

LFC Requester: \_\_\_\_\_

**AGENCY BILL ANALYSIS  
2020 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** February 5, 2020

**Bill No:** HB 334-264

**Sponsor:** Javier Martinez  
**Short Title:** Cannabis Research Act

**Agency Name and Code Number:** Administrative Office of the District Attorneys

**Person Writing:** Donald Gallegos  
**Phone:** 575-770-3120    **Email:** dgallegos@questalaw.

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY20	FY21		

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY20	FY21	FY22		

(Parenthesis ( ) Indicate Expenditure Decreases)

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

	<b>FY20</b>	<b>FY21</b>	<b>FY22</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
Duplicates/Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE**

**BILL SUMMARY**

Synopsis:

HB 334 provides for the regulation, production testing, manufacturing and transport of cannabis and cannabis products for research purposes.

Creates the cannabis control division.

Creates exemptions from prosecution under the controlled substances act (Schedule I).

**FISCAL IMPLICATIONS**

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

**SIGNIFICANT ISSUES**

The pertinent part of HB 334 that will affect district attorneys is contained on page 20, lines 9-17. This adds a new paragraph (§30-31-6 E (6)), which will exempt marijuana, THC, etc., as controlled substances enumerated in Schedule I and exempts persons who may be cultivating, transporting, testing, manufacturing etc., from prosecution, provided that the above activities are in furtherance of research pursuant to this Act.

**PERFORMANCE IMPLICATIONS**

**ADMINISTRATIVE IMPLICATIONS**

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

There may be a conflict with SB 115 and HB 160 if they pass. Specifically, SB 115 and HB 160 delete marijuana and associated substances from Schedule I (see pages 145, 147 and 148). HB 334 leaves them in Schedule I but adds a provision that exempts marijuana and associated substances provided they are for research as approved by the division.

**TECHNICAL ISSUES**

## **OTHER SUBSTANTIVE ISSUES**

## **ALTERNATIVES**

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

It will depend on whether SB 115 and/or HB 160 are enacted into law. If they are enacted, it may not be necessary to have the proposed language of HB 334, regarding exemption from prosecution.

## **AMENDMENTS**