

LFC Requester:

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**AGENCY BILL ANALYSIS
2025 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

Analysis.nmlegis.gov

{Analysis must be uploaded as a PDF}

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Check all that apply:

Original **Amendment**
Correction **Substitute**

Date 1-31-2025

Bill No: HB 230

Sponsor: Reena Szczepanski & Elizabeth Thomson
Short Title: Cannabis Testing Certain Employees

Agency Name and Code Number: 420-Regulation and Licensing Department

Person Writing: Eden Sayers

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
N/A	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
N/A	N/A	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	N/A	N/A	N/A	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY House Bill 230 (HB230)

Synopsis: HB230 would prohibit random drug testing for cannabis but would allow testing when there is reasonable suspicion of impairment at work or after certain accidents. Employers may still enforce policies against on-the-job impairment, but positive tests for cannabis must be reviewed by a medical review officer to determine whether there is a legitimate medical explanation. Defining cannabis impairment is the responsibility of the employer. The Department of Health and Workforce Solutions Department must establish guidelines for determining impairment based on research-backed indicators, ensuring fair application of workplace cannabis policies; however, an employee shall not be considered impaired solely because of the presence of metabolites or components of cannabis.

FISCAL IMPLICATIONS

- No fiscal impact is anticipated for the Regulation and Licensing Department (RLD) if the provisions of HB230 were enacted into law.

SIGNIFICANT ISSUES

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

The primary responsibility for implementation falls on the Department of Health, which must assist the Workforce Solutions Department in developing cannabis impairment guidelines. These guidelines must be based on the most reliable research - or evidence-based indicators, including the evaluation of physical symptoms, psychomotor function, and cognitive performance. While HB230 primarily affects employment policies and protections, RLD does not foresee any administrative, operational, or fiscal effects on its divisions.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The current law under Section 26-2B-9 NMSA 1978, offers some employment protections for medical cannabis patients, however, it does not explicitly prohibit employers from conducting random drug tests for cannabis, if the bill is not enacted employers will continue to be able to conduct random drug tests for cannabis.

AMENDMENTS