

HOUSE LABOR AND ECONOMIC DEVELOPMENT COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 530

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

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;  
ENACTING A NEW SECTION OF CHAPTER 76 NMSA 1978 TO PROVIDE  
AUTHORIZATION FOR THE NEW MEXICO DEPARTMENT OF AGRICULTURE TO  
ADOPT RULES FOR RESEARCH ON INDUSTRIAL HEMP; PROVIDING FOR THE  
ESTABLISHMENT OF THE NEW MEXICO INDUSTRIAL HEMP RESEARCH AND  
DEVELOPMENT FUND.

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--NEW MEXICO  
DEPARTMENT OF AGRICULTURE.--

A. As used in this section, "industrial hemp" means  
the plant Cannabis sativa L. and any part of the plant, whether  
growing or not, containing a delta-9-tetrahydrocannabinol

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underscored material = new  
[bracketed material] = delete

1 concentration of no more than three-tenths percent on a dry  
2 weight basis.

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

9 C. The director of the New Mexico department of  
10 agriculture shall adopt rules to establish and carry out the  
11 provisions of this section, including requirements for  
12 licensure, training of law enforcement personnel, inspection,  
13 recordkeeping, fees not to exceed program costs and compliance  
14 processes. An institution of higher education or researcher  
15 that plans to grow industrial hemp seed or industrial hemp  
16 fiber under the auspice of the industrial hemp research and  
17 development program shall obtain a grower's license by  
18 submitting an application to the New Mexico department of  
19 agriculture pursuant to promulgated rules.

20 D. An institution of higher education or researcher  
21 who holds a license issued pursuant to this section may grow  
22 industrial hemp for research and development purposes,  
23 including agricultural, agronomic, ecological, processing,  
24 sales and marketing research.

25 E. New Mexico state university shall establish a

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

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

18 "30-31-6. SCHEDULE I.--The following controlled  
19 substances are included in Schedule I:

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

25 (1) acetylmethadol;

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~~[bracketed material] = delete~~

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

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

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

- 22 (1) acetorphine;  
23 (2) acetyldihydrocodeine;  
24 (3) benzylmorphine;  
25 (4) codeine methylbromide;

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~~[bracketed material] = delete~~

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

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

- 25 (1) 3,4-methylenedioxy amphetamine;

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

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1 indole;

2 (f) cannabicyclohexanol (CP 47, 497 and  
3 homologues: 5-(1,1-dimethylheptyl)-2-[(1R,3S)  
4 -3-hydroxycyclohexyl]-phenol (CP-47,497); and 5-(1,  
5 1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol;

6 (g) 6aR,10aR)-9-(hydroxymethyl)  
7 -6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,  
8 10a-tetrahydrobenzo[c]chromen-1-ol);

9 (h) dexanabinol, (6aS,10aS)  
10 -9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)  
11 -6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;

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

14 (j) (2-methyl-1-propyl-1H-indol-3-yl)  
15 -1-naphthalenyl-methanone; and

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

18 (20) 3,4-methylenedioxy methcathinone;

19 (21) 3,4-methylenedioxy pyrovalerone;

20 (22) 4-methylmethcathinone;

21 (23) 4-methoxymethcathinone;

22 (24) 3-fluoromethcathinone; and

23 (25) 4-fluoromethcathinone;

24 D. the enumeration of peyote as a controlled  
25 substance does not apply to the use of peyote in bona fide

1 religious ceremonies by a bona fide religious organization, and  
2 members of the organization so using peyote are exempt from  
3 registration. Any person who manufactures peyote for or  
4 distributes peyote to the organization or its members shall  
5 comply with the federal Comprehensive Drug Abuse Prevention and  
6 Control Act of 1970 and all other requirements of law;

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

11 (1) cultivation of industrial hemp by  
12 qualified entities pursuant to rules adopted by the New Mexico  
13 department of agriculture; or

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

20 F. controlled substances added to Schedule I by  
21 rule adopted by the board pursuant to Section 30-31-3 NMSA  
22 1978."