

<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:  
**Original**     **Amendment**    \_\_\_\_\_  
**Correction**    \_\_\_\_\_ **Substitute**    \_\_\_\_\_

**Date** 2/19/2021  
**Bill No:** SB363

**Sponsor:** Sen. Jacob Candelaria  
**Short Title:** CANNABIS REGULATION ACT

**Agency Name and Code**    PED - 924  
**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: Relates to HB12, Cannabis Regulation Act; HB17, Cannabis Regulation Act; SB13, Cannabis Regulation Act; and SB288, Cannabis Regulation Act.

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

**SECTION III: NARRATIVE**

**BILL SUMMARY**

Synopsis: Senate Bill 363 (SB363) would enact a new section of the Public School Code to require the Public Education Department (PED) to require that by January 1, 2023 all public schools annually provide to students in eighth through 12<sup>th</sup> grades evidence-based drug education programs that are based on principles of harm reduction and designed to prevent and reduce substance use and improve school retention and performance. SB363 defines evidence-based drug education program as a research-based and scientific-evidence-based education program that has been thoroughly tested and has been shown to significantly reduce problematic use of substances such as nicotine, alcohol, or drugs or reduce student suspensions or expulsions related to alcohol or drug use.

SB363 would prohibit a local jurisdiction from requiring a licensed premise or a consumption area to be any more than 300 feet from a school or daycare center that was in existence at the time the establishment or microbusiness was licensed.

Except as allowed in the Cannabis Regulation Act and the [Lynn and Erin Compassionate Use Act](#), SB363 would prohibit a person from possessing or intentionally distributing any amount of a cannabis product on the premises of a school or daycare center unless the person is a qualified patient, a reciprocal patient or a qualified patient's primary caregiver; provided that Section 28 of SB363 would not apply to a person who possesses a cannabis product for authorized purposes on the premises of a licensed cannabis training and education program. 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.

SB363 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.

The PED’s bill analysis only analyzes provisions of SB363 that impact public school students.

## **FISCAL IMPLICATIONS**

SB363 does not contain an appropriation.

The bill may require PED staff to oversee public school compliance and offer technical assistance with the selection and provision of evidence-based drug education programs. This can be accomplished with current PED staff and resources. SB363 related expenses for schools would include acquiring a qualifying evidence-based drug education program and training staff to implement the education program.

## **SIGNIFICANT ISSUES**

SB363 would require that by January 1, 2023, all public schools annually provide to students in eighth through 12<sup>th</sup> grades evidence-based drug education programs that are based on principles of harm reduction and designed to prevent and reduce substance use and improve school retention and performance. Schools may need guidance and assistance with selecting and implementing education programs that meet the provisions of SB363. The bill does not provide parameters regarding the enforcement or oversight of the required evidence-based drug education programs. The existing required Health Education class could support drug-education programming in one of the required grades, eight through twelve.

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.

According to a [study](#) conducted by the Drug Policy Research Center, school-based drug prevention programs may be a “cost-effective tool for improving public health and for making incremental progress in the effort to manage mature drug epidemics.” Further, the Harm Reduction Journal (2017) states, “youth perspectives in the development of harm reduction programming are needed to ensure that approaches are relatable and meaningful to young people, and effective for promoting the minimization of substance-related harms.”

Although substance abuse education programs may be beneficial, requiring schools to identify additional instructional time and resources – staffing and monetary – to implement the provisions of SB363 for five grade levels may be burdensome.

## **PERFORMANCE IMPLICATIONS**

N/A

## **ADMINISTRATIVE IMPLICATIONS**

To implement the provisions of SB363, PED staff may need to oversee public school compliance and offer technical assistance to schools.

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

SB363 relates to HB12, Cannabis Regulation Act; HB17, Cannabis Regulation Act; SB13, Cannabis Regulation Act; and SB288, Cannabis Regulation Act.

**TECHNICAL ISSUES**

N/A

**OTHER SUB/STANTIVE ISSUES**

N/A

**ALTERNATIVES**

N/A

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

N/A

**AMENDMENTS**

N/A