

HOUSE BILL 169

54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020

INTRODUCED BY

Christine Chandler

AN ACT

RELATING TO MEDICAL CANNABIS; REQUIRING A CANNABIS PRODUCER TO ONLY USE WATER OBTAINED UNDER A VALID WATER RIGHT TO PRODUCE CANNABIS AND TO PROVIDE THE DEPARTMENT OF HEALTH WITH DOCUMENTATION DEMONSTRATING THE PRODUCER'S RIGHT TO USE THE WATER FOR THE PURPOSES OF THE CANNABIS PRODUCER'S LICENSE.

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

SECTION 1. Section 26-2B-6.1 NMSA 1978 (being Laws 2019, Chapter 247, Section 8) is amended to read:

"26-2B-6.1. PROGRAM REGULATION AND ADMINISTRATION--FEES--LIMITATIONS--RULEMAKING--LICENSURE--ISSUANCE--REPORTING.--

A. The department shall:

(1) regulate and administer the medical cannabis program; and

(2) collect fees from licensees; provided that

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1 the department shall not charge a fee relating to the medical
2 cannabis registry.

3 B. By December 20, 2019, the secretary of health
4 shall adopt and promulgate rules to establish fees for licenses
5 for cannabis producers, cannabis manufacturers, cannabis
6 couriers, cannabis testing facilities or any other cannabis
7 establishments whose operations are authorized pursuant to the
8 Lynn and Erin Compassionate Use Act.

9 C. The department shall establish application and
10 licensing fees applicable to licenses for activity related to
11 the medical cannabis program.

12 D. The department shall administer licensure for
13 medical cannabis program activity provided for in the Lynn and
14 Erin Compassionate Use Act, which shall include personal
15 production licenses and licenses for:

16 (1) cannabis couriers;

17 (2) cannabis manufacturers;

18 (3) cannabis producers; provided that as a
19 condition of licensure or a license renewal, a cannabis
20 producer shall only use for cannabis production water that was
21 obtained under a valid water right that was not developed under
22 a well permit issued pursuant to Section 72-12-1.1 or 72-12-1.2
23 NMSA 1978, and shall provide to the department documentation
24 that demonstrates the existence of the water right and the
25 producer's right to use the water for the purposes of the

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1 license; and provided further that the granting of a cannabis
2 producer license shall not operate as recognition that
3 the claimed water right is valid;

4 (4) cannabis testing facilities; and

5 (5) any other activity or person as deemed
6 necessary by the department.

7 E. The department shall not issue any other license
8 provided for in this section to a cannabis testing facility
9 licensee.

10 F. In consultation with qualified patients and
11 primary caregivers, the department shall produce an assessment
12 report annually, which shall be published to the public and
13 that includes at a minimum an evaluation of:

14 (1) the affordability of and accessibility to
15 medical cannabis pursuant to the Lynn and Erin Compassionate
16 Use Act; and

17 (2) the needs of qualified patients who live
18 in rural areas, federal subsidized housing or New Mexico Indian
19 nations, tribes or pueblos.

20 G. The department shall allow for the smoking,
21 vaporizing and ingesting of cannabis products within a cannabis
22 consumption area on the premises if:

23 (1) access is restricted to qualified patients
24 and their primary caregivers;

25 (2) cannabis consumption is not visible from

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1 any public place or from outside the cannabis consumption area;
2 and

3 (3) qualified patients who consume cannabis on
4 the premises have a designated driver or other means of
5 transportation consistent with current law."

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