

<b>LFC Requester:</b>	<b>Chenier</b>
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**AGENCY BILL ANALYSIS  
2023 REGULAR SESSION**

**SECTION I: GENERAL INFORMATION**

*Check all that apply:*

Original  Amendment   
Correction  Substitute

Date Prepared: 01/30/23  
Bill No: [HB156](#)

Sponsor: Reeb  
Short Title: CANNABIS SCHOOL USE PREVENTION RESOURCE ACT  
Agency Name and Code: PED - 924  
Number:  
Person Writing: Gregory Frostad  
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY23	FY24		
None	None	N/A	NFA

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY23	FY24	FY25		
None	None	None	N/A	NFA

(Parenthesis ( ) Indicate Expenditure Decreases)

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

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	None	None	None	N/A	N/A	NFA

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:

[HB154, Cannabis Use as Child Delinquent Act](#)

[HB157, Cannabis Packaging Requirements](#)

Duplicates/Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE**

**BILL SUMMARY**

Synopsis: House Bill 156 (HB156) would create the Cannabis School Use Prevention Resource Act, which would require the New Mexico Department of Health (DOH), by July 1, 2023, to develop, maintain, and oversee a cannabis school use prevention resource program for school personnel. The bill would require school personnel to report incidents of student impairment caused by unauthorized use of cannabis.

## **FISCAL IMPLICATIONS**

HB156 does not contain an appropriation.

## **SIGNIFICANT ISSUES**

The National Institute on Drug Abuse indicates that “marijuana’s negative effects on attention, memory, and learning can last for days or weeks after the acute effects of the drug wear off, depending on the person’s history with the drug.” The institute cites a review of 48 studies that found marijuana use to be associated with reduced educational attainment.

According to the Partnership to End Addiction, “schools that implement comprehensive, age-appropriate and research-based prevention programming can have a real impact on reducing youth marijuana use and its adverse effects. It’s essential to start at an early age and continue throughout a child’s academic career.” The Partnership also emphasizes focusing discussion on health, rather than punishment, and using evidence-based practices support the development of life skills that decrease risk and help delay the onset of substance use.

## **PERFORMANCE IMPLICATIONS**

N/A

## **ADMINISTRATIVE IMPLICATIONS**

HB156 would require school boards or charter school governing authorities to report the unauthorized use of cannabis or impairment of students, presumably to DOH (however the bill is not explicit on reporting requirements, see “Technical Issues” below).

HB156 would require DOH to:

- ensure that each school board and governing body of a charter school has access to the cannabis school use prevention resource program by July 1, 2023;
- from 2023 through 2028, present a report to the Legislative Education Study Committee and the Legislative Health and Human Services Committee before December 31 of each year.

The bill also would require the New Mexico Poison and Drug Information Center (NMPDIC) to provide materials to school personnel on how to:

- identify cannabis-containing items;
- recognize student impairment caused by unauthorized use of cannabis; and
- refer impaired students for medical evaluation and treatment.

HB156 would amend the Emergency Medication in Schools Act in the Public School Code to require that, in cases of willful or wanton misconduct or disregard of a qualified student's treatment plan that results in the unauthorized use of cannabis or impairment of a student, the local school board or governing body of a charter school shall report the incident pursuant to the requirements of the Cannabis School Use Prevention Resource Act for confidential disclosure.

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

[HB154, Cannabis Use As Child Delinquent Act](#), which would amend the Delinquency Act and the Cannabis Use, Possession, and Production Act to include cannabis use, possession and production by minors a “delinquent act”; and

[HB157, Cannabis Packaging Requirements](#), which would require that cannabis packaging “shall not mimic the brand, design, name, logo or colorway of a non-cannabis consumer product of the type that is safe for child consumption” nor shall cannabis packages and labels use cartoons or symbols or images, including celebrity or celebrity likeness, that are commonly used to market to minors.

## **TECHNICAL ISSUES**

HB156 makes references to the reporting of incidents of impairment of students, and one reference to DOH “receiving a report of an incident of impairment” but does not directly state that schools are required to report incidents of impairment to DOH. It can be inferred from Subsection A of Section 6 of the bill, on page 5, that these reports of impairment are meant to go to DOH and the NMPDIC: “[DOH] shall ascertain information that is needed by the department and [NMPDIC] when receiving a report of an incident of impairment”; this is not clear, however. The sponsors may wish to amend to bill to clearly state this requirement.

Additionally, in Section 6 Subsection B of the bill, there is a reference to omitting a student’s personally identifiable information but does not specify from where the information is being omitted. Presumably it is to be omitted from the report the sponsors of the bill intend to be sent from the schools to DOH. The sponsors may wish to amend the bill to more explicitly define the reporting process.

## **OTHER SUBSTANTIVE ISSUES**

N/A

## **ALTERNATIVES**

N/A

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

N/A

## **AMENDMENTS**

See “Technical Issues.” The sponsor may wish to amend Section 6 of the bill to more clearly articulate to whom reports of student impairment are to be submitted, and whether these reports are the documents from which student personally identifiable information is to be omitted.