

HOUSE HEALTH AND HUMAN SERVICES COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 139

**53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018**

AN ACT

RELATING TO PHARMACEUTICALS; AMENDING A SECTION OF THE  
CONTROLLED SUBSTANCES ACT TO REMOVE FROM LIABILITY UNDER THE  
CONTROLLED SUBSTANCES ACT CERTAIN ACTIVITIES RELATING TO  
PRESCRIPTION DRUGS CONTAINING A MARIJUANA DERIVATIVE; PROVIDING  
FOR A CONTINGENT EFFECTIVE DATE; AUTHORIZING RECONCILIATION OF  
MULTIPLE AMENDMENTS TO THE SAME SECTION OF LAW.

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

**SECTION 1.** Section 30-31-6 NMSA 1978 (being Laws 1972,  
Chapter 84, Section 6, as amended) 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

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underscored material = new  
[bracketed material] = delete

1 existence of these isomers, esters, ethers and salts is  
2 possible within the specific chemical designation:

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

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

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

- 25 (1) acetorphine;

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underscoring material = new  
~~[bracketed material] = delete~~

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

22 C. any material, compound, mixture or preparation  
23 that contains any quantity of the following hallucinogenic  
24 substances, their salts, isomers and salts of isomers, unless  
25 specifically exempted, whenever the existence of these salts,

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1 isomers and salts of isomers is possible within the specific  
2 chemical designation:

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

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

1 (25) 4-fluoromethcathinone;

2 D. the enumeration of peyote as a controlled  
3 substance does not apply to the use of peyote in bona fide  
4 religious ceremonies by a bona fide religious organization, and  
5 members of the organization so using peyote are exempt from  
6 registration. Any person who manufactures peyote for or  
7 distributes peyote to the organization or its members shall  
8 comply with the federal Comprehensive Drug Abuse Prevention and  
9 Control Act of 1970 and all other requirements of law;

10 E. the enumeration of marijuana,  
11 tetrahydrocannabinols or chemical derivatives of  
12 tetrahydrocannabinol as Schedule I controlled substances does  
13 not apply to:

14 (1) 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~~ or

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

25 F. controlled substances added to Schedule I by

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1 rule adopted by the board pursuant to Section 30-31-3 NMSA  
2 1978."

3 SECTION 2. TEMPORARY PROVISION--COMPILATION INSTRUCTION--  
4 RECONCILIATION.--If acts making amendments to Section 30-31-6  
5 NMSA 1978 are enacted by the first and second sessions of the  
6 fifty-third legislature, the provisions of those acts shall be  
7 reconciled and compiled in accordance with the provisions of  
8 Section 12-1-8 NMSA 1978, notwithstanding that the amendments  
9 were not made in the same session of the legislature.

10 SECTION 3. CONTINGENT EFFECTIVE DATE--NOTIFICATION.--The  
11 effective date of the provisions of this act is thirty days  
12 following the date that the board of pharmacy certifies to the  
13 New Mexico compilation commission and the director of the  
14 legislative council service that the United States food and  
15 drug administration has approved one or more drugs containing a  
16 marijuana derivative. The board of pharmacy shall notify the  
17 New Mexico compilation commission and the director of the  
18 legislative council service immediately upon the board's  
19 knowledge that the United States food and drug administration  
20 has approved for the first time a drug containing a marijuana  
21 derivative.