

HOUSE LABOR AND ECONOMIC DEVELOPMENT COMMITTEE SUBSTITUTE FOR
HOUSE BILLS 144, 154 & 280

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

AN ACT

RELATING TO AGRICULTURE; PROVIDING FOR THE ESTABLISHMENT OF AN
INDUSTRIAL HEMP RESEARCH AND DEVELOPMENT PROGRAM AND THE NEW
MEXICO INDUSTRIAL HEMP RESEARCH AND DEVELOPMENT FUND; EXEMPTING
THE CULTIVATION OF INDUSTRIAL HEMP FROM THE CONTROLLED
SUBSTANCES ACT; MAKING AN APPROPRIATION.

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

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

"NEW MATERIAL INDUSTRIAL HEMP RESEARCH AND DEVELOPMENT
PROGRAM--NEW MEXICO DEPARTMENT OF AGRICULTURE.--

A. As used in this section:

(1) "board" means the board of regents of New
Mexico state university; and

(2) "industrial hemp" means the plant Cannabis

1 sativa L. and any part of the plant, whether growing or not,
2 containing a delta-9-tetrahydrocannabinol concentration of no
3 more than three-tenths percent on a dry weight basis.

4 B. Notwithstanding any other provision of law to
5 the contrary, the board through the New Mexico department of
6 agriculture shall institute and administer an industrial hemp
7 research and development program to allow persons and
8 institutions of higher education to grow industrial hemp for
9 the purpose of studying the growth, cultivation and marketing
10 of industrial hemp in New Mexico or any other purpose allowed
11 by federal regulation or law.

12 C. The board on behalf of the New Mexico department
13 of agriculture shall develop and promulgate rules to establish
14 and carry out the industrial hemp research and development
15 program. The board may develop and promulgate rules regarding
16 requirements for participation, the issuance of permits,
17 inspections, recordkeeping, program compliance or program
18 participation fees; provided that any required program
19 participation fees shall not exceed administrative costs.

20 D. The cultivation of industrial hemp shall be
21 subject to and comply with the rules promulgated by the board
22 on behalf of the New Mexico department of agriculture pursuant
23 to this section.

24 E. The board shall establish a "New Mexico
25 industrial hemp research and development fund". The fund

.206903.2

1 consists of revenue collected by the New Mexico department of
 2 agriculture in administration of the industrial hemp research
 3 and development program, donations, grants and income earned
 4 from investment of the fund and money otherwise accruing to the
 5 fund. Money in the fund shall not revert to any other fund at
 6 the end of a fiscal year. The board shall administer the fund,
 7 and money in the fund is appropriated to the board for the New
 8 Mexico department of agriculture to administer the industrial
 9 hemp research and development program and related programs.
 10 Money in the fund shall be disbursed on warrants signed by the
 11 board pursuant to vouchers signed by the director of the New
 12 Mexico department of agriculture or the director's authorized
 13 representative."

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

16 "30-31-6. SCHEDULE I.--The following controlled
 17 substances are included in Schedule I:

18 A. any of the following opiates, including their
 19 isomers, esters, ethers, salts, and salts of isomers, esters
 20 and ethers, unless specifically exempted, whenever the
 21 existence of these isomers, esters, ethers and salts is
 22 possible within the specific chemical designation:

- 23 (1) acetylmethadol;
- 24 (2) allylprodine;
- 25 (3) alphacetylmethadol;

.206903.2

- 1 (4) alphameprodine;
- 2 (5) alphamethadol;
- 3 (6) benzethidine;
- 4 (7) betacetylmethadol;
- 5 (8) betameprodine;
- 6 (9) betamethadol;
- 7 (10) betaprodine;
- 8 (11) clonitazene;
- 9 (12) dextromoramide;
- 10 (13) dextrorphan;
- 11 (14) diampromide;
- 12 (15) diethylthiambutene;
- 13 (16) dimenoxadol;
- 14 (17) dimepheptanol;
- 15 (18) dimethylthiambutene;
- 16 (19) dioxaphetyl butyrate;
- 17 (20) dipipanone;
- 18 (21) ethylmethylthiambutene;
- 19 (22) etonitazene;
- 20 (23) etoxeridine;
- 21 (24) furethidine;
- 22 (25) hydroxypethidine;
- 23 (26) ketobemidone;
- 24 (27) levomoramide;
- 25 (28) levophenacylmorphan;

- 1 (29) morpheridine;
2 (30) noracymethadol;
3 (31) norlevorphanol;
4 (32) normethadone;
5 (33) norpipanone;
6 (34) phenadoxone;
7 (35) phenampromide;
8 (36) phenomorphan;
9 (37) phenoperidine;
10 (38) piritramide;
11 (39) proheptazine;
12 (40) properidine;
13 (41) racemoramide; and
14 (42) trimeperidine;

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

- 20 (1) acetorphine;
21 (2) acetyldihydrocodeine;
22 (3) benzylmorphine;
23 (4) codeine methylbromide;
24 (5) codeine-N-oxide;
25 (6) cyprenorphine;

.206903.2

- 1 (7) desomorphine;
- 2 (8) dihydromorphine;
- 3 (9) etorphine;
- 4 (10) heroin;
- 5 (11) hydromorphinol;
- 6 (12) methyldesorphine;
- 7 (13) methyldihydromorphine;
- 8 (14) morphine methylbromide;
- 9 (15) morphine methylsulfonate;
- 10 (16) morphine-N-oxide;
- 11 (17) myrophine;
- 12 (18) nicocodeine;
- 13 (19) nicomorphine;
- 14 (20) normorphine;
- 15 (21) pholcodine; and
- 16 (22) thebacon;

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

- 23 (1) 3,4-methylenedioxy amphetamine;
- 24 (2) 5-methoxy-3,4-methylenedioxy amphetamine;
- 25 (3) 3,4,5-trimethoxy amphetamine;

- 1 (4) bufotenine;
- 2 (5) diethyltryptamine;
- 3 (6) dimethyltryptamine;
- 4 (7) 4-methyl-2,5-dimethoxy amphetamine;
- 5 (8) ibogaine;
- 6 (9) lysergic acid diethylamide;
- 7 (10) marijuana;
- 8 (11) mescaline;
- 9 (12) peyote, except as otherwise provided in
- 10 the Controlled Substances Act;
- 11 (13) N-ethyl-3-piperidyl benzilate;
- 12 (14) N-methyl-3-piperidyl benzilate;
- 13 (15) psilocybin;
- 14 (16) psilocyn;
- 15 (17) tetrahydrocannabinols;
- 16 (18) hashish;
- 17 (19) synthetic cannabinoids, including:
- 18 (a) 1-[2-(4-(morpholinyl)ethyl)-3-(1-
- 19 naphthoyl)indole;
- 20 (b) 1-butyl-3-(1-naphthoyl)indole;
- 21 (c) 1-hexyl-3-(1-naphthoyl)indole;
- 22 (d) 1-pentyl-3-(1-naphthoyl)indole;
- 23 (e) 1-pentyl-3-(2-methoxyphenylacetyl)
- 24 indole;
- 25 (f) cannabicyclohexanol (CP 47, 497 and

.206903.2

1 homologues: 5-(1,1-dimethylheptyl)-2-[(1R,3S)
2 -3-hydroxycyclohexyl]-phenol (CP-47,497); and 5-(1,
3 1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol;
4 (g) 6aR,10aR)-9-(hydroxymethyl)
5 -6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,
6 10a-tetrahydrobenzo[c]chromen-1-ol);
7 (h) dexanabinol, (6aS,10aS)
8 -9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)
9 -6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;
10 (i) 1-pentyl-3-(4-chloro naphthoyl)
11 indole;
12 (j) (2-methyl-1-propyl-1H-indol-3-yl)
13 -1-naphthalenyl-methanone; and
14 (k) 5-(1,1-dimethylheptyl)-2-(3-hydroxy
15 cyclohexyl)-phenol;
16 (20) 3,4-methylenedioxy methcathinone;
17 (21) 3,4-methylenedioxy pyrovalerone;
18 (22) 4-methylmethcathinone;
19 (23) 4-methoxymethcathinone;
20 (24) 3-fluoromethcathinone; and
21 (25) 4-fluoromethcathinone;

22 D. the enumeration of peyote as a controlled
23 substance does not apply to the use of peyote in bona fide
24 religious ceremonies by a bona fide religious organization, and
25 members of the organization so using peyote are exempt from

1 registration. Any person who manufactures peyote for or
2 distributes peyote to the organization or its members shall
3 comply with the federal Comprehensive Drug Abuse Prevention and
4 Control Act of 1970 and all other requirements of law;

5 E. the enumeration of marijuana,
6 tetrahydrocannabinols or chemical derivatives of
7 tetrahydrocannabinol as Schedule I controlled substances does
8 not apply to:

9 (1) industrial hemp, pursuant to rules
10 promulgated by the board of regents of New Mexico state
11 university on behalf of the New Mexico department of
12 agriculture; or

13 (2) the use of marijuana,
14 tetrahydrocannabinols or chemical derivatives of
15 tetrahydrocannabinol by certified patients pursuant to the
16 Controlled Substances Therapeutic Research Act or by qualified
17 patients pursuant to the provisions of the Lynn and Erin
18 Compassionate Use Act; and

19 F. controlled substances added to Schedule I by
20 rule adopted by the board pursuant to Section 30-31-3 NMSA
21 1978."