Manufacturing Act or other applicable law.

D. A person that transports hemp-derived materials or food additive hemp finished products intended for human consumption by eating or drinking shall be subject to the provisions of the Food Service Sanitation Act and the New Mexico Food Act.

E. Transporting hemp or hemp-derived material without a harvest certificate shall constitute a petty misdemeanor, punishable by a fine of up to five hundred dollars ($500).

F. Product in excess of eight ounces that has the appearance of hemp and is in the possession of a person suspected of violating the provisions of Subsection E of this section may be seized by a law enforcement agency until such time as the agency is able to identify the product, in cooperation with the department of environment or the New Mexico department of agriculture, but for no longer than five days.

G. As used in this section, "harvest certificate" means a certificate, license, permit or other document pursuant to rules adopted under the Hemp Manufacturing Act for use during transportation of hemp or hemp-derived material, whether in the possession of a person or electronically verified by a law enforcement agency."

SECTION 8. A new section of Chapter 76, Article 24 NMSA 1978 is enacted to read:

"INDIAN NATIONS, TRIBES AND PUEBLOS--NO STATE REGULATION--COOPERATIVE OR JOINT POWERS AGREEMENTS--RECOGNITION OF TRIBALLY ISSUED LICENSES.--

A. The state acknowledges that federally recognized Indian nations, tribes and pueblos located wholly or partially within New Mexico may, pursuant to Section 10113 of the federal Agriculture Improvement Act of 2018, and as a matter of their inherent tribal sovereignty, develop their own plans for the regulation of the production of hemp on

their own tribal lands, and that those plans shall be developed in compliance with the federal Agriculture Improvement Act of 2018.

B. The New Mexico department of agriculture and the department of environment may enter into cooperative agreements or joint powers agreements with federally recognized Indian nations, tribes and pueblos located wholly or partially within New Mexico that seek the state's assistance in developing hemp production plans that are acceptable to the director of the New Mexico department of agriculture and the department of environment, or in the regulation of hemp production on tribal lands, or in the testing of hemp plants for THC, or the transportation of hemp or hemp-derived material; provided that no such agreement shall purport to give the state any jurisdiction over any such activities or material on tribal lands.

C. A cooperative agreement or joint powers agreement may include provisions recognizing a tribally issued license that authorizes manufacturing on tribal lands, including the extraction, processing or engaging in other manufacturing activities regarding hemp, including manufacturing intermediate hemp-derived products and hemp finished products under Section 6 of the Hemp Manufacturing Act."

SECTION 9. Section 30-31-2 NMSA 1978 (being Laws 1972,

Chapter 84, Section 2, as amended) is amended to read:

"30-31-2. DEFINITIONS.--As used in the Controlled Substances Act:

A. "administer" means the direct application of a controlled substance by any means to the body of a patient or research subject by a practitioner or the practitioner's agent;

B. "agent" includes an authorized person who acts on behalf of a manufacturer, distributor or dispenser. It does not include a common or contract carrier, public warehouseperson or employee of the carrier or warehouseperson;

C. "board" means the board of pharmacy;

D. "bureau" means the narcotic and dangerous drug section of the criminal division of the United States department of justice, or its successor agency;

E. "controlled substance" means a drug or substance listed in Schedules I through V of the Controlled Substances Act or rules adopted thereto;

F. "counterfeit substance" means a controlled substance that bears the unauthorized trademark, trade name, imprint, number, device or other identifying mark or likeness of a manufacturer, distributor or dispenser other than the person who in fact manufactured, distributed or dispensed the controlled substance;

G. "deliver" means the actual, constructive or attempted transfer from one person to another of a controlled substance or controlled substance analog, whether or not there is an agency relationship;

H. "dispense" means to deliver a controlled substance to an ultimate user or research subject pursuant to the lawful order of a practitioner, including the administering, prescribing, packaging, labeling or compounding necessary to prepare the controlled substance for that delivery;

I. "dispenser" means a practitioner who dispenses and includes hospitals, pharmacies and clinics where controlled substances are dispensed;

J. "distribute" means to deliver other than by administering or dispensing a controlled substance or controlled substance analog;

K. "drug" or "substance" means substances recognized as drugs in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States or official national formulary or any respective supplement to those publications. It does not include devices or their components, parts or accessories;

L. "hashish" means the resin extracted from any part of marijuana, whether growing or not, and every compound, manufacture, salt, derivative, mixture or

preparation of such resins;

M. "hemp" means the plant Cannabis sativa L. and any part of that plant, including seeds and all derivatives, extracts, cannabinoids, isomers, acids, salts and salts of isomers, whether growing or not, with a delta-9-tetrahydrocannabinol concentration of not more than three-tenths percent on a dry weight basis;

N. "manufacture" means the production, preparation, compounding, conversion or processing of a controlled substance or controlled substance analog by extraction from substances of natural origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled substance:

(1) by a practitioner as an incident to administering or dispensing a controlled substance in the course of the practitioner's professional practice; or

(2) by a practitioner, or by the practitioner's agent under the practitioner's supervision, for the purpose of or as an incident to research, teaching or chemical analysis and not for sale;

O. "marijuana" means all parts of the plant cannabis, including any and all varieties, species and

subspecies of the genus Cannabis, whether growing or not, the seeds thereof and every compound, manufacture, salt, derivative, mixture or preparation of the plant or its seeds. It does not include the mature stalks of the plant, hashish, tetrahydrocannabinols extracted or isolated from marijuana, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture or preparation of the mature stalks, fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination; or the plant Cannabis sativa L. and any part of the plant, whether growing or not, containing a delta-9-tetrahydrocannabinol concentration of no more than three-tenths percent on a dry weight basis;

P. "narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis:

(1) opium and opiate and any salt, compound, derivative or preparation of opium or opiate;

(2) any salt, compound, isomer, derivative or preparation that is a chemical equivalent of any of the substances referred to in Paragraph (1) of this subsection, except the isoquinoline alkaloids of opium;

(3) opium poppy and poppy straw, including

all parts of the plant of the species Papaver somniferum L. except its seeds; or

(4) coca leaves and any salt, compound, derivative or preparation of coca leaves, any salt, compound, isomer, derivative or preparation that is a chemical equivalent of any of these substances except decocainized coca leaves or extractions of coca leaves that do not contain cocaine or ecgonine;

Q. "opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. "Opiate" does not include, unless specifically designated as controlled under Section 30-31-5 NMSA 1978, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts, dextromethorphan. "Opiate" does include its racemic and levorotatory forms;

R. "person" means an individual, partnership, corporation, association, institution, political subdivision, government agency or other legal entity;

S. "practitioner" means a physician, certified advanced practice chiropractic physician, doctor of oriental medicine, dentist, physician assistant, certified nurse practitioner, clinical nurse specialist, certified nurse-midwife, prescribing psychologist, veterinarian, euthanasia

technician, pharmacist, pharmacist clinician or other person licensed or certified to prescribe and administer drugs that are subject to the Controlled Substances Act;

T. "prescription" means an order given individually for the person for whom is prescribed a controlled substance, either directly from a licensed practitioner or the practitioner's agent to the pharmacist, including by means of electronic transmission, or indirectly by means of a written order signed by the prescriber, bearing the name and address of the prescriber, the prescriber's license classification, the name and address of the patient, the name and quantity of the drug prescribed, directions for use and the date of issue and in accordance with the Controlled Substances Act or rules adopted thereto;

U. "scientific investigator" means a person registered to conduct research with controlled substances in the course of the person's professional practice or research and includes analytical laboratories;

V. "ultimate user" means a person who lawfully possesses a controlled substance for the person's own use or for the use of a member of the person's household or for administering to an animal under the care, custody and control of the person or by a member of the person's household;

W. "drug paraphernalia" means all equipment,

products and materials of any kind that are used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance or controlled substance analog in violation of the Controlled Substances Act. It includes:

(1) kits used, intended for use or designed for use in planting, propagating, cultivating, growing or harvesting any species of plant that is a controlled substance or controlled substance analog or from which a controlled substance can be derived;

(2) kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances or controlled substance analogs;

(3) isomerization devices used, intended for use or designed for use in increasing the potency of any species of plant that is a controlled substance;

(4) testing equipment used, intended for use or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled substances or controlled substance analogs;

(5) scales or balances used, intended for use or designed for use in weighing or measuring controlled substances or controlled substance analogs;

(6) diluents and adulterants, such as quinine hydrochloride, mannitol, mannite dextrose and lactose, used, intended for use or designed for use in cutting controlled substances or controlled substance analogs;

(7) separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from, or in otherwise cleaning and refining, marijuana;

(8) blenders, bowls, containers, spoons and mixing devices used, intended for use or designed for use in compounding controlled substances or controlled substance analogs;

(9) capsules, balloons, envelopes and other containers used, intended for use or designed for use in packaging small quantities of controlled substances or controlled substance analogs;

(10) containers and other objects used, intended for use or designed for use in storing or concealing controlled substances or controlled substance analogs;

(11) hypodermic syringes, needles and other objects used, intended for use or designed for use in parenterally injecting controlled substances or controlled

substance analogs into the human body;

(12) objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:

(a) metal, wooden, acrylic, glass, stone, plastic or ceramic pipes, with or without screens, permanent screens, hashish heads or punctured metal bowls;

(b) water pipes;

(c) carburetion tubes and devices;

(d) smoking and carburetion masks;

(e) roach clips, meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small to hold in the hand;

(f) miniature cocaine spoons and cocaine vials;

(g) chamber pipes;

(h) carburetor pipes;

(i) electric pipes;

(j) air-driven pipes;

(k) chilams;

(l) bongs; or

(m) ice pipes or chillers; and

(13) in determining whether an object is drug paraphernalia, a court or other authority should

consider, in addition to all other logically relevant factors, the following:

(a) statements by the owner or by anyone in control of the object concerning its use;

(b) the proximity of the object, in time and space, to a direct violation of the Controlled Substances Act or any other law relating to controlled substances or controlled substance analogs;

(c) the proximity of the object to controlled substances or controlled substance analogs;

(d) the existence of any residue of a controlled substance or controlled substance analog on the object;

(e) instructions, written or oral, provided with the object concerning its use;

(f) descriptive materials accompanying the object that explain or depict its use;

(g) the manner in which the object is displayed for sale; and

(h) expert testimony concerning its use;

X. "controlled substance analog" means a substance other than a controlled substance that has a chemical structure substantially similar to that of a controlled substance in Schedule I, II, III, IV or V or that was

specifically designed to produce effects substantially similar to that of controlled substances in Schedule I, II, III, IV or V. Examples of chemical classes in which controlled substance analogs are found include the following:

(1) phenethylamines;

(2) N-substituted piperidines;

(3) morphinans;

(4) ecgonines;

(5) quinazolinones;

(6) substituted indoles; and

(7) arylcycloalkylamines.

Specifically excluded from the definition of "controlled substance analog" are those substances that are generally recognized as safe and effective within the meaning of the Federal Food, Drug, and Cosmetic Act or have been manufactured, distributed or possessed in conformance with the provisions of an approved new drug application or an exemption for investigational use within the meaning of Section 505 of the Federal Food, Drug, and Cosmetic Act;

Y. "human consumption" includes application, injection, inhalation, ingestion or any other manner of introduction;

Z. "drug-free school zone" means a public school, parochial school or private school or property that is used for a public, parochial or private school purpose and the

area within one thousand feet of the school property line, but it does not mean any post-secondary school; and

AA. "valid practitioner-patient relationship" means a professional relationship, as defined by the practitioner's licensing board, between the practitioner and the patient."

SECTION 10. Section 30-31-6 NMSA 1978 (being Laws 1972, Chapter 84, Section 6, as amended by Laws 2017, Chapter 139, Section 2, by Laws 2017, Chapter 140, Section 3 and by Laws 2018, Chapter 41, Section 1) 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) alphamethadol;

(6) benzethidine;

(7) betacetylmethadol;

(8) betameprodine;

(9) betamethadol;

(10) betaprodine;

(11) clonitazene;

(12) dextromoramide;

(13) dextrorphan;

(14) diampromide;

(15) diethylthiambutene;

(16) dimenoxadol;

(17) dimepheptanol;

(18) dimethylthiambutene;

(19) dioxaphetyl butyrate;

(20) dipipanone;

(21) ethylmethylthiambutene;

(22) etonitazene;

(23) etoxeridine;

(24) furethidine;

(25) hydroxypethidine;

(26) ketobemidone;

(27) levomoramide;

(28) levophenacylmorphan;

(29) morpheridine;

(30) noracymethadol;

(31) norlevorphanol;

(32) normethadone;

(33) norpipanone;

(34) phenadoxone;

(35) phenampromide;

(36) phenomorphan;

(37) phenoperidine;

(38) piritramide;

(39) proheptazine;

(40) properidine;

(41) racemoramide; and

(42) 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;

(2) acetyldihydrocodeine;

(3) benzylmorphine;

(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;

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;

(6) dimethyltryptamine;

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

(8) ibogaine;

(9) lysergic acid diethylamide;

(10) marijuana;

(11) mescaline;

(12) peyote, except as otherwise provided in the Controlled Substances Act;

(13) N-ethyl-3-piperidyl benzilate;

(14) N-methyl-3-piperidyl benzilate;

(15) psilocybin;

(16) psilocyn;

(17) tetrahydrocannabinols;

(18) hashish;

(19) synthetic cannabinoids, including:

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

(b) 1-butyl-3-(1-napthoyl)indole;

(c) 1-hexyl-3-(1-naphthoyl)indole;

(d) 1-pentyl-3-(1-naphthoyl)indole;

(e) 1-pentyl-3-(2-methoxyphenylacetyl) indole;

(f) 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) 6aR,10aR)-9-(hydroxymethyl)

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

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

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

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

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

(20) 3,4-methylenedioxymethcathinone;

(21) 3,4-methylenedioxypyrovalerone;

(22) 4-methylmethcathinone;

(23) 4-methoxymethcathinone;

(24) 3-fluoromethcathinone; and

(25) 4-fluoromethcathinone;

D. 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. the enumeration of marijuana, tetrahydrocannabinols or chemical derivatives of tetrahydrocannabinol as Schedule I controlled substances does not apply to:

(1) hemp pursuant to rules promulgated by the board of regents of New Mexico state university on behalf of the New Mexico department of agriculture;

(2) cultivation of hemp by persons pursuant to rules promulgated by the board of regents of New Mexico state university on behalf of the New Mexico department of agriculture;

(3) tetrahydrocannabinols or chemical derivatives of tetrahydrocannabinols, including tetrahydrocannabinols or chemical derivatives of tetrahydrocannabinols with concentrations of up to five percent as measured using a post-decarboxylation method and based on percentage dry weight, possessed by a person in connection with the cultivation, transportation, testing, researching, manufacturing or other processing of the plant Cannabis sativa L., or any part of the plant whether growing or not, if authorized pursuant to rules promulgated, pursuant to the Hemp Manufacturing Act, by the board of regents of New Mexico state university on behalf of the New Mexico department of agriculture or the department of environment;

(4) tetrahydrocannabinols or chemical

derivatives of tetrahydrocannabinols, including tetrahydrocannabinols or chemical derivatives of tetrahydrocannabinols in any concentration possessed by a person in connection with the extraction of tetrahydrocannabinols or chemical derivatives of tetrahydrocannabinols, if authorized pursuant to rules promulgated, pursuant to the Hemp Manufacturing Act, by the board of regents of New Mexico state university on behalf of the New Mexico department of agriculture or the department of environment;

(5) 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; or

(6) the use, dispensing, possession, prescribing, storage or transport of a prescription drug that the United States food and drug administration has approved and that contains marijuana, a tetrahydrocannabinol derivative or a chemical derivative of tetrahydrocannabinol; and

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

SECTION 11. Section 76-24-2 NMSA 1978 (being Laws 2017, Chapter 140, Section 1) is amended to read:

"76-24-2. HEMP--NEW MEXICO DEPARTMENT OF AGRICULTURE--NEW MEXICO HEMP RESEARCH AND DEVELOPMENT FUND.--

A. The intent of this section is to bring New Mexico into compliance with federal law.

B. Notwithstanding any other provision of law to the contrary, the board, through the New Mexico department of agriculture, shall issue licenses pursuant to rules enacted under Subsection C of this section to grow hemp for research and development, agricultural, agronomic, ecological, processing, sales and marketing purposes.

C. The board, on behalf of the director of the New Mexico department of agriculture, shall adopt rules to establish and carry out the provisions of this section, including requirements for licensure, training of law enforcement personnel, inspection, recordkeeping, fees not to exceed program costs and compliance processes. An institution of higher education, person or business that plans to grow hemp seed or hemp fiber shall obtain a grower's license by submitting an application to the New Mexico department of agriculture pursuant to promulgated rules.

D. A person who holds a license issued pursuant to this section may grow hemp for research and development, agricultural, agronomic, ecological, processing, sales and

marketing or any other purpose allowed by federal regulation or law.

E. The board shall establish a "New Mexico hemp research and development fund". The fund consists of fees collected by the New Mexico department of agriculture pursuant to the Hemp Manufacturing Act, donations, grants and income earned from investment of the fund and money otherwise accruing to the fund. Money in the fund shall not revert to any other fund at the end of a fiscal year. The board shall administer the fund, and money in the fund is subject to appropriation by the legislature to the board for the department to administer the provisions of the Hemp Manufacturing Act. Money in the fund shall be disbursed on warrants signed by the secretary of finance and administration pursuant to vouchers signed by the director of the New Mexico department of agriculture or the director's authorized representative."

SECTION 12. REPEAL.--Section 76-24-1 NMSA 1978 (being Laws 2017, Chapter 139, Section 1) is repealed.

SECTION 13. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2019.