

NOTICE OF PROPOSED RULEMAKING AND AMENDMENTS

Public Hearing. The New Mexico Regulation and Licensing Department (RLD), Cannabis Control Division (CCD), will hold a public rule hearing on Thursday December 9, 2021 at 9:00am. 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 purpose of the public rule hearing is to receive public commentary to make proposals for new rules as well as amendments to existing rules. Proposed new rules will contain licensing and permitting requirements for testing laboratories, research laboratories, cannabis consumption areas, integrated cannabis microbusiness, training and education programs, and cannabis server permits. In addition, the division will be proposing rules related to packaging and labeling of cannabis products and advertising and marketing requirements for licensees. Rules related to quality control and food and product safety will also be proposed to product quality and public safety.

Lastly, the division will also be amending definitions corresponding to the new licenses and permits proposed by the division including: testing laboratories, research laboratories, cannabis consumption areas, integrated cannabis microbusiness, training and education programs, and cannabis server permits.

Any technical information used to inform the proposed rules 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 November 9, 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, December 9, 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 November 9, 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 provides general requirements for licensees established under the Cannabis Regulation Act and required definitions. The proposed rule amendments to be discussed at the hearing will include the addition of definitions related to newly proposed and amended rules as listed below.

16.8.2 NMAC: LICENSING AND OPERATIONAL REQUIREMENTS FOR CANNABIS ESTABLISHMENTS

Part 2 provides the requirements necessary for issuance of a license under the Cannabis Regulation Act. Part 2 also governs the licensing and operational requirements for licenses. The proposed rules to be discussed at the hearing will include requirements for licenses including: cannabis consumption areas, integrated cannabis microbusinesses, testing laboratories and research laboratories. Additionally, this section will propose rules surrounding proper track and trace requirements for licensees.

16.8.3 NMAC: PACKAGING, LABELING, ADVERTISING, MARKETING, AND COMMERCIAL DISPLAY REQUIREMENTS FOR CANNABIS PRODUCTS

Part 3 provides the requirements related to packing, labeling, and commercial display of cannabis products as well as advertising and marketing requirements for licensees. The proposed rules to be discussed at the hearing will include proposed rules related to packaging and labeling requirements for cannabis products as well and advertising and marketing requirements for licensees.

16.8.6 NMAC: HEALTH AND SAFETY, FOOD AND PRODUCT SAFETY, ENVIRONMENTAL IMPACTS, AND NATURAL RESOURCES

Part 6 provides the requirements related to health and safety, food and product safety, environmental impacts, and natural resources. The proposed rules to be discussed at the hearing will include rules related to creating health and safety for the licensed premises and food and product safety standards for cannabis products, particularly edibles.

16.8.7 NMAC: QUALITY CONTROL, INSPECTION, AND TESTING OF CANNABIS PRODUCTS

Part 7 provides the requirements related to quality control, inspection, and testing of cannabis products. The proposed rules will outline testing and quality control requirements for cannabis producers, manufacturers, and cannabis products themselves. These rules will ensure public safety by ensuring products are uniform in their THC content and do not contain potentially harmful pesticides, residual solvents, or other contaminants.

16.8.9 NMAC: CANNABIS TRAINING AND EDUCATION PROGRAMS

Part 9 provides the requirements related to cannabis training and education programs. The proposed rules to be discussed at the hearing will include requirements related cannabis training and education programs.

16.8.10 NMAC: CANNABIS SERVER LICENSING AND TRAINING PROGRAM

Part 10 provides the requirements related cannabis server licensing and training programs. The proposed rules to be discussed at the hearing will include requirements for proper licensure for cannabis server licensing and training programs.