

This is an amendment to 3.2.106 NMAC, Section 7 and adding 15 effective 11/29/2022.

**3.2.106.7 DEFINITIONS:**

**A. AGRICULTURAL PRODUCTS:** ~~[Agricultural products are those products and the intermediate stages thereof which are normally raised or grown primarily for use as fiber or food for human or animal consumption.]~~

(1) Agricultural products are those products and the intermediate stages thereof which are normally raised or grown primarily for use as fiber or food for human or animal consumption.

(2) Cannabis is not an agricultural product.

**B. POULTRY:** The term "poultry" means domestic fowl raised for sale or use in the ordinary course of business or for the production of meat, eggs, hides or feathers for sale or use in the ordinary course of business.

[12/5/1969, 3/9/1972, 11/20/1972, 3/20/1974, 7/26/1976, 6/18/1979, 4/7/1982, 5/4/1984, 4/2/1986, 11/26/1990, 12/23/92, 11/15/1996; 3.2.106.7 NMAC - Rn, 3 NMAC 2.18.1.7, 5/15/2001; A, 8/15/12; A 11/29/2022]

**3.2.106.15 CANNABIS:** Receipts of a licensed cannabis retailer from the sale of cannabis products, including without limitation cannabis flowers as defined in Section 26-2C-2 NMSA 1978, are subject to the gross receipts tax. The receipts from the sale of cannabis products, including cannabis flowers as defined in Section 26-2C-2 NMSA 1978, are not receipts from the sale of unprocessed agricultural products.

[3.2.106.15 NMAC - N, 11/29/2022]