

NOTICE OF PROPOSED RULEMAKING

Public Hearing. The New Mexico Regulation and Licensing Department (RLD), Cannabis Control Division (CCD), will hold a public rule hearing on Thursday, October 28, 2021, starting at 9:00 a.m. Due to the ongoing public health concerns posed by the threat of the contagious disease COVID-19, the rule hearing will be virtual via an Internet-based video conference and via telephone. A PDF of the proposed rule and meeting details may be accessed through the Cannabis Control Division website: <https://ccd.rld.state.nm.us> or from Julia Valdez at the contact below.

Purpose of Rule Hearing. The CCD issued a temporary emergency rule amendment on September 9, 2021, which was in response to a finding of an immediate danger to the public health, safety, and welfare related to the use of non-volatile and volatile solvents exhibiting potential toxicity to humans.

The purpose of the public rule hearing is to receive public commentary to make the emergency rule amendments to 16.8.2 NMAC, regarding the classification, license application and amendment requirements, and operational standards for cannabis manufacturers permanent.

The rule hearing will further receive public commentary for proposed rule amendment to definitions, and additional requirements for the processing, approval, and denial of license applications for cannabis manufacturers, retailers, and couriers. In addition to licensure applications, the proposed amendments will establish operational standards for licensees that must be adhered to throughout the term of their licensure.

Any technical information used to inform the proposed rules will be made available no later than September 28, 2021, and will be accessible by visiting: <https://ccd.rld.state.nm.us/>.

Statutory Authority. Legal authority for this rulemaking may be found the Cannabis Regulation Act, NMSA 1978 Section 26-2C-1 through Section 26-2C-42 NMSA (2021). Additional authority may be found at NMSA 1978 Section 9-7-6(E) (2017) and at NMSA 9-16-6 (2021).

Public Comment. The Division will begin accepting public comment on the proposed rules beginning September 28, 2021. Please submit written comments on the proposed rules to Robert Sachs, Deputy Director of Policy for the Cannabis Control Division, via electronic mail at ccd.publiccomment@state.nm.us. Written comment may also be submitted by visiting the Division website at ccd.rld.state.nm.us or by mailing the comment to the following address:

Cannabis Control Division Public
Comment
c/o Robert Sachs
P.O. Box 25101 Santa
Fe, NM 87504

All public comments must be received by the close of the public rule hearing on Thursday, October 28, 2021. Persons will also be given the opportunity to present their comments at the rule hearing. Comments received prior to the rule hearing will be posted to the RLD website at: ccd.rld.state.nm.us.

No later than September 28, 2021, interested parties may obtain and review copies of the proposed rules and public comments by going to the Cannabis Control Division website at <https://ccd.rld.state.nm.us/> or by contacting the Cannabis Control Division at rld.cannabiscontrol@state.nm.us or (505) 476-4995.

Any individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or other form of auxiliary aid or service to attend or participate in the hearing should contact Julia Valdez, Executive Assistant for the Cannabis Control Division, rld.cannabiscontrol@state.nm.us or (505) 362-2924 at least seven (7) days prior to the hearing.

Summary of Proposed New Rules.

16.8.1 NMAC: GENERAL PROVISIONS

Part 1 will provide for general requirements for licensees established under the Cannabis Regulation Act and required definitions. The amendments to be discussed at the hearing will propose an update to definitions related to

manufacturers, retailers, and couriers.

16.8.2 NMAC: LICENSING AND OPERATIONAL REQUIREMENTS FOR CANNABIS ESTABLISHMENTS

Part 2 will provide the requirements necessary for issuance of a license under the Cannabis Regulation Act. Part 2 will govern the licensing and operational requirements for additional types of licensees. The proposed amendments to be discussed at the hearing will pertain to cannabis manufacturers, retailers, and couriers as well as the respective requirements for each of the three license type.