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New Mexico State Senate

LENORE M. NARANJO
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115 State Capitol
SANTA FE, NEW MEXICO 87501

PHONE:
(505) 986-4714

FIFTY-THIRD LEGISLATURE
FIRST SESSION, 2017

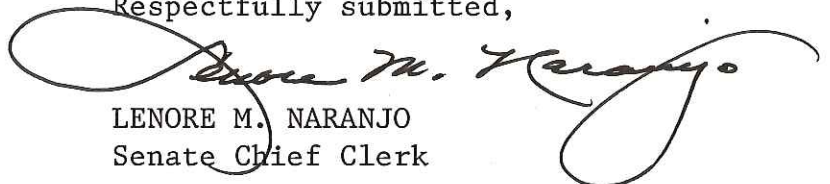
The Honorable Maggie Toulouse Oliver
Secretary of State
State of New Mexico
Capitol Annex, Suite 300
Santa Fe, New Mexico 87501

Dear Madam Secretary:

I hereby transmit the original and nine (9) copies of the following enrolled and engrossed documents for inclusion in the session laws of the Fifty-Third Legislature, First Session 2017 pursuant to the Court's order in State of New Mexico ex. rel. The New Mexico Legislative Council v The Honorable Susana Martinez, Governor of the State of New Mexico and The Honorable Maggie Toulouse Oliver, Secretary of State, D-101-CV-2017-01550:

SENATE BILL 6, as amended
SENATE BILL 24
SENATE BILL 64
SENATE BILL 67
SENATE EDUCATION COMMITTEE SUBSTITUTE FOR
SENATE BILL 134
SENATE CORPORATIONS & TRANSPORTATION COMMITTEE SUBSTITUTE FOR
SENATE BILL 184, as amended
SENATE BILL 222
SENATE BILL 356

Respectfully submitted,


LENORE M. NARANJO
Senate Chief Clerk

Received from the Senate:

Ramona Moore

Time: _____

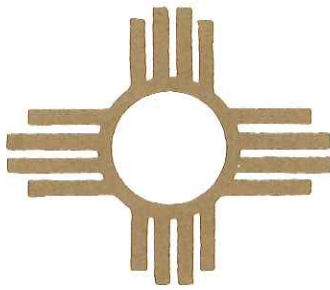
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Date: _____, 2017

9/28



The Legislature of the State of New Mexico

53rd Legislature, 1st Session

LAWS 2017

CHAPTER 140

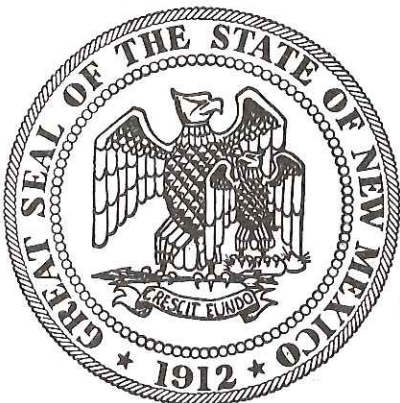
SENATE BILL 6, as amended

VETOED

Introduced by

SENATOR CISCO McSORLEY

SENATOR ELIZABETH "LIZ" STEFANICS



FOR THE COURTS, CORRECTIONS AND JUSTICE COMMITTEE
AND THE WATER AND NATURAL RESOURCES COMMITTEE

CHAPTER 140

AN ACT

1
2 RELATING TO AGRICULTURE; ENACTING A NEW SECTION OF CHAPTER 76
3 NMSA 1978 TO PROVIDE AUTHORIZATION FOR THE NEW MEXICO
4 DEPARTMENT OF AGRICULTURE TO ADOPT RULES FOR RESEARCH ON
5 INDUSTRIAL HEMP; PROVIDING FOR THE ESTABLISHMENT OF THE
6 NEW MEXICO INDUSTRIAL HEMP RESEARCH AND DEVELOPMENT FUND.
7

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

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

11 "INDUSTRIAL HEMP RESEARCH--NEW MEXICO DEPARTMENT OF
12 AGRICULTURE.--

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

18 B. The intent of this section is to bring
19 New Mexico into compliance with federal law.

20 C. Notwithstanding any other provision of law to
21 the contrary, the New Mexico department of agriculture shall
22 issue licenses pursuant to rules enacted under Subsection D
23 of this section to grow industrial hemp for research and
24 development purposes, including agricultural, agronomic,
25 ecological, processing, sales and marketing research.

1 D. The director of the New Mexico department of
2 agriculture shall adopt rules to establish and carry out the
3 provisions of this section, including requirements for
4 licensure, training of law enforcement personnel, inspection,
5 recordkeeping, fees not to exceed program costs and
6 compliance processes. An institution of higher education,
7 person or business that plans to grow industrial hemp seed or
8 industrial hemp fiber shall obtain a grower's license by
9 submitting an application to the New Mexico department of
10 agriculture pursuant to promulgated rules.

11 E. A person who holds a license issued pursuant to
12 this section may grow industrial hemp for research and
13 development purposes, including agricultural, agronomic,
14 ecological, processing, sales and marketing research or any
15 other purpose allowed by federal regulation in law.

16 F. New Mexico state university shall establish a
17 "New Mexico industrial hemp research and development fund".
18 The fund consists of fees collected by the New Mexico
19 department of agriculture for administration of the
20 industrial hemp research and development program, donations,
21 grants and income earned from investment of the fund and
22 money otherwise accruing to the fund. Money in the fund
23 shall not revert to any other fund at the end of a fiscal
24 year. The New Mexico department of agriculture shall
25 administer the fund, and money in the fund is subject to

1 appropriation by the legislature to the New Mexico department
2 of agriculture to conduct related programs. Money in the
3 fund shall be disbursed on warrants signed by the secretary
4 of finance and administration pursuant to vouchers signed by
5 the director of the New Mexico department of agriculture or
6 the director's authorized representative."

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

9 "30-31-2. DEFINITIONS.--As used in the Controlled
10 Substances Act:

11 A. "administer" means the direct application of a
12 controlled substance by any means to the body of a patient or
13 research subject by a practitioner or the practitioner's
14 agent;

15 B. "agent" includes an authorized person who acts
16 on behalf of a manufacturer, distributor or dispenser. It
17 does not include a common or contract carrier, public
18 warehouseperson or employee of the carrier or
19 warehouseperson;

20 C. "board" means the board of pharmacy;

21 D. "bureau" means the narcotic and dangerous drug
22 section of the criminal division of the United States
23 department of justice, or its successor agency;

24 E. "controlled substance" means a drug or
25 substance listed in Schedules I through V of the Controlled

1 Substances Act or rules adopted thereto;

2 F. "counterfeit substance" means a controlled
3 substance that bears the unauthorized trademark, trade name,
4 imprint, number, device or other identifying mark or likeness
5 of a manufacturer, distributor or dispenser other than the
6 person who in fact manufactured, distributed or dispensed the
7 controlled substance;

8 G. "deliver" means the actual, constructive or
9 attempted transfer from one person to another of a controlled
10 substance or controlled substance analog, whether or not
11 there is an agency relationship;

12 H. "dispense" means to deliver a controlled
13 substance to an ultimate user or research subject pursuant to
14 the lawful order of a practitioner, including the
15 administering, prescribing, packaging, labeling or
16 compounding necessary to prepare the controlled substance for
17 that delivery;

18 I. "dispenser" means a practitioner who dispenses
19 and includes hospitals, pharmacies and clinics where
20 controlled substances are dispensed;

21 J. "distribute" means to deliver other than by
22 administering or dispensing a controlled substance or
23 controlled substance analog;

24 K. "drug" or "substance" means substances
25 recognized as drugs in the official United States

1 pharmacopoeia, official homeopathic pharmacopoeia of the
2 United States or official national formulary or any
3 respective supplement to those publications. It does not
4 include devices or their components, parts or accessories;

5 L. "hashish" means the resin extracted from any
6 part of marijuana, whether growing or not, and every
7 compound, manufacture, salt, derivative, mixture or
8 preparation of such resins;

9 M. "manufacture" means the production,
10 preparation, compounding, conversion or processing of a
11 controlled substance or controlled substance analog by
12 extraction from substances of natural origin or independently
13 by means of chemical synthesis or by a combination of
14 extraction and chemical synthesis and includes any packaging
15 or repackaging of the substance or labeling or relabeling of
16 its container, except that this term does not include the
17 preparation or compounding of a controlled substance:

18 (1) by a practitioner as an incident to
19 administering or dispensing a controlled substance in the
20 course of the practitioner's professional practice; or

21 (2) by a practitioner, or by the
22 practitioner's agent under the practitioner's supervision,
23 for the purpose of or as an incident to research, teaching or
24 chemical analysis and not for sale;

25 N. "marijuana" means all parts of the plant

1 cannabis, including any and all varieties, species and
2 subspecies of the genus Cannabis, whether growing or not, the
3 seeds thereof and every compound, manufacture, salt,
4 derivative, mixture or preparation of the plant or its seeds.
5 It does not include the mature stalks of the plant, hashish,
6 tetrahydrocannabinols extracted or isolated from marijuana,
7 fiber produced from the stalks, oil or cake made from the
8 seeds of the plant, any other compound, manufacture, salt,
9 derivative, mixture or preparation of the mature stalks,
10 fiber, oil or cake, or the sterilized seed of the plant that
11 is incapable of germination; or the plant Cannabis sativa L.
12 and any part of the plant, whether growing or not, containing
13 a delta-9-tetrahydrocannabinol concentration of no more than
14 three-tenths percent on a dry weight basis;

15 0. "narcotic drug" means any of the following,
16 whether produced directly or indirectly by extraction from
17 substances of vegetable origin or independently by means of
18 chemical synthesis or by a combination of extraction and
19 chemical synthesis:

20 (1) opium and opiate and any salt, compound,
21 derivative or preparation of opium or opiate;

22 (2) any salt, compound, isomer, derivative
23 or preparation that is a chemical equivalent of any of the
24 substances referred to in Paragraph (1) of this subsection,
25 except the isoquinoline alkaloids of opium;

1 (3) opium poppy and poppy straw, including
2 all parts of the plant of the species *Papaver somniferum* L.
3 except its seeds; or

4 (4) coca leaves and any salt, compound,
5 derivative or preparation of coca leaves, any salt, compound,
6 isomer, derivative or preparation that is a chemical
7 equivalent of any of these substances except decocainized
8 coca leaves or extractions of coca leaves that do not contain
9 cocaine or ecgonine;

10 P. "opiate" means any substance having an
11 addiction-forming or addiction-sustaining liability similar
12 to morphine or being capable of conversion into a drug having
13 addiction-forming or addiction-sustaining liability.

14 "Opiate" does not include, unless specifically designated as
15 controlled under Section 30-31-5 NMSA 1978, the
16 dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its
17 salts, dextromethorphan. "Opiate" does include its racemic
18 and levorotatory forms;

19 Q. "person" means an individual, partnership,
20 corporation, association, institution, political subdivision,
21 government agency or other legal entity;

22 R. "practitioner" means a physician, certified
23 advanced practice chiropractic physician, doctor of oriental
24 medicine, dentist, physician assistant, certified nurse
25 practitioner, clinical nurse specialist, certified

1 nurse-midwife, prescribing psychologist, veterinarian,
2 euthanasia technician, pharmacist, pharmacist clinician or
3 other person licensed or certified to prescribe and
4 administer drugs that are subject to the Controlled
5 Substances Act;

6 S. "prescription" means an order given
7 individually for the person for whom is prescribed a
8 controlled substance, either directly from a licensed
9 practitioner or the practitioner's agent to the pharmacist,
10 including by means of electronic transmission, or indirectly
11 by means of a written order signed by the prescriber, bearing
12 the name and address of the prescriber, the prescriber's
13 license classification, the name and address of the patient,
14 the name and quantity of the drug prescribed, directions for
15 use and the date of issue and in accordance with the
16 Controlled Substances Act or rules adopted thereto;

17 T. "scientific investigator" means a person
18 registered to conduct research with controlled substances in
19 the course of the person's professional practice or research
20 and includes analytical laboratories;

21 U. "ultimate user" means a person who lawfully
22 possesses a controlled substance for the person's own use or
23 for the use of a member of the person's household or for
24 administering to an animal under the care, custody and
25 control of the person or by a member of the person's

1 household;

2 V. "drug paraphernalia" means all equipment,
3 products and materials of any kind that are used, intended
4 for use or designed for use in planting, propagating,
5 cultivating, growing, harvesting, manufacturing, compounding,
6 converting, producing, processing, preparing, testing,
7 analyzing, packaging, repackaging, storing, containing,
8 concealing, injecting, ingesting, inhaling or otherwise
9 introducing into the human body a controlled substance or
10 controlled substance analog in violation of the Controlled
11 Substances Act. It includes:

12 (1) kits used, intended for use or designed
13 for use in planting, propagating, cultivating, growing or
14 harvesting any species of plant that is a controlled
15 substance or controlled substance analog or from which a
16 controlled substance can be derived;

17 (2) kits used, intended for use or designed
18 for use in manufacturing, compounding, converting, producing,
19 processing or preparing controlled substances or controlled
20 substance analogs;

21 (3) isomerization devices used, intended for
22 use or designed for use in increasing the potency of any
23 species of plant that is a controlled substance;

24 (4) testing equipment used, intended for use
25 or designed for use in identifying or in analyzing the

1 strength, effectiveness or purity of controlled substances or
2 controlled substance analogs;

3 (5) scales or balances used, intended for
4 use or designed for use in weighing or measuring controlled
5 substances or controlled substance analogs;

6 (6) diluents and adulterants, such as
7 quinine hydrochloride, mannitol, mannite dextrose and
8 lactose, used, intended for use or designed for use in
9 cutting controlled substances or controlled substance
10 analogs;

11 (7) separation gins and sifters used,
12 intended for use or designed for use in removing twigs and
13 seeds from, or in otherwise cleaning and refining, marijuana;

14 (8) blenders, bowls, containers, spoons and
15 mixing devices used, intended for use or designed for use in
16 compounding controlled substances or controlled substance
17 analogs;

18 (9) capsules, balloons, envelopes and other
19 containers used, intended for use or designed for use in
20 packaging small quantities of controlled substances or
21 controlled substance analogs;

22 (10) containers and other objects used,
23 intended for use or designed for use in storing or concealing
24 controlled substances or controlled substance analogs;

25 (11) hypodermic syringes, needles and other

1 objects used, intended for use or designed for use in
2 parenterally injecting controlled substances or controlled
3 substance analogs into the human body;

4 (12) objects used, intended for use or
5 designed for use in ingesting, inhaling or otherwise
6 introducing marijuana, cocaine, hashish or hashish oil into
7 the human body, such as:

8 (a) metal, wooden, acrylic, glass,
9 stone, plastic or ceramic pipes, with or without screens,
10 permanent screens, hashish heads or punctured metal bowls;

11 (b) water pipes;

12 (c) carburetion tubes and devices;

13 (d) smoking and carburetion masks;

14 (e) roach clips, meaning objects used
15 to hold burning material, such as a marijuana cigarette, that
16 has become too small to hold in the hand;

17 (f) miniature cocaine spoons and
18 cocaine vials;

19 (g) chamber pipes;

20 (h) carburetor pipes;

21 (i) electric pipes;

22 (j) air-driven pipes;

23 (k) chilams;

24 (l) bong; or

25 (m) ice pipes or chillers; and

1 (13) in determining whether an object is
2 drug paraphernalia, a court or other authority should
3 consider, in addition to all other logically relevant
4 factors, the following:

5 (a) statements by the owner or by
6 anyone in control of the object concerning its use;

7 (b) the proximity of the object, in
8 time and space, to a direct violation of the Controlled
9 Substances Act or any other law relating to controlled
10 substances or controlled substance analogs;

11 (c) the proximity of the object to
12 controlled substances or controlled substance analogs;

13 (d) the existence of any residue of a
14 controlled substance or controlled substance analog on the
15 object;

16 (e) instructions, written or oral,
17 provided with the object concerning its use;

18 (f) descriptive materials accompanying
19 the object that explain or depict its use;

20 (g) the manner in which the object is
21 displayed for sale; and

22 (h) expert testimony concerning its
23 use;

24 W. "controlled substance analog" means a substance
25 other than a controlled substance that has a chemical

1 structure substantially similar to that of a controlled
2 substance in Schedule I, II, III, IV or V or that was
3 specifically designed to produce effects substantially
4 similar to that of controlled substances in Schedule I, II,
5 III, IV or V. Examples of chemical classes in which
6 controlled substance analogs are found include the following:

- 7 (1) phenethylamines;
- 8 (2) N-substituted piperidines;
- 9 (3) morphinans;
- 10 (4) ecgonines;
- 11 (5) quinazolinones;
- 12 (6) substituted indoles; and
- 13 (7) arylcycloalkylamines.

14 Specifically excluded from the definition of "controlled
15 substance analog" are those substances that are generally
16 recognized as safe and effective within the meaning of the
17 Federal Food, Drug, and Cosmetic Act or have been
18 manufactured, distributed or possessed in conformance with
19 the provisions of an approved new drug application or an
20 exemption for investigational use within the meaning of
21 Section 505 of the Federal Food, Drug, and Cosmetic Act;

22 X. "human consumption" includes application,
23 injection, inhalation, ingestion or any other manner of
24 introduction;

25 Y. "drug-free school zone" means a public school,

1 parochial school or private school or property that is used
2 for a public, parochial or private school purpose and the
3 area within one thousand feet of the school property line,
4 but it does not mean any post-secondary school; and

5 Z. "valid practitioner-patient relationship" means
6 a professional relationship, as defined by the practitioner's
7 licensing board, between the practitioner and the patient."

8 SECTION 3. Section 30-31-6 NMSA 1978 (being Laws 1972,
9 Chapter 84, Section 6, as amended) is amended to read:

10 "30-31-6. SCHEDULE I.--The following controlled
11 substances are included in Schedule I:

12 A. any of the following opiates, including their
13 isomers, esters, ethers, salts, and salts of isomers, esters
14 and ethers, unless specifically exempted, whenever the
15 existence of these isomers, esters, ethers and salts is
16 possible within the specific chemical designation:

- 17 (1) acetylmethadol;
- 18 (2) allylprodine;
- 19 (3) alphacetylmethadol;
- 20 (4) alphameprodine;
- 21 (5) alphasmethadol;
- 22 (6) benzethidine;
- 23 (7) betacetylmethadol;
- 24 (8) betameprodine;
- 25 (9) betamethadol;

- 1 (10) betaprodine;
- 2 (11) clonitazene;
- 3 (12) dextromoramide;
- 4 (13) dextrorphan;
- 5 (14) diampromide;
- 6 (15) diethylthiambutene;
- 7 (16) dimenoxadol;
- 8 (17) dimepheptanol;
- 9 (18) dimethylthiambutene;
- 10 (19) dioxaphetyl butyrate;
- 11 (20) dipipanone;
- 12 (21) ethylmethylthiambutene;
- 13 (22) etonitazene;
- 14 (23) etoxeridine;
- 15 (24) furethidine;
- 16 (25) hydroxypethidine;
- 17 (26) ketobemidone;
- 18 (27) levomoramide;
- 19 (28) levophenacylmorphane;
- 20 (29) morpheridine;
- 21 (30) noracymethadol;
- 22 (31) norlevorphanol;
- 23 (32) normethadone;
- 24 (33) norpipanone;
- 25 (34) phenadoxone;

- 1 (35) phenampromide;
- 2 (36) phenomorphan;
- 3 (37) phenoperidine;
- 4 (38) piritramide;
- 5 (39) proheptazine;
- 6 (40) properidine;
- 7 (41) racemoramide; and
- 8 (42) trimeperidine;

9 B. any of the following opium derivatives, their
10 salts, isomers and salts of isomers, unless specifically
11 exempted, whenever the existence of these salts, isomers and
12 salts of isomers is possible within the specific chemical
13 designation:

- 14 (1) acetorphine;
- 15 (2) acetyldihydrocodeine;
- 16 (3) benzylmorphine;
- 17 (4) codeine methylbromide;
- 18 (5) codeine-N-oxide;
- 19 (6) cyprenorphine;
- 20 (7) desomorphine;
- 21 (8) dihydromorphine;
- 22 (9) etorphine;
- 23 (10) heroin;
- 24 (11) hydromorphanol;
- 25 (12) methyldesorphine;

- 1 (13) methyldihydromorphine;
- 2 (14) morphine methylbromide;
- 3 (15) morphine methylsulfonate;
- 4 (16) morphine-N-oxide;
- 5 (17) myrophine;
- 6 (18) nicocodeine;
- 7 (19) nicomorphine;
- 8 (20) normorphine;
- 9 (21) pholcodine; and
- 10 (22) thebacon;

11 C. any material, compound, mixture or preparation
12 that contains any quantity of the following hallucinogenic
13 substances, their salts, isomers and salts of isomers, unless
14 specifically exempted, whenever the existence of these salts,
15 isomers and salts of isomers is possible within the specific
16 chemical designation:

- 17 (1) 3,4-methylenedioxy amphetamine;
- 18 (2) 5-methoxy-3,4-methylenedioxy
19 amphetamine;
- 20 (3) 3,4,5-trimethoxy amphetamine;
- 21 (4) bufotenine;
- 22 (5) diethyltryptamine;
- 23 (6) dimethyltryptamine;
- 24 (7) 4-methyl-2,5-dimethoxy amphetamine;
- 25 (8) ibogaine;

- 1 (9) lysergic acid diethylamide;
- 2 (10) marijuana;
- 3 (11) mescaline;
- 4 (12) peyote, except as otherwise provided in
- 5 the Controlled Substances Act;
- 6 (13) N-ethyl-3-piperidyl benzilate;
- 7 (14) N-methyl-3-piperidyl benzilate;
- 8 (15) psilocybin;
- 9 (16) psilocyn;
- 10 (17) tetrahydrocannabinols;
- 11 (18) hashish;
- 12 (19) synthetic cannabinoids, including:
- 13 (a) 1-[2-(4-(morpholinyl)ethyl)-3-(1-
- 14 naphthoyl)indole;
- 15 (b) 1-butyl-3-(1-naphthoyl)indole;
- 16 (c) 1-hexyl-3-(1-naphthoyl)indole;
- 17 (d) 1-pentyl-3-(1-naphthoyl)indole;
- 18 (e) 1-pentyl-3-(2-methoxyphenylacetyl)
- 19 indole;
- 20 (f) cannabicyclohexanol (CP 47, 497 and
- 21 homologues: 5-(1,1-dimethylheptyl)-2-[(1R,3S)
- 22 -3-hydroxycyclohexyl]-phenol (CP-47,497); and 5-(1,
- 23 1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol;
- 24 (g) 6aR,10aR)-9-(hydroxymethyl)
- 25 -6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,

1 10a-tetrahydrobenzo[c]chromen-1-ol);

2 (h) dexanabinol, (6aS,10aS)

3 -9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)

4 -6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;

5 (i) 1-pentyl-3-(4-chloro naphthoyl)

6 indole;

7 (j) (2-methyl-1-propyl-1H-indol-3-yl)

8 -1-naphthalenyl-methanone; and

9 (k) 5-(1,1-dimethylheptyl)-2-(3-hydroxy

10 cyclohexyl)-phenol;

11 (20) 3,4-methylenedioxymethcathinone;

12 (21) 3,4-methylenedioxypropylvalerone;

13 (22) 4-methylmethcathinone;

14 (23) 4-methoxymethcathinone;

15 (24) 3-fluoromethcathinone; and

16 (25) 4-fluoromethcathinone;

17 D. the enumeration of peyote as a controlled
18 substance does not apply to the use of peyote in bona fide
19 religious ceremonies by a bona fide religious organization,
20 and members of the organization so using peyote are exempt
21 from registration. Any person who manufactures peyote for or
22 distributes peyote to the organization or its members shall
23 comply with the federal Comprehensive Drug Abuse Prevention
24 and Control Act of 1970 and all other requirements of law;

25 E. the enumeration of marijuana,

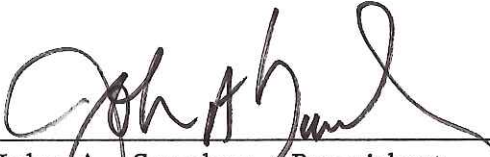
1 tetrahydrocannabinols or chemical derivatives of
2 tetrahydrocannabinol as Schedule I controlled substances does
3 not apply to:

4 (1) cultivation of industrial hemp by
5 qualified entities pursuant to rules adopted by the
6 New Mexico department of agriculture; or

7 (2) the use of marijuana,
8 tetrahydrocannabinols or chemical derivatives of
9 tetrahydrocannabinol by certified patients pursuant to the
10 Controlled Substances Therapeutic Research Act or by
11 qualified patients pursuant to the provisions of the Lynn and
12 Erin Compassionate Use Act; and

13 F. controlled substances added to Schedule I by
14 rule adopted by the board pursuant to Section 30-31-3 NMSA
15 1978." _____


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John A. Sanchez, President
Senate



Lenore M. Naranjo, Chief Clerk
Senate



Brian Egolf, Speaker
House of Representatives



Lisa M. Ortiz McCutcheon, Chief Clerk
House of Representatives

Approved by me this _____ day of _____, 2017

Governor Susana Martinez
State of New Mexico