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HOUSE BILL 299

**56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024**

INTRODUCED BY

Jenifer Jones and Cathrynn N. Brown and Eleanor Chávez and  
Elizabeth "Liz" Thomson

AN ACT

RELATING TO PHARMACIES; AMENDING THE PHARMACY ACT TO PROVIDE  
FOR CUSTODIAL FACILITIES ACQUIRING AND POSSESSING CONTROLLED  
SUBSTANCES FOR WITHDRAWAL MANAGEMENT.

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

SECTION 1. A new section of the Pharmacy Act is enacted  
to read:

"~~[NEW MATERIAL]~~ CUSTODIAL CARE FACILITIES--ACQUIRING AND  
POSSESSING CONTROLLED SUBSTANCES.--

A. A licensed custodial care facility that is  
authorized to provide medically monitored withdrawal management  
and has nursing staff on-site twenty-four hours a day, three  
hundred sixty-five days per year, may acquire, stock, maintain  
and have in the facility's possession dangerous drugs,  
including controlled substances to be used for withdrawal

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

underscoring material = new  
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1 management purposes.

2 B. As used in this section:

3 (1) "controlled substance" means a drug,  
4 substance or immediate precursor enumerated in Schedules I  
5 through V of the Controlled Substances Act;

6 (2) "dangerous drug" means a drug that is  
7 required by an applicable federal or state law or rule to be  
8 dispensed pursuant to a prescription, that is restricted to use  
9 by licensed practitioners or that is required by federal law to  
10 be labeled with any of the following statements prior to being  
11 dispensed or delivered:

12 (a) "Caution: federal law prohibits  
13 dispensing without prescription.";

14 (b) "Caution: federal law restricts  
15 this drug to use by or on the order of a licensed  
16 veterinarian."; or

17 (c) "RX only"; and

18 (3) "licensed custodial care facility" means  
19 any facility or business, including a nonprofit entity that  
20 provides care and services on a continuing basis, for two or  
21 more in-house residents, not related to the operator, and that  
22 maintains custody of the residents' drugs."

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