

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

DISCUSSION DRAFT

FOR THE ECONOMIC AND RURAL DEVELOPMENT COMMITTEE

AN ACT

RELATING TO AGRICULTURE; PROVIDING FOR THE ESTABLISHMENT OF AN INDUSTRIAL HEMP RESEARCH AND DEVELOPMENT PROGRAM AND THE NEW MEXICO INDUSTRIAL HEMP RESEARCH AND DEVELOPMENT FUND; EXEMPTING INDUSTRIAL HEMP FROM THE CONTROLLED SUBSTANCES ACT; MAKING AN APPROPRIATION.

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

SECTION 1. A new section of Chapter 76 NMSA 1978 is enacted to read:

"NEW MATERIAL INDUSTRIAL HEMP RESEARCH AND DEVELOPMENT PROGRAM--NEW MEXICO DEPARTMENT OF AGRICULTURE.--

A. As used in this section, "industrial hemp" means the plant Cannabis sativa L. and any part of the plant, whether growing or not, containing a delta-9-tetrahydrocannabinol concentration of no more than three-tenths percent on a dry

underscored material = new
[bracketed material] = delete

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

1 weight basis.

2 B. Notwithstanding any other provision of law to
3 the contrary, the board of regents of New Mexico state
4 university through the New Mexico department of agriculture
5 shall institute and administer an industrial hemp research and
6 development program to permit persons and institutions of
7 higher education to grow industrial hemp for the purpose of
8 studying the growth, cultivation and marketing of industrial
9 hemp in New Mexico.

10 C. The board of regents of New Mexico state
11 university on behalf of the New Mexico department of
12 agriculture shall promulgate rules to establish and carry out
13 the industrial hemp research and development program, including
14 requirements for participation, application procedures,
15 issuance of permits, inspections, recordkeeping, participation
16 fees not to exceed administrative costs, compliance processes
17 and training of law enforcement personnel.

18 D. The New Mexico department of agriculture shall
19 issue permits to grow industrial hemp to persons or
20 institutions of higher education pursuant to the promulgated
21 rules.

22 E. A person or institution of higher education
23 permitted to grow industrial hemp pursuant to this section may
24 grow industrial hemp for the purpose of studying the growth,
25 cultivation or marketing of industrial hemp. The cultivation

.205032.2

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

1 of industrial hemp shall be subject to and comply with the
2 rules promulgated by the board of regents of New Mexico state
3 university on behalf of the New Mexico department of
4 agriculture pursuant to this section.

5 F. The board of regents of New Mexico state
6 university shall establish a "New Mexico industrial hemp
7 research and development fund". The fund consists of revenue
8 collected by the New Mexico department of agriculture in
9 administration of the industrial hemp research and development
10 program, donations, grants and income earned from investment of
11 the fund and money otherwise accruing to the fund. Money in
12 the fund shall not revert to any other fund at the end of a
13 fiscal year. The board of regents of New Mexico state
14 university shall administer the fund, and money in the fund is
15 appropriated to the board of regents of New Mexico state
16 university for the New Mexico department of agriculture to
17 administer the industrial hemp research and development program
18 and related programs. Money in the fund shall be disbursed on
19 warrants signed by the board of regents of New Mexico state
20 university pursuant to vouchers signed by the director of the
21 New Mexico department of agriculture or the director's
22 authorized representative."

23 SECTION 2. Section 30-31-6 NMSA 1978 (being Laws 1972,
24 Chapter 84, Section 6, as amended) is amended to read:

25 "30-31-6. SCHEDULE I.--The following controlled

.205032.2

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

1 substances are included in Schedule I:

2 A. any of the following opiates, including their
3 isomers, esters, ethers, salts, and salts of isomers, esters
4 and ethers, unless specifically exempted, whenever the
5 existence of these isomers, esters, ethers and salts is
6 possible within the specific chemical designation:

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

.205032.2

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

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

24 B. any of the following opium derivatives, their
25 salts, isomers and salts of isomers, unless specifically

.205032.2

1 exempted, whenever the existence of these salts, isomers and
2 salts of isomers is possible within the specific chemical
3 designation:

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

.205032.2

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

1 C. any material, compound, mixture or preparation
2 that contains any quantity of the following hallucinogenic
3 substances, their salts, isomers and salts of isomers, unless
4 specifically exempted, whenever the existence of these salts,
5 isomers and salts of isomers is possible within the specific
6 chemical designation:

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

.205032.2

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

underscored material = new
[bracketed material] = delete

1 (21) 3,4-methylenedioxypropylvalerone;

2 (22) 4-methylmethcathinone;

3 (23) 4-methoxymethcathinone;

4 (24) 3-fluoromethcathinone; and

5 (25) 4-fluoromethcathinone;

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

14 E. the enumeration of marijuana,
15 tetrahydrocannabinols or chemical derivatives of
16 tetrahydrocannabinol as Schedule I controlled substances does
17 not apply to:

18 (1) the cultivation of industrial hemp by
19 qualified entities pursuant to the industrial hemp research and
20 development program and rules promulgated by the board of
21 regents of New Mexico state university on behalf of the New
22 Mexico department of agriculture pursuant to that program; or

23 (2) the use of marijuana,
24 tetrahydrocannabinols or chemical derivatives of
25 tetrahydrocannabinol by certified patients pursuant to the

.205032.2

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

1 Controlled Substances Therapeutic Research Act or by qualified
2 patients pursuant to the provisions of the Lynn and Erin
3 Compassionate Use Act; and

4 F. controlled substances added to Schedule I by
5 rule adopted by the board pursuant to Section 30-31-3 NMSA
6 1978."

7 - 10 -
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25