

LFC Requester:	Glenn
-----------------------	--------------

**AGENCY BILL ANALYSIS
2021 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

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

Date 2/15/2021
Bill No: SB288

Sponsor: Cliff R. Pirtle
Short Title: CANNABIS REGULATION ACT

Agency Name and Code PED-924
Number: _____
Person Writing John Sena
Phone: 505-570-7816 **Email** John.Sena@state.nm.us

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)

	FY21	FY22	FY23	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	Indeterminate	Indeterminate	Indeterminate	Indeterminate	Recurring	General

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: Relates to House Bill 12, Cannabis Regulation Act; House Bill 17, Cannabis Regulation Act; and Senate Bill 13, Cannabis Regulation Act

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

SECTION III: NARRATIVE

BILL SUMMARY

Senate Bill 288 (SB288) would enact the Cannabis Regulation Act and prohibit the licensing of a dispensary located within 300 feet from the perimeter of school grounds on which instruction is provided at any level from kindergarten through 12th grade, a playground, a child care center, a youth center, a public park, or a library that was in existence at the time the dispensary was established at that location. SB288 would prohibit the advertisement and marketing of cannabis products that depicts consumption by children or other persons younger than 21 years of age and would prohibit the advertisement and marketing of cannabis products within 300 feet of a school, church, or daycare center.

Except as allowed in the Cannabis Regulation Act or the [Lynn and Erin Compassionate Use Act](#), SB288 would prohibit a person from possessing or intentionally distributing any amount of a cannabis within 300 feet of the perimeter of school grounds on which instruction is provided at any level from kindergarten through 12th grade, a playground, a child care center, a youth center, a public park, or a library unless the person is a qualified patient or is in or upon or traveling to or from the grounds of a private residence, as an invitee or resident. A person who violates this provision would be guilty of a misdemeanor and would 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.

SB288 defines a “qualified patient” as that term as defined in the [Lynn and Erin Compassionate Use Act](#), which is a resident of New Mexico who has been diagnosed by a practitioner as having a debilitating medical condition and has received written certification and a registry identification card pursuant to the Lynn and Erin Compassionate Use Act on the basis of having been diagnosed, in person or via telemedicine, by a practitioner as having a debilitating medical condition; provided that a practitioner may only issue a written certification on the basis of an evaluation conducted via telemedicine if the practitioner has previously examined the patient in person.

SB288 would prohibit educational institutions from refusing to enroll or otherwise penalize a person for conduct allowed pursuant to the Cannabis Regulation Act or the [Lynn and Erin](#)

[Compassionate Use Act](#), unless failing to do so would cause the educational institution to lose a monetary or licensing-related benefit under federal law or regulation.

FISCAL IMPLICATIONS

SB288 does not contain an appropriation.

SIGNIFICANT ISSUES

SB288 defines dispensary as a facility regulated by the cannabis control commission at which cannabis items are stored or offered for retail sale to the public.

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

Relates to House Bill 12 (HB12), House Bill 17 (HB17), and Senate Bill 13 (SB13).

TECHNICAL ISSUES

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