

HOUSE BILL 566

**54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

INTRODUCED BY

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Pursuant to House Rule 24-1, this document incorporates amendments that have been adopted prior to consideration of this measure by the House. It is a tool to show the amendments in context and is not to be used for the purpose of amendments.

AN ACT

RELATING TO AGRICULTURE; AUTHORIZING AND REGULATING RESEARCH ON  
CANNABIS SATIVA L. PLANTS FOR CERTAIN PURPOSES; CREATING  
EXEMPTIONS FROM PROSECUTION UNDER THE CONTROLLED SUBSTANCES  
ACT.

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:

"[NEW MATERIAL] HEMP PLANT RESEARCH AND DEVELOPMENT---NEW  
MEXICO DEPARTMENT OF AGRICULTURE.--

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A. As used in this section:

(1) "hemp plant research" means conducting research on Cannabis sativa L. plants to develop plant varieties with increased productivity or that are adapted to the state's diverse ecosystems; and

(2) "low THC Cannabis sativa" means a viable Cannabis sativa L. plant containing a delta-9-tetrahydrocannabinol concentration of more than three-tenths percent but not more than HAWC→one two←HAWC percent on a dry weight basis as measured using a post-decarboxylation testing method approved by the New Mexico department of agriculture.

B. The New Mexico department of agriculture shall adopt rules, including rules for licensing, testing, recordkeeping, inspections, numbers of plants and fees for licenses, authorizing a person to conduct hemp plant research.

C. A person who is not licensed pursuant to this section shall not conduct hemp plant research in this state.

D. A person holding a valid license to conduct hemp plant research shall be exempt from prosecution under the Controlled Substances Act for possession of low THC Cannabis sativa.

E. The board of regents of New Mexico state university, on behalf of the New Mexico department of agriculture, shall establish a fee for a license to conduct hemp plant research not to exceed the cost of administration.

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The fees shall be deposited in the New Mexico industrial hemp research and development fund.

F. Possession of a license to conduct hemp plant research shall not preclude the licensee from possessing another license issued pursuant to Chapter 76, Article 24 NMSA 1978."

**SECTION 2.** 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;

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- (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) levophenacilmorphan;
- (29) morpheridine;
- (30) noracymethadol;
- (31) norlevorphanol;
- (32) normethadone;
- (33) norpipanone;

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- (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;

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- (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;

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(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-naphthoyl)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,

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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-methylenedioxy methcathinone;

(21) 3,4-methylenedioxy pyrovalerone;

(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,

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tetrahydrocannabinols or chemical derivatives of tetrahydrocannabinol as Schedule I controlled substances does not apply to:

(1) industrial 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 industrial hemp by ~~[qualified entities]~~ persons pursuant to rules ~~[adopted by]~~ promulgated by the board of regents of New Mexico state university on behalf of the New Mexico department of agriculture;

(3) viable Cannabis sativa L. plants containing a delta-9-tetrahydrocannabinol concentration of more than three-tenths percent but not more than HAWC→one two←HAWC percent on a dry weight basis as measured using a post-decarboxylation testing method approved by the New Mexico department of agriculture, possessed by a person in connection with cultivation, transportation, testing or research, if authorized pursuant to rules promulgated by the board of regents of New Mexico state university on behalf of the New Mexico department of agriculture;

~~(3)~~ (4) the use of marijuana, tetrahydrocannabinols or chemical derivatives of tetrahydrocannabinol by certified patients pursuant to the .213042.2

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Controlled Substances Therapeutic Research Act or by qualified patients pursuant to the provisions of the Lynn and Erin Compassionate Use Act; or

[~~(4)~~] (5) 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 3. EFFECTIVE DATE.**--The effective date of the provisions of this act is July 1, 2019.