

LFC Requester:	Noah Montano
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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 February 18, 2025
Bill No: SB 410

Sponsor: Craig W. Brandt
Short Title: Rescheduling Crystalline Polymorph Psilocybin

Agency Name and Code Number: Regulation and Licensing Department - 420
Person Writing: Cheranne McCracken
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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

Synopsis: Senate Bill 410 (SB 410)

Amends the Controlled Substances Act that immediately upon rescheduling by the United States Food and Drug Administration (FDA) of the pharmaceutical composition of crystalline polymorph psilocybin, shall be scheduled and listed in a manner to coincide with federal law, including the federal controlled substances act. Further, psilocybin, immediately upon rescheduling by the FDA, is not enumerated as a schedule I controlled substance.

FISCAL IMPLICATIONS

No fiscal implications for RLD

SIGNIFICANT ISSUES:

The Board of Pharmacy is not able to immediately schedule and list a drug from one schedule to another, a rulemaking process is required.

An administrative rulemaking process would be required to update and amend current schedules pursuant to the Act if SB410 is enacted. The RLD believes it can absorb the costs associated with the rulemaking processes for this bill within existing resources.

To clarify, consider amended language below.

PERFORMANCE IMPLICATIONS:

ADMINISTRATIVE IMPLICATIONS:

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES:

OTHER SUBSTANTIVE ISSUES:

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS

The **Board of Pharmacy** requests the following amendments to SB 410:

- Page 2. Delete paragraph E.
- **Page 10.** Replace paragraph G.
Immediately upon rescheduling by the United States Food and Drug Administration of crystalline polymorph psilocybin, such product shall be effectively scheduled consistent with federal law, including the Controlled Substances Act public law 91-513, 84 Stat. 1236, 21 U.S.C. Section 801 et seq. The Board of Pharmacy will by rule schedule FDA approved psilocybin products accordingly.