

American Legion Auxiliary
New Mexico Girls State
Bill Instruction Sheet



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Bill No: 50

Committee: _Health 1

Status:

Passed by: Committee House Senate Governor

Tabled by: Committee House Senate Governor

Other: _____

Simple Title of Bill: Legalizing Marijuana for Personal Recreational Use

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BILL

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70TH SESSION – AMERICAN LEGION AUXILIARY NEW MEXICO GIRLS STATE – 2017

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INTRODUCED BY

4

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AN ACT

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7 FULL TITLE: RELATING TO THE LEGALIZATION OF THE CULTIVATION,
8 MANUFACTURE, DISTRIBUTION, SALE, POSSESSION, AND CONSUMPTION OF
9 MARIJUANA FOR THOSE INDIVIDUALS TWENTY-ONE YEARS OF AGE OR
10 OLDER AND TAXED SIMILARLY TO THAT OF ALCOHOL; TAXATION AND
11 REVENUE OF MARIJUANA SALES TO GO TO THE FUNDS FOR PUBLIC
12 EDUCATION IN NEW MEXICO; MAKING A APPROPRIATION OF FUNDS FOR THE
13 REGULATION OF MARIJUANA LICENSING.

14

15 BE IT ENACTED BY THE LEGISLATURE OF THE
16 AMERICAN LEGION AUXILIARY NEW MEXICO GIRLS STATE

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18 DEFINITIONS:

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A. "consumer" means the individual/s that will be purchasing and
20 using the marijuana for recreational uses;

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B. "cultivation" means the growing of the cannabis plant known as
22 marijuana;

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C. "distribution" means the spreading of the finished product
24 (marijuana) to the market of consumers

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D. "manufacture" is the process of obtaining the marijuana from

1 an outside source or separate grower then make the raw material
2 into the finished product;
3 E. "NMMED" means New Mexico Marijuana Enforcement Department.
4 This department would be a newly developed department that is in
5 charge of the regulation of licensing marijuana businesses;
6 F. "possession" means to have or own marijuana;
7 G. "recreational" is the personal and private use of marijuana
8 when one is not at work or in a public place;
9 H. "retail marijuana" is marijuana that is sold to the public in
10 small amounts for the purpose of consumption;
11 I. "retail marijuana cultivation business" is a business that
12 cultivates retail marijuana plants;
13 J. "retail marijuana product manufacturing business" is a
14 business that manufactures retail marijuana and various
15 marijuana products;
16 K. "retail marijuana store" is the business that individuals
17 twenty-one years or older can purchase marijuana for recreational
18 use; and
19 L. "retail marijuana testing facility" is the facility where
20 retail marijuana undergoes testing, research, and development.

21 MAIN PROVISIONS:

22 The cultivation, manufacture, distribution, sale, possession,
23 and/or consumption of marijuana for personal recreational use
24 shall not be an offense under New Mexico Law if the following
25 provisions are withheld including;

26 (a.) Obtaining a license of operation. -Licenses to obtain
27 permission for the operation of a retail marijuana store, retail
28 marijuana product manufacturing business, retail marijuana
29 cultivation business, and retail marijuana testing facility shall
30 be obtained by the NMMED after review. Only licensed retailers
31 under the NMMED will be allowed to sell to consumers.

32
33 (b.) Consumption regulations

34 1) Consumers will have to prove that they are twenty-one
35 years of age or older before purchasing marijuana.

36 2) Selling or distributing marijuana to anyone under the
37 age of twenty-one is illegal and punishable under law.

38 3) Consuming or using marijuana in a motor vehicle or
39 attempting to drive under the influence of marijuana can result
40 in a DUI. Anyone with five nanograms or more of delta
41 9-tetrahydrocannabinol (also known as THC) per milliliter of blood
42 can be placed under arrest for DUI.

43 4) The consumption of marijuana is for the private personal
44 use of the consumer. The consumption of marijuana must be
45 consumed in locations not open to the public. Consuming marijuana
46 in public places such as parks, schools, etc. is illegal and

1 punishable under law.

2 5) Consumers may only possess, consume, purchase, or
3 transport up to one ounce of marijuana.

4 6) No more than 6 marijuana plants may be cultivated.

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6 (c.) Taxation of retail marijuana. - A 10% special sales tax
7 will be imposed on all retail marijuana sold in the state of New
8 Mexico. The revenue received from the special sales tax imposed
9 on all retail marijuana sold for recreational usage will be
10 directed towards the funds for the public education systems of
11 New Mexico.

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14 PENALTY: The public use of marijuana or possession of more than
15 one ounce but less than three ounces of marijuana shall be
16 punishable by a fine of not more than \$100. The possession of
17 more than two ounces but less than six ounces of marijuana shall
18 be punishable by a fine of not more than \$700 or by imprisonment
19 for a definite term not to exceed twelve months, or both. The
20 cultivation of more than 6 plants of marijuana shall be
21 punishable by a fine of \$100,000 or by imprisonment for a
22 definite term not to exceed 2 years, or both. The sale or
23 distribution of over one ounce but less than four ounces of
24 marijuana shall be punishable by a fine of not more than \$5,000
25 or by imprisonment for a definite term not to exceed eighteen
26 months, or both. The illegal cultivation, manufacture
27 distribution, or sale of marijuana for recreational use without
28 obtaining the required corresponding license from the NMMED shall
29 be punishable by a fine of not more than \$10,000 or by
30 imprisonment for a definite term not to exceed 2 years, or both.
31 APPROPRIATION: \$35,000 is appropriated from the general fund to
32 the NMMED for expenditure in the fiscal year 2018 to carry out
33 the provisions of the Legalizing Marijuana for Recreational Use
34 Act. Any unexpected or unencumbered balance remaining at the end
35 of the fiscal year 2018 shall revert to the general fund.

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37 REPEAL

38 All laws, acts, provisions, or parts of laws contained in the Constitution of the State of New
39 Mexico in conflict with any provision of this act are hereby repealed.

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41 EFFECTIVE DATE

42 The provisions of this act shall be effective on and after January 1, 2018.