

<b>LFC Requester:</b>	<b>Glenn</b>
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**AGENCY BILL ANALYSIS  
2021 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:**

**[LFC@NMLEGIS.GOV](mailto:LFC@NMLEGIS.GOV)**

*and*

**[DFA@STATE.NM.US](mailto:DFA@STATE.NM.US)**

*{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}*

**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: **Date** 2/11/2021  
**Original**     **Amendment**    \_\_\_\_\_ **Bill No:** HB17  
**Correction**    \_\_\_\_\_ **Substitute**    \_\_\_\_\_

**Sponsor:** Reps. Tara L. Lujan & Roger E. Montoya    **Agency Name and Code**    PED - 924  
**Short Title:** CANNABIS REGULATION ACT    **Number:** \_\_\_\_\_  
**Person Writing**    John Sena  
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY21	FY22		
NFI	NFI	Nonrecurring	General

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY21	FY22	FY23		
Indeterminate	Indeterminate	Indeterminate	Recurring	General

(Parenthesis ( ) Indicate Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY21</b>	<b>FY22</b>	<b>FY23</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>	Indeterminate	Indeterminate	Indeterminate	Indeterminate	Recurring	General

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: Duplicate of Senate Bill 13, Cannabis Regulation Act. Relates to House Bill 12, Cannabis Regulation Act, and Senate Bill 288, Cannabis Regulation Act.

Duplicates/Relates to Appropriation in the General Appropriation Act: N/A

**SECTION III: NARRATIVE**

**BILL SUMMARY**

Synopsis: House Bill 17 (HB17) would enact the Cannabis Regulation Act. Except as allowed in the Cannabis Regulation Act and the [Lynn and Erin Compassionate Use Act](#), HB17 would prohibit a person to possess or intentionally distribute any amount of a cannabis product on the premises of a school, church, or daycare center unless the person is a qualified patient or a qualified patient’s primary caregiver. A person who violates this provision would be guilty of a misdemeanor and be sentenced pursuant to the provisions of [Section 31-19-1 NMSA 1978](#). According to [Section 31-19-1 NMSA 1978](#), where the defendant has been convicted of a crime constituting a misdemeanor, the judge shall sentence the person to be imprisoned in the county jail for a definite term less than one year or to the payment of a fine of not more than one thousand dollars (\$1,000) or to both such imprisonment and fine in the discretion of the judge.

HB17 defines “qualified patient” as a person who has been diagnosed by a practitioner as having a debilitating medical condition and has received written certification and a registry identification card as part of the medical cannabis program.

HB17 defines a qualified patient’s “primary caregiver” as a resident of New Mexico who is at least 18 years of age and who has been designated by the qualified patient’s practitioner as being necessary to take responsibility for managing the well-being of a qualified patient with respect to the medical use of cannabis pursuant to the provisions of the [Lynn and Erin Compassionate Use Act](#).

The Public Education Department’s (PED) analysis of HB17 analyzes the provisions related to public school students if they are a “qualified patient” under the bill.

**FISCAL IMPLICATIONS**

HB17 does not contain an appropriation.

**SIGNIFICANT ISSUES**

Section [22-33-5 NMSA 1978](#) requires local school boards and the governing bodies of charter schools to adopt policies and procedures to authorize the possession, storage, and administration of medical cannabis by parents and legal guardians, or by designated school personnel, to

qualified students for use in school settings, provided certain requirements are met. The law defines a qualified student as a student who demonstrates evidence to the school district that the student is authorized as a qualified patient pursuant to the [Lynn and Erin Compassionate Use Act](#) to carry and use medical cannabis in accordance with the provisions of that act.

The purpose of Section [26-2B-1 NMSA 1978, the Lynn and Erin Compassionate Use Act](#), is to allow the beneficial use of medical cannabis in a regulated system for alleviating symptoms caused by debilitating medical conditions and their medical treatments.

#### **PERFORMANCE IMPLICATIONS**

N/A

#### **ADMINISTRATIVE IMPLICATIONS**

N/A

#### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

HB17 is a duplicate of SB13, Cannabis Regulation Act; and relates to HB12, Cannabis Regulation Act, and SB288, Cannabis Regulation Act.

#### **TECHNICAL ISSUES<sup>3</sup>**

N/A

#### **OTHER SUBSTANTIVE ISSUES**

[6.12.10 NMAC, Medical Cannabis in Schools](#), provides parameters for the possession, storage, and administration of medical cannabis to qualified students for use in school settings, in accordance with Section [22-33-5 NMSA 1978](#).

#### **ALTERNATIVES**

N/A

#### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

N/A

#### **AMENDMENTS**

N/A