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HOUSE BILL 93

**50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012**

INTRODUCED BY

Eleanor Chavez

AN ACT

RELATING TO CONTROLLED SUBSTANCES; AMENDING THE CONTROLLED  
SUBSTANCES ACT TO DESIGNATE ADDITIONAL SYNTHETIC CANNABINOIDS  
AND OTHER CHEMICALS AS SCHEDULE I CONTROLLED SUBSTANCES;  
DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**SECTION 1.** Section 30-31-6 NMSA 1978 (being Laws 1972,  
Chapter 84, Section 6, as amended) is amended to read:

"30-31-6. SCHEDULE I.--The following controlled  
substances are included in Schedule I:

A. any of the following opiates, including their  
isomers, esters, ethers, salts, and salts of isomers, esters  
and ethers, unless specifically exempted, whenever the  
existence of these isomers, esters, ethers and salts is  
possible within the specific chemical designation:

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- 1 (1) acetylmethadol;
- 2 (2) allylprodine;
- 3 (3) alphacetylmethadol;
- 4 (4) alphameprodine;
- 5 (5) alphamethadol;
- 6 (6) benzethidine;
- 7 (7) betacetylmethadol;
- 8 (8) betameprodine;
- 9 (9) betamethadol;
- 10 (10) betaprodine;
- 11 (11) clonitazene;
- 12 (12) dextromoramide;
- 13 (13) dextrorphan;
- 14 (14) diampromide;
- 15 (15) diethylthiambutene;
- 16 (16) dimenoxadol;
- 17 (17) dimepheptanol;
- 18 (18) dimethylthiambutene;
- 19 (19) dioxaphetyl butyrate;
- 20 (20) dipipanone;
- 21 (21) ethylmethylthiambutene;
- 22 (22) etonitazene;
- 23 (23) etoxeridine;
- 24 (24) furethidine;
- 25 (25) hydroxypethidine;

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- 1 (26) ketobemidone;
- 2 (27) levomoramide;
- 3 (28) levophenacymorphan;
- 4 (29) morpheridine;
- 5 (30) noracymethadol;
- 6 (31) norlevorphanol;
- 7 (32) normethadone;
- 8 (33) norpipanone;
- 9 (34) phenadoxone;
- 10 (35) phenampromide;
- 11 (36) phenomorphan;
- 12 (37) phenoperidine;
- 13 (38) piritramide;
- 14 (39) proheptazine;
- 15 (40) properidine;
- 16 (41) racemoramide; and
- 17 (42) trimeperidine;

18 B. any of the following opium derivatives, their  
19 salts, isomers and salts of isomers, unless specifically  
20 exempted, whenever the existence of these salts, isomers and  
21 salts of isomers is possible within the specific chemical  
22 designation:

- 23 (1) acetorphine;
- 24 (2) acetyldihydrocodeine;
- 25 (3) benzylmorphine;

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- 1 (4) codeine methylbromide;
- 2 (5) codeine-N-oxide;
- 3 (6) cyprenorphine;
- 4 (7) desomorphine;
- 5 (8) dihydromorphine;
- 6 (9) etorphine;
- 7 (10) heroin;
- 8 (11) hydromorphinol;
- 9 (12) methyldesorphine;
- 10 (13) methyldihydromorphine;
- 11 (14) morphine methylbromide;
- 12 (15) morphine methylsulfonate;
- 13 (16) morphine-N-oxide;
- 14 (17) myrophine;
- 15 (18) nicocodeine;
- 16 (19) nicomorphine;
- 17 (20) normorphine;
- 18 (21) pholcodine; and
- 19 (22) thebacon;

20 C. any material, compound, mixture or preparation  
21 that contains any quantity of the following hallucinogenic  
22 substances, their salts, isomers and salts of isomers, unless  
23 specifically exempted, whenever the existence of these salts,  
24 isomers and salts of isomers is possible within the specific  
25 chemical designation:

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- 1 (1) 3,4-methylenedioxy amphetamine;
- 2 (2) 5-methoxy-3,4-methylenedioxy amphetamine;
- 3 (3) 3,4,5-trimethoxy amphetamine;
- 4 (4) bufotenine;
- 5 (5) diethyltryptamine;
- 6 (6) dimethyltryptamine;
- 7 (7) 4-methyl-2,5-dimethoxy amphetamine;
- 8 (8) ibogaine;
- 9 (9) lysergic acid diethylamide;
- 10 (10) marijuana;
- 11 (11) mescaline;
- 12 (12) peyote, except as otherwise provided in
- 13 the Controlled Substances Act;
- 14 (13) N-ethyl-3-piperidyl benzilate;
- 15 (14) N-methyl-3-piperidyl benzilate;
- 16 (15) psilocybin;
- 17 (16) psilocyn;
- 18 (17) tetrahydrocannabinols;
- 19 (18) hashish;
- 20 (19) synthetic cannabinoids, including:
- 21 (a) 1-[2-(4-(morpholinyl)ethyl)-3-(1-
- 22 naphthoyl)indole (JWH-200);
- 23 (b) 1-butyl-3-(1-naphthoyl)indole (JWH-
- 24 073);
- 25 (c) 1-hexyl-3-(1-naphthoyl)indole (JWH-

- 1 019);
- 2 (d) 1-pentyl-3-(1-naphthoyl)indole (JWH-
- 3 018 and AM 678);
- 4 (e) 1-pentyl-3-(2-methoxyphenylacetyl)
- 5 indole (JWH-250);
- 6 (f) cannabicyclohexanol (CP 47, 497 and
- 7 homologues: 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-
- 8 hydroxycyclohexyl]-phenol (CP-47,497); and 5-(1,
- 9 1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol;
- 10 (g) 6aR,10aR)-9-(hydroxymethyl)
- 11 -6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,
- 12 10a-tetrahydrobenzo[c]chromen-1-ol);
- 13 (h) dexanabinol, (6aS,10aS)
- 14 -9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)
- 15 -6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;
- 16 (i) 1-pentyl-3-(4-chloro naphthoyl)
- 17 indole (JWH-398);
- 18 (j) (2-methyl-1-propyl-1H-indol-3-yl)
- 19 -1-naphthalenyl-methanone; [~~and~~]
- 20 (k) 5-(1,1-dimethylheptyl)-2-(3-hydroxy
- 21 cyclohexyl)-phenol;
- 22 (l) 1-pentyl-3-[1-(4-methoxynaphthoyl)]
- 23 indole (JWH-081);
- 24 (m) 1-pentyl-3-(4-methyl-1-naphthoyl)
- 25 indole (JWH-122);

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- 1                               (n) 1-(5-fluoropentyl)-3-(1-naphthoyl)  
2       indole (AM2201);  
3                               (o) 1-(5-fluoropentyl)-3-(2-iodobenzoyl)  
4       indole (AM694);  
5                               (p) 1-pentyl-3-[(4-methoxy)-benzoyl]indole  
6       (SR-19 and RCS-4);  
7                               (q) 1-cyclohexylethyl-3-  
8       (2-methoxyphenylacetyl) indole (SR-18 and RCS-8); and  
9                               (r) 1-pentyl-3-(2-chlorophenylacetyl)  
10       indole (JWH-203);  
11                              (20) 3,4-methylenedioxyethcathinone  
12       (Methylone);  
13                              (21) 3,4-methylenedioxypropylone (MDPV);  
14                              (22) 4-methylmethcathinone (Mephedrone);  
15                              (23) 4-methoxymethcathinone (Methedrone; Bk-  
16       PMMA);  
17                              (24) 3-fluoromethcathinone; ~~[and]~~  
18                              (25) 4-fluoromethcathinone (fephedrone);  
19                              (26) naphthylpropylone (naphyrone);  
20                              (27) ethcathinone;  
21                              (28) 3,4-methylenedioxyethcathinone  
22       (ethylone);  
23                              (29) beta-keto-N-methyl;  
24                              (30) 3,4-benzodioxypentylamine  
25       (butylone);

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- 1                   (31) N,N-dimethylcathinone  
2                   (metamfepramone);  
3                   (32) alpha-pyrrolidinopropiophenone  
4                   (alpha-PPP);  
5                   (33) 4-methoxy-alpha-pyrrolidinopropiophenone  
6                   (MOPPP);  
7                   (34) 3,4-methylenedioxy-alpha-  
8                   pyrrolidinopropiophenone (MDPPP);  
9                   (35) alpha-pyrrolidinovalerophenone  
10                  (alpha-PVP); and  
11                  (36) 6,7-dihydro-5H-indeno(5,6-d)-1,3-  
12                  dioxal-6-amine) (MDAI);

13                  D. the enumeration of peyote as a controlled  
14                  substance does not apply to the use of peyote in bona fide  
15                  religious ceremonies by a bona fide religious organization, and  
16                  members of the beta-keto-N-methyl-organization so using peyote  
17                  are exempt from registration. Any person who manufactures  
18                  peyote for or distributes peyote to the organization or its  
19                  members shall comply with the 4-federal Comprehensive Drug  
20                  Abuse Prevention and Control Act of 1970 and all other  
21                  requirements of law;

22                  E. the enumeration of marijuana,  
23                  tetrahydrocannabinols or chemical derivatives of  
24                  tetrahydrocannabinol as Schedule I controlled substances does  
25                  not apply to the use of marijuana, tetrahydrocannabinols or

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1 chemical derivatives of tetrahydrocannabinol by certified  
2 patients pursuant to the Controlled Substances Therapeutic  
3 Research Act or by qualified patients pursuant to the  
4 provisions of the Lynn and Erin Compassionate Use Act; and

5 F. controlled substances added to Schedule I by  
6 rule adopted by the board pursuant to Section 30-31-3 NMSA  
7 1978."

8 SECTION 2. EMERGENCY.--It is necessary for the public  
9 peace, health and safety that this act take effect immediately.