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SENATE BILL 410

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

Craig W. Brandt

AN ACT

RELATING TO CONTROLLED SUBSTANCES; RESCHEDULING CRYSTALLINE
POLYMORPH PSILOCYBIN IN ACCORDANCE WITH FEDERAL LAW.

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

SECTION 1. Section 30-31-3 NMSA 1978 (being Laws 1972,
Chapter 84, Section 3, as amended) is amended to read:

"30-31-3. DUTY TO ADMINISTER.--

A. The board shall administer the Controlled
Substances Act and may add by regulation substances to the list
of substances enumerated in Schedules I through IV pursuant to
the procedures of the Uniform Licensing Act. In determining
whether a substance has the potential for abuse, the board
shall consider the following:

(1) the actual or relative abuse of the
substance;

1 (2) the scientific evidence of the
2 pharmacological effect of the substance, if known;

3 (3) the state of current scientific knowledge
4 regarding the substance;

5 (4) the history and current pattern of abuse;

6 (5) the scope, duration and significance of
7 abuse;

8 (6) the risk to the public health; and

9 (7) the potential of the substance to produce
10 psychic or physiological dependence liability.

11 B. After considering the factors enumerated in
12 Subsection A of this section, the board shall make findings and
13 issue regulations controlling the substance if it finds the
14 substance has a potential for abuse.

15 C. If any substance is designated as a controlled
16 substance under federal law and notice is given to the board,
17 the board may, by regulation, similarly control the substance
18 under the Controlled Substances Act after providing for a
19 hearing pursuant to the Uniform Licensing Act.

20 D. Authority to control under this section does not
21 extend to distilled spirits, wine, malt beverages, tobacco or
22 pesticides as defined in the Pesticide Control Act.

23 E. Notwithstanding Subsection C of this section,
24 immediately upon rescheduling by the United States food and
25 drug administration of the pharmaceutical composition of

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1 crystalline polymorph psilocybin, shall be scheduled and listed
2 in a manner to coincide with federal law, including the
3 Controlled Substances Act public law 91-513, 84 Stat. 1236, 21
4 U.S.C. Section 801 et seq."

5 SECTION 2. Section 30-31-6 NMSA 1978 (being Laws 1972,
6 Chapter 84, Section 6, as amended) is amended to read:

7 "30-31-6. SCHEDULE I.--The following controlled
8 substances are included in Schedule I:

9 A. any of the following opiates, including their
10 isomers, esters, ethers, salts and salts of isomers, esters and
11 ethers, unless specifically exempted, whenever the existence of
12 these isomers, esters, ethers and salts is possible within the
13 specific chemical designation:

- 14 (1) acetylmethadol;
- 15 (2) allylprodine;
- 16 (3) alphacetylmethadol;
- 17 (4) alphameprodine;
- 18 (5) alphamethadol;
- 19 (6) benzethidine;
- 20 (7) betacetylmethadol;
- 21 (8) betameprodine;
- 22 (9) betamethadol;
- 23 (10) betaprodine;
- 24 (11) clonitazene;
- 25 (12) dextromoramide;

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- 1 (13) dextrorphan;
- 2 (14) diampromide;
- 3 (15) diethylthiambutene;
- 4 (16) dimenoxadol;
- 5 (17) dimepheptanol;
- 6 (18) dimethylthiambutene;
- 7 (19) dioxaphetyl butyrate;
- 8 (20) dipipanone;
- 9 (21) ethylmethylthiambutene;
- 10 (22) etonitazene;
- 11 (23) etoxeridine;
- 12 (24) furethidine;
- 13 (25) hydroxypethidine;
- 14 (26) ketobemidone;
- 15 (27) levomoramide;
- 16 (28) levophenacymorphan;
- 17 (29) morpheridine;
- 18 (30) noracymethadol;
- 19 (31) norlevorphanol;
- 20 (32) normethadone;
- 21 (33) norpipanone;
- 22 (34) phenadoxone;
- 23 (35) phenampromide;
- 24 (36) phenomorphan;
- 25 (37) phenoperidine;

- 1 (38) piritramide;
- 2 (39) proheptazine;
- 3 (40) properidine;
- 4 (41) racemoramide; and
- 5 (42) trimeperidine;

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

- 11 (1) acetorphine;
- 12 (2) acetyldihydrocodeine;
- 13 (3) benzylmorphine;
- 14 (4) codeine methylbromide;
- 15 (5) codeine-N-oxide;
- 16 (6) cyprenorphine;
- 17 (7) desomorphine;
- 18 (8) dihydromorphine;
- 19 (9) etorphine;
- 20 (10) heroin;
- 21 (11) hydromorphinol;
- 22 (12) methyldesorphine;
- 23 (13) methyldihydromorphine;
- 24 (14) morphine methylbromide;
- 25 (15) morphine methylsulfonate;

- 1 (16) morphine-N-oxide;
- 2 (17) myrophine;
- 3 (18) nicocodeine;
- 4 (19) nicomorphine;
- 5 (20) normorphine;
- 6 (21) pholcodine; and
- 7 (22) thebacon;

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

- 14 (1) 3,4-methylenedioxy amphetamine;
- 15 (2) 5-methoxy-3,4-methylenedioxy amphetamine;
- 16 (3) 3,4,5-trimethoxy amphetamine;
- 17 (4) bufotenine;
- 18 (5) diethyltryptamine;
- 19 (6) dimethyltryptamine;
- 20 (7) 4-methyl-2,5-dimethoxy amphetamine;
- 21 (8) ibogaine;
- 22 (9) lysergic acid diethylamide;
- 23 (10) mescaline;
- 24 (11) peyote, except as otherwise provided in
25 the Controlled Substances Act;

- 1 (12) N-ethyl-3-piperidyl benzilate;
2 (13) N-methyl-3-piperidyl benzilate;
3 (14) psilocybin;
4 (15) psilocyn;
5 (16) synthetic cannabinoids, including:
6 (a) 1-[2-(4-(morpholinyl)ethyl)
7 -3-(1-naphthoyl)indole;
8 (b) 1-butyl-3-(1-naphthoyl)indole;
9 (c) 1-hexyl-3-(1-naphthoyl)indole;
10 (d) 1-pentyl-3-(1-naphthoyl)indole;
11 (e) 1-pentyl-3-(2-methoxyphenylacetyl)
12 indole;
13 (f) cannabicyclohexanol (CP 47, 497 and
14 homologues: 5-(1,1-dimethylheptyl)-2-[(1R,3S)
15 -3-hydroxycyclohexyl]-phenol (CP-47,497); and 5-(1,
16 1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol;
17 (g) 6aR,10aR)-9-(hydroxymethyl)
18 -6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,
19 10a-tetrahydrobenzo[c]chromen-1-ol);
20 (h) dexanabinol, (6aS,10aS)
21 -9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)
22 -6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;
23 (i) 1-pentyl-3-(4-chloro naphthoyl)
24 indole;
25 (j) (2-methyl-1-propyl-1H-indol-3-yl)

1 -1-naphthalenyl-methanone; and

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

4 (17) 3,4-methylenedioxy-methcathinone;

5 (18) 3,4-methylenedioxy-pyrovalerone;

6 (19) 4-methylmethcathinone;

7 (20) 4-methoxymethcathinone;

8 (21) 3-fluoromethcathinone; and

9 (22) 4-fluoromethcathinone;

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

18 E. the enumeration of Schedule I controlled
19 substances does not apply to:

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

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

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1 agriculture;

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

15 (4) tetrahydrocannabinols or chemical
16 derivatives of tetrahydrocannabinols, including
17 tetrahydrocannabinols or chemical derivatives of
18 tetrahydrocannabinols in any concentration possessed by a
19 person in connection with the extraction of
20 tetrahydrocannabinols or chemical derivatives of
21 tetrahydrocannabinols, if authorized pursuant to rules
22 promulgated, pursuant to the Hemp Manufacturing Act, by the
23 board of regents of New Mexico state university on behalf of
24 the New Mexico department of agriculture or the department of
25 environment; ~~[and]~~

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

4 G. psilocybin except immediately upon its
5 rescheduling by the United States Food and Drug Administration
6 of the pharmaceutical composition of crystalline polymorph
7 psilocybin."

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