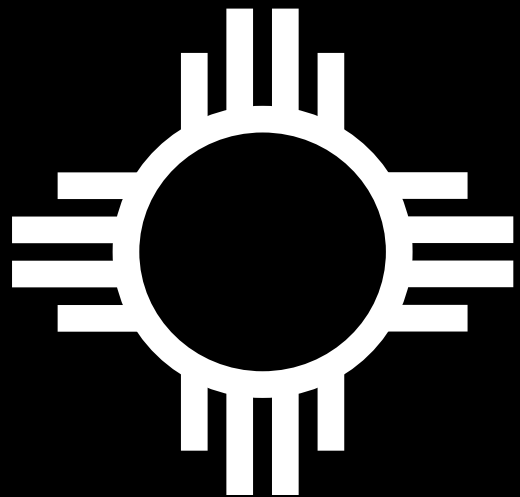


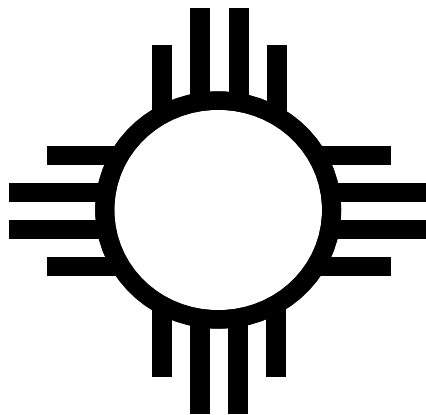
**NEW
MEXICO
REGISTER**



Volume XXVI
Issue Number 4
February 27, 2015

New Mexico Register

**Volume XXVI, Issue Number 4
February 27, 2015**



The official publication for all notices of rulemaking and filings of adopted, proposed and emergency rules in New Mexico

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Santa Fe, New Mexico
2015

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New Mexico Register

Volume XXVI, Number 4

February 27, 2015

Table of Contents

Notices of Rulemaking and Proposed Rules

Environmental Improvement Board	
Notice of Rulemaking Hearing	107
Human Services Department	
Income Support Division	
Notice of Public Hearing	107
Public Education Department	
Notice of Proposed Rulemaking	108
Regulation and Licensing Department	
Acupuncture and Oriental Medicine, Board of	
Public Rule Hearing and Regular Board Meeting	108
Water Quality Control Commission	
Addendum to Notice of Public Hearing to Consider Proposed Amendments to 20.6.6 NMAC-The Dairy Rule - English	109
Adenda al Aviso de Audiencia Pública para considerar Las Enmiendas Propuestas a 20.6.6 NMAC-La Regla de Lechería	109

Adopted Rules

Effective Date and Validity of Rule Filings

Rules published in this issue of the New Mexico Register are effective on the publication date of this issue unless otherwise specified. “No rule shall be valid or enforceable until it is filed with the records center and published in the New Mexico register as provided by the State Rules Act. Unless a later date is otherwise provided by law, the effective date of a rule shall be the date of publication in the New Mexico register.” Section 14-4-5 NMSA 1978.

A=Amended, E=Emergency, N=New, R=Repealed, Rn=Renumbered

Game and Fish, Department of		
19.31.13 NMAC	R	Deer
19.31.14 NMAC	R	Elk
19.31.13 NMAC	N	Deer
19.31.14 NMAC	N	Elk
19.30.3 NMAC	A	Game and Fish Open Meetings
Health, Department of		
7.34.2 NMAC	R	Advisory Board Responsibilities and Duties
7.34.3 NMAC	R	Registry Identification Cards
7.34.4 NMAC	R	Licensing Requirements for Producers, Production Facilities and Distribution
7.30.12 NMAC	N	Emergency Medications in Schools
7.34.2 NMAC	N	Advisory Board Responsibilities and Duties
7.34.3 NMAC	N	Registry Identification Cards
7.34.4 NMAC	N	Licensing Requirements for Producers, Couriers, Manufacturers and Laboratories
Human Services Department		
Income Support Division		
8.139.100 NMAC	A/E	General Provisions for the Food Stamp Program
8.139.120 NMAC	A/E	Case Administration - Case Management
8.139.510 NMAC	A/E	Eligibility Policy - Resources and Property
Regulation and Licensing Department		
Construction Industries and Manufactured Housing Divisions		
Hoisting Program		
16.43.2 NMAC	R	Hoisting Operators Safety;Hoisting Operators Code
16.43.1 NMAC	N	Hoisting Operators - General Provisions
16.43.2 NMAC	N	Hoisting Operators Safety; Hoisting Operators Code
Physical Therapy Board		
16.20.6 NMAC	A	Physical Therapy Assistants

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Notices of Rulemaking and Proposed Rules

NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD

NEW MEXICO ENVIRONMENTAL IMPROVEMENT BOARD NOTICE OF RULEMAKING HEARING

The New Mexico Environmental Improvement Board (“Board”) will hold a public hearing on May 15, 2015 at 10:00 am Old PERA Bldg. Apodaca Hall, 1120 Paseo De Peralta P.O. Box 1269, Santa Fe, New Mexico 87504 the purpose of the hearing is to consider the matter of No. EIB 14-06(R), Petition to Amend 11.5.1.16 NMAC of the Occupational Health and Safety Regulations.

The proponent of this regulatory amendment is the New Mexico Environment Department (“NMED”) Occupational Health and Safety Bureau (“OHSB”).

The purpose of the public hearing is to consider and take possible action on a petition from NMED to amend 11.5.1.16 NMAC, *Recordkeeping and Reporting Occupational Injuries and Illnesses*. NMED is proposing an amendment to 11.5.1.16 NMAC that would conform to the changes made by the federal Occupational Safety and Health Administration. The federal amendment requires that employers report all work-related fatalities within eight hours of the event, and all work-related in-patient hospitalizations that require care or treatment, all amputations, and all losses of an eye within 24 hours. While 11.5.1.16 NMAC currently incorporates the federal requirements in 29 C.F.R. Part 1904, *Recording and Reporting Occupational Injuries and Illnesses*, NMED is proposing to remove and replace language in 11.5.1.16 NMAC that references the old reporting requirements.

The Board may make a decision on the proposed amendment at the conclusion of the hearing, or the Board may convene a meeting at a later date to consider action on the proposed rulemaking.

The proposed amendment may be reviewed during regular business hours at the NMED Occupational Health & Safety Bureau office, 525 Camino de los Marquez, Suite 3, Santa Fe, New Mexico. Copies of the proposed amendment may be obtained by contacting Robert Genoway at (505) 476-8718 or robert.genoway@state.nm.us. The proposed amendment can also be found on the NMED OHSB website at www.nmenv.

state.nm.us/Ohsb_Website/ProposedRegs/.

The hearing will be conducted in accordance with 20.1.1 NMAC, *Rulemaking Procedures – Environmental Improvement Board*; NMSA 1978, Section 74-1-9 (1985) of the Environmental Improvement Act; NMSA 1978, Section 50-9-12 (1993) of the Occupational Health and Safety Act; and other applicable procedures.

All interested persons will be given a reasonable opportunity at the hearing to submit relevant evidence, data, views and arguments, orally or in writing, to introduce exhibits, and to examine witnesses. Persons wishing to present technical testimony must file with the Board a written notice of intent to do so. The notice of intent shall:

- (1) identify the person for whom the witness(es) will testify;
- (2) identify each technical witness that the person intends to present and state the qualifications of the witness, including a description of their education and work background;
- (3) include a copy of the direct testimony of each technical witness in narrative form;
- (4) list and attach each exhibit anticipated to be offered by that person at the hearing; and
- (5) attach the text of any recommended modifications to the proposed regulatory change.

Notices of intent to present technical testimony at the hearing must be received by the Office of the Board no later than 5:00 p.m. on April 24, 2015 and should reference the date of the hearing and docket number EIB 14-06(R). Notices of intent to present technical testimony should be submitted to:

Pam Castaneda, Board Administrator
Environmental Improvement Board
1190 St. Francis Dr., N-2150
P.O. Box 5469
Santa Fe, NM 87502
Phone: (505) 827-2425; Fax: (505) 827-0310

Any member of the general public may testify at the hearing. No prior notification is required to present non-technical testimony at the hearing. Any member of the public may also offer exhibits in connection with his/her testimony, as long as the exhibit is not unduly repetitious of the testimony. A member of the general public who wishes to submit a non-technical written statement for the record in lieu of oral testimony shall file the written statement prior to the hearing, or submit it

at the hearing.

If you are an individual with a disability and you require assistance or an auxiliary aid to participate, please contact Juan Carlos Borrego at the NMED Human Resources Bureau by May 1, 2015. The Human Resources Bureau can be reached at the New Mexico Environment Department, 1190 St. Francis Drive, P.O. Box 5469, Santa Fe, New Mexico, 87502-5469; telephone: (505) 827-0424; or email: juancarlos.borrego@state.nm.us. TDD users may access Mr. Borrego’s number via the New Mexico Relay Network at 1-800-659-1779.

NEW MEXICO HUMAN SERVICES DEPARTMENT INCOME SUPPORT DIVISION

NOTICE OF PUBLIC HEARING

The New Mexico Human Services Department (HSD) will hold a public hearing to allow public comment on the proposed amendment of Supplemental Nutrition Assistance Program (SNAP) regulations. The hearing will be held on Monday March 30, 2015, at 10:00 am to 11:00 am at the Income Support Division (ISD) conference room, 2009 S. Pacheco Street, Santa Fe, New Mexico. The conference room is located in Room 120 on the lower level of Pollon Plaza.

New Mexico administers the Supplemental Nutrition Assistance Program according to the federal guidelines of the United States Department of Agriculture, Food and Nutrition Services (FNS) in adjusting maximum allowable resources for inflation. Under the Food and Nutrition Act of 2008, http://www.fns.usda.gov/sites/default/files/PL_110-246.pdf, resource limit adjustments are effective as of October 1, 2014. The Department is proposing amendments to 8.139.100, 8.139.120 and 8.139.510 NMAC. These sections of administrative code were created under the Food and Nutrition Act of 2008. These resource limit adjustments are mandated and are considered emergency amendments due to the short time New Mexico and other states have to implement the new changes.

FNS increased the resource limit from \$2,000.00 to \$2,250.00 and from \$3,000.00 to \$3,250.00 for households consisting of or including a member who is elderly or disabled as defined at Paragraph (23) of Subsection A of 8.139.100.7 NMAC. As

New Mexico has adopted broad based Category Eligibility (CE) for SNAP, the resource limits are only applicable to certain individuals. These include:

- Any member is disqualified for an IPV;
- Any member is disqualified for failure to comply with work registration or E&T requirements, including voluntarily quitting a job or reducing employment hours without good cause;
- Any member is disqualified because of fleeing felon status or parole/probation violations;
- The household is institutionalized; or
- The household refuses to cooperate in providing information that is necessary to determine eligibility.

The Department is also replacing Food Stamp Program with Supplemental Nutrition Assistance Program (SNAP) where applicable in the amended sections.

The Human Services Register Vol. 38 No. 7 outlining the proposed regulations is available on the HSD's website at: <http://www.hsd.state.nm.us/LookingForInformation/income-support-division-registers.aspx>. Individuals wishing to testify or to request a copy of the proposed regulation should contact the Income Support Division, P.O. Box 2348, Pollon Plaza, Santa Fe, New Mexico 87504-2348, or by calling 505-827-7268 or 505-827-7250.

If you are a person with a disability and you require this information in an alternative format, or you require a special accommodation to participate in any HSD public hearing, program, or service, please contact the American Disabilities Act Coordinator, at 505-827-7701 or through the New Mexico Relay system, at 711 or toll free at 1-800-659-1779. The Department requests at least a 10-day advance notice to provide requested alternative formats and special accommodations.

Individuals who do not wish to attend the hearing may submit written or recorded comments. Written or recorded comments must be received by 4:00 pm on the date of the hearing, March 30, 2015. Please send comments to:

Brent Earnest, Secretary Designate
Human Services Department

P.O. Box 2348, Pollon Plaza
Santa Fe, New Mexico 87504-2348

You may send comments electronically to:
samuel.peinado@state.nm.us

NEW MEXICO PUBLIC EDUCATION DEPARTMENT

NEW MEXICO PUBLIC EDUCATION DEPARTMENT NOTICE OF PROPOSED RULEMAKING

The Public Education Department ("Department") hereby gives notice that the Department will conduct a public hearing at Mabry Hall, Jerry Apodaca Education Building, 300 Don Gaspar, Santa Fe, New Mexico 87501-2786, on Thursday, April 2, 2015 from 10:00 a.m. to noon. The purpose of the public hearing will be to obtain input on the proposed amendments to 6.29.3 NMAC (Career Technical Education Standards for Excellence).

Interested individuals may provide comments at the public hearing and/or submit written comments to Mr. Eric Spencer, Director, College and Career Readiness Bureau, via email at rule.feedback@state.nm.us, fax (505) 827-6656, or directed to Mr. Eric Spencer, Director, College and Career Readiness Bureau, Public Education Department, Jerry Apodaca Public Education Building, 300 Don Gaspar, Santa Fe, New Mexico 87501. Written comments must be received no later than 5:00 p.m. on the date of the hearing. However, the submission of written comments as soon as possible is encouraged.

Copies of the proposed rules may be accessed on the Department's website (<http://ped.state.nm.us/>) under the "Public Notices" link, or obtained from Mrs. Mary Medina, Education Administrator, by calling (505) 827-6723.

Individuals with disabilities who require this information in an alternative format or need any form of auxiliary aid to attend or participate in the public hearing are asked to contact Mrs. Mary Medina at (505) 827-6723 as soon as possible. The NMPED requires at least ten (10) days advance notice to provide requested special accommodations.

NEW MEXICO REGULATION AND LICENSING DEPARTMENT BOARD OF ACUPUNCTURE AND ORIENTAL MEDICINE

LEGAL NOTICE

Public Rule Hearing and Regular Board Meeting

The New Mexico Board of Acupuncture and Oriental Medicine will hold a Rule Hearing on Wednesday, April 1, 2015. Following the Rule Hearing the Board will convene a regular meeting to adopt the rules and take care of regular business. The New Mexico Board of Acupuncture and Oriental Medicine Rule Hearing will begin at 9:30 a.m. and the Regular board Meeting will convene following the Rule Hearing. The meeting will be held at the Regulation & Licensing Department 2nd Floor Hearing Room, located at 2550 Cerrillos Road, Santa Fe, New Mexico.

The purpose of the Rule Hearing is to consider adoption of proposed amendments and additions to the following Board Rules and Regulations in 16.2.1 NMAC - General Provisions; 16.2.3 NMAC - Application for licensure, 16.2.4 NMAC - Examinations, 16.2.8 NMAC - License Renewal, 16.2.9 NMAC - Continuing Education; 16.2.10 NMAC - Fees; 16.2.11 NMAC - Licensee Business Offices and Administrative requirements 16.2.18 NMAC - Expanded Practice Educational Courses; 16.2.19 NMAC - Expanded Practice Certifications.

Persons desiring to present their views on the proposed rules may write to request draft copies from the Board office at the Toney Anaya Building located at 2550 Cerrillos Road in Santa Fe, New Mexico 87505, or call (505) 476-4630 after February 27, 2015. In order for the Board members to review the comments in their meeting packets prior to the meeting, persons wishing to make comments regarding the proposed rules must present them to the Board Office in writing by close of business day on March 23, 2015. Persons wishing to present their comments at the Rule Hearing will need (10) copies of any comments or proposed changes for distribution to the Board and staff.

A copy of the agenda will be available at least 72 hours prior to the meeting and may be obtained at the Board office located on the 2nd Floor of the Toney Anaya Building 2550 Cerrillos Road Santa Fe, NM or by calling the Board office at (505) 476-4630

and will also be posted on our website at www.rld.state.nm.us Acupuncture & Oriental Medicine, under Members and Meetings.

If you have questions or if you are an individual with a disability who wishes to attend the hearing or meeting but, you need a reader, amplifier, qualified sign language interpreter or any other form of auxiliary aid or service to participate, please call the Board office at (505) 476-4630 at least two weeks prior to the meeting or as soon as possible.

NEW MEXICO WATER QUALITY CONTROL COMMISSION

NEW MEXICO WATER QUALITY CONTROL COMMISSION ADDENDUM TO NOTICE OF PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO 20.6.6 NMAC -THE DAIRY RULE

The New Mexico Water Quality Control Commission will hold a public hearing beginning at 1:00 p.m. on April 6, 2015 at the Bassett Auditorium in the Roswell Museum and Art Center, 100 West 11th Street, Roswell, New Mexico, to consider proposed amendments to the Commission's Ground and Surface Water Protection Rule, 20.6.6 NMAC, referred to as the Dairy Rule and proposed in WQCC 12-09 (R) by the Dairy Industry Group for a Clean Environment (DIGCE) any location changes will be posted. The proposed amendments would establish new rules for the Dairy industry to specify measures to be taken to prevent water pollution and to monitor water quality.

Notices of intent for the hearing must be received by the Office of the Commission Administrator by 5 p.m. on March 6, 2015 and should reference the name of the regulation, the date of the hearing, and docket number WQCC 12-09 (R) and 13-08 (R). Notices of intent to present rebuttal testimony shall be filed by March 20, 2015. All parties that filed a notice of intent on or before October 17, 2014 shall not file another notice of intent and additional rebuttal testimony will not be accepted.

Any motions on evidentiary matters shall be filed no later than 5 p.m., March 27, 2015. Responses to evidentiary motions shall be filed no later than 5 p.m. April 3, 2015. Unless specifically modified herein, the hearing for the above-captioned matter will be conducted consistent with the Procedural Order entered October 3, 2014.

If you are an individual with a disability and you require assistance or an auxiliary aid, e.g. sign language interpreter, to participate in any aspect of this process, please contact the Personnel Services Bureau by March 30, 2015. The Bureau can be reached at the New Mexico Environment Department, 1190 St. Francis Drive, P.O. Box 5469, Santa Fe, NM 87502-5469, and (505) 827-9872. TDD or TDY users may access this number via the New Mexico Relay Network (Albuquerque TDD users: (505) 275-7333; outside of Albuquerque: 1-800-659-1779.)

NEW MEXICO WATER QUALITY CONTROL COMMISSION

Control de Calidad de Agua de Nuevo Mexico Comisión Adenda al Aviso de Audiencia Pública para considerar Las Enmiendas Propuestas a 20.6.6 NMAC-La Regla de Lechería

La Comisión de Control de la Calidad del Agua de Nuevo México llevará a cabo una audiencia pública que comienza a las 1:00 pm el 06 de abril, 2015 en el Auditorio Bassett en el Roswell Museo y Centro de Arte, 100 West 11 Calle, Roswell, Nuevo México, para examinar las enmiendas Propuestas a Planta de la Comisión y de superficie Regla de Protección del Agua, 20.6.6 NMAC, conocido como la Regla de Productos Lácteos y propusieron en WQCC 12-09 (R) por el Grupo de la Industria Lechera para un Medio Ambiente Limpio (DIGCE) cualquier cambio de ubicación se publicarán. Las enmiendas propuestas establecer nuevas reglas para la Industria Lechera para especificar las medidas que deben adoptarse para evitar la contaminación del agua y para controlar la calidad del agua.

Las notificaciones de la intención de pedestal testimonio tenecio debe ser para recibidas por la Oficina del Administrador de la Comisión a las 5 p.m. el 6 de marzo, 2015 y deben hacer referencia al nombre de la regulación, la fecha de la audiencia, y el número de expediente WQCC 12-09 (R) y 13-08 (R). Las notificaciones de intención de presentar testimonio refutación deberán presentarse antes del 20 de marzo, 2015. Todas las partes que presentaron un aviso de intención en o antes del 17 de octubre, 2014 no podrán presentar otra notificación de intención y el testimonio refutación adicional no será aceptada.

Las mociones en cuestión probatoria serán presentadas a más que 5:00 p.m. el 27 de

marzo, 2015. Las respuestas a las probatorias deberán ser presentadas no más tarde de las 5:00 p.m. el 03 de abril, 2015. A menos que se modifique específicamente en este documento, la audiencia de la materia-titulado anteriormente, se realizará de conformidad con la Resolución Procesal entrado 03 de octubre, 2014.

Si usted es una persona con una discapacidad y necesita ayuda o una ayuda auxiliar, por ejemplo, intérprete de la lengua de signos, a participar en cualquier aspecto de este proceso, por favor póngase en contacto con la Oficina de Servicios de Personal para el 30 de marzo, 2015. La oficina puede ser contactada en el Departamento de Medio Ambiente de Nuevo México, 1190 Calle. Francis Drive, Caja postal 5469, Santa Fe, NM 87502-5469, y (505) 827-9872. TDD y TDY podrán acceder a este número a través del la comunicacion rele de Nuevo México (Albuquerque TDD personas:(505) 275-7333; fuera de Albuquerque:1(800) 659-1779).

End of Notices and Proposed Rules Section

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Adopted Rules

NEW MEXICO DEPARTMENT OF GAME AND FISH

The State Game Commission repeals its rule 19.31.13 NMAC, DEER, filed 3/18/2013 and replaces it with 19.31.13 NMAC, DEER, effective 4/1/2015.

The State Game Commission repeals its rule 19.31.14 NMAC, ELK, filed 3/18/2013 and replaces it with 19.31.14 NMAC, ELK, effective 4/1/2015.

NEW MEXICO DEPARTMENT OF GAME AND FISH

**TITLE 19 NATURAL
RESOURCES AND WILDLIFE
CHAPTER 31 HUNTING AND
FISHING
PART 13 DEER**

19.31.13.1 ISSUING AGENCY:
New Mexico Department of Game and Fish.
[19.31.13.1 NMAC - Rp, 19.31.13.1 NMAC, 4-1-15]

19.31.13.2 SCOPE: Sportspersons interested in deer management and deer hunting. Additional requirements may be found in Chapter 17, NMSA 1978, and Chapters 30, 31, 32 and 33 of Title 19.
[19.31.13.2 NMAC - Rp, 19.31.13.2 NMAC, 4-1-15]

**19.31.13.3 STATUTORY
AUTHORITY:** 17-1-14 and 17-1-26 NMSA 1978 provide that the New Mexico state game commission has the authority to establish rules and regulations that it may deem necessary to carry out the purpose of Chapter 17 NMSA 1978 and all other acts pertaining to protected mammals, birds, and fish.
[19.31.13.3 NMAC - Rp, 19.31.13.3 NMAC, 4-1-15]

19.31.13.4 DURATION: April 1, 2015 through March 31, 2019.
[19.31.13.4 NMAC - Rp, 19.31.13.4 NMAC, 4-1-15]

19.31.13.5 EFFECTIVE DATE:
April 1, 2015, unless a later date is cited at the end of individual sections.
[19.31.13.5 NMAC - Rp, 19.31.13.5 NMAC, 4-1-15]

19.31.13.6 OBJECTIVE:
Establishing open hunting seasons and

regulation, rules, and procedures governing the distribution and issuance of deer licenses by the department.
[19.31.13.6 NMAC - Rp, 19.31.13.6 NMAC, 4-1-15]

19.31.13.7 DEFINITIONS:

A. “A” or “antlerless deer” shall mean a deer without antlers.

B. “Arrows” shall mean only those arrows or bolts having broadheads with steel cutting edges.

C. “Baiting” shall mean the placing, exposing, depositing, distributing, or scattering of any salt, grain, scent or other feed on or over areas where hunters are attempting to take deer.

D. “Bow” shall mean compound, recurve, or long bow. Sights on bows shall not project light nor magnify.

E. “Crossbows” shall mean a device with a bow limb or band of flexible material that is attached horizontally to a stock and has a mechanism to hold the string in a cocked position. Sights on crossbows shall not project light nor magnify.

F. “Deer” shall mean all or any deer species found in New Mexico.

G. “Deer license” shall mean a valid official document that is issued or approved by the director that each person hunting deer in New Mexico must have or obtain prior to hunting.

H. “Deer enhancement program” as used herein, shall mean the department activity that allows the issuance of not more than two permits for the taking of one buck deer per permit with the purpose of raising funds for programs and projects to benefit deer.

I. “Department” shall mean the New Mexico department of game and fish.

J. “Director” shall mean the director of the New Mexico department of game and fish.

K. “ES” or “either sex” shall mean any one animal of the species.

L. “FAD” or “forked antlered deer” shall mean a deer possessing antlers, one of which shall have a definite fork showing two or more distinct points. A burr at the base does not constitute a point or fork.

M. “FAMD” or “forked antlered mule deer” shall mean a mule deer possessing antlers, one of which shall have a definite fork showing two or more distinct points. A burr at the base does not constitute a point or fork.

N. “FAWTD” or “forked antlered white-tailed deer” shall mean a white-tailed deer possessing antlers, one of

which shall have a definite fork showing two or more distinct points. A burr at the base does not constitute a point or fork.

O. “Game management unit” or “GMU” shall mean those areas as described in the state game commission’s rule 19.30.4 NMAC Boundary Descriptions for Game Management Units.

P. “High demand hunt” is hereby defined as a special draw hunt where the total number of non-resident applicants for a deer hunt in each unit exceeds 22% of the total applicants based upon data for the two immediately preceding years.

Q. “License year” shall mean the period from April 1 through March 31.

R. “Modern firearms” shall mean center-fire firearms, not to include any fully automatic firearms. Legal shotguns shall be only those shotguns capable of being fired from the shoulder.

S. “Muzzle-loader” or “muzzle-loading firearms” shall mean those rifles and shotguns in which the charge and projectile are loaded through the muzzle. Only black powder, Pyrodex or equivalent black powder substitute may be used. Use of smokeless powder is prohibited. Legal muzzle-loader shotguns shall be only those shotguns capable of being fired from the shoulder.

T. “Private land-only deer license” shall mean the valid official document for hunting deer on private deeded land during designated private land-only hunts. This license shall entitle the holder to hunt deer only on private deeded land and only for the sporting arms type, hunt period, and GMU for which it is validated.

U. “Public draw license” shall mean the valid official document awarded through a public drawing for hunting deer. This valid official license shall entitle the holder to hunt where hunter numbers are limited by rule.

V. “Quality hunt” is hereby defined as a hunt designed to provide a hunter with an opportunity to achieve one or more of the following: a potential harvest from a wider selection of buck deer, a pleasurable experience based upon timing and length of hunt season, lower hunter density, and an increased opportunity for success.

W. “Restricted muzzle-loading rifle” shall mean any muzzle-loading rifle using open sights, black powder or equivalent and firing a traditional lead bullet. The use of in-line ignition, scopes, pelleted powder, smokeless powder and sabots, including powerbelt-type

projectiles, are prohibited.

X. “TBD” or “to be determined” shall mean the details of hunt dates or hunt areas will be provided by the department to the hunter when the designated population management hunt is initiated.

Y. “Unlimited” shall mean there is no set limit on the number of licenses established for the described hunt areas.

Z. “Web sale” or “web site” shall refer to accessing the department’s internet address.

AA. “Wildlife management areas” or “WMAs” shall mean those areas as described in the state game commission’s rule 19.34.5 NMAC Wildlife Management Areas.

BB. “ESWTD” or “either sex white-tailed deer” shall mean any one white-tailed deer.

[19.31.13.7 NMAC - Rp, 19.31.13.7 NMAC, 4-1-15]

19.31.13.8 ADJUSTMENT OF LICENSES, AUTHORIZATIONS AND HARVEST LIMITS: The director, with the verbal concurrence of the chairman or their designee, may adjust the number of licenses or authorization certificates up or down by no more than 20% of the total licenses available in the GMU to address significant changes in population levels or to address critical department management needs. This adjustment may be applied to any or all of the specific hunt codes for deer. [19.31.13.8 NMAC - Rp, 19.31.13.8 NMAC, 4-1-15]

19.31.13.9 DEER LICENSE APPLICATION REQUIREMENTS AND RESTRICTIONS:

A. Restrictions: Private land-only deer licenses shall not be valid on wildlife management areas or for private land hunts in GMUs 2A, 2B, 2C, 4 or 5A.

B. Change of validation: No one other than a department representative may change the hunt code validation marked on any deer license. Such changes must be made on the face of the license using the director’s approved procedures. No changes to the hunt code may be made after the start of the first deer season for which the license is validated. Licenses issued through the draw system are not eligible for validation changes.

C. One deer license per year: It shall be unlawful for anyone to hold more than one license to hunt deer during the current license year unless otherwise specifically allowed by rule.

D. Validity of license: All deer licenses shall be valid only for the specified dates, eligibility requirements or restrictions, legal sporting arms, bag

limit, and area specified by the hunt code printed on the license including those areas designated as public or private land per a current unitization agreement between the department and U. S. bureau of land management, state land office or other public land holding entity. Over-the-counter licenses shall be valid only for the specified dates, eligibility requirements or restrictions, legal sporting arms, bag limit, and area specified by rule or regulation. Except that a license will be valid on the contiguous deeded land of private property that extends into an adjacent GMU that is open to hunting for deer. This exception shall only apply when the adjacent unit has the same restrictions as to sporting arms type, bag limit, season dates and license availability.

E. Deer hunts: It shall be unlawful for any person:

- (1) to hunt with any sporting arms type other than that for which his or her deer license is validated;
- (2) to hunt during any season other than that for which his or her deer license is validated;
- (3) to hunt in any GMU other than that for which his or her deer license is validated;
- (4) to hunt deer on public land in any GMU with a private land-only deer license, unless otherwise specifically allowed by rule;
- (5) to knowingly hunt private property without possessing a valid deer license; or
- (6) to hunt with any license issued originally to another person, except as specifically allowed by rule or law.

F. Mobility impaired (MI) deer hunts: It shall be unlawful for anyone to apply for a mobility impaired (MI) deer license, except as allowed by 19.31.3.11 NMAC.

G. Youth only (YO) deer hunts: It shall be unlawful for anyone to apply for a youth only (YO) deer license except as allowed by 19.31.3.11 NMAC.

H. Military only deer hunts: It shall be unlawful for anyone to apply for a military only (military only) deer license except as allowed by 19.31.3.11 NMAC.

I. GMUs 2A, 2B, 2C, 4 and 5A private land-only hunts:

(1) Persons applying for private land-only deer licenses in GMUs 2A, 2B, 2C, 4 and 5A must do so on a special application form that may only be obtained from landowners in these GMUs.

(2) GMU 2A, 2B, 2C, 4 and 5A landowners may be required to provide proof of land ownership to obtain special application forms from

the department’s northwest area office in Albuquerque.

(3) For GMU 5A, the department may use input from landowners to develop a process to distribute special application forms to private landowners that provides reasonable and equitable participation opportunities for landowners.

(4) When applying for private land hunts in GMU 5A, no more than one person may apply on each application form. [19.31.13.9 NMAC - Rp, 19.31.13.9 NMAC, 4-1-15]

19.31.13.10 DEER MANNER AND METHOD REQUIREMENTS AND RESTRICTIONS:

A. Season and hours: Deer may be hunted or taken only during open seasons and only during the period from one-half hour before sunrise to one-half hour after sunset.

B. Bag limit: It is unlawful for any person to hunt for or take more than one deer during a current license year unless otherwise provided by regulation.

C. Seizure: Any conservation officer or other officer authorized to enforce game laws and regulations shall seize any deer carcasses that are improperly notched.

D. Proof of sex: It shall be unlawful for anyone to transport or possess the carcass of a deer without proof of sex. The antlers of any buck deer taken shall remain attached to the skull plate until arriving at a residence, taxidermist, meat processing place, or place of final storage. The scalp and both ears of female or immature male shall accompany the carcass in the same manner.

E. Use of dogs in hunting: It shall be unlawful to use dogs to hunt deer, except leashed dogs may be used to locate wounded or dead deer. Hunters must register with the appropriate department area office for the GMU they will be hunting before their hunt begins to use a dog in this manner.

F. Use of baits or scents: It shall be unlawful for anyone to take or attempt to take any deer by use of baits or scents as defined in 19.31.10.7 NMAC. Scent masking agents on one’s person are allowed.

G. Live animals: It shall be unlawful to use live animals as a blind or decoy in taking or attempting to take any deer.

H. Use of calling devices: It shall be unlawful to use any electronically or mechanically recorded calling device in taking or attempting to take any deer.

I. Killing out-of-season:

It shall be unlawful to kill any deer out of deer hunting season.

J. Bullets: It shall be unlawful to take or attempt to take deer by the use of tracer ammunition or any ammunition loaded with a full metal jacketed bullet. Only soft-nosed or hollow-pointed bullets may be used in hunting or taking deer.

K. Drugs and explosives: It shall be unlawful to use any form of drug on an arrow or bolt or use arrows or bolts driven by explosives.

L. Legal sporting arms for deer are as follows: any center-fire rifle; any center-fire handgun; shotguns not smaller than 28 gauge, firing a single slug; muzzle-loading rifles; bows and arrows; and crossbows and bolts.

M. Areas closed to deer hunting: The following areas shall remain closed to deer hunting, except as permitted by regulation: Sugarite canyon state park; Wild Rivers recreation area, the Taos valley overlook; all wildlife management areas; the Valle Vidal area; and sub-unit 6B (Valles Caldera national preserve).
[19.31.13.10 NMAC - Rp, 19.31.13.10 NMAC, 4-1-15]

19.31.13.11 DEER CHRONIC WASTING DISEASE CONTROL: The director has the authority to designate possession criteria to any deer hunter where chronic wasting disease is a concern. It shall be unlawful to transport dead deer, or their parts, taken from any game management unit or area identified by the director in which the presence of, or possibility of, exposure to chronic wasting disease has been identified, to any location outside that game management unit except for the following parts of deer:

- A.** meat that is cut and wrapped (either commercially or privately);
- B.** quarters or other portions of meat with no part of the spinal column or head attached;
- C.** meat that has been boned out;
- D.** hides with no heads attached;
- E.** clean skull plates with antlers attached; clean is defined as having been immersed in a bath of at least one part chlorine bleach and two parts water with no meat or tissue attached;
- F.** antlers with no meat or tissue attached;
- G.** finished taxidermied heads.

[19.31.13.11 NMAC - Rp, 19.31.13.11 NMAC, 4-1-15]

19.31.13.12 DEER QUALITY HUNTS: Quality hunts for deer are as follows:

- A.** all hunts in game management sub-unit 2C;
- B.** the third center fire rifle hunt in sub-unit 2B;
- C.** all hunts in game management unit 17;
- D.** all hunts in game management sub-unit 5B;
- E.** all hunts in the Burro mountains hunt area of the Gila national forest in game management unit 23;
- F.** all hunts in game management unit 27;
- G.** all hunts in game management unit 33;
- H.** all hunts in game management unit 41;
- I.** the January bow hunts in game management sub-unit 2B;
- J.** all private land deer conservation incentive hunts;
- K.** the November bow hunt in Sugarite canyon state park; and
- L.** all hunts on the Humphries/Rio Chama WMAs.
[19.31.13.12 NMAC - Rp, 19.31.13.12 NMAC, 4-1-15]

19.31.13.13 SPECIAL DEER HUNTING OPPORTUNITIES:

A. Deer habitat enhancement program:

(1) Program description: The director of the department shall collect all proceeds generated through the auction and lottery of special deer permits, and such monies shall be deposited in the game protection fund. These monies shall be made available for expenditure by the department solely for programs and projects to benefit deer and for direct costs appropriated from existing funds available to the department for the preservation, restoration, utilization, and management of deer. Deer enhancement licenses or permits shall be valid from September 1 through January 31, for any legal sporting arms, for each license year. These licenses or permits shall be valid statewide, including department WMAs where hunting is allowed. The bag limit shall be one buck deer. The hunt code shall be DER-1-400. Licenses or permits may be used either by the applicant or any individual of the selected applicant's choice through sale, barter, or gift.

(2) Requirements for issuance of special deer permits:

(a) The state game commission shall authorize the director of the department to issue not more than two special deer permits in any one license year to take one buck deer per permit. The director shall allow the sale of one permit through auction to the highest bidder and one permit to a person selected

through a random drawing for the holder of a lottery ticket by the department or by an incorporated, nonprofit organization dedicated to the conservation of deer.

(b) Proposals for auctioning one special deer permit and the sale of lottery tickets to obtain one special deer permit through a random drawing shall be submitted to the director of the department prior to January 31, preceding the license year when the permit may be legally used.

(c) The proposals for auctioning the special deer permit and the sale of lottery tickets and subsequent selection of a recipient for a second permit through a random draw shall each contain and identify: (i) the name of the organization making the request as well as the names, addresses and telephone numbers of those members of the organization who are coordinating the proposal; (ii) the estimated amount of money to be raised and the rationale for that estimate; and (iii) a copy of the organization's articles of incorporation with a letter attesting that the organization has tax-exempt status. The letter must also affirm that the proponent agrees to the conditions set forth by the director of the department. The letter must be signed and dated by the president and secretary-treasurer, or their equivalents.

(d) The director of the department shall examine all proposals following the close of the application period. The director may reject any application which does not conform to the requirements of this section. In selecting a marketing organization, the director shall consider the qualifications of the organization as a fund raiser; the proposed fund raising plan; the fee charged by the marketing organization for promotional and administrative costs, relative to the funds obtained from auctioning the permit; and the organization's previous involvement with deer management and its conservation objectives. The director may accept any proposal when it is in the best interest of deer to do so.

(e) After a proposal has been approved, the state game commission shall establish open season dates, open areas, and license requirements.

(f) The marketing organization must agree in writing to the following: (i) to transfer all proceeds on or before the tenth day of the month following the auction and drawing for the lottery, and (ii) to provide the department with the names, addresses, and the physical descriptions of the individuals to whom the special deer permits are issued.

(g) The department and the marketing organization

must agree to the arrangements for the deposit of the proceeds, payment for services rendered, the accounting procedures, and final audit.

- (h) Unless his or her hunting privileges have been revoked pursuant to law, any resident of New Mexico, nonresident, or alien is eligible to submit a bid for the special deer lottery permit.
- (i) The special deer permits issued through auction and lottery may be transferred through sale, barter or gift by the successful individuals to only other individuals qualified to hunt.
- (j) Special deer permits granted through auction or lottery, as described above, shall not be considered 'once-in-a-lifetime' permits.

B. Deer incentive programs:

(1) **Chronic wasting disease (CWD) reporting incentive:** The director may annually allow up to two deer authorizations to be issued for deer and elk hunters submitting their legally harvested animal for CWD testing. Authorization certificates awarded pursuant to this rule may be transferred through sale, barter, or gift. Deer incentive hunts shall be valid only for the dates, legal sporting arms, bag limit, and area specified by the director.

(2) **Private land deer conservation incentive program:** Private landowners who are conducting significant habitat and management improvements on their deeded lands that significantly benefit deer may submit a deer conservation and management report, subject to review and approval by the department. Upon department approval of the report, the department may offer the landowner various incentives based on the degree of benefit to deer. The incentives may include extended or alternative season dates, or alternate bag limits as approved by the department. The hunt code for any unique hunt season approved pursuant to this program shall be DER-1-600.

[19.31.13.13 NMAC - Rp, 19.31.13.13 NMAC, 4-1-15]

19.31.13.14 DEER POPULATION MANAGEMENT HUNTS:

- A. The director or their designee may authorize population management hunts for deer when justified in writing by department personnel.
- B. The director or their designee shall designate the sporting arms, season dates, season lengths, bag limits, hunt boundaries, specific requirements or restrictions, and number of licenses. No qualifying license holder shall take more than one deer per license year.
- C. Applications must be submitted by the deadline date set by the department.
- D. Applications for licenses may be rejected, and fees returned to an applicant, if such applications are not on the proper form or do not supply adequate information.
- E. In the event that an applicant is not able to hunt on the dates specified, the applicant's name shall be moved to the bottom of the list and another applicant may be contacted for the hunt.
- F. In those instances where a population management hunt is warranted on deeded private lands, the landowner may suggest eligible hunters of their choice by submitting a list of prospective hunter's names to the department for licensing consideration. No more than one-half of the total number of licenses authorized shall be available to landowner identified hunters. The balance of prospective hunters shall be identified by the department.

[19.31.13.14 NMAC - Rp, 19.31.13.14 NMAC, 4-1-15]

19.31.13.15 DEER HUNTS:

A. Public land (and private lands in GMUs 2A, 2B, 2C, 4 and 5A) deer hunts, listing the open GMUs or areas, eligibility requirements or restrictions, hunt dates, hunt code, sporting arms type, number of licenses and bag limit shall be as indicated below. Military only hunters must be full time active military and proof of military status must accompany application or, if applying online, forwarded to the department by the application deadline date. Youth hunters must provide their hunter education certificate number on application. The Sandia ranger district of the Cibola national forest in GMU 14 is restricted to bows only. The state game commission owned lesser prairie-chicken areas shall be open for deer hunting during established seasons. Hunters holding a valid archery deer license for GMUs 23 or 24 and did not harvest a deer during their hunt will be allowed to hunt for antlerless deer within the Silver City deer management area as delineated by the department from January 16 through February 5.

open GMUs or areas	2015-2016 hunt dates	2016-2017 hunt dates	2017-2018 hunt dates	2018-2019 hunt dates	hunt code	licenses	bag limit
2A	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-1-100	150	FAD
2A: YO	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-1-101	40	FAD
2A: private land only	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-1-102	40	FAD
2A	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-103	40	FAD
2A	1/1-1/15/16	1/1-1/15/17	1/1-1/15/18	1/1-1/15/19	DER-2-104	80	FAD
2A: private land only	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-105	15	FAD
2A: private land only	1/1-1/15/16	1/1-1/15/17	1/1-1/15/18	1/1-1/15/19	DER-2-106	15	FAD
2A	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-107	50	FAD
2A: private land only	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-108	10	FAD
2B	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-1-109	275	FAD
2B	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-1-110	375	FAD
2B	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	DER-1-111	450	FAD
2B: YO	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	DER-1-112	150	FAD

2B: private land only	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-1-113	25	FAD
2B: private land only	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-1-114	25	FAD
2B: private land only	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	DER-1-115	75	FAD
2B	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-116	130	FAD
2B	1/1-1/15/16	1/1-1/15/17	1/1-1/15/18	1/1-1/15/19	DER-2-117	180	FAD
2B: YO	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-118	20	FAD
2B: YO	1/1-1/15/16	1/1-1/15/17	1/1-1/15/18	1/1-1/15/19	DER-2-119	50	FAD
2B: private land only	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-120	10	FAD
2B: private land only	1/1-1/15/16	1/1-1/15/17	1/1-1/15/18	1/1-1/15/19	DER-2-121	30	FAD
2B	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-122	175	FAD
2B: YO	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-123	20	FAD
2B: private land only	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-124	10	FAD
2C	11/14-11/18	11/12-11/16	11/11-11/15	11/10-11/14	DER-1-125	20	FAD
2C: private land only	11/14-11/18	11/12-11/16	11/11-11/15	11/10-11/14	DER-1-126	8	FAD
2C	1/1-1/15/16	1/1-1/15/17	1/1-1/15/18	1/1-1/15/19	DER-2-127	50	FAD
2C: private land only	1/1-1/15/16	1/1-1/15/17	1/1-1/15/18	1/1-1/15/19	DER-2-128	15	FAD
2C	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-129	20	FAD
2C: private land only	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-130	9	FAD
4: Humphries/Rio Chama WMAs	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-1-131	20	FAD
4: Humphries/Rio Chama WMAs	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-1-132	20	FAD
4: Humphries/Rio Chama WMAs, YO	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-1-133	10	FAD
4: Humphries/Rio Chama WMAs, YO	11/25-11/29	11/23-11/27	11/22-11/26	11/21-11/25	DER-1-134	5	FAD
4: private land only	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-1-135	175	FAD
4: private land only	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-1-136	175	FAD
4: private land only	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-137	150	FAD
4: private land only	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-138	100	FAD
5A: public land only	11/10-11/16	11/8-11/14	11/7-11/13	11/6-11/12	DER-1-139	30	FAD
5A: private land only	11/10-11/16	11/8-11/14	11/7-11/13	11/6-11/12	DER-1-140	220	FAD
5A: public land only	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-141	30	FAD
5A: private land only	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-142	220	FAD
5B	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	DER-1-143	15	FAD
5B: YO	11/25-11/29	11/23-11/27	11/22-11/26	11/21-11/25	DER-1-144	10	FAD
6A and 6C	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	DER-1-145	100	FAD
6A and 6C: MI	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	DER-1-146	20	FAD
6A and 6C	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-147	100	FAD
6A and 6C	10/3-10/7	10/1-10/5	9/30-10/4	9/29-10/3	DER-3-148	100	FAD
7	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	DER-1-149	25	FAD
7	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-150	10	FAD
7	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-151	10	FAD
8	1/1-1/15/16	1/1-1/15/17	1/1-1/15/18	1/1-1/15/19	DER-2-152	50	FAD
8: YO	11/21-11/29	11/19-11/27	11/18-12/6	11/17-11/25	DER-2-153	50	FAD
9: including Water canyon and Marquez WMAs	11/14-11/18	11/12-11/16	11/11-11/15	11/10-11/14	DER-1-154	10	FAD
9: including Water canyon and Marquez WMAs, YO	11/14-11/18	11/12-11/16	11/11-11/15	11/10-11/14	DER-1-155	10	FAD
9: including Water canyon and Marquez WMAs	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-156	10	FAD
9: including Water canyon and Marquez WMAs, restricted muzzleloader only	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-157	10	FAD
10	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-1-158	70	FAD
10	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-1-159	65	FAD
10	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	DER-1-160	90	FAD
10: YO	11/25-11/29 12/5-12/6 12/12-12/13	11/23-11/27 12/3-12/4 12/10-12/11	11/22-11/26 12/2-12/3 12/9-12/10	11/21-11/25 12/1-12/2 12/8-12/9	DER-1-161	25	FAD

10: MI	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-1-162	20	FAD
10	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-163	120	FAD
10	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-164	90	FAD
12	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-1-165	90	FAD
12	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-166	25	FAD
12	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-167	45	FAD
13	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	DER-1-168	150	FAD
13	11/14-11/18	11/12-11/16	11/11-11/15	11/10-11/14	DER-1-169	150	FAD
13: YO	11/25-11/29 12/5-12/6 12/12-12/13	11/23-11/27 12/3-12/4 12/10-12/11	11/22-11/26 12/2-12/3 12/9-12/10	11/21-11/25 12/1-12/2 12/8-12/9	DER-1-170	50	FAD
13	9/1-9/24 1/1-1/15/16	9/1-9/24 1/1-1/15/17	9/1-9/24 1/1-1/15/18	9/1-9/24 1/1-1/15/19	DER-2-171	200	FAD
13	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-3-172	200	FAD
14	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-1-173	30	FAD
14	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-174	30	FAD
14	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-175	50	FAD
15	9/1-9/24 1/1-1/15/16	9/1-9/24 1/1-1/15/17	9/1-9/24 1/1-1/15/18	9/1-9/24 1/1-1/15/19	DER-2-176	100	FAD
15	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-3-177	165	FAD
15: YO	11/25-11/29 12/5-12/6 12/12-12/13	11/23-11/27 12/3-12/4 12/10-12/11	11/22-11/26 12/2-12/3 12/9-12/10	11/21-11/25 12/1-12/2 12/8-12/9	DER-3-178	100	FAD
16	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	DER-1-179	300	FAD
16	11/14-11/18	11/12-11/16	11/11-11/15	11/10-11/14	DER-1-180	300	FAD
16: YO	11/25-11/29 12/5-12/6 12/12-12/13	11/23-11/27 12/3-12/4 12/10-12/11	11/22-11/26 12/2-12/3 12/9-12/10	11/21-11/25 12/1-12/2 12/8-12/9	DER-1-181	100	FAD
16: MI	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	DER-1-182	25	FAD
16	9/1-9/24 1/1-1/15/16	9/1-9/24 1/1-1/15/17	9/1-9/24 1/1-1/15/18	9/1-9/24 1/1-1/15/19	DER-2-183	400	FAD
16	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-3-184	300	FAD
17	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	DER-1-185	80	FAD
17	11/14-11/18	11/12-11/16	11/11-11/15	11/10-11/14	DER-1-186	80	FAD
17: YO	11/25-11/29 12/5-12/6 12/12-12/13	11/23-11/27 12/3-12/4 12/10-12/11	11/22-11/26 12/2-12/3 12/9-12/10	11/21-11/25 12/1-12/2 12/8-12/9	DER-1-187	80	FAD
17	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-188	73	FAD
17	1/1-1/15/16	1/1-1/15/17	1/1-1/15/18	1/1-1/15/19	DER-2-189	73	FAD
17	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-3-190	80	FAD
18	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	DER-1-191	70	FAD
18	11/14-11/18	11/12-11/16	11/11-11/15	11/10-11/14	DER-1-192	70	FAD
18	9/1-9/24 1/1-1/15/16	9/1-9/24 1/1-1/15/17	9/1-9/24 1/1-1/15/18	9/1-9/24 1/1-1/15/19	DER-2-193	85	FAD
18	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-3-194	75	FAD
19: except the White Sands missile range portion, mandatory check-in/check-out	1/1-1/15/16	1/1-1/15/17	1/1-1/15/18	1/1-1/15/19	DER-2-195	10	FAD
	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-3-196	10	FAD
20	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	DER-1-197	90	FAD
20	11/14-11/18	11/12-11/16	11/11-11/15	11/10-11/14	DER-1-198	90	FAD
20	9/1-9/24 1/1-1/15/16	9/1-9/24 1/1-1/15/17	9/1-9/24 1/1-1/15/18	9/1-9/24 1/1-1/15/19	DER-2-199	50	FAD
20	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-3-200	85	FAD
21	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	DER-1-201	425	FAD
21	11/14-11/18	11/12-11/16	11/11-11/15	11/10-11/14	DER-1-202	425	FAD
21: YO	11/25-11/29 12/5-12/6 12/12-12/13	11/23-11/27 12/3-12/4 12/10-12/11	11/22-11/26 12/2-12/3 12/9-12/10	11/21-11/25 12/1-12/2 12/8-12/9	DER-1-203	100	FAD
21	9/1-9/24 1/1-1/15/16	9/1-9/24 1/1-1/15/17	9/1-9/24 1/1-1/15/18	9/1-9/24 1/1-1/15/19	DER-2-204	500	FAD
21	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-3-205	350	FAD
22	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	DER-1-206	70	FAD
22	11/14-11/18	11/12-11/16	11/11-11/15	11/10-11/14	DER-1-207	70	FAD

22: YO	11/25-11/29 12/5-12/6 12/12-12/13	11/23-11/27 12/3-12/4 12/10-12/11	11/22-11/26 12/2-12/3 12/9-12/10	11/21-11/25 12/1-12/2 12/8-12/9	DER-1-208	20	FAD
22	9/1-9/24 1/1-1/15/16	9/1-9/24 1/1-1/15/17	9/1-9/24 1/1-1/15/18	9/1-9/24 1/1-1/15/19	DER-2-209	50	FAD
22	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-3-210	65	FAD
23: except the Burro mountains hunt area	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	DER-1-211	500	FAMD
	11/14-11/18	11/12-11/16	11/11-11/15	11/10-11/14	DER-1-212	500	FAMD
	11/21-11/25	11/19-11/23	11/18-11/22	11/17-11/21	DER-1-213	100	FAWTD
	12/5-12/13	12/3-12/11	12/2-12/10	12/1-12/9	DER-1-214	50	FAWTD
23: except the Burro mountains hunt area, YO	11/25-11/29 12/5-12/6 12/12-12/13	11/23-11/27 12/3-12/4 12/10-12/11	11/22-11/26 12/2-12/3 12/9-12/10	11/21-11/25 12/1-12/2 12/8-12/9	DER-1-215	95	FAD
23: Burro mountains hunt area	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	DER-1-216	25	FAMD
	11/14-11/18	11/12-11/16	11/11-11/15	11/10-11/14	DER-1-217	25	FAMD
	11/21-11/25	11/19-11/23	11/18-11/22	11/17-11/21	DER-1-218	25	FAWTD
	12/5-12/13	12/3-12/11	12/2-12/10	12/1-12/9	DER-1-219	25	FAWTD
23: Burro mountains hunt area, YO	11/25-11/29 12/5-12/6 12/12-12/13	11/23-11/27 12/3-12/4 12/10-12/11	11/22-11/26 12/2-12/3 12/9-12/10	11/21-11/25 12/1-12/2 12/8-12/9	DER-1-220	25	FAD
23: except the Burro mountains hunt area	9/1-9/24 1/1-1/15/16	9/1-9/24 1/1-1/15/17	9/1-9/24 1/1-1/15/18	9/1-9/24 1/1-1/15/19	DER-2-221	255	FAMD
23/24: Silver City management area	1/16-2/5/16	1/16-2/5/17	1/16-2/5/18	1/16-2/5/19			A
23: except the Burro mountains hunt area	9/1-9/24 1/1-1/15/16	9/1-9/24 1/1-1/15/17	9/1-9/24 1/1-1/15/18	9/1-9/24 1/1-1/15/19	DER-2-222	150	FAWTD
23/24: Silver City management area	1/16-2/5/16	1/16-2/5/17	1/16-2/5/18	1/16-2/5/19			A
23: Burro mountains hunt area	1/1-1/15/16	1/1-1/15/17	1/1-1/15/18	1/1-1/15/19	DER-2-223	50	FAMD
	1/1-1/15/16	1/1-1/15/17	1/1-1/15/18	1/1-1/15/19	DER-2-224	50	FAWTD
23: except the Burro mountains hunt area	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-3-225	325	FAMD
	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-3-226	75	FAWTD
23: Burro mountains hunt area	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-3-227	50	FAMD
	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-3-228	50	FAWTD
24: excluding Fort Bayard management area	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	DER-1-229	400	FAMD
	11/14-11/18	11/12-11/16	11/11-11/15	11/10-11/14	DER-1-230	400	FAMD
	11/21-11/25	11/19-11/23	11/18-11/22	11/17-11/21	DER-1-231	100	FAWTD
	12/5-12/13	12/3-12/11	12/2-12/10	12/1-12/9	DER-1-232	50	FAWTD
24: including Fort Bayard management area, YO	10/3-10/11	10/1-10/9	9/30-10/8	9/29-10/7	DER-1-233	50	FAD
24: including Fort Bayard management area, YO	11/25-11/29 12/5-12/6 12/12-12/13	11/23-11/27 12/3-12/4 12/10-12/11	11/22-11/26 12/2-12/3 12/9-12/10	11/21-11/25 12/1-12/2 12/8-12/9	DER-1-234	50	FAD
24: excluding Fort Bayard management area	9/1-9/24 1/1-1/15/16	9/1-9/24 1/1-1/15/17	9/1-9/24 1/1-1/15/18	9/1-9/24 1/1-1/15/19	DER-2-235	200	FAMD
23/24: Silver City management area	1/16-2/5/16	1/16-2/5/17	1/16-2/5/18	1/16-2/5/19			A
24: excluding Fort Bayard mgmt. area	9/1-9/24 1/1-1/15/16	9/1-9/24 1/1-1/15/17	9/1-9/24 1/1-1/15/18	9/1-9/24 1/1-1/15/19	DER-2-236	100	FAWTD
23/24: Silver City management area	1/16-2/5/16	1/16-2/5/17	1/16-2/5/18	1/16-2/5/19			A
24: excluding Fort Bayard mgmt. area	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-3-237	400	FAMD
	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-3-238	100	FAWTD
25	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	DER-1-239	100	FAD
25	11/14-11/18	11/12-11/16	11/11-11/15	11/10-11/14	DER-1-240	100	FAD
25	9/1-9/24 1/1-1/15/16	9/1-9/24 1/1-1/15/17	9/1-9/24 1/1-1/15/18	9/1-9/24 1/1-1/15/19	DER-2-241	70	FAD
25	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-3-242	45	FAD
26: excluding the Big Hatchets management area	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	DER-1-243	100	FAD
	11/14-11/18	11/12-11/16	11/11-11/15	11/10-11/14	DER-1-244	100	FAD
	9/1-9/24 1/1-1/15/16	9/1-9/24 1/1-1/15/17	9/1-9/24 1/1-1/15/18	9/1-9/24 1/1-1/15/19	DER-2-245	35	FAD
	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-3-246	80	FAD
27	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	DER-1-247	50	FAMD
27	11/14-11/18	11/12-11/16	11/11-11/15	11/10-11/14	DER-1-248	50	FAMD

27	11/21-11/25	11/19-11/23	11/18-11/22	11/17-11/21	DER-1-249	50	FAWTD
27	12/5-12/13	12/3-12/11	12/2-12/10	12/1-12/9	DER-1-250	25	FAWTD
27: YO	11/25-11/29 12/5-12/6 12/12-12/13	11/23-11/27 12/3-12/4 12/10-12/11	11/22-11/26 12/2-12/3 12/9-12/10	11/21-11/25 12/1-12/2 12/8-12/9	DER-1-251	25	FAD
27	1/1-1/15/16	1/1-1/15/17	1/1-1/15/18	1/1-1/15/19	DER-2-252	50	FAMD
27	1/1-1/15/16	1/1-1/15/17	1/1-1/15/18	1/1-1/15/19	DER-2-253	40	FAWTD
27	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-3-254	45	FAMD
27	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-3-255	50	FAWTD
28: McGregor range	11/21-11/22	11/19-11/20	11/18-11/19	11/17-11/18	DER-1-256	20	FAD
28: McGregor range, military only	11/21-11/22	11/19-11/20	11/18-11/19	11/17-11/18	DER-1-257	20	FAD
29	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-1-258	170	FAD
29	11/14-11/18	11/12-11/16	11/11-11/15	11/10-11/14	DER-1-259	170	FAD
29	9/1-9/24 1/1-1/15/16	9/1-9/24 1/1-1/15/17	9/1-9/24 1/1-1/15/18	9/1-9/24 1/1-1/15/19	DER-2-260	150	FAD
29	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-3-261	70	FAD
30	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-1-262	640	FAD
30	11/14-11/18	11/12-11/16	11/11-11/15	11/10-11/14	DER-1-263	960	FAD
30: YO	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-1-264	125	FAD
30: YO	11/14-11/18	11/12-11/16	11/11-11/15	11/10-11/14	DER-1-265	125	FAD
30	9/1-9/24 1/1-1/15/16	9/1-9/24 1/1-1/15/17	9/1-9/24 1/1-1/15/18	9/1-9/24 1/1-1/15/19	DER-2-266	250	FAD
30	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-3-267	300	FAD
31: including Brantley	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	DER-1-268	450	FAD
	11/21-11/25	11/19-11/23	11/18-11/22	11/17-11/21	DER-1-269	450	FAD
	9/1-9/24 1/1-1/15/16	9/1-9/24 1/1-1/15/17	9/1-9/24 1/1-1/15/18	9/1-9/24 1/1-1/15/19	DER-2-270	250	FAD
	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-3-271	150	FAD
32	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-1-272	625	FAD
32	11/14-11/18	11/12-11/16	11/11-11/15	11/10-11/14	DER-1-273	625	FAD
32: portions, YO	12/16-12/31	12/16-12/31	12/16-12/31	12/16-12/31	DER-1-274	15	A
32: portions	1/16-1/31/16	1/16-1/31/17	1/16-1/31/18	1/16-1/31/19	DER-1-275	15	A
32	9/1-9/24 1/1-1/15/16	9/1-9/24 1/1-1/15/17	9/1-9/24 1/1-1/15/18	9/1-9/24 1/1-1/15/19	DER-2-276	200	FAD
32	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-3-277	150	FAD
33	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	DER-1-278	150	FAD
33	11/21-11/25	11/19-11/23	11/18-11/22	11/17-11/21	DER-1-279	150	FAD
33	9/1-9/24 1/1-1/15/16	9/1-9/24 1/1-1/15/17	9/1-9/24 1/1-1/15/18	9/1-9/24 1/1-1/15/19	DER-2-280	100	FAD
33: restricted muzzleloader only	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-3-281	140	FAD
31/33 Brantley & Seven Rivers portions of Bur. of Recl. & Huey WMA areas only, YO	11/25-11/29	11/23-11/27	11/22-11/26	11/21-11/25	DER-3-282	20	ES
31/33 Brantley and Seven Rivers portions of Bur. of Recl. & Huey WMA areas only, YO	12/26-1/1/16	12/26-1/1/17	12/26-1/1/18	12/26-1/1/19	DER-3-283	20	A
34	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-1-284	735	FAD
34	11/14-11/18	11/12-11/16	11/11-11/15	11/10-11/14	DER-1-285	735	FAD
34: YO	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-1-286	45	FAD
34: MI	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-1-287	50	FAD
34	9/1-9/24 1/1-1/15/16	9/1-9/24 1/1-1/15/17	9/1-9/24 1/1-1/15/18	9/1-9/24 1/1-1/15/19	DER-2-288	780	FAD
34	10/3-10/7	10/1-10/5	9/30-10/4	9/29-10/3	DER-3-289	340	FAD
36: exc. Fort Stanton	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	DER-1-290	300	FAD
36: exc. Fort Stanton	11/14-11/18	11/12-11/16	11/11-11/15	11/10-11/14	DER-1-291	300	FAD
36: including Fort Stanton, YO	11/25-11/29 12/12-12/13 12/19-12/20	11/23-11/27 12/10-12/11 12/17-12/18	11/22-11/26 12/9-12/10 12/16-12/17	11/21-11/25 12/8-12/9 12/15-12/16	DER-1-292	25	FAD
36: including Fort Stanton	9/1-9/24 1/1-1/15/16	9/1-9/24 1/1-1/15/17	9/1-9/24 1/1-1/15/18	9/1-9/24 1/1-1/15/19	DER-2-293	300	FAD

36: exc. Fort Stanton	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-3-294	100	FAD
36: including Fort Stanton, YO	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-3-295	25	FAD
37	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	DER-1-296	375	FAD
37	11/21-11/25	11/19-11/23	11/18-11/22	11/17-11/21	DER-1-297	375	FAD
37	9/1-9/24 1/1-1/15/16	9/1-9/24 1/1-1/15/17	9/1-9/24 1/1-1/15/18	9/1-9/24 1/1-1/15/19	DER-2-298	150	FAD
37	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-3-299	125	FAD
38	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	DER-1-300	175	FAD
38	11/21-11/25	11/19-11/23	11/18-11/22	11/17-11/21	DER-1-301	175	FAD
38	9/1-9/24 1/1-1/15/16	9/1-9/24 1/1-1/15/17	9/1-9/24 1/1-1/15/18	9/1-9/24 1/1-1/15/19	DER-2-302	100	FAD
38	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-3-303	100	FAD
39	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	DER-1-304	40	FAD
39	11/21-11/25	11/19-11/23	11/18-11/22	11/17-11/21	DER-1-305	40	FAD
39	9/1-9/24 1/1-1/15/16	9/1-9/24 1/1-1/15/17	9/1-9/24 1/1-1/15/18	9/1-9/24 1/1-1/15/19	DER-2-306	40	FAD
39	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-3-307	40	FAD
40	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	DER-1-308	50	FAD
40	11/21-11/25	11/19-11/23	11/18-11/22	11/17-11/21	DER-1-309	50	FAD
40	9/1-9/24 1/1-1/15/16	9/1-9/24 1/1-1/15/17	9/1-9/24 1/1-1/15/18	9/1-9/24 1/1-1/15/19	DER-2-310	25	FAD
40	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-3-311	25	FAD
41	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-1-312	35	FAD
41	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-1-313	35	FAD
41	12/12-12/16	12/10-12/14	12/9-12/13	12/8-12/12	DER-1-314	10	FAWTD
41: YO	11/25-11/29	11/23-11/27	11/22-11/26	11/21-11/25	DER-1-315	5	FAD
41: YO	12/5-12/9	12/3-12/7	12/2-12/6	12/1-12/5	DER-1-316	15	ESWTD
41	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-317	10	FAD
41	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-318	25	FAD
42	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-1-319	30	FAD
42	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-1-320	30	FAD
42	11/25-11/29	11/23-11/27	11/22-11/26	11/21-11/25	DER-1-321	10	FAWTD
42	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-322	10	FAD
42	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-323	7	FAD
43	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-1-324	35	FAD
43	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-325	10	FAD
43	10/24-10/30	10/22-10/28	10/21-10/27	10/20-10/26	DER-3-326	8	FAD
45	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	DER-1-327	250	FAD
45	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-1-328	250	FAD
45: YO	11/25-11/29 12/5-12/6	11/23-11/27 12/3-12/4	11/22-11/26 12/2-12/3	11/21-11/25 12/1-12/2	DER-1-329	25	FAD
45: MI	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	DER-1-330	25	FAD
45	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-331	150	FAD
45	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-332	150	FAD
47	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-1-333	18	FAD
47	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-1-334	18	FAD
47	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-335	10	FAD
47	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-336	15	FAD
48	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-1-337	30	FAD
48	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-1-338	50	FAD
48	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-339	45	FAD
48	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-340	20	FAD
49	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-1-341	90	FAD
49	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-1-342	90	FAD
49	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-343	100	FAD
50	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-1-344	48	FAD
50	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-1-345	48	FAD
50	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-346	5	FAD
51A	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-1-347	145	FAD
51A	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-348	65	FAD
51B	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-1-349	15	FAD
51B	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-1-350	15	FAD
51B	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-351	10	FAD

52	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-1-352	90	FAD
52	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	DER-1-353	90	FAD
52	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-354	80	FAD
52: restricted muzzleloader only	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-355	25	FAD
53	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-1-356	85	FAD
53	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	DER-1-357	85	FAD
53	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-358	90	FAD
54/55: Colin Neblet WMA	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-1-359	15	FAD
54/55: Colin Neblet WMA	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-1-360	15	FAD
55: ES Barker WMA	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-1-361	5	FAD
55: ES Barker WMA, YO	11/25-11/29	11/23-11/27	11/22-11/26	11/21-11/25	DER-1-362	5	FAD
55: Urraca WMA	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-1-363	10	FAD
55: Urraca WMA	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-1-364	10	FAD
56	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-1-365	15	FAD
56	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-1-366	15	FAD
56: YO	11/25-11/29	11/23-11/27	11/22-11/26	11/21-11/25	DER-1-367	10	FAD
56	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-368	10	FAD
56	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-369	10	FAD
57	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-1-370	25	FAD
57	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-1-371	25	FAD
57	11/25-11/29	11/23-11/27	11/22-11/26	11/21-11/25	DER-1-372	10	FAWTD
57: YO	11/25-11/29	11/23-11/27	11/22-11/26	11/21-11/25	DER-1-373	10	FAD
57	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-374	15	FAD
57: Sugarite Canyon State Park	11/1-11/30	11/1-11/30	11/1-11/30	11/1-11/30	DER-2-375	20	FAD
57	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-376	15	FAD
58	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-1-377	30	FAD
58	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-1-378	30	FAD
58	12/12-12/16	12/10-12/14	12/9-12/13	12/8-12/12	DER-1-379	10	FAWTD
58: YO	11/25-11/29	11/23-11/27	11/22-11/26	11/21-11/25	DER-1-380	10	FAD
58: YO	12/5-12/9	12/3-12/7	12/2-12/6	12/1-12/5	DER-1-381	15	ESWTD
58	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-382	10	FAD
58	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-383	15	FAD
59	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-1-384	35	FAD
59	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-1-385	35	FAD
59	12/12-12/16	12/10-12/14	12/9-12/13	12/8-12/12	DER-1-386	10	FAWTD
59: YO	11/25-11/29	11/23-11/27	11/22-11/26	11/21-11/25	DER-1-387	5	FAD
59: YO	12/5-12/9	12/3-12/7	12/2-12/6	12/1-12/5	DER-1-388	15	ESWTD
59	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-389	10	FAD
59	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-390	25	FAD

B. Private land-only deer hunts: Private land-only deer licenses shall be restricted to the season dates, eligibility requirements or restrictions, sporting arms type, and bag limit that corresponds to the public land hunt code listed in 19.31.13.15 NMAC for the GMU where the private landowner's property lies. Private land-only deer licenses shall be unlimited and available from any license vendor and the department's web site; however, only one private land-only deer license will be issued. Private land-only hunters in GMUs 2A, 2B, 2C, 4 and 5A must obtain a special application form from landowner and apply through the draw. Private land-only hunts in GMUs 8, 46, 54, and 55 shall be as indicated below:

[See chart on page 121]

open GMUs or areas	2015-2016 hunt dates	2016-2017 hunt dates	2017-2018 hunt dates	2018-2019 hunt dates	hunt code	licenses	bag limit
8 for any legal sporting arm	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	DER-1-450	unlimited	FAD
8 bows only	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-451	unlimited	FAD
8 for legal muzzle loading rifles or bows	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-452	unlimited	FAD
46 for any legal sporting arm	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-1-453	unlimited	FAD
	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-1-454	unlimited	FAD
46 bows only	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-455	unlimited	FAD
46 for legal muzzle loading rifles or bows	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-456	unlimited	FAD
54 for any legal sporting arm	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-1-457	unlimited	FAD
	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-1-458	unlimited	FAD
	11/25-11/29	11/23-11/27	11/22-11/26	11/21-11/25	DER-1-459	unlimited	FAWTD
54 for any legal sporting arm: YO	11/25-11/29	11/23-11/27	11/22-11/26	11/21-11/25	DER-1-460	unlimited	FAD
54 bows only	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-461	unlimited	FAD
54 for legal muzzle loading rifles or bows	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-462	unlimited	FAD
55 for any legal sporting arm	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	DER-1-463	unlimited	FAD
	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	DER-1-464	unlimited	FAD
55 for any legal sporting arm: YO	11/25-11/29	11/23-11/27	11/22-11/26	11/21-11/25	DER-1-465	unlimited	FAD
55 bows only	9/1-9/24	9/1-9/24	9/1-9/24	9/1-9/24	DER-2-466	unlimited	FAD
55 for legal muzzle loading rifles or bows	9/27-10/3	9/27-10/3	9/27-10/3	9/27-10/3	DER-3-467	unlimited	FAD
55B for any legal sporting arm	11/25-11/29	11/23-11/27	11/22-11/26	11/21-11/25	DER-1-468	unlimited	FAWTD

[19.31.13.15 NMAC - Rp, 19.31.13.15 NMAC, 4-1-15]

HISTORY OF 19.31.13 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under: Regulation No. 482, Establishing Seasons On Deer, Bear, Turkey, Elk, Antelope, Dusky Grouse, Tassel-Eared And Chickaree Squirrel, And Barbary Sheep, filed 5/31/67; Regulation No. 487, Establishing 1967 Seasons On Javelina And Barbary Sheep, filed 12/15/67; Regulation No. 489, Establishing Turkey Seasons For The Spring of 1968, filed 3/1/68; Regulation No. 491, Establishing Big Game Seasons For 1968 For Jicarilla Reservation, filed 3/1/68; Regulation No. 492, Establishing Seasons On Deer, Bear, Turkey, Elk, Antelope, Dusky Grouse, Tassel-Eared And Chickaree Squirrel, And Barbary Sheep, filed 6/6/68; Regulation No. 495, Establishing A Season On Bighorn Sheep, filed 10/2/68; Regulation No. 496, Establishing An Elk Season In The Tres Piedras Area, Elk Area P-6, filed 12/11/68; Regulation No. 502, Establishing Turkey Seasons For The Spring Of 1969, filed 3/5/69; Regulation No. 503, Establishing 1969 Deer Seasons For Bowhunting Only And Big Game Seasons For The Jicarilla Indian Reservation, filed 3/5/69; Regulation 504, Establishing Seasons on Deer, Bear, Turkey, Dusky Grouse, Chickaree And Tassel-Eared Squirrel, And Barbary Sheep, filed 6/4/69; Regulation No. 507, Establishing A Season On Bighorn Sheep, filed 8/26/69; Regulation No. 512, Establishing Turkey Season For The Spring Of 1970, filed 2/20/70; Regulation No. 513, Establishing Deer Season For Bowhunting Only In Sandia State Game Refuge, filed 2/20/70; Regulation No. 514, Establishing Seasons On Deer, Bear, Turkey, Elk, Antelope, Dusky Grouse, Tassel-Eared And Chickaree Squirrel, Barbary Sheep And Bighorn Sheep, filed 6/9/70; Regulation No 520, Establishing Turkey Seasons For The Spring Of 1971, filed 3/9/71; Regulation No. 522, Establishing 1971 Seasons On Deer, Bear, Turkey, And Elk On The Jicarilla Apache Indian Reservation, filed 3/9/71; Regulation No. 523, Establishing Seasons On Deer, Turkey, Bear, Cougar, Dusky Grouse, Tassel-Eared And Chickaree Squirrel, Elk, Antelope, Barbary Sheep And Bighorn Sheep, filed 6/9/71; Regulation No. 531, Establishing A Season On Javelina, filed 12/17/71;

Regulation No. 532, Establishing Turkey Seasons For The Spring Of 1972, filed 3/20/72;

Regulation No. 534, Establishing 1972 Seasons On Deer, Bear, Turkey, And Elk On The Jicarilla Apache Indian Reservation, filed 3/20/72;

Regulation No. 536, Establishing Seasons On Deer, Turkey, Bear, Cougar, Dusky Grouse, Chickaree And Tassel-Eared Squirrel, Elk, Antelope, Barbary Sheep And Bighorn Sheep, filed 6/26/72;

Regulation No. 542, Establishing A Season On Javelina, filed 12/1/72;

Regulation No. 545, Establishing Turkey Seasons For The Spring Of 1973, filed 2/26/73;

Regulation No. 546, Establishing 1973 Seasons On Deer, Bear, Turkey, And Elk On The Jicarilla Apache Indian Reservation, filed 2/26/73;

Regulation No. 547, Establishing Seasons On Deer, Turkey, Bear, Cougar, Dusky Grouse, Chickaree And Tassel-Eared Squirrel, Elk, Antelope, Barbary Sheep And Bighorn Sheep, And Javelina, filed 5/31/73;

Regulation No. 554, Establishing Special Turkey Seasons For The Spring of 1974, filed 3/4/74;

Regulation No. 556, Establishing 1974 Seasons On Deer, Bear, Turkey, And Elk On The Jicarilla Apache Indian Reservation, filed 3/14/74;

Regulation No. 558, Establishing Seasons On Deer, Turkey, Bear, Cougar, Dusky Grouse, Tassel-Eared And Chickaree Squirrel, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx, And Ibex, filed 5/29/74;

Regulation No. 565, Establishing Special Turkey Seasons For The Spring Of 1975, filed 3/24/75;

Regulation No. 567, Establishing 1975 Seasons On Deer, Bear, And Turkey On The Jicarilla Apache And Navajo Indian Reservations And On Elk On The Jicarilla Apache Indian Reservation, filed 3/24/75;

Regulation No. 568, Establishing Seasons On Deer, Turkey, Bear, Cougar, Dusky Grouse, Chickaree And Tassel-Eared Squirrel, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex, filed 6/25/75;

Regulation No. 573, Establishing Seasons On Deer, Turkey, Bear, Cougar, Dusky Grouse, Tassel-Eared And Chickaree Squirrel, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex, filed 2/23/76;

Regulation No. 583, Establishing Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex, filed 2/11/77;

Regulation No. 590, Establishing Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex, filed 2/15/78;

Regulation No. 596, Establishing Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep,

Javelina, Oryx And Ibex, filed 2/23/79;

Regulation No. 603, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1980 through March 31, 1981, filed 2/22/80;

Regulation No. 609, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1981 through March 31, 1982, filed 3/17/81;

Regulation No. 614, Establishing Open Seasons On Deer, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1982 through March 31, 1983, filed 3/10/82;

Regulation No. 622, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1983 through March 31, 1984, filed 3/9/83;

Regulation No. 628, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1984 through March 31, 1985, filed 4/2/84;

Regulation No. 634, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1985 Through March 31, 1986, filed 4/18/85;

Regulation No. 640, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1986 through March 31, 1987, filed 3/25/86;

Regulation No. 645, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1987 through March 31, 1988, filed 2/12/87;

Regulation No. 653, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1988 through March 31, 1989, filed 12/18/87;

Regulation No. 663, Establishing Opening Spring Turkey For The Period April 1, 1989 through March 31, 1990, filed 3/28/89;

Regulation No. 664, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1989 through March 31, 1990, filed 3/20/89;

Regulation No. 674, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep,

Javelina, Oryx And Ibex For The Period April 1, 1990 through March 31, 1991, filed 11/21/89;

Regulation No. 683, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx, And Ibex For The Period April 1, 1991 through March 31, 1992, filed 2/8/91;

Regulation No. 689, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx, And Ibex For The Period April 1, 1992 through March 31, 1993, filed 3/4/92;

Regulation No. 700, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx, And Ibex For The Period April 1, 1993 through March 31, 1995, filed 3/11/93.

History of Repealed Material:

19.31.8 NMAC, Big Game, filed 3-1-2001 - duration expired 3-31-2003.

19.31.8 NMAC, Big Game and Turkey, filed 3-3-2003 - duration expired 3-31-2005.

19.31.8 NMAC, Big Game and Turkey, filed 12-15-2004 - duration expired 3-31-2007.

19.31.13 NMAC, Deer, filed 12-1-2006 - duration expired 3-31-2009.

19.31.13 NMAC, Deer, filed 3-13-2009 - duration expired 3-31-2011.

19.31.13 NMAC, Deer, filed 2-22-2011 - Repealed effective 3-29-2013. Replaced by 19.31.13 NMAC, Deer, effective 3-29-2013.

19.31.13 NMAC, Deer, filed 3-29-2013 - Repealed effective 2-27-2015. Replaced by 19.31.13 NMAC, Deer, effective 4-1-2015.

**NEW MEXICO
DEPARTMENT OF GAME
AND FISH**

**TITLE 19 NATURAL
RESOURCES AND WILDLIFE
CHAPTER 31 HUNTING AND
FISHING
PART 14 ELK**

19.31.14.1 ISSUING AGENCY:
New Mexico Department of Game and Fish.
[19.31.14.1 NMAC - Rp, 19.31.14.1 NMAC, 4-1-15]

19.31.14.2 SCOPE: Sportspersons interested in elk management and hunting. Additional requirements may be found in Chapter 17, NMSA 1978, and Chapters 30, 31, 32 and 33 of Title 19.
[19.31.14.2 NMAC - Rp, 19.31.14.2 NMAC, 4-1-15]

19.31.14.3 STATUTORY AUTHORITY: 17-1-14 and 17-1-26 NMSA 1978 provide that the New Mexico state game commission has the authority to establish rules and regulations that it may deem necessary to carry out the purpose of Chapter 17 NMSA 1978 and all other acts pertaining to protected mammals, birds, and fish.
[19.31.14.3 NMAC - Rp, 19.31.14.3 NMAC, 4-1-15]

19.31.14.4 DURATION: April 1, 2015 through March 31, 2019.
[19.31.14.4 NMAC - Rp, 19.31.14.4 NMAC, 4-1-15]

19.31.14.5 EFFECTIVE DATE: April 1, 2015, unless a later date is cited at the end of individual sections.
[19.31.14.5 NMAC - Rp, 19.31.14.5 NMAC, 4-1-15]

19.31.14.6 OBJECTIVE: Establishing open hunting seasons and basic regulation, rules, and procedures governing the issuance of special elk permits and licenses by the department.
[19.31.14.6 NMAC - Rp, 19.31.14.6 NMAC, 4-1-15]

19.31.14.7 DEFINITIONS:

A. "A" or "antlerless elk" shall mean any one elk without antlers.

B. "APRE/6" shall mean any antler point restricted bull elk with a minimum of six visible antler points on one side, a brow tine or eye guard constitutes a point, a burr at the base does not.

C. "Arrows" shall mean only those arrows or bolts having broadheads with steel cutting edges.

D. "Baiting" shall mean the placing, exposing, depositing, distributing, or scattering of any salt, grain, scent or other feed on or over areas where hunters are attempting to take elk.

E. "Bow" shall mean compound, recurve or long bow. Sights on bows shall not project light nor magnify.

F. "Core occupied elk range" or "COER" shall mean the portion of land within the boundaries of a game management unit (GMU) that is designated by the department as containing the majority of routine and substantial elk use. This shall be the area on which elk management goals and subsequent harvest objectives are based.

G. "Crossbow" shall mean a device with a bow limb or band of flexible material that is attached horizontally to a stock and has a mechanism to hold the string in a cocked position. Sights on crossbows shall not project light nor magnify.

H. "Department" shall mean the New Mexico department of game and fish.

I. "Director" shall mean the director of the New Mexico department of game and fish.

J. "Elk" as used herein, shall mean any wild cervid of the genus Cervus.

K. "Elk enhancement program" and "special elk permits" as used herein, shall mean the department activity that allows the issuance of not more than two permits for the taking of one bull elk per permit with the purpose of raising funds for programs and projects to benefit elk.

L. "Elk harvest success rate" will mean the success rate of elk hunters who hunted pursuant to licenses issued through the conversion of private land authorizations and public draw licenses in each game management unit as determined by hunter harvest surveys.

M. "Elk region" shall mean a portion of the state designated by the department to administer elk management activities. An elk region describes an assemblage of one or more herd units and encompasses one or more GMUs.

N. "Entry permit" shall entitle the holder of a valid official license to hunt where hunter numbers are limited by rule.

O. "ES" or "either sex" shall mean any one elk.

P. "Game management unit" or "GMU" shall mean those areas as described in the state game commission's rule 19.30.4 NMAC Boundary Descriptions for Game Management Units.

Q. "High demand hunt"

is hereby defined as a special draw hunt where the total number of non-resident applicants for an elk hunt exceeds 22% of the total applicants based on data for the two immediately preceding years.

R. "License" shall mean a valid official document that is issued or approved by the director that each person hunting elk in New Mexico must have or obtain prior to hunting.

S. "License year" shall mean the period from April 1 through March 31.

T. "MB" or "mature bull" shall mean a male elk with at least one brow tine extending six or more inches from the main beam or at least one forked antler with both branches six or more inches long.

U. "Modern firearms" shall mean center-fire firearms, not to include any fully automatic firearms. Legal shotguns shall be only those shotguns capable of being fired from the shoulder.

V. "Muzzle-loader or muzzle-loading firearms" shall mean those rifles and shotguns in which the charge and projectile are loaded through the muzzle. Only black powder, Pyrodex or equivalent black powder substitute may be used. Use of smokeless powder is prohibited. Legal muzzle-loader shotguns shall be only those shotguns capable of being fired from the shoulder.

W. "Private land authorization certificate" shall mean the document generated by the department and issued to a private landowner that authorizes the holder to purchase a specified license to hunt elk.

X. "Quality hunt" is hereby defined as a hunt designed to provide a hunter with an opportunity to achieve one or more of the following: a pleasurable experience based on timing and length of hunt season, lower hunter density, and an increased opportunity for success.

Y. "TBD" or "to be determined" shall mean the details of a hunt will be provided to the hunter as designated by the director.

Z. "Unlimited" shall mean there is no set limit on the number of permits or licenses established for the described hunt areas.

AA. "Valles Caldera national preserve (VCNP)" shall mean the hunt area within game management sub-unit 6B known as the Valles Caldera national preserve.

BB. "Web sale" shall refer to accessing the department's internet address to initiate the process to purchase specific elk hunting licenses as designated by the director annually.

CC. "Wildlife management"

area” or “WMA” shall mean those areas as described in the state game commission’s rule 19.34.5 NMAC Wildlife Management Areas.

DD. “Mentor/youth only hunts” or “M/Y” shall be limited to one adult (18 years and older) and up to three youth (under 18 years as of opening day of the hunt) hunters. Youth applicants for any mentor/youth only firearm hunts must provide their hunter education certificate number on application.

[19.31.14.7 NMAC - Rp, 19.31.14.7 NMAC, 4-1-15]

19.31.14.8 ADJUSTMENT OF LICENSES, PERMITS, AUTHORIZATIONS, AND HARVEST LIMITS:

The director, with the verbal concurrence of the chairman or his designee, may adjust the number of licenses, permits, or authorization certificates, up or down by no more than 20% to address significant changes in population levels or to address critical department management needs (exception: GMU 34, elk licenses and authorizations may be adjusted beyond this amount as necessary to meet management objectives). This adjustment may be applied to any or all permits, authorizations, licenses for elk in a specific GMU or designated area. [19.31.14.8 NMAC - Rp, 19.31.14.8 NMAC, 4-1-15]

19.31.14.9 ELK LICENSE APPLICATION REQUIREMENTS AND RESTRICTIONS.

A. One elk permit or license per year: It shall be unlawful for anyone to hold more than one permit or license to hunt elk during the current license year unless otherwise specifically allowed by rule.

B. Validity of license or permit: All elk permits or licenses shall be valid only for the specified dates, eligibility requirements or restrictions, legal sporting arms, bag limit and area specified by the hunt information printed on the permit or license. In GMUs 4, 5A, 46, 55A, and 55B private land “ranch only” elk licenses shall be valid on other private lands within the GMU only if accompanied by written permission from the landowner or designee.

C. Valle Vidal elk once-in-a-lifetime hunts: It shall be unlawful for anyone to apply for a license to hunt bull elk on the Valle Vidal (as described in 19.30.4.10 NMAC) if he or she has ever held a license allowing them to take a bull elk on the Valle Vidal since 1983 except persons that have held a youth-only license may apply for non-youth only licenses as long as they are eligible. This restriction applies to all licenses valid for a bag limit that allows the harvest of an antlered bull

elk. It shall be unlawful for anyone to apply for a license to hunt antlerless elk on the Valle Vidal if he or she has ever held a Valle Vidal elk license valid for a bag limit of antlerless since 1983 except persons that have held a youth-only antlerless license may apply for non-youth only antlerless licenses as long as they are eligible. Either sex (ES) or mature bull/antlerless (MB/A) shall not be considered as an “antlerless” license for this restriction. Persons who have held a Valle Vidal elk license through any incentive program are exempt from this restriction.

D. Mobility impaired (MI) elk hunts: It shall be unlawful for anyone to apply for a mobility impaired (MI) elk license, except as allowed by 19.31.3.11 NMAC.

E. Youth only (YO) elk hunts: It shall be unlawful for anyone to apply for youth only (YO) elk license except as allowed by 19.31.3.11 NMAC. [19.31.14.9 NMAC - Rp, 19.31.14.9 NMAC, 4-1-15]

19.31.14.10 ELK MANNER AND METHOD REQUIREMENTS AND RESTRICTIONS:

A. Hunt season and hours: Elk may be hunted or taken only during open seasons and only during the period from one-half hour before sunrise to one-half hour after sunset.

B. Bag limit: It is unlawful for any person to hunt for or take more than one elk during a current license year unless otherwise provided by regulation.

C. Seizure: Any conservation officer or other officer authorized to enforce game laws and regulations shall seize any elk carcasses that are improperly notched.

D. Proof of sex: It shall be unlawful for anyone to transport or possess the carcass of an elk without proof of sex. The antlers of any bull elk taken shall remain attached to the skull plate until arriving at a residence, taxidermist, meat processing facility, or place of final storage. The scalp and both ears of female or immature male shall accompany the carcass in the same manner.

E. Use of dogs in hunting: It shall be unlawful to use dogs to hunt elk, except leashed dogs may be used to locate wounded or dead elk. Hunters must register with the appropriate department area office for the GMU they will be hunting before their hunt begins to use a dog in this manner.

F. Use of baits or scents: It shall be unlawful for anyone to take or attempt to take any elk by use of baits or scents as defined in 19.31.10.7 NMAC. Scent masking agents on one’s person are

allowed.

G. Live animals: It shall be unlawful to use live animals as a blind or decoy in taking or attempting to take any elk.

H. Use of calling devices: It shall be unlawful to use any electronically or mechanically recorded calling device in taking or attempting to take any elk.

I. Killing out-of-season: It shall be unlawful to kill any elk out of elk hunting season.

J. Bullets: It shall be unlawful to take or attempt to take elk by the use of tracer ammunition or any ammunition loaded with a full metal jacketed bullet. Only soft-nosed or hollow-pointed bullets may be used in hunting or taking elk.

K. Drugs and explosives: It shall be unlawful to use any form of drug on an arrow or use arrows driven by explosives.

L. Legal sporting weapon types for elk are as follows: any center-fire rifle of .24 caliber or larger; any center-fire handgun of .24 caliber or larger; shotguns not smaller than 28 gauge, firing a single slug; muzzle-loading rifles not smaller than .45 caliber; bows and arrows; and crossbows and bolts.

M. Areas closed to elk hunting. The following areas shall remain closed to elk hunting, except as permitted by regulation: Sugarite canyon state park; portion of the Wild Rivers recreation area: an area bounded on the north by the power line from Bear Crossing to Red River hatchery, south along the Red River to the confluence of the Rio Grande, and north along the Rio Grande to the power lines at Bear Crossing is closed to all hunting; Taos Valley Overlook; all wildlife management areas; the Valle Vidal area; and sub-unit 6B (Valles Caldera national preserve). The Cerro portion of GMU 53 is closed to hunting with modern firearms or muzzleloading firearms.

[19.31.14.10 NMAC - Rp, 19.31.14.10 NMAC, 4-1-15]

19.31.14.11 CHRONIC WASTING DISEASE CONTROL - ELK:

The director has the authority to designate possession criteria to any elk hunter where chronic wasting disease is a concern. It shall be unlawful to transport dead elk, or their parts, taken from any GMU or area identified by the director in which the presence of, or possibility of, exposure to chronic wasting disease has been identified to any location outside that GMU except for the following parts of elk:

- A.** meat that is cut and wrapped (either commercially or privately);
- B.** quarters or other

portions of meat with no part of the spinal column or head attached;

C. meat that has been boned out;

D. hides with no heads attached;

E. clean skull plates with antlers attached; clean is defined as having been immersed in a bath of at least one part chlorine bleach and two parts water with no meat or tissue attached;

F. antlers with no meat or tissue attached;

G. upper canine teeth, also known as “buglers,” “whistlers,” or “ivories”;

H. finished taxidermied heads.

[19.31.14.11 NMAC - Rp, 19.31.14.11 NMAC, 4-1-15]

19.31.14.12 QUALITY ELK

HUNTS: Quality hunts for elk are as follows:

A. all Valle Vidal and Greenwood area hunts;

B. first three mature bull hunts and both bow hunts on the Sargent WMA as follows: ELK-1-141, ELK-1-142, ELK-1-143, ELK-2-139 and ELK-2-140;

C. any elk hunt in GMUs 13, 15, 16 and 17, including all sub-units, except antlerless or youth only hunts, that are closest to the rut period of September 15 to October 15 for each weapon type as follows: ELK-2-222, ELK-3-224, ELK-2-230, ELK-3-232, ELK-2-238, ELK-1-240, ELK-2-245, ELK-1-246, ELK-2-249, ELK-1-251, ELK-2-256, ELK-1-258, ELK-2-263, ELK-3-265, ELK-1-266, ELK-2-270, and ELK-3-272.

D. the mobility impaired elk hunts in GMUs 16A and 16D as follows: ELK-1-239 and ELK-1-257;

E. all GMU 6B Valles Caldera national preserve hunts that allow the hunter to take an antlered bull;

F. quality hunt fees in Subsections C and D above shall apply to the conversion of any mature bull or either sex, except youth only, private land authorizations that include any hunt dates from September 15 through October 15 for private lands that lie within the COER, but not to private lands outside COER areas.

[19.31.14.12 NMAC - Rp, 19.31.14.12 NMAC, 2-27-15]

19.31.14.13 SPECIAL ELK HUNTING OPPORTUNITIES:

A. Elk enhancement program:

(1) Program description: The director of the department shall collect all proceeds generated through the auction and lottery of special bull elk permits, and such monies shall be deposited

in the game protection fund. These monies shall be made available for expenditure by the department solely for programs and projects to benefit elk and for direct costs incurred in carrying out these programs. These monies shall be used to augment, and not replace, monies appropriated from existing funds available to the department for the preservation, restoration, utilization, and management of elk.

(2)

Requirements for issuance of special elk permits:

(a) The state game commission shall authorize the director of the department to issue not more than two special elk permits in any one license year to take one bull elk per permit. The director shall allow the sale of one permit through auction to the highest bidder and one permit to a person selected through a random drawing of a lottery ticket by the department or an incorporated, nonprofit organization dedicated to the conservation of elk.

(b)

Proposals for auctioning one special elk permit and the sale of lottery tickets to obtain one special elk permit through a random drawing shall be submitted to the director of the department prior to January 31, preceding the license year when the permit may be legally used.

(c)

The proposals for auctioning one permit, and for the sale of lottery tickets and subsequent selection of a recipient for a second permit through a random draw shall each contain and identify: (i) the name of the organization making the request as well as the names, addresses and telephone numbers of those members of the organization who are coordinating the proposal; (ii) the estimated amount of money to be raised and the rationale for that estimate; and (iii) a copy of the organization’s articles of incorporation with a letter attesting that the organization has tax-exempt status. The letter must also affirm that the proponent agrees to the conditions set forth by the director of the department. The letter must be signed and dated by the president and secretary-treasurer, or their equivalents.

(d)

The director of the department shall examine all proposals following the close of the application period. The director may reject any application which does not conform with the requirements of this section. In selecting a marketing organization, the director shall consider the qualifications of the organization as a fund raiser; the proposed fund raising plan; the fee charged by the marketing organization for promotional and administrative costs, relative to the funds

obtained from auctioning the permit; and the organization’s previous involvement with elk management and its conservation objectives. The director may accept any proposals when it is in the best interest of elk to do so.

(e)

After a proposal has been approved, the state game commission shall establish open season dates, open areas, and license requirements.

(f)

The marketing organization must agree in writing to the following: (i) to transfer all proceeds on or before the tenth day of the month following the auction and drawing for the lottery, and (ii) to provide the department with the names, addresses, and the physical descriptions of the individuals to whom the special elk permits are issued.

(g)

The department and the marketing organization must agree to the arrangements for the deposit of the proceeds, payment for services rendered, the accounting procedures, and final audit.

(h)

Unless his or her hunting privileges have been revoked pursuant to law, any resident of New Mexico, nonresident, or alien is eligible to submit a bid for the special elk auction permit or purchase lottery tickets in an attempt to be selected for the special elk lottery permit.

(i) The

special elk permits issued through auction and lottery may be transferred, through sale, barter or gift by the successful individuals to only other individuals qualified to hunt.

(j)

Special elk permits granted through auction or lottery, as described above, shall not be considered ‘once-in-a-lifetime’ permits.

(3)

Enhancement hunts: Elk enhancement licenses shall be valid from September 1 through January 31 for any legal sporting arms. These licenses shall be valid statewide where hunting is allowed. Bag limit shall be one bull elk. The hunt code shall be ELK-1-500. The authorization to obtain an elk enhancement license may be used either by the applicant or any individual. The authorization may be transferred through sale, barter, or gift.

B. Elk incentive

programs: The director may annually allow up to two elk authorizations to be issued for deer and elk hunters submitting their legally harvested animal for CWD testing. Authorization certificates to purchase an incentive license may be used either by the applicant or any individual. The authorization may be transferred through sale, barter or gift. Elk incentive hunts shall be valid only for the dates, legal sporting arms, bag limit and area specified by the

director.

C. Application requirements, procedures for determination of the hunting access authorization holders for the Valles Caldera national preserve hunts, and hunt administration:

- (1) The department shall issue elk hunting licenses only to persons holding a valid VCNP elk hunting access authorization in accordance with 17-3-16 NMSA.
- (2) Prior to the department issuing any elk hunting licenses to persons holding a valid VCNP elk hunting access agreement, the VCNP must provide to the department, written verification from the contractor conducting the drawing process to determine the holders of VCNP elk hunting access authorizations, that the provisions of 17-3-16B, C and D NMSA have been met with respect to all authorizations issued.
- (3) The VCNP shall utilize a contractor to conduct the drawing that determines the holders of any VCNP elk hunting access authorization. The contractor must be approved by the department prior to the drawing process conducted in accordance with this subsection.
- (4) Each Valles Caldera national preserve elk hunting license shall be valid for one hunt in GMU 6B for which the bag limit and hunt period is specified on the Valles Caldera national preserve elk hunting access authorization.
- (5) Valles Caldera national preserve elk hunts, listing the sporting arms, hunt dates, hunt code, number of licenses and bag limit shall be as indicated in 19.31.14.15 NMAC.

D. Unique late season archery bull elk hunts: Late season bow-only elk hunts. These hunts will be administered by the department through an internet registration process, web sale, rather than the random draw process. The open GMUs, hunt dates, hunt code, number of licenses and bag limit shall be as indicated below.

open GMUs or areas	2015-2016 hunt dates	2016-2017 hunt dates	2017-2018 hunt dates	2018-2019 hunt dates	hunt code	licenses	bag limit
12	11/21-11/25	11/19-11/23	11/18-11/22	11/17-11/21	ELK-2-533	25	APRE/6
34	12/19-12/23	12/17-12/21	12/16-12/20	12/15-12/19	ELK-2-534	200	APRE/6
37	12/5-12/9	12/3-12/7	12/2-12/6	12/1-12/5	ELK-2-535	50	APRE/6

E. Youth encouragement hunts:

- (1) Only youth hunters as defined by 19.31.3.11 NMAC that successfully fulfilled all application requirements and responsibilities for draw hunts for deer, elk, pronghorn antelope, ibex, oryx, or bighorn sheep in the current license year and were unsuccessful in drawing any licenses will be eligible to apply for licenses for these hunts for 14 days subsequent to the original posting of availability of these hunts on the department website. Licenses remaining after the first 14 days of availability shall be available to any youth hunters as defined by 19.31.3.11 NMAC and eligible to purchase an elk license.
- (2) The director, with concurrence of the chairman of the state game commission, may adjust the number of licenses available in all youth encouragement hunts listed below based on changes in population levels, harvest rates, habitat availability, or increases in unlawful hunting activities resulting from these hunts.
- (3) These hunts will be administered by the department through an internet registration process, web sale, rather than the random draw process. The open GMUs, hunt dates, hunt code, number of licenses and bag limit shall be as indicated below.

open GMUs or areas	2015-2016 hunt dates	2016-2017 hunt dates	2017-2018 hunt dates	2018-2019 hunt dates	hunt code	licenses	bag limit
5B	11/27-12/1	11/25-11/29	11/24-11/28	11/23-11/27	ELK-1-501	20	A
6A	11/27-12/1	11/25-11/29	11/24-11/28	11/23-11/27	ELK-1-502	50	A
6A	12/26-12/30	12/26-12/30	12/26-12/30	12/26-12/30	ELK-1-503	50	A
6C	11/27-12/1	11/25-11/29	11/24-11/28	11/23-11/27	ELK-1-504	50	A
6C	12/26-12/30	12/26-12/30	12/26-12/30	12/26-12/30	ELK-1-505	50	A
9	11/27-12/1	11/25-11/29	11/24-11/28	11/23-11/27	ELK-3-506	30	A
9	12/26-12/30	12/26-12/30	12/26-12/30	12/26-12/30	ELK-3-507	30	A
10	11/27-12/1	11/25-11/29	11/24-11/28	11/23-11/27	ELK-1-508	35	A
13	11/27-12/1	11/25-11/29	11/24-11/28	11/23-11/27	ELK-3-509	60	A
13	12/26-12/30	12/26-12/30	12/26-12/30	12/26-12/30	ELK-3-510	60	A
15	11/27-12/1	11/25-11/29	11/24-11/28	11/23-11/27	ELK-3-511	75	A
15	12/26-12/30	12/26-12/30	12/26-12/30	12/26-12/30	ELK-3-512	75	A
16A	11/27-12/1	11/25-11/29	11/24-11/28	11/23-11/27	ELK-1-513	75	A
16A	12/26-12/30	12/26-12/30	12/26-12/30	12/26-12/30	ELK-1-514	75	A
16C	11/27-12/1	11/25-11/29	11/24-11/28	11/23-11/27	ELK-1-515	75	A
16C	12/26-12/30	12/26-12/30	12/26-12/30	12/26-12/30	ELK-1-516	75	A
16D	11/27-12/1	11/25-11/29	11/24-11/28	11/23-11/27	ELK-1-517	75	A
16D	12/26-12/30	12/26-12/30	12/26-12/30	12/26-12/30	ELK-1-518	75	A

16E	11/27-12/1	11/25-11/29	11/24-11/28	11/23-11/27	ELK-1-519	75	A
16E	12/26-12/30	12/26-12/30	12/26-12/30	12/26-12/30	ELK-1-520	75	A
17	11/27-12/1	11/25-11/29	11/24-11/28	11/23-11/27	ELK-3-521	60	A
17	12/26-12/30	12/26-12/30	12/26-12/30	12/26-12/30	ELK-3-522	60	A
34	12/26-12/30	12/26-12/30	12/26-12/30	12/26-12/30	ELK-1-523	80	A
36	11/27-12/1	11/25-11/29	11/24-11/28	11/23-11/27	ELK-1-524	60	A
36	12/26-12/30	12/26-12/30	12/26-12/30	12/26-12/30	ELK-1-525	60	A
49	11/27-12/1	11/25-11/29	11/24-11/28	11/23-11/27	ELK-1-526	50	A
50	12/26-12/30	12/26-12/30	12/26-12/30	12/26-12/30	ELK-1-527	60	A
51	11/27-12/1	11/25-11/29	11/24-11/28	11/23-11/27	ELK-1-528	75	A
51	12/26-12/30	12/26-12/30	12/26-12/30	12/26-12/30	ELK-1-529	75	A
52	11/27-12/1	11/25-11/29	11/24-11/28	11/23-11/27	ELK-1-530	50	A
53	11/27-12/1	11/25-11/29	11/24-11/28	11/23-11/27	ELK-1-531	60	A
53	12/26-12/30	12/26-12/30	12/26-12/30	12/26-12/30	ELK-1-532	60	A

[19.31.14.13 NMAC - Rp, 19.31.14.13 NMAC, 4-1-15]

19.31.14.14 POPULATION MANAGEMENT HUNTS:

A. The director or his/her designee may authorize population management hunts for elk when justified in writing by department personnel.

B. The director or his/her designee shall designate the sporting arms, season dates, season lengths, bag limits, hunt boundaries, specific requirements or restrictions, and number of licenses or permits. No qualifying license holder shall take more than one elk per license year.

C. Applications must be submitted by the deadline date set by the department.

D. Applications for licenses may be rejected, and fees returned to an applicant, if such applications are not on the proper form or do not supply adequate information.

E. In the event that an applicant is not able to hunt on the dates specified, the applicant's name shall be moved to the bottom of the list and another applicant may be contacted for the hunt.

F. In those instances where a population management hunt is warranted on deeded private lands, the landowner may suggest eligible hunters of their choice by submitting a list of prospective hunter's names to the department for licensing consideration. No more than one-half of the total number of licenses authorized shall be available to landowner identified hunters. The balance of prospective hunters shall be identified by the department.

[19.31.14.14 NMAC - Rp, 19.31.14.14 NMAC, 4-1-15]

19.31.14.15 ELK HUNTS in COER GMUs: This section lists elk management information and subsequent hunting opportunities for GMUs in elk regions where a COER has been established. The listed information includes regional elk population information, management goals, harvest objectives, total number of hunting opportunities, GMUs or areas open for hunting, season dates, hunt codes, bag limits, legal weapons, number of licenses available in the public draw and the number and type of authorization certificates available for private lands within the COER of each GMU. Hunt codes for elk hunts allowing the "any legal weapon" type shall be designated ELK-1, hunt codes for elk hunts allowing the "bow only" weapon type shall be designated as ELK-2, hunt codes for elk hunts allowing the "muzzle loading rifles or bow" weapon type shall be designated as ELK-3. Youth hunters must provide their hunter education certification number on the application. Military only hunters must be full time active military and proof of military status must accompany application. Proof of this service is required. Mobility impaired hunt applicants shall meet eligibility requirements, as designated by the director, prior to applying for mobility impaired hunts.

A. Elk management goals:

(1) Quality hunt management (QHM):

(a) Elk harvest in regional populations, herd units or GMUs within a region results in the trend of annual bull mortality rates to be below 35%.

(b) Seasons should be designed to ensure timing and length of hunts are desirable.

(c) At least 2/3 of all hunters are "satisfied" with the experience.

(2) Optimal opportunity management (OOM):

(a) Elk harvest in regional populations, herd units or GMUs within a region results in the trend of annual bull mortality rates to be below 45%, and harvest near optimal sustainable yield.

(b) Season structure should be designed to ensure timing and length of hunts provides significant amount of opportunity.

(c) At least 1/3 of all hunters are "satisfied" with the experience.

B. Northwest region: GMUs 2, 5A, 9 and 10.

(1) Quality hunt management within COER area in GMU 2.

(2) Optimal opportunity management within COER areas in GMUs 5A, 9 and 10.

(3) Foundational resource information for the northwest region is indicated below.

northwest region population information			sustainable harvest pursuant to goals	
herd unit	population estimate	bull:cow:calf ratio	bulls	cows
San Juan (GMU 2)	1359-1865	37:100:39	92-155	122-167
Lindrith (GMU 5A)	1912-2408	34:100:36	123-191	164-207
Mt. Taylor (GMU 9)	3500-4500	37:100:12	86-127	143-147
Zuni (GMU 10)	1008-1758	27:100:38	71-152	94-164

GMU	management goals	total licenses by bag limit			
		MB or ES-1 or ES-3	A	ES bow only	total licenses
2	QHM	235	177	282	694
5A	OOM	250	250	65	565
9	OOM	356	373	500	1229
10	OOM	206	324	368	898
Total		1047	1124	1215	3386

(4) Public land elk hunts listing the eligibility requirements or restrictions, GMU or area, hunt dates, hunt code, number of licenses, bag limits and weapon types shall be as indicated below.

open GMUs or areas	2015-2016 hunt dates	2016-2017 hunt dates	2017-2018 hunt dates	2018-2019 hunt dates	hunt code	licenses	bag limit
2	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-100	120	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-101	120	ES
	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-3-102	125	MB
	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-1-103	75	MB
	12/12-12/16	12/10-12/14	12/9-12/13	12/8-12/12	ELK-1-104	100	A
2 YO	12/12-12/16	12/10-12/14	12/9-12/13	12/8-12/12	ELK-1-105	50	A
5A public land only	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-106	5	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-107	5	ES
	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-1-108	10	MB
	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-1-109	10	A
	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-1-110	10	MB
	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-1-111	10	A
	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	ELK-1-112	10	MB
	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	ELK-1-113	10	A
	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	ELK-1-114	10	MB
10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	ELK-1-115	10	A	
9 Marquez WMA	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-116	5	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-117	5	ES
	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-3-118	5	MB
	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-3-119	5	MB
	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	ELK-3-120	5	MB
	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	ELK-3-121	5	A
	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	ELK-3-122	5	A
	11/21-11/25	11/19-11/23	11/18-11/22	11/17-11/21	ELK-3-123	5	A
9 including Water canyon WMA	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-124	160	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-125	160	ES
9 including Water canyon WMA, MI	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-3-126	40	ES

9 including Water canyon WMA	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-3-127	70	MB
	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	ELK-3-128	70	MB
	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	ELK-3-129	40	MB
	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	ELK-3-130	80	A
	11/21-11/25	11/19-11/23	11/18-11/22	11/17-11/21	ELK-3-131	80	A
	12/12-12/16	12/10-12/14	12/9-12/13	12/8-12/12	ELK-3-132	79	A
10	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-133	125	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-134	125	ES
	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-3-135	70	MB
	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-1-136	70	MB
10 YO	11/14-11/18	11/12-11/16	11/11-11/15	11/10-11/14	ELK-1-137	120	A
10	12/19-12/23	12/17-12/21	12/16-12/20	12/15-12/19	ELK-1-138	100	A

(5) Private land elk authorization certificates for qualifying ranches listing the number of authorization certificates, bag limits, and weapon types shall be as indicated below.

open GMUs or areas	2015-16, 2016-17, 2017-18, 2018-19 hunt seasons			
	MB or ES-1 or ES-3	A	ES bow only	total
2	35	27	42	104
5A	210	210	55	475
9	121	119	170	410
10	66	104	118	288
Total	432	460	385	1277

(6) Private land elk hunts for ranches designated as “ranch only” shall be limited to the following eligibility requirements or restrictions, season dates, and legal sporting arms. All private land mobility impaired and youth only hunters must satisfy licensing requirements as stated in 19.31.3 NMAC in order to hunt during the “mobility impaired hunters” or “youth only” hunt periods.

legal sporting arms	open GMUs or area	2015-2016 hunt dates	2016-2017 hunt dates	2017-2018 hunt dates	2018-2019 hunt dates
bows only	2, 5A, 9, 10	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14
		9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24
muzzle loading rifles and bows	2, 10	any 5 consecutive days, 10/10-12/31	any 5 consecutive days, 10/8-12/31	any 5 consecutive days, 10/7-12/31	any 5 consecutive days, 10/6-12/31
	9, MI	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10
	9	any 5 consecutive days, 10/17 - 12/31	any 5 consecutive days, 10/15-12/31	any 5 consecutive days, 10/14-12/31	any 5 consecutive days, 10/13-12/31
	9 Antlerless Only	any 5 consecutive days, 11/7-12/31	any 5 consecutive days, 11/5-12/31	any 5 consecutive days, 11/4-12/31	any 5 consecutive days, 11/3-12/31
any legal sporting arms	2, 10	any 5 consecutive days, 10/17-12/31	any 5 consecutive days, 10/15-12/31	any 5 consecutive days, 10/14-12/31	any 5 consecutive days, 10/13-12/31
	5A	any 5 consecutive days, 10/10-12/31	any 5 consecutive days, 10/8-12/31	any 5 consecutive days, 10/7-12/31	any 5 consecutive days, 10/6-12/31

C. North central region: COER areas of GMUs 4, 5B, 50, 51 and 52.

- (1) Optimal opportunity management within COER areas in GMUs 4, 5B, 50, 51 and 52.
- (2) Foundational resource information for the north central region shall be as indicated below.

north central region population information			sustainable harvest pursuant to goals	
herd unit	population estimate	bull:cow:calf ratio	bulls	cows
Chama-San Antonio (GMUs 4, 5B, 50, 51, and 52)	22928-24683	37:100:35	1423-1758	1890-2034

GMU	management goals	total licenses by bag limit			
		MB (or ES-1 or ES-3)	A	ES bow only	total licenses
4	OOM	1060	645	475	2180
5B	OOM	367	188	160	715
50	OOM	331	117	156	604
51	OOM	970	909	434	2313
52	OOM	685	406	500	1591
Total		3413	2265	1725	7403

(3) Public land elk hunts listing the eligibility requirements or restrictions, GMU or area, hunt dates, hunt code, number of licenses, bag limits and weapon types shall be as indicated below.

open GMUs or areas	2015-2016 hunt dates	2016-2017 hunt dates	2017-2018 hunt dates	2018-2019 hunt dates	hunt code	licenses	bag limit
4:Sargent WMA	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-139	10	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-140	10	ES
	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-1-141	10	MB
	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-1-142	10	MB
	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	ELK-1-143	10	MB
	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	ELK-1-144	10	MB
	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	ELK-1-145	10	A
4:Sargent WMA, YO	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	ELK-1-146	10	A
4:Humphries WMA only	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-147	10	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-148	10	ES
4:Humphries/Rio Chama WMAs	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-1-149	15	MB
	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-1-150	15	MB
	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	ELK-1-151	10	A
4:Humphries/Rio Chama WMAs, YO	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	ELK-1-152	15	A
5B	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-153	75	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-154	75	ES
	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-1-155	86	MB
	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-1-156	59	A
	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	ELK-1-157	86	MB
	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	ELK-1-158	59	A
	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	ELK-1-159	86	MB
	11/14-11/18	11/12-11/16	11/11-11/15	11/10-11/14	ELK-1-160	59	A
	12/12-12/16	12/17-12/21	12/16-12/20	12/15-12/19	ELK-1-161	87	MB
50	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-162	60	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-163	55	ES
	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-1-164	120	MB
	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	ELK-1-165	41	A
	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-1-166	123	MB
	11/21-11/25	11/19-11/23	11/18-11/22	11/17-11/21	ELK-1-167	45	A

51	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-168	180	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-169	180	ES
	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-1-170	220	MB
	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-1-171	220	MB
	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	ELK-1-172	220	MB
	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	ELK-1-173	251	A
	11/14-11/18	11/12-11/16	11/11-11/15	11/10-11/14	ELK-1-174	251	A
	11/21-11/25	11/19-11/23	11/18-11/22	11/17-11/21	ELK-1-175	252	A
	12/5-12/9	12/3-12/7	12/2-12/6	12/1-12/5	ELK-3-176	145	ES
52	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-177	230	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-178	230	ES
52 MI	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-3-179	50	MB
52	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-3-180	120	MB
	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-3-181	50	A
	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-1-182	230	MB
	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	ELK-1-183	230	MB
52 YO	11/14-11/18	11/12-11/16	11/11-11/15	11/10-11/14	ELK-1-184	80	A
52 MI	11/21-11/25	11/19-11/23	11/18-11/22	11/17-11/21	ELK-1-185	56	A
52	11/21-11/25	11/19-11/23	11/18-11/22	11/17-11/21	ELK-1-186	70	A
	12/5-12/9	12/3-12/7	12/2-12/6	12/1-12/5	ELK-1-187	115	A

(4) Private land elk authorization certificates for qualifying ranches listing the number of authorization certificates, bag limits and weapon types shall be as indicated below.

open GMUs or areas	2015-16, 2016-17, 2017-18, 2018-19 hunt seasons			
	MB (or ES-1 or ES-3)	A	ES bow only	Total
4	990	600	435	2025
5B	22	11	10	43
50	88	31	41	160
51	165	155	74	394
52	55	33	40	128
Total	1320	830	600	2750

(5) Private land elk hunts for ranches designated as “ranch only” shall be limited to the following eligibility requirements or restrictions, season dates and legal sporting arms. All private land mobility impaired and youth only hunters must satisfy licensing requirements as stated in 19.31.3 NMAC in order to hunt during the “mobility impaired hunters” or “youth only” hunt periods.

legal sporting arms	open GMUs or area	2015-2016 hunt dates	2016-2017 hunt dates	2017-2018 hunt dates	2018-2019 hunt dates
bows only	4, 5B, 50, 51, 52	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14
		9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24
muzzle loading rifles and bows	52	any 5 consecutive days, 10/10-12/31	any 5 consecutive days, 10/8-12/31	any 5 consecutive days, 10/7-12/31	any 5 consecutive days, 10/6-12/31
any legal sporting arms	4	any 5 consecutive days, 10/1-12/31	any 5 consecutive days, 10/1-12/31	any 5 consecutive days, 10/1-12/31	any 5 consecutive days, 10/1-12/31
	5B, 50, 51	any 5 consecutive days, 10/10-12/31	any 5 consecutive days, 10/8-12/31	any 5 consecutive days, 10/7-12/31	any 5 consecutive days, 10/6-12/31
	52	any 5 consecutive days, 10/17-12/31	any 5 consecutive days, 10/15-12/31	any 5 consecutive days, 10/14-12/31	any 5 consecutive days, 10/13-12/31

D. Jemez region: COER areas of GMUs 6A, 6B, 6C and 7.

- (1) Quality hunt management goals for GMU 6A and 6B.
- (2) Optimal opportunity management within COER areas in GMU 6C and 7.

(3) Foundational resource information for the Jemez region shall be as indicated below.

Jemez region population information			sustainable harvest pursuant to goals	
Jemez herd unit	population estimate	bull:cow:calf ratio	bulls	cows
GMUs 6A, 6B, 6C, and 7	6702-7084	42:100:33	385-407	512-541

GMU	management goal	total licenses by bag limit			
		MB	A	ES	total licenses
6A	QHM	361	117	297	775
6B	QHM	50	155	30	235
6C	OOM	429	259	300	988
7	OOM	68	62	36	166
Total		908	593	663	2164

(4) Public land elk hunts listing the eligibility requirements or restrictions, GMU or area, hunt dates, hunt code, number of licenses, bag limits and weapon types shall be as indicated below.

open GMUs or areas	2015-2016 hunt dates	2016-2017 hunt dates	2017-2018 hunt dates	2018-2019 hunt dates	hunt code	lic.	bag limit
6A	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-188	150	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-189	100	ES
	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-3-190	104	MB
	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-1-191	100	MB
	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	ELK-1-192	100	MB
	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	ELK-1-193	99	A
6B:VCNP	9/2-9/8	9/1-9/7	9/4-9/10	9/3-9/9	ELK-2-194	15	ES
6B:VCNP	9/12-9/18	9/10-9/16	9/16-9/22	9/15-9/21	ELK-2-195	15	ES
6B:VCNP mzl only	10/3-10/7	10/1-10/5	10/7-10/11	10/6-10/10	ELK-3-196	15	MB
6B:VCNP mzl only	10/3-10/7	10/1-10/5	10/7-10/11	10/6-10/10	ELK-3-197	10	A
6B:VCNP	10/10-10/14	10/8-10/12	10/14-10/18	10/13-10/17	ELK-1-198	15	MB
6B:VCNP YO	10/10-10/14	10/8-10/12	10/14-10/18	10/13-10/17	ELK-1-199	10	A
6B:VCNP	10/17-10/21	10/15-10/19	10/21-10/25	10/20-10/24	ELK-1-200	11	MB
6B:VCNP	10/17-10/21	10/15-10/19	10/21-10/25	10/20-10/24	ELK-1-201	9	MB
6B:VCNP MI	10/23-10/26	10/21-10/24	10/27-10/30	10/26-10/29	ELK-1-202	15	A
6B:VCNP M/Y	10/30-11/2	10/28-10/31	11/3-11/6	11/2-11/5	ELK-1-203	20	A
6B:VCNP veterans only	11/6-11/9	11/4-11/7	11/10-11/13	11/9-11/12	ELK-1-204	20	A
6B:VCNP	11/13-11/16	11/11-11/14	11/17-11/20	11/16-11/19	ELK-1-205	20	A
6B:VCNP	11/20-11/23	11/18-11/21	11/24-11/27	11/23-11/26	ELK-1-206	20	A
6B:VCNP	11/27-11/30	11/25-11/28	12/1-12/4	11/30-12/3	ELK-1-207	20	A
6B:VCNP	12/4-12/7	12/2-12/5	12/8-12/11	12/7-12/10	ELK-1-208	20	A
6C	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-209	150	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-210	108	ES
	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-3-211	155	MB
	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-1-212	109	MB
	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	ELK-1-213	109	MB
	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	ELK-1-214	110	A
	11/21-11/25	11/26-11/30	11/25-11/29	11/24-11/28	ELK-1-215	115	A

7	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-216	15	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-217	15	ES
	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-3-218	25	MB
	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-1-219	30	MB
	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	ELK-1-220	50	A

(5) Private land elk authorization certificates for qualifying ranches listing the number of authorization certificates, bag limits and weapon types shall be as indicated below.

open GMUs or areas	2015-16, 2016-17, 2017-18, 2018-19 hunt seasons			
	bull	antlerless	ES	total
6A	57	18	47	122
6C	56	34	39	129
7	13	12	6	31
Total	126	64	92	282

(6) Private land elk hunts for ranches designated as “ranch only” shall be limited to the following eligibility requirements or restrictions, season dates and legal sporting arms. All private land mobility impaired and youth only hunters must satisfy licensing requirements as stated in 19.31.3 NMAC in order to hunt during the “mobility impaired hunters” or “youth only” hunt periods.

legal sporting arms	open GMUs or area	2015-2016 hunt dates	2016-2017 hunt dates	2017-2018 hunt dates	2018-2019 hunt dates
bows only	6A, 6C, 7	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14
		9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24
muzzle loading rifles & bows	6A, 6C, 7	any 5 consecutive days, 10/10-12/31	any 5 consecutive days, 10/8-12/31	any 5 consecutive days, 10/7-12/31	any 5 consecutive days, 10/6-12/31
any legal weapon	6A, 6C, 7	any 5 consecutive days, 10/17-12/31	any 5 consecutive days, 10/15-12/31	any 5 consecutive days, 10/14-12/31	any 5 consecutive days, 10/13-12/31

E. Southwest region:

- (1) Quality hunt management for COER areas of GMUs 13, 15, 16A, 16B/22, 16C, 16D, 16E and 17.
- (2) Optimal opportunity management for COER areas of GMUs 21A, 21B 23 and 24.
- (3) Foundational resource information for the southwest region shall be as indicated below.

southwest region population information			sustainable harvest pursuant to goals	
herd unit	population estimate	bull:cow:calf ratio	bulls	cows
Datil (GMU 13)	2939-3313	41:100:40	198-275	263-297
greater Gila (GMUs 15, 16A-E)	20693-21923	37:100:36	1313-1711	1744-1848
lesser Gila (GMUs 21A, 21B, 22, 23, 24)	1046-4258	33:100:30	59-294	78-317
San Mateo (GMU 17)	2066-2155	48:100:40	131-168	175-182

GMU	management goals	total licenses by bag limit			
		MB (or ES-1 or ES-3)	A	ES bow only	total licenses
13	QHM	583	370	556	1509
15	QHM	923	641	769	2333
16A	QHM	232	155	412	799
16B/22	QHM	323	0	394	717
16C	QHM	200	118	294	612
16D	QHM	148	114	171	433
16E	QHM	239	217	217	673
totals (13, 15, 16A-E)		2648	1615	2813	7076
17	QHM	291	262	233	786

21A	OOM	102	31	102	235
21B	OOM	94	118	94	306
23	OOM	180	21	206	407
24	OOM	39	5	28	72
totals (17, 21A, 21B, 23, 24)		706	437	663	1806
southwest region total		3354	2052	3476	8882

(4) Public land elk hunts listing the eligibility requirements or restrictions, hunt dates, hunt code, number of licenses, bag limits, and weapon types shall be as indicated below.

open GMUs or areas	2015-2016 hunt dates	2016-2017 hunt dates	2017-2018 hunt dates	2018-2019 hunt dates	hunt code	lic.	bag limit
13	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-221	175	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-222	125	ES
13 YO	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-3-223	25	ES
13	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-3-224	75	MB
	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	ELK-3-225	115	MB
	11/21-11/25	11/19-11/23	11/18-11/22	11/17-11/21	ELK-3-226	100	MB
	12/5-12/9	12/3-12/7	12/2-12/6	12/1-12/5	ELK-3-227	100	A
	12/12-12/16	12/10-12/14	12/9-12/13	12/8-12/12	ELK-3-228	100	A
15	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-229	350	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-230	250	ES
15 YO	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-3-231	25	ES
15	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-3-232	200	MB
	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	ELK-3-233	245	MB
	11/21-11/25	11/19-11/23	11/18-11/22	11/17-11/21	ELK-3-234	250	MB
	12/5-12/9	12/3-12/7	12/2-12/6	12/1-12/5	ELK-3-235	250	A
	12/12-12/16	12/10-12/14	12/9-12/13	12/8-12/12	ELK-3-236	250	A
16A	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-237	250	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-238	150	ES
16A MI	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-1-239	25	MB
16A	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-1-240	75	MB
	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	ELK-1-241	125	MB
	12/5-12/9	12/3-12/7	12/2-12/6	12/1-12/5	ELK-1-242	75	A
	12/12-12/16	12/10-12/14	12/9-12/13	12/8-12/12	ELK-1-243	75	A
16B/22	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-244	225	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-245	165	ES
	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-1-246	160	MB
	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	ELK-1-247	160	MB
16C	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-248	150	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-249	100	ES
16C YO	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-1-250	25	ES
16C	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-1-251	50	MB
	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	ELK-1-252	95	MB
	12/5-12/9	12/3-12/7	12/2-12/6	12/1-12/5	ELK-1-253	50	A
	12/12-12/16	12/10-12/14	12/9-12/13	12/8-12/12	ELK-1-254	50	A
16D	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-255	90	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-256	60	ES
16D MI	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-1-257	25	MB

16D	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-1-258	55	MB
	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	ELK-1-259	50	MB
	12/5-12/9	12/3-12/7	12/2-12/6	12/1-12/5	ELK-1-260	50	A
	12/12-12/16	12/10-12/14	12/9-12/13	12/8-12/12	ELK-1-261	50	A
16E	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-262	90	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-263	60	ES
16E YO	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-1-264	25	ES
16E	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-3-265	70	MB
	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	ELK-1-266	70	MB
	12/5-12/9	12/3-12/7	12/2-12/6	12/1-12/5	ELK-1-267	75	A
	12/12-12/16	12/10-12/14	12/9-12/13	12/8-12/12	ELK-1-268	75	A
17	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-269	125	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-270	75	ES
17 YO	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-3-271	25	ES
17	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-3-272	100	MB
	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	ELK-3-273	100	MB
	11/21-11/25	11/19-11/23	11/18-11/22	11/17-11/21	ELK-3-274	25	MB
	11/21-11/25	11/19-11/23	11/18-11/22	11/17-11/21	ELK-3-275	25	A
	12/5-12/9	12/3-12/7	12/2-12/6	12/1-12/5	ELK-3-276	100	A
	12/12-12/16	12/10-12/14	12/9-12/13	12/8-12/12	ELK-3-277	100	A
21A	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-278	50	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-279	50	ES
	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-1-280	50	MB
	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	ELK-1-281	50	MB
	12/5-12/9	12/3-12/7	12/2-12/6	12/1-12/5	ELK-1-282	30	A
21B	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-283	25	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-284	25	ES
	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-1-285	25	MB
	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	ELK-1-286	25	MB
	11/21-11/25	11/19-11/23	11/18-11/22	11/17-11/21	ELK-1-287	15	A
	12/19-12/23	12/17-12/21	12/16-11/20	12/15-12/19	ELK-1-288	20	A
	12/5-12/9	12/3-12/7	12/2-12/6	12/1-12/5	ELK-1-289	15	A
12/12-12/16	12/10-12/14	12/9-12/13	12/8-12/12	ELK-1-290	15	A	
23	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-291	125	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-292	75	ES
23 YO	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-1-293	25	ES
23	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-3-294	75	MB
	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	ELK-1-295	75	MB
	12/5-12/9	12/3-12/7	12/2-12/6	12/1-12/5	ELK-1-296	20	A
24-excluding Ft. Bayard management area	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-297	15	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-298	10	ES
	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-3-299	15	MB
	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	ELK-1-300	15	MB
24: including Ft. Bayard management area, YO	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-1-301	5	ES
	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	ELK-1-302	5	A

(5) Private land elk authorization certificates for qualifying ranches listing the number of authorization certificates, bag limits and weapon types shall be as indicated below.

open GMUs or areas	2015-16, 2016-17, 2017-18, 2018-19 hunt seasons			
	MB (or ES-1 or ES-3)	A	ES bow only	total
13	268	170	256	694
15	203	141	169	513
16A	7	5	12	24
16B	3	0	4	7
16C	35	20	51	106
16D	18	14	21	53
16E	74	67	67	208
17	41	37	33	111
21A	2	1	2	5
21B	44	53	44	141
23	5	1	6	12
24	4	0	3	7
Total	704	509	668	1885

(6) Private land elk hunts for ranches designated as “ranch only” shall be limited to the following eligibility requirements or restrictions, season dates and legal sporting arms. All private land mobility impaired and youth only hunters must satisfy licensing requirements as stated in 19.31.3 NMAC in order to hunt during the “mobility impaired hunters” or “youth only” hunt periods.

legal sporting arms	open GMUs or area	2015-2016 hunt dates	2016-2017 hunt dates	2017-2018 hunt dates	2018-2019 hunt dates
bows only	13, 15, 16A, 16B/22, 16C, 16D, 16E, 17, 21A, 21B, 23, 24	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14
		9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24
muzzle loading rifles and bows	13, 15, 16E, 17, 23, 24	any 5 consecutive days, 10/17-12/31	any 5 consecutive days, 10/15-12/31	any 5 consecutive days, 10/14-12/31	any 5 consecutive days, 10/13-12/31
	YO: 13, 15, 17	any 5 consecutive days, 10/10-12/31	any 5 consecutive days, 10/8-12/31	any 5 consecutive days, 10/7-12/31	any 5 consecutive days, 10/6-12/31
muzzle loading rifles only with approval of director or designee and state game commission chairman	13: antlerless elk only	any 5 consecutive days 1/1-1/31	any 5 consecutive days 1/1-1/31	any 5 consecutive days 1/1-1/31	any 5 consecutive days 1/1-1/31
any legal sporting arms	16E, 23, 24	any 5 consecutive days, 10/24-12/31	any 5 consecutive days, 10/22-12/31	any 5 consecutive days, 10/21-12/31	any 5 consecutive days, 10/20-12/31
	16A, 16B/22, 16C, 16D, 21A, 21B	any 5 consecutive days, 10/17-12/31	any 5 consecutive days, 10/15-12/31	any 5 consecutive days, 10/14-12/31	any 5 consecutive days, 10/13-12/31
	YO: 16C, 16E, 23, 24	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10
	MI: 16A, 16D	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10

F. South central region: GMUs 34 and 36.

- (1) Quality hunt management for GMU 36.
- (2) Optimal opportunity management goals for GMU 34.
- (3) Foundational resource information for the south central region shall be as indicated below.

southeast region population information			sustainable harvest pursuant to goals	
herd unit	population estimate	bull:cow:calf ratio	bulls	cows
Sacramento (GMU 34)	6010-6262	49:100:46	432-554	574-598
Ruidoso (GMU 36)	4654-4816	58:100:43	335-426	445-460

GMU	management goal	total licenses by bag limit			
		MB (or ES-1 or ES-3)	A	ES bow only	total licenses
34	OOM	603	975	460	2038
36	QHM	507	278	320	1105
Total		1110	1253	780	3143

(4) Public land elk hunts listing the hunt dates, hunt code, number of licenses, bag limits and weapon types shall be as indicated below.

open GMUs or areas	2015-2016 hunt dates	2016-2017 hunt dates	2017-2018 hunt dates	2018-2019 hunt dates	hunt code	lic.	bag limit
34	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-303	200	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-304	200	ES
34 YO	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-1-305	75	ES
	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-1-306	100	A
34 MI	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-1-307	50	ES
34	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-3-308	250	MB
	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	ELK-1-309	150	MB
	11/21-11/25	11/26-11/30	11/25-11/29	11/24-11/28	ELK-1-310	250	A
	12/5-12/9	12/3-12/7	12/2-12/6	12/1-12/5	ELK-1-311	250	A
	12/12-12/16	12/10-12/14	12/9-12/13	12/8-12/12	ELK-1-312	250	A
36	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-313	130	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-314	111	ES
	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-3-315	135	MB
	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-1-316	123	MB
	10/31-11/4	10/29-11/2	10/28-11/1	10/27-10/31	ELK-1-317	124	MB
	11/21-11/25	11/26-11/30	11/25-11/29	11/24-11/28	ELK-1-318	105	A
	12/5-12/9	12/3-12/7	12/2-12/6	12/1-12/5	ELK-1-319	105	A

(5) Private land elk authorization certificates for qualifying ranches listing the number of authorization certificates, bag limits and weapon types shall be as indicated below.

open GMUs or areas	2015-16, 2016-17, 2017-18, 2018-19 hunt seasons			
	MB (or ES-1 or ES-3)	A	ES bow only	total
34	78	124	60	262
36	125	69	79	273
Total	203	193	139	535

(6) Private land elk hunts for ranches designated as “ranch only” shall be limited to the following eligibility requirements or restrictions, season dates and legal sporting arms. All private land mobility impaired and youth only hunters must satisfy licensing requirements as stated in 19.31.3 NMAC in order to hunt during the “mobility impaired hunters” or “youth only” hunt periods.

legal sporting arms	open GMUs or area	2015-2016 hunt dates	2016-2017 hunt dates	2017-2018 hunt dates	2018-2019 hunt dates
bows only	34, 36	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14
		9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24
any legal sporting arms	YO & MI: 34	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10
muzzle loading rifles and bows	34	any 5 consecutive days, 10/17-12/31	any 5 consecutive days, 10/15-12/31	any 5 consecutive days, 10/14-12/31	any 5 consecutive days, 10/13-12/31
	36	any 5 consecutive days, 10/17-12/31	any 5 consecutive days, 10/15-12/31	any 5 consecutive days, 10/14-12/31	any 5 consecutive days, 10/13-12/31

any legal sporting arms	34	any 5 consecutive days, 10/24-12/31	any 5 consecutive days, 10/22-12/31	any 5 consecutive days, 10/21-12/31	any 5 consecutive days, 10/20-12/31
	36	any 5 consecutive days, 10/17-12/31	any 5 consecutive days, 10/15-12/31	any 5 consecutive days, 10/14-12/31	any 5 consecutive days, 10/13-12/31
rifles only with approval of the director or his/her designee and state game commission chairman	36 : antlerless elk only	any 5 consecutive days 1/1-1/31	any 5 consecutive days 1/1-1/31	any 5 consecutive days 1/1-1/31	any 5 consecutive days 1/1-1/31

G. Northeast region:

- (1) Quality hunt management for COER areas of GMU 45.
- (2) Optimal opportunity management goals for COER areas of GMUs 48, 49 and 53.
- (3) Foundational resource information for the northeast region shall be as indicated below.

northeast region population information			sustainable harvest pursuant to goals	
herd unit	population estimate	bull:cow:calf ratio	bulls	cows
Pecos (GMU 45)	1665-2553	27:100:27	89-168	118-181
Whites peak (GMU 48)	998-1790	32:100:44	79-168	101-181
Penasco (GMU 49)	1257-1545	28:100:30	73-110	97-119
Ute-Midnight-San Cristobal (GMU 53)	1254-2291	40:100:32	71-160	94-173

GMU	management goal	total licenses by bag limit			
		MB (or ES-1 or ES-3)	A	ES bow only	total licenses
45	QHM	457	54	163	674
48	OOM	286	170	304	760
49	OOM	161	162	125	448
53	OOM	362	317	174	853
Total		1266	703	766	2735

(4) Public land elk hunts listing the hunt dates, hunt code, number of licenses, bag limits and weapon types shall be as indicated below.

open GMUs or areas	2015-2016 hunt dates	2016-2017 hunt dates	2017-2018 hunt dates	2018-2019 hunt dates	hunt code	lic.	bag limit
45	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-320	75	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-321	75	ES
	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-3-322	140	MB
	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-1-323	140	MB
	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	ELK-1-324	140	MB
	11/14-11/18	11/12-11/16	11/11-11/15	11/10-11/14	ELK-3-325	50	A
48	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-326	92	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-327	92	ES
	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-3-328	80	MB
	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-1-329	60	MB
	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	ELK-1-330	50	A
	12/5-12/9	12/3-12/7	12/2-12/6	12/1-12/5	ELK-1-331	33	MB
	12/5-12/9	12/3-12/7	12/2-12/6	12/1-12/5	ELK-1-332	53	A

49	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-333	61	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-334	60	ES
	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-1-335	80	MB
	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-1-336	76	MB
	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	ELK-1-337	80	A
	11/14-11/18	11/12-11/16	11/11-11/15	11/10-11/14	ELK-1-338	77	A
53	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-339	60	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-340	60	ES
53 (exc. Cerro portion)	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-3-341	50	ES
	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-1-342	75	MB
	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	ELK-1-343	125	MB
	11/21-11/25	11/19-11/23	11/18-11/22	11/17-11/21	ELK-1-344	90	A
	11/14-11/18	11/12-11/16	11/11-11/15	11/10-11/14	ELK-1-345	90	A
53 (North of Sunshine Valley Road)	1/2-1/17	1/7-1/22	1/6-1/21	1/5-1/20	ELK-1-346	40	A

(5) Private land elk authorization certificates for qualifying ranches listing the number of authorization certificates, bag limits and weapon types shall be as indicated below.

open GMUs and areas	2015-16, 2016-17, 2017-18, 2018-19 hunt seasons			
	MB (or ES-1 or ES-3)	A	ES bow only	Total
45	37	4	13	54
48	113	67	120	300
49	5	5	4	14
53	112	97	54	263
Total	267	173	191	631

(6) Private land elk hunts for ranches designated as “ranch only” shall be limited to the following eligibility requirements or restrictions, season dates and legal sporting arms. All private land mobility impaired and youth only hunters must satisfy licensing requirements as stated in 19.31.3 NMAC in order to hunt during “mobility impaired” or “youth only” hunt periods.

legal sporting arms	open GMUs or area	2015-2016 hunt dates	2016-2017 hunt dates	2017-2018 hunt dates	2018-2019 hunt dates
bows only	45, 48, 49, 53	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14
		9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24
muzzle loading rifles and bows	45, 48, 53	any 5 consecutive days, 10/10-12/31	any 5 consecutive days, 10/8-12/31	any 5 consecutive days, 10/7-12/31	any 5 consecutive days, 10/6-12/31
any legal sporting arms	45, 53	any 5 consecutive days, 10/17-12/31	any 5 consecutive days, 10/15-12/31	any 5 consecutive days, 10/14-12/31	any 5 consecutive days, 10/13-12/31
	49	any 5 consecutive days, 10/10-12/31	any 5 consecutive days, 10/8-12/31	any 5 consecutive days, 10/7-12/31	any 5 consecutive days, 10/6-12/31
	48	any 5 consecutive days, 10/17-12/31	any 5 consecutive days, 10/15-12/31	any 5 consecutive days, 10/14-12/31	any 5 consecutive days, 10/13-12/31
rifles only with approval of director or designee and state game commission chairman	48: antlerless elk only	any 5 consecutive days 1/1-1/31	any 5 consecutive days 1/1-1/31	any 5 consecutive days 1/1-1/31	any 5 consecutive days 1/1-1/31

[19.31.14.15 NMAC - Rp, 19.31.14.15 NMAC, 4-1-15]

19.31.14.16 ELK HUNTS WHERE NO COER IS ESTABLISHED: This section lists public draw elk hunts in GMUs with no established COER. The list includes eligibility requirements or restrictions, GMUs or areas open for hunting, season dates, hunt codes, weapon types, number of available licenses and bag limits. Hunt codes for elk hunts for “any legal weapon” hunts shall be designated ELK-1, hunt codes for elk hunts allowing the “bow only” weapon type shall be designated as ELK-2, elk hunt codes for elk hunts allowing

“muzzle loading rifles or bow” shall be designated as ELK-3. Youth hunters must provide hunter education certification number on application. Military only hunters must be full time active military and proof of military status must accompany application. Proof of this service is required. Mobility impaired hunt applicants shall meet eligibility requirements, as designated by the director, prior to applying for mobility impaired hunts.

A. Public lands in GMUs with no established core occupied elk range:

open GMUs or areas	2015-2016 hunt dates	2016-2017 hunt dates	2017-2018 hunt dates	2018-2019 hunt dates	hunt code	lic.	bag limit
12	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-347	15	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-348	15	ES
	10/1-10/5	10/1-10/5	10/1-10/5	10/1-10/5	ELK-1-349	20	MB
	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-1-350	20	MB
	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-1-351	20	MB
	10/24-10/28	10/22-10/26	10/21-10/25	10/20-20/24	ELK-1-352	20	A
	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	ELK-1-353	20	A
18	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-355	25	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-356	25	ES
28 McGregor range, military only	12/12-12/16	12/10-12/14	12/9-12/13	12/8-12/12	ELK-1-357	10	ES
28 McGregor range	12/12-12/16	12/10-12/14	12/9-12/13	12/8-12/12	ELK-1-358	10	ES
30	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-1-359	20	ES
	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-360	10	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-361	10	ES
37	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-362	40	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-363	30	ES
	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-3-364	30	MB
	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-1-365	30	MB
	11/28-12/2	11/26-11/30	11/25-11/29	11/24-11/28	ELK-1-366	45	A
38	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-1-367	15	ES
43	9/27-10/4	9/27-10/4	9/27-10/4	9/27-10/4	ELK-1-368	30	ES
54: Colin Neblett WMA/south	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-3-369	20	MB
	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-1-370	20	MB
	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	ELK-1-371	20	MB
	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-372	10	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-373	10	ES
	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	ELK-1-374	20	A
55: Colin Neblett WMA/north	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-3-375	20	MB
	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-1-376	20	MB
	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	ELK-1-377	20	MB
	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-378	10	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-379	10	ES
	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	ELK-1-380	20	A
55 ES Barker WMA	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-381	5	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-382	5	ES
	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-1-383	10	MB

55: Urraca WMA	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-384	5	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-385	5	ES
	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-3-386	10	MB
	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-1-387	10	MB
	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	ELK-1-388	10	MB
	11/14-11/18	11/12-11/16	11/11-11/15	11/10-11/14	ELK-1-389	15	A
	11/28-12/2	11/26-11/30	11/25-11/29	11/24-11/28	ELK-1-390	15	A
55: Valle Vidal and Greenwood areas	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-391	25	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-392	25	ES
	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-3-393	40	MB
	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-1-394	20	MB
55: Valle Vidal and Greenwood areas, YO	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-1-395	20	MB
55: Valle Vidal and Greenwood areas	10/24-10/28	10/22-10/26	10/21-10/25	10/20-10/24	ELK-1-396	35	MB
55: Valle Vidal and Greenwood areas, YO	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	ELK-1-397	35	A
55: Valle Vidal and Greenwood areas	11/7-11/11	11/5-11/9	11/4-11/8	11/3-11/7	ELK-1-398	15	A
	11/14-11/18	11/12-11/16	11/11-11/15	11/10-11/14	ELK-1-399	70	A
56	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-400	5	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-401	5	ES
	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-1-402	10	MB
	10/17-10/21	10/15-10/19	10/14-10/18	10/13-10/17	ELK-1-403	10	A
57: Sugarite canyon state park	9/1-9/14	9/1-9/14	9/1-9/14	9/1-9/14	ELK-2-404	3	ES
	9/15-9/24	9/15-9/24	9/15-9/24	9/15-9/24	ELK-2-405	2	ES
57/58	10/10-10/14	10/8-10/12	10/7-10/11	10/6-10/10	ELK-1-406	10	MB
	12/12-12/16	12/10-12/14	12/9-12/13	12/8-12/12	ELK-1-407	10	A

B. Private land-only elk hunting: For private lands that are not within core occupied elk range or private lands that lie within GMUs with no designated core occupied elk range, the department may work with interested landowners to develop appropriate bag limits, weapon types, season dates and authorization numbers for private land hunting needed to achieve the proper harvest within the exterior boundaries of participating ranches.

[19.31.14.16 NMAC - Rp, 19.31.14.16 NMAC, 4-1-15]

HISTORY OF 19.31.14 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under: Regulation No. 482, Establishing Seasons On Deer, Bear, Turkey, Elk, Antelope, Dusky Grouse, Tassel-Eared And Chickaree Squirrel, And Barbary Sheep, filed 5/31/67;

Regulation No. 487, Establishing 1967 Seasons On Javelina And Barbary Sheep, filed 12/15/67;

Regulation No. 489, Establishing Turkey Seasons For The Spring of 1968, filed 3/1/68;

Regulation No. 491, Establishing Big Game Seasons For 1968 For Jicarilla Reservation, filed 3/1/68;

Regulation No. 492, Establishing Seasons On Deer, Bear, Turkey, Elk, Antelope, Dusky Grouse, Tassel-Eared And Chickaree Squirrel, And Barbary Sheep, filed 6/6/68;

Regulation No. 495, Establishing A Season On Bighorn Sheep, filed 10/2/68;

Regulation No. 496, Establishing An Elk Season In The Tres Piedras Area, Elk Area P-6, filed 12/11/68;

Regulation No. 502, Establishing Turkey Seasons For The Spring Of 1969, filed 3/5/69;

Regulation No. 503, Establishing 1969 Deer Seasons For Bowhunting Only And Big Game Seasons For The Jicarilla Indian Reservation, filed 3/5/69;

Regulation 504, Establishing Seasons on Deer, Bear, Turkey, Dusky Grouse, Chickaree And Tassel-Eared Squirrel, And Barbary Sheep, filed 6/4/69;

Regulation No. 507, Establishing A Season On Bighorn Sheep, filed 8/26/69;

Regulation No. 512, Establishing Turkey Season For The Spring Of 1970, filed 2/20/70;

Regulation No. 513, Establishing Deer Season For Bowhunting Only In Sandia State Game Refuge, filed 2/20/70;

Regulation No. 514, Establishing Seasons On Deer, Bear, Turkey, Elk, Antelope, Dusky Grouse, Tassel-Eared And Chickaree Squirrel, Barbary Sheep And Bighorn Sheep, filed 6/9/70;

Regulation No 520, Establishing Turkey Seasons For The Spring Of 1971, filed 3/9/71;

Regulation No. 522, Establishing 1971 Seasons On Deer, Bear, Turkey, And Elk On The Jicarilla Apache Indian Reservation, filed 3/9/71;

Regulation No. 523, Establishing Seasons On Deer, Turkey, Bear, Cougar, Dusky Grouse, Tassel-Eared And Chickaree Squirrel, Elk, Antelope, Barbary Sheep And Bighorn Sheep, filed 6/9/71;
 Regulation No. 531, Establishing A Season On Javelina, filed 12/17/71;
 Regulation No. 532, Establishing Turkey Seasons For The Spring Of 1972, filed 3/20/72;
 Regulation No. 534, Establishing 1972 Seasons On Deer, Bear, Turkey, And Elk On The Jicarilla Apache Indian Reservation, filed 3/20/72;
 Regulation No. 536, Establishing Seasons On Deer, Turkey, Bear, Cougar, Dusky Grouse, Chickaree And Tassel-Eared Squirrel, Elk, Antelope, Barbary Sheep And Bighorn Sheep, filed 6/26/72;
 Regulation No. 542, Establishing A Season On Javelina, filed 12/1/72;
 Regulation No. 545, Establishing Turkey Seasons For The Spring Of 1973, filed 2/26/73;
 Regulation No. 546, Establishing 1973 Seasons On Deer, Bear, Turkey, And Elk On The Jicarilla Apache Indian Reservation, filed 2/26/73;
 Regulation No. 547, Establishing Seasons On Deer, Turkey, Bear, Cougar, Dusky Grouse, Chickaree And Tassel-Eared Squirrel, Elk, Antelope, Barbary Sheep And Bighorn Sheep, And Javelina, filed 5/31/73;
 Regulation No. 554, Establishing Special Turkey Seasons For The Spring Of 1974, filed 3/4/74;
 Regulation No. 556, Establishing 1974 Seasons On Deer, Bear, Turkey, And Elk On The Jicarilla Apache Indian Reservation, filed 3/14/74;
 Regulation No. 558, Establishing Seasons On Deer, Turkey, Bear, Cougar, Dusky Grouse, Tassel-Eared And Chickaree Squirrel, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx, And Ibex, filed 5/29/74;
 Regulation No. 565, Establishing Special Turkey Seasons For The Spring Of 1975, filed 3/24/75;
 Regulation No. 567, Establishing 1975 Seasons On Deer, Bear, And Turkey On The Jicarilla Apache And Navajo Indian Reservations And On Elk On The Jicarilla Apache Indian Reservation, filed 3/24/75;
 Regulation No. 568, Establishing Seasons On Deer, Turkey, Bear, Cougar, Dusky Grouse, Chickaree And Tassel-Eared Squirrel, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex, filed 6/25/75;
 Regulation No. 573, Establishing Seasons On Deer, Turkey, Bear, Cougar, Dusky Grouse, Tassel-Eared And Chickaree Squirrel, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex, filed 2/23/76;
 Regulation No. 583, Establishing Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex, filed 2/11/77;
 Regulation No. 590, Establishing Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep,

Javelina, Oryx And Ibex, filed 2/15/78;
 Regulation No. 596, Establishing Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex, filed 2/23/79;
 Regulation No. 603, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1980 through March 31, 1981, filed 2/22/80;

Regulation No. 609, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1981 through March 31, 1982, filed 3/17/81;
 Regulation No. 614, Establishing Open Seasons On Deer, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1982 through March 31, 1983, filed 3/10/82;
 Regulation No. 622, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1983 through March 31, 1984, filed 3/9/83;
 Regulation No. 628, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1984 through March 31, 1985, filed 4/2/84;
 Regulation No. 634, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1985 Through March 31, 1986, filed 4/18/85;
 Regulation No. 640, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1986 through March 31, 1987, filed 3/25/86;
 Regulation No. 645, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1987 through March 31, 1988, filed 2/12/87;
 Regulation No. 653, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1988 through March 31, 1989, filed 12/18/87;
 Regulation No. 663, Establishing Opening Spring Turkey For The Period April 1, 1989 through March 31, 1990, filed 3/28/89;
 Regulation No. 664, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1989 through

March 31, 1990, filed 3/20/89;
 Regulation No. 674, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx And Ibex For The Period April 1, 1990 through March 31, 1991, filed 11/21/89;
 Regulation No. 683, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx, And Ibex For The Period April 1, 1991 through March 31, 1992, filed 2/8/91;
 Regulation No. 689, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx, And Ibex For The Period April 1, 1992 through March 31, 1993, filed 3/4/92;
 Regulation No. 700, Establishing Open Seasons On Deer, Turkey, Bear, Cougar, Elk, Antelope, Barbary Sheep, Bighorn Sheep, Javelina, Oryx, And Ibex For The Period April 1, 1993 through March 31, 1995, filed 3/11/93.

History of Repealed Material:

19.31.8 NMAC, Big Game, filed 3-1-2001 - duration expired 3-31-2003.
 19.31.8 NMAC, Big Game and Turkey, filed 3-3-2003 - duration expired 3-31-2005.
 19.31.8 NMAC, Big Game and Turkey, filed 12-15-2004 - duration expired 3-31-2007.
 19.31.14 NMAC, Elk, filed 12-1-2006 - duration expired 3-31-2009.
 19.31.14 NMAC, Elk, filed 3-13-2009 - duration expired 3-31-2011.
 19.31.14 NMAC, Elk, filed 9-15-2010 - Repealed effective 3-29-2013. Replaced by 19.31.14 NMAC, Elk, effective 3-29-2013.
 19.31.14 NMAC, Elk, filed 3-29-2013 - Repealed effective 2-27-2015. Replaced by 19.31.14 NMAC, Elk, effective 4-1-2015.

NEW MEXICO DEPARTMENT OF GAME AND FISH

This is an amendment to 19.30.3 NMAC, Sections 7 and 8, effective 02-27-15.

19.30.3.7 DEFINITIONS:

A. "Department" shall mean the New Mexico department of game and fish.

B. "Department's public website" means: www.wildlife.state.nm.us.

[A] C. "Emergency meeting" is a meeting called to address unforeseen circumstances that, if not addressed immediately by the commission, will likely result in injury or damage to persons or property, or substantial financial loss to the commission.

[B] D. "Publish" shall mean to publish via paid legal advertisement in a newspaper of general circulation. [8-15-95; 19.30.3.7 NMAC - Rn, 19 NMAC 30.3.7, 2-14-02; A, 09-15-2014; A, 02-27-2015]

19.30.3.8 OPEN MEETINGS:**A. Reasonable notice:**

Reasonable notice shall be given, as hereinafter provided, of all meetings of a quorum of the state game commission held for the purpose of discussing or adopting any proposed rule or resolution, or taking formal action. At its first meeting each year, the commission will determine what is a reasonable notice for all meetings as required by Section 10-15-1(D) NMSA 1978. At that meeting, the commission shall adopt a resolution to either continue or amend its existing practice as stated below:

~~(1) [Annual meeting to determine reasonable notice:— The annual meeting to determine what is a reasonable notice for meetings, as required by Section 10-15-1D, shall be held at the first commission meeting each year. At that meeting, the commission shall adopt a resolution either to continue or amend its existing practice as contained herein:~~

~~(2) Notice of each regularly scheduled meeting and meetings at which rule makings may occur: At least 10 days in advance of each regularly scheduled meeting, notice will be sent to the major newspapers, radio stations, wire services and television stations in the state. These notices shall contain the date, time, and place of the meeting and information on how a copy of the agenda may be obtained.]~~
Ten day notice for regular meetings: At least 10 days in advance of each regularly scheduled meeting, notice will be posted on the department's public website and social media sites and in addition will be sent to newspapers, radio stations, wire services and television stations in the state that have provided a written request for the notice of meetings per Section 10-15-1(D) NMSA 1978. These notices shall contain the date, time, and place of the meeting and information on how a copy of the agenda may be obtained.

~~(3) (2) [Notice of each special meeting:] Three day notice for special meeting: At least three days in advance of each special meeting, notice will be posted on the department's public website and social media sites and given by telephone to [the major] newspapers, radio stations, wire services and television stations in the state that have provided a written request for the notice of meetings per Section 10-15-1(D) NMSA 1978. These notices shall provide the date, time, and place of the meeting and information on how a copy of the agenda may be obtained.~~

~~(4) (3) [Notice of] 24 hour notice for emergency meetings: Notwithstanding any other provision of this rule, the chairman of the state game commission may call an emergency meeting to consider any unforeseen and urgent matter that demands immediate commission~~

action. Notice of an emergency meeting shall be posted on the department's public website and social media sites [given] at least 24 hours in advance unless threat of personal injury or property damage requires less notice, and shall be given by telephone to the associated press and, if time permits, via newsrelease faxed or hand delivered to at least one daily newspaper of general circulation in the state.

~~(5) (4) Telephone participation: Commissioners may choose to participate in properly noticed meetings of the state game commission by telephone or other similar communications equipment, but only when attendance in person is difficult or impossible. Each commissioner participating by telephone or other similar equipment must be identified when speaking [, ah] All commissioners must be able to hear each other at the same time and hear any other speaker, and members of the public attending the meeting must be able to hear any commissioner.~~

B. Correspondence with interested parties: Prior to each regularly scheduled meeting, correspondence announcing the date, time, and place of the meeting and information on how a copy of the agenda may be obtained shall be sent to agencies, organizations, groups, or individuals who have requested such notice.

C. Agenda availability and changes:

(1) Agenda availability: Except for emergency meetings, the agenda for a regular or special meeting will be made available to the public by posting on the department's public website and social media sites and from the office of the director, New Mexico department of game and fish, one Wildlife Way, Santa Fe, New Mexico 87507 at least 72 hours in advance of each meeting.

(2) The proposed agenda for any meeting is subject to change as deemed necessary by the chairman of the state game commission. However, such changes may not be made less than ~~[24] 72~~ hours in advance of any meeting and the final agenda incorporating any such changes, will be made available to the public at least ~~[24] 72~~ hours in advance of the meeting from the office of the director. [12-17-75, 9-3-82, 12-3-87, 3-5-91, 8-15-95, 3-15-99, 2-14-00; 19.30.3.8 NMAC - Rn & A, 19 NMAC 30.3.8, 2-14-02; A, 09-15-2014; A, 02-27-2015]

NEW MEXICO DEPARTMENT OF HEALTH

7.34.2 NMAC, Advisory Board Responsibilities and Duties (filed 12/16/2010) is being repealed and replaced by 7.34.2 NMAC, Advisory Board Responsibilities and Duties, effective 2/27/2015.

7.34.3 NMAC, Registry Identification Cards (filed 12/16/2010) is being repealed and replaced by 7.34.3 NMAC, Registry Identification Cards, effective 2/27/2015.

7.34.4 NMAC, Licensing Requirements for Producers, Production Facilities and Distribution (filed 12/16/2010) was replaced by 7.34.4 NMAC, Licensing Requirements for Producers, Couriers, Manufacturers and Laboratories, effective 2/27/2015.

[Continued on page 144]

**NEW MEXICO
DEPARTMENT OF HEALTH**

**TITLE 7 HEALTH
CHAPTER 30 FAMILY AND
CHILDREN HEALTH CARE
SERVICES**

**PART 12 EMERGENCY
MEDICATIONS IN SCHOOLS**

7.30.12.1 ISSUING AGENCY:
New Mexico Department of Health.
[7.30.12.1 NMAC - N, 02/27/2015]

7.30.12.2 SCOPE: This rule applies to public, private, or charter schools in New Mexico unless otherwise expressly limited.
[7.30.12.2 NMAC - N, 02/27/2015]

7.30.12.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to the following statutory authorities: (1) the Department of Health Act, Section 9-7-6(E) NMSA 1978, which authorizes the secretary of the department of health to "...make and adopt such reasonable and procedural rules and regulations as may be necessary to carry out the duties of the department and its divisions;" (2) the Public Health Act, Section 24-1-3(G) and (O) NMSA 1978 and Section 24-31-1 NMSA 1978, which authorize the department to prescribe the duties of school nurses to maintain and enforce rules to carry out the provisions of the Public Health Act; and to promulgate rules pursuant to the Emergency Medication in Schools Act; and (3) the Emergency Medication in Schools Act, Sections 22-33-1 through 22-33-4 NMSA 1978, which authorizes the department to adopt regulations to carry out the provisions of the Emergency Medication in Schools Act.
[7.30.12.3 NMAC - N, 02/27/2015]

7.30.12.4 DURATION:
Permanent.
[7.30.12.4 NMAC - N, 02/27/2015]

7.30.12.5 EFFECTIVE DATE:
February 27, 2015, unless a later date is cited at the end of a section.
[7.30.12.5 NMAC - N, 02/27/2015]

7.30.12.6 OBJECTIVE: The purpose of this rule is to allow access to emergency medications in the school setting for the treatment of respiratory distress with albuterol and the treatment of anaphylactic reactions with epinephrine. Stock emergency medications are intended for students who have not previously been diagnosed with conditions leading to respiratory distress or anaphylaxis or who have a history of these conditions and do

not have medications on their person or stored at school.
[7.30.12.6 NMAC - N, 02/27/2015]

7.30.12.7 DEFINITIONS:

A. "Adverse event form" is a department form used by school nurses to report events with potential impact on the health of the students or the school, including administration of stock albuterol or epinephrine.

B. "Albuterol" includes albuterol or another inhaled bronchodilator, as recommended by the department of health, for the treatment of respiratory distress.

C. "Albuterol aerosol canister" means a portable drug delivery device packaged with multiple premeasured doses of albuterol.

D. "Anaphylaxis" or "anaphylactic reaction" means a sudden, severe, and potentially life-threatening whole-body allergic reaction.

E. "BOP" refers to the board of pharmacy.

F. "Class D Medication Room" is specific for schools and is used only for emergency medications. The Class D Medication Room criteria is established by the board of pharmacy. The criteria includes requirements for procurement of medications, storage, tracking, and disposal of expired medications.

G. "Department" means department of health.

H. "Emergency medication" means albuterol or epinephrine.

I. "Epinephrine" includes epinephrine or another medication, as recommended by the department of health, used to treat anaphylaxis until the immediate arrival of emergency medical system responders.

J. "Epinephrine auto-injector" means a portable, disposable drug delivery device that contains a premeasured single dose of epinephrine.

K. "Governing body" means a governing body of a private school.

L. "Health care practitioner" means a person authorized by the state to prescribe emergency medication.

M. "PED" means the public education department.

N. "Respiratory distress" includes impaired oxygenation of the blood or impaired ventilation of the respiratory system.

O. "School" means a public school, charter school, or private school.

P. "Spacer" means a holding chamber that is used to optimize the delivery of albuterol to a person's lungs.

Q. "Stock supply" means

an appropriate quantity of emergency medication, as recommended by the department of health.

R. "Trained personnel"

means a school employee, agent, or volunteer designated by the school nurse to administer epinephrine on a voluntary basis outside of the scope of employment and who has completed department approved epinephrine administration training that has been documented by the school nurse, school principal, or school leader.
[7.30.12.7 NMAC - N, 02/27/2015]

7.30.12.8 EMERGENCY MEDICATIONS:A. Standing Orders.

(1) A physician employed or authorized by the department, may prescribe a standing order in the name of the school or school district for a stock supply of albuterol aerosol canisters and spacers, or a stock supply of standard-dose and pediatric-dose epinephrine auto-injectors for use in accordance with this rule.

(2) Each local school board or governing body may request a standing order for and may provide to schools within its jurisdiction stock supplies of albuterol and epinephrine. In order to request a standing order, the school board must review and acknowledge in writing the rules and recommendations developed by the department for emergency medication use. All requests for standing orders must be in writing to a department approved physician. When the standing order is issued by the department approved physician, it will be sent to the requesting school district or governing body within one week of the request. A copy of the order will be kept by the department school health advocate for his or her assigned region.

(3) A pharmacist may dispense a stock supply of albuterol aerosol canisters and spacers or a stock supply of standard-dose and pediatric-dose epinephrine auto-injectors pursuant to a standing order prescribed in accordance with this section. Medications may be directly obtained from the pharmacy by a school nurse or delivered to the school in accordance with the school's established procedure.

(4) All standing orders are renewed annually.

B. Storage provisions: School districts that decide to maintain and administer emergency medications will establish a Class D Medication Room in each school that stocks emergency medications in compliance with New Mexico BOP regulations. School nurses who maintain a Class D Medication Room license will be required to complete an annual medication room audit and submit it

to the BOP.

(1) **Albuterol** - Each school that obtains a stock supply of albuterol aerosol canisters and spacers shall store them:

(a) in a secure location that is unlocked and readily accessible to a school nurse to administer albuterol;

(b) pursuant to BOP regulations, including requirements for storage, record maintenance, and medication room audits or consulting pharmacist's visits;

(c) within the manufacturer-recommended temperature range; and

(d) albuterol will be secured in a manner consistent with the procedure employed by the school nurse for other emergency medications; the medication cabinet, which is kept in the school nurse's office, is kept unlocked when the school nurse or school health assistant are present in the office; if the school nurse or school health assistant are not present, the school nurse's office will be locked.

(2) **Epinephrine** - Each school that obtains a stock supply of standard-dose and pediatric-dose epinephrine auto-injectors shall store them:

(a) in a secure location that is unlocked and readily accessible to trained personnel;

(b) pursuant to BOP regulations including requirements for storage, record maintenance, and medication room audits or consulting pharmacist's visits;

(c) within the manufacturer-recommended temperature range; and

(d) epinephrine will be stored in a secure, unlocked location determined by the school nurse and principal; this location should be easily accessed by trained school personnel in the event of an emergency situation; a location is considered secure for the purposes of epinephrine storage if school staff are present full-time in that location; for example, the secretary's office or the main office.

C. Disposal: Albuterol and epinephrine - Each local school board or governing body shall dispose of expired emergency medication pursuant to BOP regulations. Expired medications will be placed in a separate, quarantined section of the medication room and disposed of per the Class D Medication Room regulations.

(1) The school nurse will be responsible for proper disposal of expired medications.

(2) The BOP is a resource for direction in proper disposal of

expired medications.

(3) Expired medications may be disposed of either by using a consultant pharmacist or by transferring the medications to a pharmacy with an appropriate transfer log.

D. Procurement and maintenance of emergency medications.

(1) A local school board or a school within its jurisdiction of a governing body may accept gifts, grants, bequests, or donations from any source to carry out the provisions of this rule, including:

(a) albuterol aerosol canisters and spacers or epinephrine auto-injectors from a manufacturer or wholesaler; or

(b) epinephrine or albuterol, or such other medication as the department deems appropriate, from a manufacturer or wholesaler of such medication; and

(c) this type of donation can be accepted if the medications are not expired and have been maintained properly.

(2) School districts or governing bodies may buy prescribed medications directly from pharmacies after obtaining a standing order.

(3) Schools will keep a record of any grants, gifts, bequests, or donations. The record is to be held at the school in the school office for three years and can be inspected by BOP, department personnel, and school administrative personnel upon request. The records will be kept in the school health office by the school nurse. Records may be kept electronically or in hard copy.

(4) Schools will maintain a supply of emergency medications:

(a) the supply will be replenished as medications are used according to the procedure in 7.30.12.8 NMAC; and

(b) medications in stock will be checked to verify that medications are not expired. [7.30.12.8 NMAC - N, 02/27/2015]

7.30.12.9 TRAINING:

School districts that decide to maintain and administer emergency medications will follow the department rules and recommendations, according to the following guidelines:

A. Use of albuterol:
(1) PED licensed school nurses will complete training on administering albuterol reviewed and approved by the department;

(2) current school nurses will complete the training at a minimum of one time and as determined

by the department; new school nurses will complete the training as part of their orientation process, and then as determined by the department; and

(3) refresher trainings on albuterol may be recommended by the department, at a minimum of every five years.

B. Use of epinephrine:
(1) school personnel, including non-licensed personnel, will complete training on administering epinephrine that is reviewed and approved by the department;

(2) current school nurses will complete the training one time and new school nurses will complete the training as part of their orientation process;

(3) non-licensed personnel will complete the training annually; and

(4) refresher trainings on epinephrine for PED licensed school nurses may be recommended by the department, at a minimum of every five years.

C. Training will be documented and a training log will be kept at each school in the school health office for a minimum of five years. Training records may be maintained electronically or in hard copy.

[7.30.12.9 NMAC - N, 02/27/2015]

7.30.12.10 ADMINISTRATION OF EMERGENCY MEDICATIONS:

A. Use of albuterol:
(1) only a PED licensed school nurse, who has completed the requisite training, will administer inhaled albuterol on an emergency basis;

(2) if no school nurse is available, immediately call 911;

(3) inhaled stock albuterol will be given for treatment of respiratory distress only when the student is experiencing respiratory distress, per criteria that will be covered in training, and does not have medication available; albuterol may be administered to students who have not previously been diagnosed with conditions leading to respiratory distress and students who have a history of respiratory disease but do not have medication at school;

(4) when stock albuterol is used, 911 will be called immediately to activate the emergency response system;

(5) after administration of albuterol, the student's condition will be continuously monitored, and any additional treatment indicated will be given until an emergency medical system responder arrives;

(6) as soon as practicable, the parent, guardian, or legal

custodian of the student having respiratory distress will be notified by phone or in accordance with contact information on file at the school;

(7) a log will be kept of when albuterol is used and the outcome of the student; these logs will be kept in the school health office at least five years; logs will be available for review upon request, per applicable federal and state privacy laws; logs will be maintained by the school nurse; logs may be either electronic or hard copy; and

(8) an adverse events form will be completed when albuterol is administered on an emergency basis; the form will be submitted within three working days to the regional school health advocate or the regional health officer; adverse events forms will be maintained by the department for a minimum of five years.

B. Use of epinephrine:

(1) school personnel, including non-licensed personnel, who have completed the requisite training, may administer epinephrine on an emergency basis;

(2) epinephrine will be given for treatment of severe anaphylactic reactions only when the student is experiencing signs of anaphylaxis, per criteria that will be covered in training, and does not have medication available; this includes students who have not previously been diagnosed with conditions leading to anaphylaxis and students who have a history of anaphylaxis and who do not have medication at school;

(3) each school that receives a stock supply of standard-dose and pediatric-dose epinephrine auto-injectors shall:

(a) develop and implement a plan to have one or more trained personnel on the school premises during operating hours, which includes class time and after school activities; and

(b) follow an anaphylactic reaction prevention protocol, as recommended by the department, to minimize an allergic student's exposure to food allergies.

(4) when stock epinephrine is used, 911 will be called immediately to activate the emergency response system;

(5) after administration of epinephrine, the student's condition will be continuously monitored and any additional treatment indicated will be given until an emergency medical system responder arrives;

(6) as soon as practicable, the parent, guardian, or legal custodian of the student will be notified

by phone or in accordance with contact information on file at the school;

(7) a log will be kept of when epinephrine is used and the outcome of the student; these logs will be kept in the school health office at least five years; logs will be available for review upon request, per applicable federal and state privacy laws; logs will be maintained by the school nurse; logs may be either electronic or hard copy;

(8) an adverse events form will be completed when epinephrine is administered on an emergency basis; the form will be submitted within three working days to the regional school health advocate or the regional health officer; adverse events form will be maintained by the department for a minimum of five years.

[7.30.12.10 NMAC - N, 02/27/2015]

7.30.12.11 PREVENTION

A. A vital part of the emergency medication in schools programs is preventing respiratory distress and severe allergic reactions.

B. Recommendations will be developed by the department for school districts to use in the development of policies and procedures addressing both the use of the medications and prevention of respiratory distress and severe allergic reactions. The recommendations document will be issued upon request to interested school districts and governing bodies. The document will be available online through the office of school and adolescent health's website at <http://nmhealth.org/about/phd/hsb/osah/>.

C. The following resources are available for school districts to use in developing prevention strategies, and can be obtained from the office of school and adolescent health's website at <http://nmhealth.org/about/phd/hsb/osah/> or by contacting the office at 300 San Mateo Blvd. NE, Suite 902, Albuquerque, NM 87108:

(1) the environmental protection agency's "indoor air quality: tools for schools;"

(2) the centers for disease control and prevention's "voluntary guidelines for managing food allergies in schools and early care and education programs;" or

(3) the centers for disease control and prevention's toolkit "initiating change: creating an asthma-friendly school."

D. Other resources are available through the department's asthma control program as well as the office of school and adolescent health.

[7.30.12.11 NMAC - N, 02/27/2015]

**HISTORY OF 7.30.12 NMAC:
[RESERVED]**

**NEW MEXICO
DEPARTMENT OF HEALTH**

TITLE 7 HEALTH

**CHAPTER 34 MEDICAL USE OF
CANNABIS**

**PART 2 ADVISORY BOARD
RESPONSIBILITIES AND DUTIES**

7.34.2.1 ISSUING AGENCY:

New Mexico Department of Health,
Medical Cannabis Program.

[7.34.2.1 NMAC - Rp, 7.34.2.1 NMAC,
2/27/2015]

7.34.2.2 STATUTORY

AUTHORITY: The requirements set forth herein are promulgated by the secretary of the department of health pursuant to the authority granted under Section 9-7-6 (E) NMSA 1978, and the Lynn and Erin Compassionate Use Act, 26-2B-1 et seq. NMSA 1978.

[7.34.2.2 NMAC - Rp, 7.34.2.2 NMAC,
2/27/2015]

7.34.2.3 SCOPE: This

part governs the membership, duties, responsibilities and public hearing proceedings of the medical cannabis advisory board.

[7.34.2.3 NMAC - Rp, 7.34.2.3 NMAC,
2/27/2015]

7.34.2.4 DURATION:

Permanent.

[7.34.2.4 NMAC - Rp, 7.34.2.4 NMAC,
2/27/2015]

7.34.2.5 EFFECTIVE DATE:

February 27, 2015, unless a later date is cited at the end of a section.

[7.34.2.5 NMAC - Rp, 7.34.2.5 NMAC,
2/27/2015]

7.34.2.6 OBJECTIVE:

The objective of this part is to establish membership, duties, responsibilities, and public hearing procedures that govern the medical cannabis advisory board proceedings.

[7.34.2.6 NMAC - Rp, 7.34.2.6 NMAC,
2/27/2015]

7.34.2.7 DEFINITIONS:

A. "Act" means the Lynn and Erin Compassionate Use Act, NMSA 1978, Sections 26-2B-1 through 26-2B-7.

B. "Adequate supply" means an amount of cannabis, derived solely from an intrastate source and in a form approved by the department, that is possessed by a qualified patient

or collectively possessed by a qualified patient and the qualified patient's primary caregiver, that is determined by the department to be no more than reasonably necessary to ensure the uninterrupted availability of cannabis for a period of three months or 90 consecutive calendar days.

C. "Administrative review committee" means an intra-department committee that reviews qualified patient or primary caregiver application denials, licensed producer denials made by the program manager, or the imposition of a summary suspension, in accordance with department rules. The administrative review committee shall consist of the chief medical officer of the department (or that person's designee); a deputy secretary of the department (or that person's designee), and the chief nursing officer of the department (or that person's designee).

D. "Administrative withdrawal" means the procedure for the voluntary withdrawal of a qualified patient or primary caregiver from the medical cannabis program.

E. "Advisory board" means the medical cannabis advisory board consisting of eight practitioners representing the fields of neurology, pain management, medical oncology, psychiatry, infectious disease, family medicine, and gynecology.

F. "Applicant" means any person applying for enrollment or re-enrollment in the medical cannabis program as a qualified patient, primary caregiver, or licensed producer.

G. "Approved laboratory" means a laboratory that has been approved by the department specifically for the testing of cannabis, concentrates, and cannabis derived products.

H. "Batch" means, with regard to usable cannabis, a homogenous, identified quantity of cannabis harvested during a specified time period from a specified cultivation area, and with regard to concentrated and cannabis-derived product, means an identified quantity that is uniform, that is intended to meet specifications for identity, strength, and composition, and that is manufactured, packaged, and labeled during a specified time period according to a single manufacturing, packaging, and labeling protocol.

I. "Cannabidiol ("CBD")" is a cannabinoid and the primary non-psychoactive ingredient found in cannabis.

J. "Cannabis" means all parts of the plant, cannabis sativa, and cannabis indica, whether growing or not and the resin extracted from any part of the plant.

K. "Cannabis-derived

product" means a product, other than cannabis itself, which contains or is derived from cannabis, not including hemp.

L. "Concentrated cannabis-derived product ("concentrate")" means a cannabis-derived product that is manufactured by a mechanical or chemical process that separates any cannabinoid from the cannabis plant, and that contains (or that is intended to contain at the time of sale or distribution) no less than thirty-percent (30%) THC by weight.

M. "Courier" means a person or entity that transports usable cannabis within the state of New Mexico from a licensed non-profit producer to a qualified patient or primary caregiver.

N. "Debilitating medical condition" means:

- (1) cancer;
- (2) glaucoma;
- (3) multiple

sclerosis;

(4) damage to the nervous tissue of the spinal cord, with objective neurological indication of intractable spasticity;

(5) epilepsy;

(6) positive status for human immunodeficiency virus or acquired immune deficiency syndrome;

(7) admission into hospice care in accordance with rules promulgated by the department; or

(8) any other medical condition, medical treatment, or disease as approved by the department which results in pain, suffering, or debility for which there is credible evidence that medical use cannabis could be of benefit.

O. "Department" means the department of health or its agent.

P. "Facility" means any building, space, or grounds licensed for the production, possession, testing, manufacturing, or distribution of cannabis, concentrates, or cannabis-derived products.

Q. "Intrastate" means existing or occurring within the state boundaries of New Mexico.

R. "Laboratory applicant" means a laboratory that seeks to become an approved laboratory, or that seeks renewal of approval as an approved laboratory, in accordance with this rule.

S. "License" means the document issued by the department granting the legal right to produce medical cannabis for a specified period of time.

T. "Licensed producer" means a person or entity licensed to produce medical cannabis.

U. "Licensure" means the process by which the department grants permission to an applicant to produce cannabis.

V. "Lot" means an identified portion of a batch, that is uniform and that is intended to meet specifications for identity, strength, and composition; or, in the case of a cannabis-derived product or concentrate, an identified quantity produced in a specified period of time in a manner that is uniform and that is intended to meet specifications for identity, strength, and composition.

W. "Male plant" means a male cannabis plant.

X. "Manufacture" means to make or otherwise produce cannabis-derived product or concentrate.

Y. "Manufacturer" means a business entity that manufactures cannabis-derived product that has been approved for this purpose by the medical cannabis program.

Z. "Mature female plant" means a harvestable female cannabis plant that is flowering.

AA. "Medical cannabis program" means the administrative body of the department charged with the management of the medical cannabis program and enforcement of program regulations, to include issuance of registry identification cards, licensing of producers, and regulation of manufacturing and distribution.

BB. "Medical cannabis program manager" means the administrator of the medical cannabis program who holds that title.

CC. "Medical director" means a medical practitioner designated by the department to determine whether the medical condition of an applicant qualifies as a debilitating medical condition eligible for enrollment in the program, and to perform other duties.

DD. "Medical provider certification for patient eligibility form" means a written certification form provided by the medical cannabis program signed by a patient's practitioner that, in the practitioner's professional opinion, the patient has a debilitating medical condition as defined by the act or this part and would be anticipated to benefit from the use of cannabis.

EE. "Minor" means an individual less than 18 years of age.

FF. "Paraphernalia" means any equipment, product, or material of any kind that is primarily intended or designed for use in compounding, converting, processing, preparing, inhaling, or otherwise introducing cannabis or its derivatives into the human body.

GG. "Patient enrollment/re-enrollment form" means the registry identification card application form for patient applicants provided by the medical cannabis program.

HH. “Personal production license” means a license issued to a qualified patient participating in the medical cannabis program, to permit the qualified patient to produce medical cannabis for the qualified patient’s personal use, consistent with the requirements of department rule.

II. “Petitioner” means any New Mexico resident or association of New Mexico residents petitioning the advisory board for the inclusion of a new medical condition, medical treatment, or disease to be added to the list of debilitating medical conditions that qualify for the use of cannabis.

JJ. “Plant” means any cannabis plant, cutting, or clone that has roots or that is cultivated with the intention of growing roots.

KK. “Policy” means a written statement of principles that guides and determines present and future decisions and actions of the licensed producer.

LL. “Practitioner” means a person licensed in New Mexico to prescribe and administer drugs that are subject to the Controlled Substances Act, Sections 30-31-1 *et seq.*, NMSA 1978.

MM. “Primary caregiver” means a resident of New Mexico who is at least 18 years of age and who has been designated by the qualified patient or their representative and the patient’s practitioner as being necessary to take responsibility for managing the well-being of a qualified patient with respect to the medical use of cannabis pursuant to the provisions of the Lynn and Erin Compassionate Use Act, Section 26-2B-1 *et seq.*, NMSA 1978.

NN. “Primary caregiver application form” means the registry identification card application form provided by the medical cannabis program.

OO. “Private entity” means a private, non-profit organization that applies to become or is licensed as a producer and distributor of cannabis, concentrates, or cannabis-derived products.

PP. “Proficiency testing” means testing conducted by the department or its agent to determine the ability of a laboratory applicant or approved laboratory to accurately identify presence, quantity, or other factors pertaining to a given analyte.

QQ. “Qualified patient” means a resident of New Mexico who has been diagnosed by a practitioner as having a debilitating medical condition and has received a registry identification card issued pursuant to the requirements of the act or department rules.

RR. “Registry identification card” means a document issued and owned by the department which identifies a qualified patient authorized to engage in the use of cannabis for a debilitating medical condition or a

document issued by the department which identifies a primary caregiver authorized to engage in the intrastate possession and administration of cannabis for the sole use of the qualified patient.

SS. “Representative” means an individual designated as the applicant’s or petitioner’s agent, guardian, surrogate, or other legally appointed or authorized health care decision maker.

TT. “Secretary” means the secretary of the New Mexico department of health.

UU. “Secure grounds” means a facility that provides a safe environment to avoid loss or theft.

VV. “Security alarm system” means any device or series of devices capable of alerting law enforcement, including, but not limited to, a signal system interconnected with a radio frequency method such as cellular, private radio signals, or other mechanical or electronic device used to detect or report an emergency or unauthorized intrusion.

WW. “Security policy” means the instruction manual or pamphlet adopted or developed by the licensed producer containing security policies, safety and security procedures, and personal safety and crime prevention techniques.

XX. “Seedling” means a cannabis plant that has no flowers.

YY. “Segregate” means to separate and withhold from use or sale batches, lots, cannabis, usable cannabis, or cannabis-derived products in order to first determine its suitability for use through testing by an approved laboratory.

ZZ. “THC” means tetrahydrocannabinol, a cannabinoid that is the primary psychoactive ingredient in cannabis.

AAA. “Technical evidence” means scientific, clinical, medical, or other specialized testimony, or evidence, but does not include legal argument, general comments, or statements of policy or position concerning matters at issue in the hearing.

BBB. “Testing” means the process and procedures provided by an approved laboratory for testing of cannabis and cannabis derived products, consistent with provisions of this rule.

CCC. “Unit” means a quantity of usable cannabis, concentrate, or cannabis-derived product that is used in identifying the maximum supply that a qualified patient may possess for purposes of department rules.

DDD. “Usable cannabis” means the dried leaves and flowers of the female cannabis plant and cannabis-derived products, including concentrates, but does not include the seeds, stalks, or roots of the plant.

[7.34.2.7 NMAC - Rp, 7.34.2.7 NMAC, 2/27/2015]

7.34.2.8 ADVISORY BOARD MEMBERSHIP REQUIREMENTS AND RESPONSIBILITIES:

A. Advisory board membership: The advisory board shall consist of eight practitioners representing the fields of neurology, pain management, medical oncology, psychiatry, infectious disease, family medicine and gynecology. The practitioners shall be nationally board-certified in their area of specialty and knowledgeable about the medical use of cannabis. The members shall be chosen for appointment by the secretary from a list proposed by the New Mexico medical society.

B. Duties and responsibilities: The advisory board shall convene at least twice per year to:

(1) review and recommend to the department for approval additional debilitating medical conditions that would benefit from the medical use of cannabis;

(2) recommend quantities of cannabis that are necessary to constitute an adequate supply for qualified patients and primary caregivers;

(3) accept and review petitions to add medical conditions, medical treatments or diseases to the list of debilitating medical conditions that qualify for the medical use of cannabis and all lawful privileges under the act and implementing rules;

(4) issue recommendations concerning rules to be promulgated for the issuance of registry identification cards; and

(5) review conditions previously reviewed by the board and approved by the secretary for the purpose of determining whether to recommend the revision of eligibility criteria for persons applying under those conditions or to review new medical and scientific evidence pertaining to currently approved conditions.

C. Advisory board membership term: Each member of the advisory board shall serve a term of two years from the date of appointment by the secretary. No member may be removed prior to the expiration of his or her term without a showing of good cause by the secretary.

D. Chairperson elect: The advisory board shall elect by majority vote cast of the eight member board a chairperson and an alternate. The chairperson or alternate shall exercise all powers and duties prescribed or delegated under the act or this rule.

(1) **Public**

hearing responsibilities: The chairperson shall conduct a fair and impartial proceeding, assure that the facts are fully elicited and avoid delay. The chairperson shall have authority to take all measures necessary for the maintenance of order and for the efficient, fair and impartial resolution of issues arising during the public hearing proceedings or in any public meeting in which a quorum of the advisory board are present.

(2) Delegation of

chair: The chairperson may delegate their responsibility to an alternate. The alternate shall exercise all powers and duties prescribed or delegated under the act or this part.

E. Per diem and mileage:

All advisory board members appointed under the authority of the act or this part will receive as their sole remuneration for services as a member those amounts authorized under the Per Diem and Mileage Act, Sections 10-8-1 *et seq.*, NMSA 1978. [7.34.2.8 NMAC - Rp, 7.34.2.8 NMAC, 2/27/2015]

7.34.2.9 PETITION

REQUIREMENTS:

A. Petition requirements.

The advisory board may accept and review petitions from any individual or association of individuals requesting the addition of a new medical condition, medical treatment or disease for the purpose of participating in the medical cannabis program and all lawful privileges under the act. Except as otherwise provided, a petitioner filing a petition shall file the petition and a copy with the medical cannabis program staff by either personal delivery or certified mail. In order for a petition to be processed and forwarded to the advisory board the following information shall be submitted to the medical cannabis program staff.

(1) Petition

format: Unless otherwise provided by this part or by order of the hearing officer, all documents, except exhibits, shall be prepared on 8 1/2 x 11-inch white paper, printed double-sided, if possible, and where appropriate, the first page of every document shall contain a heading and caption. The petitioner shall include in the petition documents a narrative address to the advisory board, which includes:

(a)

petition caption stating the name, address and telephone number of the petitioner and the medical condition, medical treatment or disease sought to be added to the existing debilitating medical conditions;

(b)

an index of the contents of the petition, an introductory narrative of the individual or association of individuals requesting the inclusion of a new medical condition,

medical treatment or disease to include the individual or association of individuals' relationship or interest for the request whether that interest is professional or as a concerned citizen;

(c) the

proposed benefits from the medical use of cannabis specific to the medical condition, medical treatment or disease sought to be added to the existing debilitating medical conditions listed under the act; and

(d) any

additional supporting medical, testimonial, or scientific documentation.

(2) Statement

of intent to present technical evidence:

If the petitioner wishes to present technical evidence at the hearing, the petition shall include a statement of intent. The statement of intent to present technical evidence shall include:

(a) the

name of the person filing the statement;

(b) the

name of each witness;

(c)

an estimate of the length of the direct testimony of each witness;

(d)

a list of exhibits, if any, to be offered into evidence at the hearing; and

(e) a

summary or outline of the anticipated direct testimony of each witness.

B. Qualified patient

applicant petitioner: If the petitioner is submitting their requests as a potential qualified patient applicant the petitioner shall attach an original medical practitioner's certification for patient eligibility form provided by the medical cannabis program manager or designee which includes the following information:

(1) the name,

address, telephone number and clinical licensure of the petitioner's practitioner;

(2) the medical

justification for practitioner's certification of the petitioner's debilitating medical condition;

(3) the

practitioner's signature and date of signature;

(4) the name,

address and date of birth of the petitioner;

(5) the name,

address and telephone number of the petitioner's practitioner;

(6) a reasonable

xerographic copy of the petitioner's New Mexico driver's license or comparable New Mexico state or federal issued photo identification card verifying New Mexico residence;

(7) documented

parental consent if applicable to the petitioner;

(8) if applicable,

the petitioner's potential debilitating medical condition;

(9) the length of

time the petitioner has been under the care of the practitioner providing the medical provider certification for patient eligibility;

(10) the

petitioner's signature and date; and

(11) a signed

consent for release of medical information form provided by the medical cannabis program.

C. Petitioner

confidentiality: The department shall maintain a confidential file containing the names and addresses of the persons who have either applied for or received a public hearing petition request. Individual names on the list shall be confidential and not subject to disclosure, except:

(1) to authorized

employees or agents of the department as necessary to perform the duties of the department pursuant to the provisions of the act or this part;

(2) as provided in

the federal Health Insurance Portability and Accountability Act of 1996.

D. Department

notification: The medical cannabis program manager or designee shall review each petition request and within reasonable time after receipt issue notice of docketing upon the petitioner, each advisory board member, and the advisory board legal counsel.

The notice of docketing shall contain the petition caption and docket number, the date upon which the petition was received and scheduling date of the advisory board public hearing. A copy of this rule shall be included with a notice of docketing sent to the petitioner.

E. Examination allowed:

Subject to the provisions of law restricting the public disclosure of confidential information, any person may, during normal business hours, inspect and copy any document filed in any public hearing proceeding. Inspection shall be permitted in accordance with the Inspection of Public Records Act, Sections 14-2-1 *et seq.*, NMSA 1978, but may be limited by the Health Insurance Portability and Accountability Act of 1996. Documents subject to inspection shall be made available by the medical cannabis program manager, or designee as appropriate. Unless waived by the department, the cost of duplicating documents or audio filed in any public hearing proceeding shall be borne by the person seeking the copies.

F. Notice of withdrawal:

A petitioner may withdraw a petition at any time prior to a decision by the advisory board by filing a notice of withdrawal with the medical cannabis program manager or

designee.

[7.34.2.9 NMAC - Rp, 7.34.2.9 NMAC, 2/27/2015]

7.34.2.10 ADVISORY BOARD PUBLIC HEARING PROCEDURES:

A. Public hearing

requirement: The advisory board shall convene by public hearing at least twice per year to accept and review petitions requesting the inclusion of medical conditions, medical treatments or diseases to the list of debilitating medical conditions. Any meeting consisting of a quorum of the advisory board members held for the purpose of evaluating, discussing or otherwise formulating specific opinions concerning the recommendation of a petition filed pursuant to this rule, shall be declared a public hearing open to the public at all times, unless a portion of the hearing is closed to protect information made confidential by applicable state or federal laws. A petitioner or his or her representative may request to close a portion of the hearing to protect the disclosure of confidential information by submitting their request in writing and having that request delivered to medical cannabis program staff at least 48 hours prior to the hearing.

B. Location of the public hearing: Unless otherwise ordered by the advisory board, the public hearing shall be held in New Mexico at a location sufficient to accommodate the anticipated audience.

C. Public hearing notice: The medical cannabis program manager or designee shall, upon direction from the advisory board chairperson, prepare a notice of public hearing setting forth the date, time and location of the hearing, a brief description of the petitions received, and information on the requirements for public comment or statement of intent to present technical evidence, and no later than 30 days prior to the hearing date, send copies, with requests for publication, to at least one newspaper of general circulation. The program manager or designee may further issue notice of the hearing by any other means the department determines to be acceptable to provide notice to the public.

D. Public hearing agenda: The department shall make available an agenda containing a list of specific items to be discussed or information on how the public may obtain a copy of such agenda.

E. Postponement of hearing: Request for postponement of a public hearing will be granted, by the advisory board for good cause shown.

F. Statement of intent to present technical evidence: Any individual or association of individuals who wish to

present technical evidence at the hearing shall, no later than 15 days prior to the date of the hearing, file a statement of intent. The statement of intent to present technical evidence shall include:

- (1) the name of the person filing the statement;
- (2) indication of whether the person filing the statement supports or opposes the petition at issue;
- (3) the name of each witness;
- (4) an estimate of the length of the direct testimony of each witness;
- (5) a list of exhibits, if any, to be offered into evidence at the hearing; and
- (6) a summary or outline of the anticipated direct testimony of each witness.

G. Ex parte discussions:

At no time after the initiation and before the conclusion of the petition process under this part, shall the department, or any other party, interested participant or their representatives discuss ex parte the merits of the petitions with any advisory board member.

H. Public hearing

process: The advisory board chairperson shall conduct the public hearing so as to provide a reasonable opportunity for all interested persons to be heard without making the hearing unreasonably lengthy or cumbersome or burdening the record with unnecessary repetition.

- (1) A quorum of the advisory board shall consist of three voting members.
- (2) The advisory board chairperson or alternate shall convene each public hearing by:
 - (a) introduction of the advisory board members;
 - (b) statutory authority of the board;
 - (c) statement of the public hearing agenda; and
 - (d) recognition of the petitioner.
- (3) Petitioner comment period. The petitioner or by representative may present evidence to the advisory board. The advisory board shall only consider findings of fact or scientific conclusions of medical evidence presented by the petitioner or by representative to the advisory board prior to or contemporaneously with the public hearing.
- (4) **Public comment period:** The advisory board may provide for a public comment period. Public comment may be by written comment, verbal or both.
 - (a)

Written comment: Any individual or association of individuals may submit written comment to the advisory board either in opposition or support of the inclusion of a medical conditions, medical treatments or diseases to the existing list of debilitating medical conditions contained under the act. All written comment shall adhere to the requirements of Subsection F of this section.

(b)

Public comment: Any member of the general public may testify at the public hearing. No prior notification is required to present general non-technical statements in support of or in opposition to the petition. Any such member may also offer exhibits in connection with his testimony, so long as the exhibit is non-technical in nature and not unduly repetitious of the testimony.

I. Recording the

hearing: Unless the advisory board orders otherwise, the hearing will be audio recorded. Any person, other than the advisory board, desiring a copy of the audio tapes must arrange copying with the medical cannabis program or designee at their own expense.

[7.34.2.10 NMAC - Rp, 7.34.2.10 NMAC, 2/27/2015]

7.34.2.11 ADVISORY BOARD RECOMMENDATION TO THE DEPARTMENT:

A. Advisory board

recommendation: Upon final determination the advisory board shall provide to the secretary a written report of finding, which recommends either the approval or denial of the petitioner's request. The written report of findings shall include a medical justification for the recommendation based upon the individual or collective expertise of the advisory board membership. The medical justification shall delineate between the findings of fact made by the advisory board and scientific conclusions of credible medical evidence.

B. Department final

determination: The department shall notify the petitioner within 10 days of the secretary's determination. A denial by the secretary regarding the inclusion of a medical conditions, medical treatments or diseases to the existing list of debilitating medical conditions contained under the act shall not represent a permanent denial by the department. Any individual or association of individuals may upon good cause re-petition the advisory board. All requests shall present new supporting findings of fact, or scientific conclusions of credible medical evidence not previously examined by the advisory board.

[7.34.2.11 NMAC - Rp, 7.34.2.11 NMAC, 2/27/2015]

7.34.2.12 SEVERABILITY:
If any part or application of these rules is held to be invalid, the remainder or its application to other situations or persons shall not be affected. Failure to promulgate rules or implement any provision of these rules shall not interfere with the remaining protections provided by these rules and the act.
[7.34.2.12 NMAC - Rp, 7.34.2.12 NMAC, 2/27/2015]

HISTORY OF 7.34.2 NMAC:
Pre NMAC History: none.

History of Repealed Material:
7.34.2 NMAC, Advisory Board Responsibilities and Duties (filed 03/19/2008) repealed 12/30/2010.
7.34.2 NMAC, Advisory Board Responsibilities and Duties (filed 12/16/2010) repealed 02/27/2015.

NMAC History:
7.34.2 NMAC, Advisory Board Responsibilities and Duties (filed 03/19/2008) was replaced by 7.34.2 NMAC, Advisory Board Responsibilities and Duties, effective 12/30/2010.
7.34.2 NMAC, Advisory Board Responsibilities and Duties (filed 12/16/2010) was replaced by 7.34.2 NMAC, Advisory Board Responsibilities and Duties, effective 02/27/2015.

NEW MEXICO DEPARTMENT OF HEALTH

TITLE 7 HEALTH CHAPTER 34 MEDICAL USE OF CANNABIS PART 3 REGISTRY IDENTIFICATION CARDS

7.34.3.1 ISSUING AGENCY:
New Mexico Department of Health, Medical Cannabis Program.
[7.34.3.1 NMAC - Rp, 7.34.3.1 NMAC, 2/27/2015]

7.34.3.2 SCOPE: This rule governs the issuance of registry identification cards to qualified patients and primary caregivers as defined by the Lynn and Erin Compassionate Use Act, 26-2B-3(F) and (G) NMSA 1978. All requirements contained herein are necessary prerequisites to the state's ability to distinguish between authorized use under the act and unauthorized use under the state's criminal laws.
[7.34.3.2 NMAC - Rp, 7.34.3.2 NMAC, 2/27/2015]

7.34.3.3 STATUTORY AUTHORITY: The requirements set forth

herein are promulgated by the secretary of the department of health pursuant to the authority granted under Section 9-7-6 (E) NMSA 1978, and the Lynn and Erin Compassionate Use Act, 26-2B-1 *et seq.* NMSA 1978. Although federal law currently prohibits any use of cannabis, the laws of several states permit the medical use and cultivation of cannabis. New Mexico adopts these regulations to accomplish the purpose of the Lynn and Erin Compassionate Use Act as stated in Section 26-2B-2 NMSA 1978, "to allow the beneficial use of medical cannabis in a regulated system for alleviating symptoms caused by debilitating medical conditions and their medical treatments," while at the same time ensuring proper enforcement of any criminal laws for behavior that has been deemed illicit by the state.
[7.34.3.3 NMAC - Rp, 7.34.3.3 NMAC, 2/27/2015]

7.34.3.4 DURATION:
Permanent.
[7.34.3.4 NMAC - Rp, 7.34.3.4 NMAC, 2/27/2015]

7.34.3.5 EFFECTIVE DATE:
February 27, 2015, unless a later date is cited at the end of a section.
[7.34.3.5 NMAC - Rp, 7.34.3.5 NMAC, 2/27/2015]

7.34.3.6 OBJECTIVE:
Ensuring the safe use and possession of cannabis for individuals living with debilitating medical conditions, and the safe possession and administration of cannabis for medical use to those individuals by primary caregivers, as mandated under the Lynn & Erin Compassionate Use Act Sections 26-2B-1 *et seq.*, NMSA 2007.
[7.34.3.6 NMAC - Rp, 7.34.3.6 NMAC, 2/27/2015]

7.34.3.7 DEFINITIONS:
A. "Act" means the Lynn and Erin Compassionate Use Act, Sections 26-2B-1 through 26-2B-7 NMSA 1978.

B. "Adequate supply" means an amount of cannabis, derived solely from an intrastate source and in a form approved by the department, that is possessed by a qualified patient or collectively possessed by a qualified patient and the qualified patient's primary caregiver, that is determined by the department to be no more than reasonably necessary to ensure the uninterrupted availability of cannabis for a period of three months or 90 consecutive calendar days.

C. "Administrative review committee" means an intra-department committee that reviews qualified patient or primary caregiver application denials, licensed producer denials made

by the program manager, or the imposition of a summary suspension, in accordance with department rules. The administrative review committee shall consist of the chief medical officer of the department (or that person's designee); a deputy secretary of the department (or that person's designee), and the chief nursing officer of the department (or that person's designee).

D. "Administrative withdrawal" means the procedure for the voluntary withdrawal of a qualified patient or primary caregiver from the medical cannabis program.

E. "Advisory board" means the medical cannabis advisory board consisting of eight practitioners representing the fields of neurology, pain management, medical oncology, psychiatry, infectious disease, family medicine, and gynecology.

F. "Applicant" means any person applying for enrollment or re-enrollment in the medical cannabis program as a qualified patient, primary caregiver, or licensed producer.

G. "Approved laboratory" means a laboratory that has been approved by the department specifically for the testing of cannabis, concentrates, and cannabis derived products.

H. "Batch" means, with regard to usable cannabis, a homogenous, identified quantity of cannabis harvested during a specified time period from a specified cultivation area, and with regard to concentrated and cannabis-derived product, means an identified quantity that is uniform, that is intended to meet specifications for identity, strength, and composition, and that is manufactured, packaged, and labeled during a specified time period according to a single manufacturing, packaging, and labeling protocol.

I. "Cannabidiol ("CBD")" is a cannabinoid and the primary non-psychoactive ingredient found in cannabis.

J. "Cannabis" means all parts of the plant, cannabis sativa, and cannabis indica, whether growing or not and the resin extracted from any part of the plant.

K. "Cannabis-derived product" means a product, other than cannabis itself, which contains or is derived from cannabis, not including hemp.

L. "Concentrated cannabis-derived product ("concentrate")" means a cannabis-derived product that is manufactured by a mechanical or chemical process that separates any cannabinoid from the cannabis plant, and that contains (or that is intended to contain at the time of sale or distribution) no less than thirty-percent

(30%) THC by weight.

M. “Courier” means a person or entity that transports usable cannabis within the state of New Mexico from a licensed non-profit producer to a qualified patient or primary caregiver.

N. “Debilitating medical condition” means:

- (1) cancer;
- (2) glaucoma;
- (3) multiple

sclerosis;

- (4) damage

to the nervous tissue of the spinal cord, with objective neurological indication of intractable spasticity;

- (5) epilepsy;
- (6) positive

status for human immunodeficiency virus or acquired immune deficiency syndrome;

- (7) admission

into hospice care in accordance with rules promulgated by the department; or

- (8) any other

medical condition, medical treatment, or disease as approved by the department which results in pain, suffering, or debility for which there is credible evidence that medical use cannabis could be of benefit.

O. “Department” means the department of health or its agent.

P. “Facility” means any building, space, or grounds licensed for the production, possession, testing, manufacturing, or distribution of cannabis, concentrates, or cannabis-derived products.

Q. “Intrastate” means existing or occurring within the state boundaries of New Mexico.

R. “Laboratory applicant” means a laboratory that seeks to become an approved laboratory, or that seeks renewal of approval as an approved laboratory, in accordance with this rule.

S. “License” means the document issued by the department granting the legal right to produce medical cannabis for a specified period of time.

T. “Licensed producer” means a person or entity licensed to produce medical cannabis.

U. “Licensure” means the process by which the department grants permission to an applicant to produce cannabis.

V. “Lot” means an identified portion of a batch, that is uniform and that is intended to meet specifications for identity, strength, and composition; or, in the case of a cannabis-derived product or concentrate, an identified quantity produced in a specified period of time in a manner that is uniform and that is intended to meet specifications for identity, strength, and composition.

W. “Male plant” means a male cannabis plant.

X. “Manufacture” means to make or otherwise produce cannabis-derived product or concentrate.

Y. “Manufacturer” means a business entity that manufactures cannabis-derived product that has been approved for this purpose by the medical cannabis program.

Z. “Mature female plant” means a harvestable female cannabis plant that is flowering.

AA. “Medical cannabis program” means the administrative body of the department charged with the management of the medical cannabis program and enforcement of program regulations, to include issuance of registry identification cards, licensing of producers, and regulation of manufacturing and distribution.

BB. “Medical cannabis program manager” means the administrator of the medical cannabis program who holds that title.

CC. “Medical director” means a medical practitioner designated by the department to determine whether the medical condition of an applicant qualifies as a debilitating medical condition eligible for enrollment in the program, and to perform other duties.

DD. “Medical provider certification for patient eligibility form” means a written certification form provided by the medical cannabis program signed by a patient’s practitioner that, in the practitioner’s professional opinion, the patient has a debilitating medical condition as defined by the act or this part and would be anticipated to benefit from the use of cannabis.

EE. “Minor” means an individual less than 18 years of age.

FF. “Paraphernalia” means any equipment, product, or material of any kind that is primarily intended or designed for use in compounding, converting, processing, preparing, inhaling, or otherwise introducing cannabis or its derivatives into the human body.

GG. “Patient enrollment/re-enrollment form” means the registry identification card application form for patient applicants provided by the medical cannabis program.

HH. “Personal production license” means a license issued to a qualified patient participating in the medical cannabis program, to permit the qualified patient to produce medical cannabis for the qualified patient’s personal use, consistent with the requirements of department rule.

II. “Petitioner” means any New Mexico resident or association of New Mexico residents petitioning the advisory board for the inclusion of a new medical condition, medical treatment, or

disease to be added to the list of debilitating medical conditions that qualify for the use of cannabis.

JJ. “Plant” means any cannabis plant, cutting, or clone that has roots or that is cultivated with the intention of growing roots.

KK. “Policy” means a written statement of principles that guides and determines present and future decisions and actions of the licensed producer.

LL. “Practitioner” means a person licensed in New Mexico to prescribe and administer drugs that are subject to the Controlled Substances Act, Sections 30-31-1 *et seq.*, NMSA 1978.

MM. “Primary caregiver” means a resident of New Mexico who is at least 18 years of age and who has been designated by the qualified patient or their representative and the patient’s practitioner as being necessary to take responsibility for managing the well-being of a qualified patient with respect to the medical use of cannabis pursuant to the provisions of the Lynn and Erin Compassionate Use Act, Section 26-2B-1 *et seq.*, NMSA 1978.

NN. “Primary caregiver application form” means the registry identification card application form provided by the medical cannabis program.

OO. “Private entity” means a private, non-profit organization that applies to become or is licensed as a producer and distributor of cannabis, concentrates, or cannabis-derived products.

PP. “Proficiency testing” means testing conducted by the department or its agent to determine the ability of a laboratory applicant or approved laboratory to accurately identify presence, quantity, or other factors pertaining to a given analyte.

QQ. “Qualified patient” means a resident of New Mexico who has been diagnosed by a practitioner as having a debilitating medical condition and has received a registry identification card issued pursuant to the requirements of the act or department rules.

RR. “Registry identification card” means a document issued and owned by the department which identifies a qualified patient authorized to engage in the use of cannabis for a debilitating medical condition or a document issued by the department which identifies a primary caregiver authorized to engage in the intrastate possession and administration of cannabis for the sole use of the qualified patient.

SS. “Representative” means an individual designated as the applicant’s or petitioner’s agent, guardian, surrogate, or other legally appointed or authorized health care decision maker.

TT. “Secretary” means the secretary of the New Mexico department of

health.

UU. “Secure grounds”
means a facility that provides a safe environment to avoid loss or theft.

VV. “Security alarm system” means any device or series of devices capable of alerting law enforcement, including, but not limited to, a signal system interconnected with a radio frequency method such as cellular, private radio signals, or other mechanical or electronic device used to detect or report an emergency or unauthorized intrusion.

WW. “Security policy”
means the instruction manual or pamphlet adopted or developed by the licensed producer containing security policies, safety and security procedures, and personal safety and crime prevention techniques.

XX. “Seedling” means a cannabis plant that has no flowers.

YY. “Segregate” means to separate and withhold from use or sale batches, lots, cannabis, usable cannabis, or cannabis-derived products in order to first determine its suitability for use through testing by an approved laboratory.

ZZ. “THC” means tetrahydrocannabinol, a cannabinoid that is the primary psychoactive ingredient in cannabis.

AAA. “Technical evidence”
means scientific, clinical, medical, or other specialized testimony, or evidence, but does not include legal argument, general comments, or statements of policy or position concerning matters at issue in the hearing.

BBB. “Testing” means the process and procedures provided by an approved laboratory for testing of cannabis and cannabis derived products, consistent with provisions of this rule.

CCC. “Unit” means a quantity of usable cannabis, concentrate, or cannabis-derived product that is used in identifying the maximum supply that a qualified patient may possess for purposes of department rules.

DDD. “Usable cannabis”
means the dried leaves and flowers of the female cannabis plant and cannabis-derived products, including concentrates, but does not include the seeds, stalks, or roots of the plant.
[7.34.3.7 NMAC - Rp, 7.34.3.7 NMAC, 2/27/2015]

7.34.3.8 QUALIFYING DEBILITATING MEDICAL CONDITIONS:

A. Statutorily-approved conditions: As of the date of promulgation of this rule, specific qualifying debilitating medical conditions, diseases, and treatments (“qualifying conditions”) identified in the Lynn and Erin Compassionate Use Act,

Section 26-2B-3(B) NMSA 1978, include:

- (1) cancer;
- (2) glaucoma;
- (3) multiple

sclerosis;

- (4) damage

to the nervous tissue of the spinal cord, with objective neurological indication of intractable spasticity;

- (5) epilepsy;
- (6) positive

status for human immunodeficiency virus or acquired immune deficiency syndrome; and admission into hospice care in accordance with rules promulgated by the department.

B. Department-approved conditions: The department finds that the following additional qualifying conditions result in pain, suffering, or debility for which there is credible evidence that the medical use of cannabis could be of benefit, through the alleviation of symptoms, and the department accordingly approves these conditions as qualifying debilitating medical conditions for the participation of a qualified patient or primary caregiver in the medical cannabis program. The department-approved conditions include:

- (1) severe chronic

pain:

- (a)

objective proof of the etiology of the severe chronic pain shall be included in the application; and

- (b)

a practitioner familiar with the patient’s chronic pain shall provide written certification that the patient has an unremitting severe chronic pain condition; for an initial patient application, this certification shall be made by a specialist with expertise in pain management or a specialist with expertise in the disease process that is causing the pain; for all subsequent patient applications, this certification may be made by a primary care provider.

- (2) painful

peripheral neuropathy: application to the medical cannabis program shall be accompanied by medical records that confirm the objective presence of painful peripheral neuropathy that has been refractory to other treatments;

- (3) intractable

nausea/vomiting;

- (4) severe

anorexia/cachexia;

- (5) hepatitis

C infection currently receiving antiviral treatment: the written certification shall attest:

- (a) that

the hepatitis C infection is currently being treated with antiviral drugs; and

- (b) to

the anticipated duration of the hepatitis C antiviral treatment.

- (6) Crohn’s

disease;

- (7) post-

traumatic stress disorder (PTSD): each individual applying to the program for enrollment shall submit medical records that confirm the diagnosis of PTSD based upon the evaluation of a psychiatrist, psychiatric nurse practitioner, or prescribing psychologist, and meeting the diagnostic criteria of the current *diagnostic and statistical manual of mental disorders*;

- (8) inflammatory

autoimmune-mediated arthritis: each individual applying to the program for enrollment shall submit medical records that confirm the diagnosis of inflammatory autoimmune-mediated arthritis based upon the evaluation of a rheumatologist who is board-certified in rheumatology by the American board of internal medicine;

- (9) amyotrophic

lateral sclerosis (Lou Gehrig’s disease);

- (10) inclusion

body myositis;

- (11) spasmodic

torticollis (cervical dystonia);

- (12) Parkinson’s

disease;

- (13) Huntington’s

disease;

- (14) ulcerative

colitis; and

- (15) such other

conditions as the secretary may approve.

C. Additional application requirements for department-approved conditions: A patient applying on the basis of having a department-approved qualifying condition shall submit written certification from the patient’s practitioner which shall attest:

- (1) to the

diagnosis of the medical condition;

- (2) that the

condition is debilitating;

- (3) that standard

treatments have failed to bring adequate relief, unless the practitioner determines that standard treatments would be harmful to the patient’s health; and

- (4) that potential

risks and benefits of the use of medical cannabis for the condition have been discussed with the patient, in accordance with this rule; a patient who applies on the basis of having a department-approved condition may also be required to satisfy additional eligibility criteria, as specified in this rule.

D. Modification or removal of department-approved conditions: The secretary may remove or modify a department-approved condition only if the secretary determines, on the

basis of substantial credible medical and scientific evidence, and after an opportunity for review of the proposed removal or modification by the medical advisory board, that the use of cannabis by patients who have the approved condition would more likely than not result in substantial harm to the patients' health.
[7.34.3.8 NMAC - N, 2/27/2015]

7.34.3.9 QUANTITY OF USABLE CANNABIS THAT MAY BE POSSESSED BY A QUALIFIED PATIENT OR PRIMARY CAREGIVER:

A. Maximum quantity:

A qualified patient and a qualified patient's primary caregiver may collectively possess within any three-month period a quantity of usable cannabis no greater than 230 total units. For purposes of department rules, this quantity is deemed an adequate supply. (For ease of reference: 230 units is equivalent to 230 grams, or approximately eight ounces, of dried usable cannabis plant material.) A qualified patient and primary caregiver may also possess cannabis seeds.

B. Calculation of units:

For purposes of department rules, one unit of usable cannabis shall consist of one gram of the dried leaves and flowers of the female cannabis plant, or 0.2 grams (200 milligrams) of THC for cannabis-derived products.

C. Maximum THC content of concentrates: A qualified patient or primary caregiver shall not possess a concentrated cannabis-derived product that contains greater than seventy percent (70%) THC by weight.

D. Medical exception:

A greater quantity of usable cannabis, not to exceed 115 additional units, may be allowed, and a concentrated cannabis-derived product with THC content greater than seventy percent (70%) by weight may be allowed, at the department's discretion, upon the submission of a statement by a medical practitioner explaining why a greater number of units of usable cannabis, or a higher concentration of THC in concentrated cannabis-derived product, is medically necessary. Any such allowance shall be reviewed for approval by the program's medical director.
[7.34.3.9 NMAC - N, 2/27/2015]

7.34.3.10 QUALIFIED PATIENT AND PRIMARY CAREGIVER REGISTRY IDENTIFICATION CARD APPLICATION REQUIREMENTS:

A. The department shall issue a registry identification card to an applicant for the purpose of participating in the medical cannabis program upon the written certification of the applicant's practitioner and supporting application

documents. Certifications from certifying providers must be obtained within 90 calendar days prior to the expiration of the patient's registry identification card.

B. The department may require the submittal of a recent photograph from a patient applicant and primary caregiver applicant.

C. Replacement card fee: A fifty dollar (\$50) payment is required for replacement of registry identification card.

D. The following information shall be provided in (or as an attachment to) the participant enrollment form submitted to the department in order for a registry identification card to be obtained and processed. An attached original medical provider certification for patient eligibility form shall contain:

- (1) the name, address, and telephone number of the practitioner;
- (2) the practitioner's clinical licensure;
- (3) the patient applicant's name and date of birth;
- (4) the medical justification for the practitioner's certification of the patient's debilitating medical condition, which shall include but not be limited to a statement that, in the practitioner's professional opinion, the practitioner believes that the potential health benefits of the medical use of cannabis would likely outweigh health risks for the patient;
- (5) an attestation that the practitioner's primary place of practice is located within the state of New Mexico;
- (6) the practitioner's signature and the date;
- (7) the name, address, and date of birth of the applicant;
- (8) the name, address, and telephone number of the applicant's practitioner;
- (9) a legible photocopy of the applicant's New Mexico driver's license or comparable state of New Mexico or federal issued photo identification card verifying New Mexico residence;
- (10) documented parental consent, if applicable, to the applicant;
- (11) the applicant's debilitating medical condition;
- (12) the length of time the applicant has been under the care of the practitioner providing the medical provider certification for patient eligibility;
- (13) the applicant's signature and date; and
- (14) a signed consent for release of medical information related to the patient's debilitating medical

condition, on a form provided by the medical cannabis program.

E. Qualified minor:

The department shall issue a registry identification card to an applicant under the age of 18 for the purpose of participating in the medical cannabis program upon the medical provider certification for patient eligibility from the applicant's practitioner and supporting application documents required under this rule. The qualified minor parental consent form shall require the following information to be provided:

- (1) written documentation that the applicant's practitioner has explained the potential risks and benefits of the use of cannabis to both the applicant and parent or representative of the applicant; and
- (2) written consent of the applicant's parent or legal representative to:
 - (a) allow the applicant's use of cannabis and cannabis-derived products;
 - (b) serve as the applicant's primary caregiver; and
 - (c) control the acquisition of the cannabis, dosage, and the frequency of the use of cannabis and cannabis-derived products by the applicant.

F. Primary caregiver:

The department shall issue a registry identification card to a primary caregiver applicant for the purpose of managing the well-being of up to four qualified patients pursuant to the requirements of this rule upon the completion and approval of the primary caregiver application form available from the medical cannabis program. In order for a registry identification card to be obtained and processed, the following information shall be submitted to the medical cannabis program:

- (1) New Mexico driver's license or comparable state of New Mexico or federal issued photo identification card verifying that the applicant is at least 18 years of age and is a resident of New Mexico;
- (2) written approval by each qualified patient, and written approval by at least one certifying practitioner for each qualified patient, authorizing the primary caregiver's responsibility for managing the well-being of the patient(s) with respect to the medical use of cannabis;
- (3) the name(s), address(es), telephone number(s), and date of birth(s) of the qualified patient(s);
- (4) the name, address, and telephone number of each qualified patient's practitioner;

(5) the name, address, and telephone number of the applicant primary caregiver;

(6) an attestation from the primary caregiver applicant that he or she is a resident of the state of New Mexico;

(7) the applicant primary caregiver's signature and the date; and

(8) documentation of completed nationwide and statewide background checks conducted within six months of the application submission date.

G. Primary caregiver application requirements: Criminal history screening requirements.

(1) All primary caregiver applicants are required to consent to a nationwide and statewide department of public safety (DPS) criminal history screening background check. All applicable application fees associated with the nationwide and statewide criminal history screening background check shall be paid by the primary caregiver applicant.

(2) Individuals convicted of a felony violation of Section 30-31-20, 30-31-21, or 30-31-22 NMSA 1978, or a violation of any equivalent out-of-state statute in any jurisdiction are prohibited from serving as a primary caregiver. If an applicant has been convicted of a felony violation of Section 30-31-1 *et seq.* NMSA 1978, other than Sections 30-31-20 through 30-31-22, and the final completion of the entirety of the associated sentence of such felony conviction has been less than three years from the date of the applicant's application as a primary caregiver, then the applicant is prohibited from being a primary caregiver. The applicant and qualified patient shall be notified of his or her disqualification from being a primary caregiver. If the applicant has been convicted of more than one felony violation of Section 30-31-1 *et seq.* NMSA 1978 or a violation of an equivalent out-of-state statute in any jurisdiction, the applicant and qualified patient shall be notified that the applicant is permanently prohibited from being a primary caregiver and cannot be issued a medical use cannabis registry identification card.

H. Primary caregiver requirements:

(1) A primary caregiver applicant shall be a resident of New Mexico.

(2) A qualified patient's primary caregiver shall be permitted to obtain and transport medical cannabis from a licensed nonprofit to the qualified patient.

(3) The primary caregiver of a qualified patient who holds

a personal production license may assist the qualified patient to produce medical cannabis at the designated licensed location, identified on the personal production license. The primary caregiver may not independently produce medical cannabis.

(4) A qualified patient shall only reimburse their primary caregiver for the cost of travel, supplies, or utilities associated with the possession of medical cannabis, or cannabis-derived products by the primary caregiver for the qualified patient. No other cost associated with the possession of medical cannabis, or cannabis-derived products by the primary caregiver for the qualified patient, including the cost of labor, shall be reimbursed or paid. All medical cannabis or cannabis-derived products possessed by a primary caregiver for a qualified patient are the property of the qualified patient.

(5) A qualified patient shall notify the medical cannabis program in the event that the qualified patient ceases to retain the services of a primary caregiver. A primary caregiver shall promptly dis-enroll from the medical cannabis program at the time that the primary caregiver's services are no longer used by a qualified patient in their care.

I. Certifying practitioner requirements:

(1) A patient may not be certified by a practitioner who is related to the patient within the second degree of consanguinity or the first degree of affinity, including a spouse, child, stepchild, parent, step-parent, sibling, grandparent, mother-in-law, father-in-law, son-in law, or daughter-in-law of the patient.

(2) A practitioner's primary place of practice must be located within the state of New Mexico in order for the practitioner to certify a patient's eligibility.

(3) In order to certify a patient's application, a practitioner must have an actual physician-client relationship with the applicant or qualified patient, and shall conduct an in-person physical or mental evaluation of the applicant or qualified patient prior to issuing a certification.

(4) A practitioner may be prohibited from certifying patient applications for:

(a) failure to comply with any provision of this rule;

(b) falsification of any material or information submitted to the department;

(c) threatening or harming an employee of a producer, a medical practitioner, a patient, or an employee of the department; or

(d) any determination by the practitioner's licensing body that practitioner has engaged in unprofessional or dishonorable conduct.

J. Continuing education of certifying practitioners: The department

encourages certifying practitioners to obtain at least two continuing medical education credit hours annually related to the medicinal use of cannabis.

[7.34.3.10 NMAC - Rp, 7.34.3.9 NMAC, 2/27/2015]

7.34.3.11 REGISTRY IDENTIFICATION CARDS:

A. Department inquiry:

(1) The department may verify information on each application and accompanying documentation by the following methods:

(a) contacting each applicant by telephone or mail, or if proof of identity is uncertain, by requiring a face-to-face meeting, and the production of additional identification materials;

(b) when applicable, contacting a minor's parent or legal representative;

(c) contacting the New Mexico medical board, the New Mexico board of nursing, board of pharmacy, or other licensing agencies to verify that the practitioner is licensed to practice and prescribe controlled substances in New Mexico and is in good standing; and

(d) contacting the practitioner to obtain further documentation to verify that the applicant's medical diagnosis and medical condition qualify the applicant for enrollment in the medical cannabis program.

(2) The department shall approve or deny an application within 30 calendar days of receipt of the completed application. A request by the department for additional information shall toll this period until such time as the requested information is received.

B. Department registry identification card: The department

shall issue a registry identification card within five business days of approving an application. A registry identification card shall include the name, address, and date of birth of the qualified patient and primary caregiver (if any), the date of issuance and expiration, date of the registry identification card, and a code maintained by the program which identifies the qualified patient or primary caregiver. Unless renewed at an earlier date, suspended, or revoked, a registry identification card shall be valid for a period of one year from the date of issuance and shall expire at midnight on the day indicated on the registry identification

card as the expiration date. A registry identification card is the property of the department, and shall be returned to the department upon the disenrollment, suspension, or revocation of a qualified patient or primary caregiver, and upon a change of address, or change of a qualified patient's primary caregiver.

C. Supplemental information requirement: A qualified patient or primary caregiver who possesses a registry identification card shall notify the department of any change in the person's name, address, qualified patient's primary caregiver, or change in status of the qualified patient's debilitating medical condition, within 10 calendar days of the change. Failure to provide notification of any change may result in the immediate revocation of the registry identification card and all lawful privileges provided under the act.

D. Registry identification card application denial: The medical director or designee shall deny an initial application if the application fails to satisfy any requirement of this rule, if the applicant fails to provide the information required, if the department determines that the information provided is false, if the patient does not have a debilitating medical condition eligible for enrollment in the program as determined by the medical director, or if the applicant's certifying provider(s) determine(s) that the use of cannabis by the patient would more likely than not be detrimental to the patient's health. The medical director or designee may also deny an application if the applicant has threatened or harmed an employee of a producer, a medical practitioner, a patient, or an employee of the department. A person whose application has been denied shall not reapply for six months from the date of the denial, unless otherwise authorized by the department, and is prohibited from all lawful privileges provided by this rule and act. A person whose application as a qualified patient or primary caregiver has been denied for failure to complete an application or failure to meet a submittal requirement of this rule may request a record review to be conducted by the medical cannabis program.

E. Registry identification card renewal application: Each registry identification card issued by the department is valid for one year from the date of issuance. A qualified patient or primary caregiver shall apply for a registry identification card renewal no less than 30 calendar days prior to the expiration date of the existing registry identification card in order to prevent interruption of possession of a valid (unexpired) registry identification card. Certifications from certifying

providers must be obtained within 90 calendar days prior to the expiration of the patient's registry identification card.

F. Non-transferable registration of registry identification card: A registry identification card shall not be transferred by assignment or otherwise to other persons. Any attempt shall result in the immediate revocation of the registry identification card and all lawful privileges provided by this rule and act.

G. Automatic expiration of registry identification card by administrative withdrawal: Upon request of the qualified patient or primary caregiver, the qualified patient or primary caregiver may discontinue the medical cannabis program by an administrative withdrawal. A qualified patient or primary caregiver that intends to seek an administrative withdrawal shall notify the licensing authority no later than 30 calendar days prior to withdrawal and return the proof of registry identification to the program.

H. Lost or stolen registry identification card: The qualified patient or primary caregiver shall report a lost or stolen registry identification card to the medical cannabis program within five business days after discovery. Upon notification and receipt of the *information change or replacement card* form provided by the medical cannabis program, and remittance of the fifty dollar (\$50) replacement fee, the medical cannabis program manager or designee shall issue a new registry identification card. The patient or primary caregiver shall verify the accuracy of all documentation in the most recent application. Unless documentation in the most recent application has changed, the qualified patient or primary caregiver shall not be required to submit a new application.

[7.34.3.11 NMAC - Rp, 7.34.3.10 NMAC, 2/27/2015]

7.34.3.12 DENIAL OF AN INITIAL PATIENT OR PRIMARY CAREGIVER APPLICATION:

A. Administrative review: All patient applicants or primary caregivers whose initial application for a registry identification card has been denied may request a record review from the department.

B. Procedure for requesting informal administrative review:

(1) An applicant given notice of an application denial may submit a written request for an administrative review. To be effective, the written request shall:

(a) be made within 30 calendar days, as determined by the postmark, from the

date of the denial notice issued by the department;

(b) be properly addressed to the medical cannabis program;

(c) state the applicant's name, address, and telephone numbers;

(d) state the applicant's proposed status as a qualified patient or primary caregiver;

(e) if the applicant is a potential primary caregiver, state the anticipated date of which service shall commence;

(f) provide a brief narrative rebutting the circumstances of the application denial, and

(g) if applicable, provide supplemental documentation from the applicant's practitioner supporting the debilitating medical condition as eligible for the program.

(2) If the applicant wishes to submit additional documentation for consideration, such additional documentation must be included with the request for an administrative review.

C. Administrative review proceeding: The administrative review proceeding shall be a closed proceeding that is limited to an administrative review of written application materials and documents offered to verify eligibility. The administrative review proceeding is not an adjudicatory hearing, and an individual whose initial application for a registry identification card has been denied shall not be entitled to an adjudicatory hearing to contest the denial. The administrative review shall be conducted by the administrative review committee. In cases where the administrative review committee finds the need for additional or clarifying information, the review committee shall request that the applicant supply such additional information within the time set forth in the committees' request.

D. Final determination:
(1) **Content:** The administrative review committee shall render a written decision setting forth the reasons for the decision and the evidence upon which the decision is based.

(2) **Effect:** The decision of the administrative review committee is the final decision of the informal administrative review proceeding.

(3) **Notice:** A copy of the decision shall be mailed to the applicant.

E. Judicial review: Except as otherwise provided by law, there shall be no right to judicial review of a decision by the administrative review

committee.

[7.34.3.12 NMAC - Rp, 7.34.3.11 NMAC, 2/27/2015]

7.34.3.13 POSSESSION OF USABLE CANNABIS:

A. A qualified patient or primary caregiver shall ensure that all cannabis, cannabis-derived products, and paraphernalia are kept secure and out of reach of children.

B. A qualified patient and primary caregiver shall ensure that all cannabis and cannabis-derived products that are purchased from a licensed non-profit producer remain in the package or container provided by the non-profit entity when not in use. If the package or container is damaged, the product label and any other identifying information from the package or container shall be kept and remain with the cannabis or cannabis-derived product upon transfer to another package or container.

C. A qualified patient or primary caregiver may transfer cannabis and cannabis derived products to an approved laboratory for testing purposes. [7.34.3.13 NMAC - N, 2/27/2015]

7.34.3.14 MONITORING AND CORRECTIVE ACTIONS:

A. Monitoring:
(1) The department or its designee may perform on-site assessments of a qualified patient or primary caregiver to determine compliance with these rules. The department may enter the premises of a qualified patient or primary caregiver during business hours for purposes of monitoring and compliance. 24 hours notice will be provided to the qualified patient or primary caregiver prior to an on-site assessment except when the department has a reasonable suspicion to believe that providing notice will result in the destruction of evidence or that providing such notice will impede the department's ability to enforce these regulations.

(2) All qualified patients or primary caregivers shall provide the department or the department's designee immediate access to any material and information necessary for determining compliance with these requirements.

(3) Failure by the qualified patient or primary caregiver to provide the department access to the premises or information may result in the revocation of the qualified patient or primary caregiver enrollment and referral to state law enforcement.

(4) Any failure by a qualified patient or primary caregiver to adhere to these rules may result in sanction(s), including suspension, revocation, non-renewal, or denial of registration and referral to state or local law

enforcement.

(5) The department may refer complaints involving alleged criminal activity made against a qualified patient or primary caregiver to the appropriate New Mexico state or local authorities.

B. Corrective action:

(1) If violations of these requirements are cited as a result of a monitoring visit, the qualified patient or primary caregiver shall be provided with an official written report of the findings within seven business days following the monitoring visit.

(2) Unless otherwise specified by the department, the qualified patient or primary caregiver shall correct the violation within five calendar days of receipt of the official written report citing the violation(s).

(3) The violation shall not be deemed corrected until the department verifies in writing within seven calendar days of receiving notice of the corrective action that the corrective action is satisfactory.

(4) If the violation has not been corrected, the program manager or designee may issue a notice of contemplated action to revoke the enrollment of the qualified patient.

C. Suspension of enrollment without prior hearing: If immediate action is required to protect the health and safety of the general public, the qualified patient or primary caregivers, the medical cannabis program manager or designee may suspend the qualified patient or primary caregiver's enrollment in the medical cannabis program without notice.

(1) A qualified patient or primary caregiver whose enrollment has been summarily suspended is entitled to an administrative review not later than 30 calendar days after the enrollment is summarily suspended.

(2) An administrative review requested subsequent to a summary suspension shall be conducted by the administrative review committee.

(3) The administrative review committee shall conduct the administrative review on the summary suspension by reviewing all documents submitted by both the participant and the department.

(4) The administrative review is not an adjudicatory hearing; rather, the sole issue in an administrative review of a summary suspension is whether the individual's enrollment shall remain suspended pending a final administrative adjudicatory hearing and decision.

(5) An enrollee given notice of summary suspension by the

medical cannabis program may submit a written request for an administrative review. To be effective, the written request shall:

(a) be made within 30 calendar days, as determined by the postmark, from the date of the notice issued by the department;

(b) be properly addressed to the medical cannabis program;

(c) state the requestor's name, address, and telephone numbers;

(d) provide a brief narrative rebutting the circumstances of the suspension; and

(e) be accompanied by any additional documentation offered in support of the request.

[7.34.3.14 NMAC - Rp, 7.34.3.12 NMAC, 2/27/2015]

7.34.3.15 PROHIBITIONS, RESTRICTIONS AND LIMITATIONS ON THE USE OF CANNABIS BY QUALIFIED PATIENTS:

Participation in the medical cannabis program by a qualified patient or primary caregiver does not relieve the qualified patient or primary caregiver from:

A. criminal prosecution or civil penalties for activities not authorized in this rule and act;

B. criminal prosecution or civil penalties for fraudulent representation to a law enforcement officer about the person's participation in the program to avoid arrest or prosecution;

C. liability for damages or criminal prosecution arising out of the operation of a vehicle while under the influence of cannabis or cannabis-derived products; or

D. criminal prosecution or civil penalty for possession, distribution, transfer, or use of cannabis or a cannabis-derived product:

(1) in a school bus or public vehicle;

(2) on school grounds or property;

(3) in the workplace of the qualified patient's or primary caregiver's employment;

(4) at a public park, recreation center, youth center, or other public place;

(5) to a person not approved by the department pursuant to this rule;

(6) outside New Mexico or attempts to obtain or transport cannabis, or cannabis-derived products from outside New Mexico; or

(7) that exceeds the allotted amount of usable medical

cannabis, or cannabis-derived products.
[7.34.3.15 NMAC - Rp, 7.34.3.13 NMAC,
2/27/2015]

**7.34.3.16 DISCIPLINARY
ACTIONS AND APPEAL PROCESS:**

A. Grounds for

disciplinary action: Disciplinary action may be taken against a qualified patient, patient-applicant, primary caregiver, or primary caregiver-applicant. Disciplinary action may include revocation, suspension, or denial, summary suspension, summary revocation, and other action. Disciplinary action may be imposed for:

(1) failure to comply with or satisfy any provision of this rule;

(2) falsification or misrepresentation of any material or information submitted to the department;

(3) failing to allow or impeding a monitoring visit by authorized representatives of the department;

(4) failure to adhere to any acknowledgement, verification, or other representation made to the department;

(5) failure to submit or disclose information required by this rule or otherwise requested by the department;

(6) failure to correct any violation of this rule cited as a result of a monitoring visit;

(7) diversion of cannabis or a cannabis-derived product, as determined by the department;

(8) threatening or harming a patient, a medical practitioner, or an employee of the department;

(9) for primary caregivers: any determination by the primary caregiver's licensing body that the primary caregiver has engaged in unprofessional or dishonorable conduct;

(10) for primary caregivers: conviction of the primary caregiver of any of the disqualifying convictions identified by department rule;

(11) for patients: failure of the patient to satisfy any criterion identified as a prerequisite to eligibility for a condition approved by the department;

(12) for patients: if a certifying provider of the patient determines that the use of cannabis by the patient would more likely than not be detrimental to the patient's health; and

(13) any other basis identified in this rule.

B. Request for hearing:

A qualified patient or primary caregiver who is the subject of disciplinary action, or an applicant who has received a notice of contemplated action to deny their

application for any reason other than failure to submit a completed application or failure to meet a submittal requirement of this rule, may request a hearing in writing. The appellant shall file the request for hearing within 30 calendar days of the date the action is taken or the notice of contemplated action is received. The request shall:

(1) be properly addressed to the medical cannabis program;

(2) state the requestor's name, address, and telephone numbers; and

(3) include a statement of the issues that the appellant considers relevant to the review of the action.

C. Hearing process:

(1) All formal adjudicatory hearings held pursuant to this regulation shall be conducted by a hearing examiner appointed by the secretary.

(2) Hearings shall be conducted in Santa Fe, New Mexico, or, with the consent of the parties, at another location.

(3) Due to federal and state laws regarding the confidentiality of protected health information, all hearings held pursuant to this section shall be closed to the public.

(4) The hearing shall be recorded on audiotape or other means of sound reproduction.

(5) Any hearing provided for in this rule may be held telephonically, with the consent of the parties.

D. Scheduling:

The department shall schedule and hold the hearing no later than 60 calendar days from the date the department receives the appellant's request for hearing. The hearing examiner may extend the 60 day time period for good cause shown, or the parties may extend that period by mutual agreement. The department shall issue notice of the hearing, which shall include:

(1) a statement of the time, place, and nature of the hearing;

(2) a statement of the legal authority and jurisdiction under which the hearing is to be held; and

(3) a short and plain statement of the subject of the hearing.

E. Presentation of

evidence: All parties shall be given the opportunity to respond and present evidence and argument on relevant issues.

F. Record of proceeding:

The record of the proceeding shall include the following:

(1) all pleadings, motions, and rulings;

(2) evidence and briefs received or considered;

(3) a statement of

any matters officially noticed;

(4) offers of proof, objections, and rulings thereon;

(5) proposed findings and conclusions; and

(6) any action recommended by the hearing examiner.

G. Audio recording: A party may request a copy of the audio recording of the proceedings.

H. Procedures and evidence:

(1) a party may be represented by a person licensed to practice law in New Mexico or a non-lawyer representative, or may represent himself or herself;

(2) the rules of evidence as applied in the courts do not apply in these proceedings; any relevant evidence shall be admitted; irrelevant, immaterial, or unduly repetitious evidence may be excluded;

(3) the experience, technical competence, and specialized knowledge of the hearing examiner, the department or the department's staff may be used in the evaluation of evidence;

(4) an appellant's failure to appear at the hearing at the date and time noticed for the hearing shall constitute a default.

I. Conduct of proceeding: Unless the hearing examiner determines a different procedure to be appropriate, the hearing shall be conducted as follows:

(1) the appellant may present an opening statement and the department may present an opening statement or reserve the statement until presentation of its case;

(2) upon conclusion of any opening statements, the appellant shall present his or her case;

(3) upon the conclusion of the appellant's case, the department shall present its case;

(4) upon conclusion of either party's case, the opposing party may present rebuttal evidence; and

(5) after presentation of the evidence by the parties, the parties may present closing arguments.

J. Burden of proof: The appellant bears the burden of establishing by a preponderance of the evidence that the decision made or proposed by the department should be reversed or modified.

K. Continuances: The hearing examiner may grant a continuance for good cause shown. A motion to continue a hearing shall be made at least 10 calendar days before the hearing date.

L. Telephonic hearings:

(1) any party requesting a telephonic hearing shall do so no less than 10 business days prior to the date of the hearing; notice of the telephonic hearing shall be given to all parties and shall include all necessary telephone numbers;

(2) failure of an appellant to provide their correct telephone number or failure to be available at the commencement of the hearing shall be treated as a failure to appear and shall constitute a default;

(3) the in-person presence of some parties or witnesses at the hearing shall not prevent the participation of other parties or witnesses by telephone with prior approval of the hearing examiner.

M. Recommended action and final decision:

(1) the parties may submit briefs including findings of fact and conclusions of law for consideration by the hearing examiner;

(2) no later than 30 calendar days after the last submission by a party, the hearing examiner shall prepare and submit to the secretary a written recommendation of action to be taken by the secretary; the recommendation shall propose sustaining, reversing, or modifying the proposed action of the department;

(3) the secretary shall issue a final written decision accepting or rejecting the hearing examiner's recommendation in whole or in part no later than 30 calendar days after receipt of the hearing examiner's recommendation; the final decision shall identify the final action taken; service of the secretary's final decision shall be made upon the appellant by registered or certified mail;

(4) the final decision or order shall be made a part of the patient or primary caregiver's file with the medical cannabis program.

[7.34.3.16 NMAC - Rp, 7.34.3.14 NMAC, 2/27/2015]

7.34.3.17 EXEMPTION FROM STATE CRIMINAL AND CIVIL PENALTIES FOR THE MEDICAL USE OF CANNABIS:

A. Possession of, or application for, a registry identification card shall not constitute probable cause or give rise to reasonable suspicion for any governmental agency to search the person or property of the person possessing or applying for the card.

B. A qualified patient shall not be subject to arrest, prosecution, or penalty in any manner by the state of New Mexico or a political subdivision thereof for the possession of or the use of medical cannabis if the quantity of cannabis, concentrates, or cannabis-derived products

does not exceed an adequate supply as defined by rule.

C. A primary caregiver shall not be subject to arrest, prosecution, or penalty in any manner for the possession of cannabis by the state of New Mexico, or a political subdivision thereof, for the medical use by the qualified patient if the quantity of cannabis, concentrates, or cannabis-derived products does not exceed an adequate supply as defined by rule.

D. A qualified patient or a primary caregiver shall be granted the full legal protections provided under the Lynn and Erin Compassionate Use Act, Section 26-2B-1 *et seq.*, NMSA 1978, by the state of New Mexico if the qualified patient or primary caregiver is in possession of a valid registry identification card. If the qualified patient or primary caregiver is not in possession of a valid registry identification card, the qualified patient or primary caregiver shall be given an opportunity to produce the registry identification card before any arrest, or criminal charges, or other penalties are initiated.

E. A practitioner shall not be subject to arrest or prosecution, penalized in any manner, or denied any right or privilege by the state of New Mexico, or political subdivision thereof, for recommending the medical use of cannabis, or providing written certification for the medical use of cannabis pursuant to this rule and the act.

F. Any property interest that is possessed, owned, or used in connection with the medical use of cannabis, or acts incidental to such use, shall not be harmed, neglected, injured, or destroyed while in the possession of New Mexico state or local law enforcement officials. Any such property interest shall not be forfeited under any New Mexico state or local law providing for the forfeiture of property except as provided in the Forfeiture Act. Cannabis, cannabis-derived products, paraphernalia, or other property seized from a qualified patient or primary caregiver in connection with the claimed medical use of cannabis shall be returned immediately upon the determination by a court or prosecutor that the qualified patient or primary caregiver is entitled to the protections of the provisions of this rule and the act, as may be evidenced by a failure to actively investigate the case, a decision not to prosecute, the dismissal of charges, or acquittal.

G. A person shall not be subject to arrest or prosecution by the state of New Mexico, or political subdivision thereof, for a cannabis-related offense for being in the presence of the medical use of cannabis as permitted under the provisions of this rule and the act.

[7.34.3.17 NMAC - Rp, 7.34.3.15 NMAC,

2/27/2015]

7.34.3.18 QUALIFIED PATIENT, PRIMARY CAREGIVER, AND MEDICAL PROVIDER

CONFIDENTIALITY: The department shall maintain a confidential file containing the names and contact information of the persons who have either applied for or received a registry identification card, as well as the names and contact information of certifying and diagnosing providers.

A. Patient applicants and qualified patients: Names and contact information regarding a qualified patient or patient-applicant shall be confidential and shall not be subject to disclosure, except:

(1) to employees or agents of the department as necessary to perform the duties of the department pursuant to the provisions of this rule and the act;

(2) to employees of New Mexico state or local law enforcement agencies, for the purpose of verifying that a person is lawfully enrolled in the medical cannabis program, or in the event that the medical cannabis program manager or designee has reason to believe that a qualified patient or patient-applicant may have violated an applicable law; and

(3) as provided in the federal Health Insurance Portability and Accountability Act (HIPAA) of 1996 and applicable state and federal regulations.

B. Primary caregivers and certifying providers: Names and contact information regarding a primary caregiver or medical provider shall be confidential and shall not be subject to disclosure, except:

(1) to applicable licensing bodies, for the purpose of verifying the practitioner's licensure status, or in the event that the medical cannabis program manager or designee has reason to believe that a practitioner may have violated licensing requirements or an applicable law;

(2) to employees of New Mexico state or local law enforcement agencies, in the event that the medical cannabis program manager or designee has reason to believe that a primary caregiver or medical provider may have violated an applicable law; and

(3) as provided in the federal HIPAA of 1996 and applicable state and federal regulations.

[7.34.3.18 NMAC - Rp, 7.34.3.16 NMAC, 2/27/2015]

7.34.3.19 DISPOSAL OF UNUSED CANNABIS: Unused cannabis, concentrate, or cannabis-derived product in the possession of a qualified patient or primary caregiver that is no longer needed for the patient's needs may be disposed

of by transporting the unused portion to a state or local law enforcement office, or by destroying the unused cannabis. Transfer to a qualified patient, primary caregiver, or nonprofit entity is prohibited.
[7.34.3.19 NMAC - Rp, 7.34.3.17 NMAC, 2/27/2015]

7.34.3.20 PROGRAM COOPERATION WITH LAW ENFORCEMENT:

A. The medical cannabis program shall be accessible via telephone 24-hours per day for state and local law enforcement to contact the program to determine the enrollment status of a patient, consistent with this rule, and shall make available a telephone number for this purpose. State and local law enforcement may obtain this telephone number by contacting the medical cannabis program’s main number, or by visiting the medical cannabis program website.

B. The medical cannabis program shall cooperate with state and local law enforcement to provide education and training regarding the Lynn and Erin Compassionate Use Act and department rules.
[7.34.3.20 NMAC - N, 2/27/2015]

7.34.3.21 SEVERABILITY:

If any part or application of these rules is held to be invalid, the remainder or its application to other situations or persons shall not be affected. Failure to promulgate rules or implement any provision of these rules shall not interfere with the remaining protections provided by these rules and the act.
[7.34.3.21 NMAC - Rp, 7.34.3.19 NMAC, 2/27/2015]

HISTORY OF 7.34.3 NMAC:

History of Repealed Material:

7.34.3 NMAC, Registry Identification Cards (filed 12/01/2008) repealed 12/30/2010.
7.34.3 NMAC, Registry Identification Cards (filed 12/16/2010) repealed 2/27/2015.

NMAC History:

7.34.3 NMAC, Registry Identification Cards (filed 12/01/2008) was and replaced by 7.34.3 NMAC, Registry Identification Cards, effective 12/30/2010.
7.34.3 NMAC, Registry Identification Cards (filed 12/16/2010) was replaced by 7.34.3 NMAC, Registry Identification Cards, effective 2/27/2015.

NEW MEXICO DEPARTMENT OF HEALTH

**TITLE 7 HEALTH
CHAPTER 34 MEDICAL USE OF CANNABIS
PART 4 LICENSING REQUIREMENTS FOR PRODUCERS, COURIERS, MANUFACTURERS AND LABORATORIES**

7.34.4.1 ISSUING AGENCY:

New Mexico Department of Health, Medical Cannabis Program.
[7.34.4.1 NMAC - Rp, 7.34.4.1 NMAC, 2/27/2015]

7.34.4.2 SCOPE:

This rule applies to all licensed producers of medical use cannabis, defined in Section 26-2B-3 (D) NMSA 1978 as “any person or association of persons within New Mexico that the department determines to be qualified to produce, possess, distribute, and dispense cannabis pursuant to the Lynn and Erin Compassionate Use Act and that is licensed by the department.”
[7.34.4.2 NMAC - Rp, 7.34.4.2 NMAC, 2/27/2015]

7.34.4.3 STATUTORY AUTHORITY:

The requirements set forth herein are promulgated by the secretary of the department of health (DOH) pursuant to the authority granted under Section 9-7-6 (E) NMSA 1978, and the Lynn and Erin Compassionate Use Act, 26-2B-1 *et seq.*, NMSA 1978. Although federal law currently prohibits any use of cannabis, the laws of several states permit the medical use and cultivation of cannabis. New Mexico joins this effort to provide for the health and welfare of its citizens. New Mexico adopts these regulations to accomplish the purpose of the Lynn and Erin Compassionate Use Act as stated in Section 26-2B-2 NMSA 1978, “to allow for the beneficial use of medical cannabis in a regulated system for alleviating symptoms caused by debilitating medical conditions and their medical treatments,” while at the same time ensuring proper enforcement of any criminal laws for behavior that has been deemed illicit by the state.
[7.34.4.3 NMAC - Rp, 7.34.4.3 NMAC, 2/27/2015]

7.34.4.4 DURATION:

Permanent.
[7.34.4.4 NMAC - Rp, 7.34.4.4 NMAC, 2/27/2015]

7.34.4.5 EFFECTIVE DATE:

February 27, 2015, unless a later date is cited at the end of a section.

[7.34.4.5 NMAC - Rp, 7.34.4.5 NMAC, 2/27/2015]

7.34.4.6 OBJECTIVE:

Ensuring the safe production, distribution, and dispensation of cannabis for the sole purpose of medical use for alleviating symptoms caused by debilitating medical conditions in a regulated system.
[7.34.4.6 NMAC - Rp, 7.34.4.6 NMAC, 2/27/2015]

7.34.4.7 DEFINITIONS:

A. “Act” means the Lynn and Erin Compassionate Use Act, NMSA 1978, Sections 26-2B-1 through 26-2B-7.

B. “Adequate supply” means an amount of cannabis, derived solely from an intrastate source and in a form approved by the department, that is possessed by a qualified patient or collectively possessed by a qualified patient and the qualified patient’s primary caregiver, that is determined by the department to be no more than reasonably necessary to ensure the uninterrupted availability of cannabis for a period of three months or 90 consecutive calendar days.

C. “Administrative review committee” means an intra-department committee that reviews qualified patient or primary caregiver application denials, licensed producer denials made by the program manager, or the imposition of a summary suspension, in accordance with department rules. The administrative review committee shall consist of the chief medical officer of the department (or that’s person’s designee); a deputy secretary of the department (or that person’s designee), and the chief nursing officer of the department (or that person’s designee).

D. “Administrative withdrawal” means the procedure for the voluntary withdrawal of a qualified patient or primary caregiver from the medical cannabis program.

E. “Advisory board” means the medical cannabis advisory board consisting of eight practitioners representing the fields of neurology, pain management, medical oncology, psychiatry, infectious disease, family medicine, and gynecology.

F. “Applicant” means any person applying for enrollment or re-enrollment in the medical cannabis program as a qualified patient, primary caregiver, or licensed producer.

G. “Approved laboratory” means a laboratory that has been approved by the department specifically for the testing of cannabis, concentrates, and cannabis derived products.

H. “Batch” means, with regard to usable cannabis, a homogenous,

identified quantity of cannabis harvested during a specified time period from a specified cultivation area, and with regard to concentrated and cannabis-derived product, means an identified quantity that is uniform, that is intended to meet specifications for identity, strength, and composition, and that is manufactured, packaged, and labeled during a specified time period according to a single manufacturing, packaging, and labeling protocol.

I. “Cannabidiol (“CBD”)” is a cannabinoid and the primary non-psychoactive ingredient found in cannabis.

J. “Cannabis” means all parts of the plant, cannabis sativa, and cannabis indica, whether growing or not and the resin extracted from any part of the plant.

K. “Cannabis-derived product” means a product, other than cannabis itself, which contains or is derived from cannabis, not including hemp.

L. “Concentrated cannabis-derived product (“concentrate”)” means a cannabis-derived product that is manufactured by a mechanical or chemical process that separates any cannabinoid from the cannabis plant, and that contains (or that is intended to contain at the time of sale or distribution) no less than thirty-percent (30%) THC by weight.

M. “Courier” means a person or entity that transports usable cannabis within the state of New Mexico from a licensed non-profit producer to a qualified patient or primary caregiver.

N. “Debilitating medical condition” means:

- (1) cancer;
- (2) glaucoma;
- (3) multiple

sclerosis;

- (4) damage

to the nervous tissue of the spinal cord, with objective neurological indication of intractable spasticity;

- (5) epilepsy;
- (6) positive

status for human immunodeficiency virus or acquired immune deficiency syndrome;

- (7) admission

into hospice care in accordance with rules promulgated by the department; or

- (8) any other

medical condition, medical treatment, or disease as approved by the department which results in pain, suffering, or debility for which there is credible evidence that medical use cannabis could be of benefit.

O. “Department” means the department of health or its agent.

P. “Facility” means any building, space, or grounds licensed for the production, possession, testing,

manufacturing, or distribution of cannabis, concentrates, or cannabis-derived products.

Q. “Intrastate” means existing or occurring within the state boundaries of New Mexico.

R. “Laboratory applicant” means a laboratory that seeks to become an approved laboratory, or that seeks renewal of approval as an approved laboratory, in accordance with this rule.

S. “License” means the document issued by the department granting the legal right to produce medical cannabis for a specified period of time.

T. “Licensed producer” means a person or entity licensed to produce medical cannabis.

U. “Licensure” means the process by which the department grants permission to an applicant to produce cannabis.

V. “Lot” means an identified portion of a batch, that is uniform and that is intended to meet specifications for identity, strength, and composition; or, in the case of a cannabis-derived product or concentrate, an identified quantity produced in a specified period of time in a manner that is uniform and that is intended to meet specifications for identity, strength, and composition.

W. “Male plant” means a male cannabis plant.

X. “Manufacture” means to make or otherwise produce cannabis-derived product or concentrate.

Y. “Manufacturer” means a business entity that manufactures cannabis-derived product that has been approved for this purpose by the medical cannabis program.

Z. “Mature female plant” means a harvestable female cannabis plant that is flowering.

AA. “Medical cannabis program” means the administrative body of the department charged with the management of the medical cannabis program and enforcement of program regulations, to include issuance of registry identification cards, licensing of producers, and regulation of manufacturing and distribution.

BB. “Medical cannabis program manager” means the administrator of the medical cannabis program who holds that title.

CC. “Medical director” means a medical practitioner designated by the department to determine whether the medical condition of an applicant qualifies as a debilitating medical condition eligible for enrollment in the program, and to perform other duties.

DD. “Medical provider certification for patient eligibility form” means a written certification form provided

by the medical cannabis program signed by a patient’s practitioner that, in the practitioner’s professional opinion, the patient has a debilitating medical condition as defined by the act or this part and would be anticipated to benefit from the use of cannabis.

EE. “Minor” means an individual less than 18 years of age.

FF. “Paraphernalia” means any equipment, product, or material of any kind that is primarily intended or designed for use in compounding, converting, processing, preparing, inhaling, or otherwise introducing cannabis or its derivatives into the human body.

GG. “Patient enrollment/re-enrollment form” means the registry identification card application form for patient applicants provided by the medical cannabis program.

HH. “Personal production license” means a license issued to a qualified patient participating in the medical cannabis program, to permit the qualified patient to produce medical cannabis for the qualified patient’s personal use, consistent with the requirements of department rule.

II. “Petitioner” means any New Mexico resident or association of New Mexico residents petitioning the advisory board for the inclusion of a new medical condition, medical treatment, or disease to be added to the list of debilitating medical conditions that qualify for the use of cannabis.

JJ. “Plant” means any cannabis plant, cutting, or clone that has roots or that is cultivated with the intention of growing roots.

KK. “Policy” means a written statement of principles that guides and determines present and future decisions and actions of the licensed producer.

LL. “Practitioner” means a person licensed in New Mexico to prescribe and administer drugs that are subject to the Controlled Substances Act, Sections 30-31-1 *et seq.*, NMSA 1978.

MM. “Primary caregiver” means a resident of New Mexico who is at least 18 years of age and who has been designated by the qualified patient or their representative and the patient’s practitioner as being necessary to take responsibility for managing the well-being of a qualified patient with respect to the medical use of cannabis pursuant to the provisions of the Lynn and Erin Compassionate Use Act, Section 26-2B-1 *et seq.*, NMSA 1978.

NM. “Primary caregiver application form” means the registry identification card application form provided by the medical cannabis program.

OO. “Private entity” means a private, non-profit organization that applies to become or is licensed as

a producer and distributor of cannabis, concentrates, or cannabis-derived products.

PP. “Proficiency testing” means testing conducted by the department or its agent to determine the ability of a laboratory applicant or approved laboratory to accurately identify presence, quantity, or other factors pertaining to a given analyte.

QQ. “Qualified patient” means a resident of New Mexico who has been diagnosed by a practitioner as having a debilitating medical condition and has received a registry identification card issued pursuant to the requirements of the act or department rules.

RR. “Registry identification card” means a document issued and owned by the department which identifies a qualified patient authorized to engage in the use of cannabis for a debilitating medical condition or a document issued by the department which identifies a primary caregiver authorized to engage in the intrastate possession and administration of cannabis for the sole use of the qualified patient.

SS. “Representative” means an individual designated as the applicant’s or petitioner’s agent, guardian, surrogate, or other legally appointed or authorized health care decision maker.

TT. “Secretary” means the secretary of the New Mexico department of health.

UU. “Secure grounds” means a facility that provides a safe environment to avoid loss or theft.

VV. “Security alarm system” means any device or series of devices capable of alerting law enforcement, including, but not limited to, a signal system interconnected with a radio frequency method such as cellular, private radio signals, or other mechanical or electronic device used to detect or report an emergency or unauthorized intrusion.

WW. “Security policy” means the instruction manual or pamphlet adopted or developed by the licensed producer containing security policies, safety and security procedures, and personal safety and crime prevention techniques.

XX. “Seedling” means a cannabis plant that has no flowers.

YY. “Segregate” means to separate and withhold from use or sale batches, lots, cannabis, usable cannabis, or cannabis-derived products in order to first determine its suitability for use through testing by an approved laboratory.

ZZ. “THC” means tetrahydrocannabinol, a cannabinoid that is the primary psychoactive ingredient in cannabis.

AAA. “Technical evidence” means scientific, clinical, medical, or other specialized testimony, or evidence, but

does not include legal argument, general comments, or statements of policy or position concerning matters at issue in the hearing.

BBB. “Testing” means the process and procedures provided by an approved laboratory for testing of cannabis and cannabis derived products, consistent with provisions of this rule.

CCC. “Unit” means a quantity of usable cannabis, concentrate, or cannabis-derived product that is used in identifying the maximum supply that a qualified patient may possess for purposes of department rules.

DDD. “Usable cannabis” means the dried leaves and flowers of the female cannabis plant and cannabis-derived products, including concentrates, but does not include the seeds, stalks, or roots of the plant.
[7.34.4.7 NMAC - Rp, 7.34.4.7 NMAC, 2/27/2015]

7.34.4.8 PRODUCER LICENSING; GENERAL PROVISIONS:

A. The department may license two classes of producers:

(1) A qualified patient who holds a valid personal production license. A qualified patient who holds a valid personal production license is authorized to possess no more than four mature female plants and a combined total of 12 seedlings and male plants, and may possess no more than an adequate supply of usable cannabis, as specified in department rule. A personal production license holder may additionally obtain usable cannabis, seeds, or plants from licensed non-profit producers. The primary caregiver of a qualified patient who holds a personal production license may assist the qualified patient to produce medical cannabis at the designated licensed location that is identified on the personal production license; the primary caregiver may not independently produce medical cannabis.

(2) A non-profit producer that operates a facility and, at any one time, is limited to a combined total of no greater than 450 mature female plants, seedlings and male plants, and an inventory of usable cannabis and seeds that reflects current patient needs, and that shall sell cannabis with a consistent unit price, without volume discounts or promotional sales based on the quantity purchased. A non-profit producer shall not possess a quantity of either mature female plants or seedlings and male plants that exceeds the quantities authorized by their licensure and associated licensing fee. A licensed non-profit producer may sell and distribute usable cannabis to a person or entity authorized to possess and receive it.

A licensed non-profit producer may obtain plants, seeds and usable cannabis from other licensed non-profit producers.

B. Limitation on distribution: A non-profit producer shall not knowingly sell or otherwise distribute usable cannabis to any person or entity that is not authorized to possess and receive the usable cannabis pursuant to department rules.

C. Processing of production applications:

(1) The issuance of an application is in no way a guarantee that the completed application will be accepted or that a license will be granted. Information provided by the applicant and used by the licensing authority for the licensing process shall be accurate and truthful. Any applicant that fails to participate in good faith or that falsifies information presented in the licensing process shall have its application denied by the department.

(2) The number of licenses issued by the department to non-profit private entities, and the determination of which non-profit entities shall be licensed, shall be determined at the discretion of the secretary, which determination shall constitute the final administrative decision of the department.

(3) A non-profit producer whose application for licensure is not approved shall not be entitled to further administrative review.

D. Factors considered: The secretary shall consider the overall health needs of qualified patients and the safety of the public in determining the number of licenses to be issued to non-profit private entities and shall further consider:

(1) the sufficiency of the overall supply available to qualified patients statewide;

(2) the service location of the applicant;

(3) the applicant’s production plan, including but not limited to the applicant’s plan for the growth, cultivation, and harvesting of medical cannabis;

(4) the applicant’s sales and distribution plan, including but not limited to the applicant’s plan for sale of medical cannabis, plan for delivery (if any) to qualified patients, and the forms of usable cannabis and cannabis-derived products to be sold or distributed;

(5) the applicant’s skill and knowledge of horticulture and cannabis production technology, as well as the applicant’s knowledge of current good manufacturing practice in manufacturing, packaging, labeling, or holding operations for dietary supplements; environmental protection agency agricultural worker

protection standards; and New Mexico department of agriculture (NMDA) pesticide registration, licensing and use requirements to ensure a safe product and environment;

(6) the applicant's plan for the manufacture or distribution of cannabis derived products, including but not limited to edible products;

(7) the security plan proposed, including location, security devices employed, and staffing;

(8) the applicant's quality assurance plan, including but not limited to the applicant's plan to ensure purity, consistency of dose, as well as the applicant's plan for routine testing by a department approved laboratory;

(9) the experience and expertise of the non-profit board members;

(10) the financial resources available to the applicant for licensure and operations;

(11) the facilities available to the applicant for production, distribution, storage, and other purposes, and the applicant's ownership of the property, buildings, or other facilities identified in the production and distribution plan, as applicable; and

(12) other relevant factors.

E. Production and distribution of medical cannabis by a licensed non-profit producer; use of couriers:

Production and distribution of medical cannabis by a licensed non-profit producer to a qualified patient or primary caregiver shall take place at locations described in the non-profit producer's production and distribution plan approved by the department, and shall not take place at locations that are within 300 feet of any school, church, or daycare center. For purposes of this rule, delivery to the residence of a qualified patient or primary caregiver shall not be deemed "distribution". A licensed non-profit producer may, consistent with this rule, and with the consent of a purchasing qualified patient or primary caregiver, utilize an approved courier to transport usable cannabis to a qualified patient or primary caregiver, and may for this purpose share with an approved courier the contact information of the purchasing qualified patient or primary caregiver. A licensed non-profit producer shall not identify any person as an intended recipient of usable cannabis who is not either a qualified patient or primary caregiver.

F. Verification of application information: The department may verify information contained in each application and accompanying documentation by:

(1) contacting the applicant by telephone, mail, or electronic mail;

(2) conducting an on-site visit;

(3) requiring a face-to-face meeting and the production of additional identification materials if proof of identity is uncertain; and

(4) requiring additional relevant information as the department deems necessary.

G. Cooperation with the department: Upon submitting an application, an applicant shall fully cooperate with the department and shall timely respond to requests for information or documentation. Failure to cooperate with a request of the department may result in the application being denied or otherwise declared incomplete.

H. Criminal history screening requirements: All persons associated with a licensed non-profit producer or non-profit producer-applicant, manufacturer or manufacturer-applicant, approved laboratory or laboratory applicant, and approved courier or courier-applicant, shall consent to and undergo a nationwide and department of public safety (DPS) statewide criminal history screening background check. This includes qualified patients, board members, persons having direct or indirect authority over management or policies, employees, contractors, and agents. Background check documentation shall be submitted annually for approval to the department with the applicant's renewal materials and prior to an individual assuming any duties or responsibilities for a non-profit producer, manufacturer, laboratory, or courier. Background check documentation shall be received by the medical cannabis program, and the individual shall be approved by the program, before the individual begins to provide any work or services to the producer, manufacturer, laboratory, or courier.

(1) **Criminal history screening fees:** All applicable fees associated with the nationwide and DPS statewide criminal history screening background checks shall be paid by the non-profit producer, manufacturer, laboratory, courier, or applicant.

(2) **Disqualifying convictions:** Individuals convicted of a felony violation of Section 30-31-20 (trafficking of a controlled substance); 30-31-21 (distributing a controlled substance to a minor); 30-31-22 NMSA 1978 (distributing a controlled substance); or a violation of any equivalent federal statute or equivalent statute from any other jurisdiction, shall be prohibited from participating or being associated with either

a non-profit producer licensed under this rule, an approved laboratory, an approved manufacturer, or an approved courier. If an individual has been convicted of a felony violation of the NM Controlled Substances Act other than Sections 30-31-20 through 30-31-22 NMSA 1978, or has been convicted of any equivalent federal statute or equivalent statute from any other jurisdiction, and the final completion of the entirety of the associated sentence of such conviction has been less than five years from the date of the individual's anticipated association with the production facility, then the individual shall be prohibited from serving on the board of a licensed non-profit producer, or working for the licensed producer, or approved entity. An individual who is disqualified shall be notified of his or her disqualification. If an individual has been convicted of more than one felony violation of the above-cited sections of the NM Controlled Substances Act or an equivalent federal statute or equivalent statute from any other jurisdiction, the individual shall be notified that he or she is permanently prohibited from participating or being associated with a licensed non-profit producer, approved manufacturer, approved laboratory, or approved courier. Any violation of this subsection shall result in the immediate revocation of any privilege granted under this rule and the act.

I. Board membership requirements for private entities: The board of directors for a private non-profit applicant or licensee shall include at a minimum five voting members, including one medical provider limited to a physician (MD or DO), a registered nurse, nurse practitioner, licensed practical nurse, or physician assistant, and three patients currently qualified under the Lynn and Erin Compassionate Use Act.

(1) for purposes of board membership, a single individual may not qualify as both the patient and as the medical provider;

(2) members of the board of directors for a non-profit producer shall be residents of New Mexico; and

(3) no member of a non-profit producer's board of directors may at any given time serve on more than one single board of directors for licensed non-profit producers, or be employed by another non-profit producer.

J. Limitation on number of production facilities: A licensed non-profit producer shall conduct its production operations at a single, physical location approved by the department. An additional production facility or facilities may be allowed at the department's discretion if the non-profit producer is approved to grow more than 150 plants.

K. Limitation on sales within 90 consecutive calendar days: A licensed non-profit producer shall not sell or distribute usable cannabis to a qualified patient or primary caregiver in a total quantity that exceeds 230 units, as described in department rules concerning patient registry identification cards, within any 90-day period, unless the qualified patient or primary caregiver presents proof of a valid medical exception granted by the department.

L. Maximum concentration of THC in concentrates: A licensed non-profit producer shall not sell or otherwise distribute a concentrated cannabis derived product to a qualified patient or primary caregiver that contains greater than seventy percent (70%) THC by weight, unless the qualified patient or primary caregiver presents proof of a valid medical exception granted by the department.

M. Maximum water content in dried usable cannabis: A licensed non-profit producer shall not sell usable cannabis, other than a cannabis derived product, that contains fifteen percent (15%) or greater water content by weight. A licensed non-profit producer may be subject to testing to ensure compliance, consistent with the provisions of this rule.

N. Non-profit producer policies and procedures: The non-profit producer shall develop, implement, and maintain on the premises policies and procedures relating to the medical cannabis program, which shall at a minimum include the following:

(1) distribution criteria for qualified patients or primary caregivers appropriate for cannabis services, to include clear, legible photocopies of the registry identification card and New Mexico photo identification card of every qualified patient or primary caregiver served by the private entity;

(2) testing criteria and procedures, which shall be consistent with the testing requirements of this rule;

(3) alcohol and drug-free work place policies and procedures;

(4) an attestation that no firearms will be permitted on any premises used for production or distribution by the non-profit entity;

(5) employee policies and procedures to address the following requirements:

(a) job descriptions or employment contracts developed for every employee that identify duties, authority, responsibilities, qualifications, and supervision; and

(b) training materials concerning adherence to state and federal confidentiality laws.

(6) personnel records for each employee that include an application for employment and a record of any disciplinary action taken;

(7) on-site training curricula, or contracts with outside resources capable of meeting employee training needs, to include, at a minimum, the following topics:

(a) professional conduct, ethics, and patient confidentiality; and

(b) informational developments in the field of medical use of cannabis.

(8) employee safety and security training materials provided to each employee at the time of his or her initial appointment, to include:

(a) training in the proper use of security measures and controls that have been adopted; and

(b) specific procedural instructions regarding how to respond to an emergency, including robbery or a violent accident.

(9) a general written security policy, to address at a minimum:

(a) safety and security procedures;

(b) personal safety; and

(c) crime prevention techniques.

(10) training documentation prepared for each employee and statements signed by employees indicating the topics discussed (to include names and titles of presenters) and the date, time, and place the employee received said training;

(11) a written policy regarding the right of the private entity to refuse service;

(12) a confidentiality policy to ensure that identifying information of qualified patients is not disclosed or disseminated without authorization from the patient, except as otherwise required by the department; and

(13) such other policies or procedures as the department may require.

O. Retention of training

documentation: A non-profit producer shall maintain documentation of an employee's training for a period of at least six months after termination of an employee's employment. Employee training documentation shall be made available within 24 hours of a department representative's request; the 24 hour period shall exclude holidays and weekends.

P. Licensure periods:

(1) Licensure

period for non-profit producers: The licensure period of a licensed non-profit producer shall be from August 1st (or the date of approval of the licensure application, if later) through July 31st of a given year.

(2) **Licensure period for qualified patient producers:**

A qualified patient's personal production license shall expire annually at the end of their enrollment in the NM medical cannabis program.

(3) **Return of a license or identification card:**

Licenses and identification cards issued by the department are the property of the department and shall be returned to the department upon a producer's withdrawal from the program, upon termination of a card holder's employment with a licensed non-profit producer, or upon suspension or revocation.

Q. Amended license:

A licensed producer shall submit to the department an application form for an amended license, and shall obtain approval from the department, at least 30 business days prior to implementing any:

(1) change of location of a qualified patient who also holds a personal production license;

(2) change of location of a non-profit producer's production or distribution facilities, change of directors, change of ownership of production or distribution facilities, private entity name, capacity or any physical modification or addition to the facility; and

(3) substantial change to a private entity's production plan or distribution plan, including any change to the type(s) of products produced or distributed, the private entity's method(s) of distribution, and security plan.

R. Application for renewal of an annual production license:

(1) **Deadline for private entities.** Each licensed non-profit producer shall apply for renewal of its annual license no later than August 1st of each year by submitting a renewal application to the department. The department shall provide the renewal application requirements no later than June 1st of each year.

(2) **Deadline for personal production license holders:**

A patient who holds personal production licensure shall apply for renewal of their annual license no later than 30 days prior to the expiration of the license by submitting a renewal application to the department.

(3) **General submission requirements for qualified patients:**

Qualified patients applying for personal production licensure shall submit:

(a)

an application for issuance or renewal of a personal production license; and

(b) a non-refundable thirty dollar (\$30) application fee, except that the fee may be waived upon a showing that the income of the qualified patient is equal to or lesser than two hundred percent (200%) of the federal poverty guidelines established by the U.S. department of health and human services; and

(c) a fifty dollar (\$50) payment, for replacement of a personal production license. A lost or stolen identification card shall be reported as soon as practicable to the medical cannabis program.

(4) **General submission requirements for private entities:** Private entities shall submit:

(a) an application for renewal of license; and

(b) applicable non-refundable licensure renewal fees.

S. Non-transferable registration of license:

(1) A license shall not be transferred by assignment or otherwise to other persons or locations. Unless the licensed producer applies for and receives an amended license, the license shall be void and returned to the department when any one of the following situations occurs:

(a) ownership of the facility changes;

(b) location change;

(c) change in licensed producer;

(d) the discontinuance of operation; or

(e) the removal of all medical cannabis from the facility by lawful state authority.

(2) Transactions, which do not constitute a change of ownership, include the following:

(a) when applicable, changes in the membership of a corporate board of directors or board of trustees; and

(b) two or more corporations merge and the originally licensed corporation survives.

T. Automatic expiration of license:

(1) A license shall expire at 11:59 p.m. on the day indicated on the license as the expiration date, unless the license was renewed at an earlier date, suspended, or revoked.

(2) A private entity that intends to voluntarily close or is involuntarily closed shall notify the licensing authority no later than 30

calendar days prior to closure. All private non-profit entities shall notify all qualified patients or the primary caregivers prior to expiration of the license. Any unused medical cannabis shall be turned over to local law enforcement, destroyed by the producer, donated to patients, or provided to another non-profit producer to be donated to patients. A producer that destroys medical cannabis shall submit documentation of that destruction to the department.

U. Display of license: The licensed producer shall maintain the license safely at the production location and be able to produce the license immediately upon request by the department or law enforcement.

V. Fees applicable to applicants and licensees:

(1) **Non-profit producer application fee:** A non-profit producer shall submit with its initial application an application fee of ten thousand dollars (\$10,000). If the application is denied, the department shall issue a refund of nine thousand dollars (\$9,000) to the applicant.

(2) **Non-profit producer license fee:** A non-profit producer that is licensed shall submit to the medical cannabis program a non-refundable licensure fee before beginning operations, no earlier than July 1st of each renewal year and no later than August 1st of each renewal year, of: thirty thousand dollars (\$30,000) for the first 150 cannabis plants to be possessed by the non-profit producer, and ten thousand dollars (\$10,000) for each additional quantity of 50 plants thereafter to be possessed, up to a maximum collective total of 450 cannabis plants.

(3) **Transition to revised LNPP fees, plant limits:** A fee that is paid by a non-profit producer for the year 2015 and prior to the adoption of this rule shall be assessed, on a pro-rated basis, towards the fees identified in this section for that licensure year.

(4) **Qualified patient personal production fees:** A qualified patient shall submit with each initial application and renewal application for personal production licensure a fee of thirty dollars (\$30), except that the fee may be waived upon a showing that the income of the qualified patient is equal to or lesser than two hundred percent (200%) of the federal poverty guidelines established by the U.S. department of health and human services; and

(5) **Replacement license fee:** A fifty dollar (\$50) payment is required for replacement of a license.

(6) **Payment:** Fees shall be paid by check, money order, or any other form of payment approved by the medical cannabis program manager

or designee, and shall be made payable to the medical cannabis program of the department.

W. Inventory and sales equipment: The department may require a licensed non-profit producer to utilize specified equipment, software, and services for purposes of tracking inventory, sales, and other information, and for the purpose of reporting that information to the department of health.

[7.34.4.8 NMAC - Rp, 7.34.4.8 NMAC, 2/27/2015]

7.34.4.9 NON-PROFIT PRODUCER TESTING OF USABLE CANNABIS:

All dried usable cannabis and all concentrated cannabis derived products produced, sold, or distributed by a non-profit producer shall be sampled for testing purposes by the licensed non-profit producer, and those samples shall be tested by an approved laboratory, consistent with the requirements of this rule, prior to the sale or distribution of the dried usable cannabis or concentrated cannabis derived product. Each batch of dried usable cannabis or cannabis concentrate shall be segregated and sampled, and each sample shall be tested by an approved laboratory in accordance with the testing requirements of this rule, and determined by the licensed non-profit producer to have passed the following individual testing requirements, before dried usable cannabis or cannabis concentrate from that batch is made available for sale or distribution.

A. Exception; staggered implementation: The department may waive testing requirement(s) of this section, in whole or in part, if the department determines that the number of laboratories approved to conduct a given test is insufficient for all testing samples to be appropriately processed. The department may also adopt and enforce a staggered, random testing schedule for the sampling and testing of dried, usable cannabis and concentrated cannabis derived products by licensed non-profit producers.

B. Exception for previously tested cannabis: A non-profit producer shall not be required to sample and test cannabis or a concentrated cannabis-derived product if the batch was previously sampled, and the sample was tested by another non-profit producer and determined to have passed the testing requirements of this rule.

C. Individual testing requirements:

(1) **Microbiological test:** A non-profit producer shall sample and test dried, usable cannabis and concentrated cannabis derived products for microbiological contaminants, using an approved laboratory.

A dried cannabis sample may be deemed to have passed the microbiological test if it satisfies the standards set forth in Section 2023 of the United States Pharmacopeia (“microbiological attributes of non-sterile nutritional and dietary supplements”), which can be obtained at <http://www.usp.org>.

(2) **Mycotoxin**

test: A non-profit producer shall sample and test dried, usable cannabis and concentrated cannabis derived products for mycotoxins, using an approved laboratory. A sample may be deemed to have passed the mycotoxin test if the total quantity of aflatoxin B1, B2, G1, and G2 and ochratoxin A is collectively less than 20 µg/kg (parts per billion) of the sample.

(3) **Solvent**

residue test: A non-profit producer shall sample and test all concentrated cannabis derived products that are manufactured using solvent extraction methods for the presence of solvent residue, using an approved laboratory. A non-profit producer shall determine on the basis of the solvent residue test results whether the quantity of solvent residue contained within a concentrated cannabis derived product poses a health risk to consumers. A non-profit producer shall not sell or distribute a concentrated cannabis derived product from a batch that is found to contain a quantity of solvent residue that is likely to be harmful to human health.

(4) **Heavy metals**

test: A non-profit producer shall sample and test dried, usable cannabis and concentrated cannabis derived products for heavy metals. A sample may be deemed to have passed the heavy metals test if the total quantity of arsenic is less than 0.14 µg/kg (parts per billion); if the total quantity of cadmium is less than 0.09 µg/kg; if the total quantity of lead is less than 0.29 µg/kg; and if the total quantity of mercury is less than 0.29 µg/kg. Exception: a non-profit producer that grows cannabis in a hydroponic system utilizing either a municipal water supply or a water filtering system sufficient to filter the contaminants identified above shall not be subject to heavy metals test requirements.

(5) **Quantity of**

THC and CBD: A non-profit producer shall sample and test all dried usable cannabis and concentrated cannabis derived products for quantity of THC and CBD, using an approved laboratory, prior to sale, distribution, or other use.

(6) **Additional**

testing: The department may require additional testing of cannabis and cannabis derived products by non-profit producers, as it deems appropriate.

D. Release of batch after

testing: A licensed non-profit producer may release an entire batch of dried

cannabis or concentrated cannabis derived product for immediate manufacture, sale, or other use, provided that the sample taken from the batch passes the tests required in this section.

E. Procedures for testing:

A licensed non-profit producer shall ensure that the following testing procedures are followed:

(1) **sampling and**

segregation: a licensed non-profit producer shall remove a sample of no less than three grams from every batch of harvested, dried, usable cannabis, and no less than one gram from every batch of concentrated cannabis-derived product, and transfer the sample to an approved laboratory for testing; the remainder of the batch of dried, usable cannabis or concentrated cannabis-derived product shall be segregated until the licensed non-profit producer receives the results of laboratory testing report and determines whether the batch meets the testing requirements of this rule;

(2)

documentation: a licensed non-profit producer shall appropriately document the sampling and testing of all dried cannabis and concentrated cannabis-derived product, and shall utilize a department approved laboratory for the purpose of testing usable cannabis;

(3) **remediation:**

if a sample does not pass testing, the producer shall determine whether remediation is appropriate and test another sample from the batch at issue, or identify processes that will render the dried cannabis or cannabis-derived product safe and retest in accordance with the requirements of this section;

(4) **notice**

and destruction: if the batch cannot be remediated to where it meets the testing requirements of this rule, the non-profit producer shall notify the medical cannabis program within 24 hours, and confirm the destruction and disposal of the dried cannabis or concentrated cannabis-derived product;

(5) **testing and**

remediation protocols: a licensed non-profit producer shall adopt and maintain on the premises protocols regarding sampling, sample testing, remediation, and retesting, consistent with this rule;

(6) **preservation**

and inspection of testing records: a licensed non-profit producer shall maintain all results of laboratory tests conducted on cannabis or cannabis derived products produced by the licensed non-profit producer or its contractor for a period of at least two years, and shall make those results available to qualified patients and primary caregivers enrolled in the medical cannabis program upon request; and

(7) **disciplinary**

action: repeated failure to pass testing may result in the imposition of disciplinary action(s) by the department, consistent with this rule.

[7.34.4.9 NMAC - Rp, 7.34.4.8 NMAC, 2/27/2015]

7.34.4.10 COMPLAINT PROCEDURE; DEPARTMENT

TESTING: If the department or its designee receives a complaint regarding the presence of mold, bacteria, or another contaminant in cannabis produced by a licensed non-profit or patient who holds a personal production license, or if the department or its designee has reason to believe that the presence of mold, bacteria, or another contaminant may jeopardize the health of a patient, the department or its designee may conduct an unannounced visit to the producer and may require the producer to provide samples of medical cannabis for testing by the department. Producers shall bear the cost of any testing required by the department. Medical cannabis program employees or their designees may possess those medical cannabis samples for the sole purposes of testing or transport to a testing facility. The department or its designee shall comply with the following testing requirements:

A. the department or its designee shall maintain chain of custody documentation for any medical cannabis samples taken;

B. a written receipt shall be given to the producer for all testing samples;

C. all testing samples shall be placed into a sealed container and clearly labeled;

D. all testing samples shall be tested by the department or a designated testing facility;

E. no more than eight grams of medical cannabis shall be gathered for testing purposes from a non-profit medical cannabis producer on any single occasion; and

F. no more than one gram of medical cannabis shall be gathered for testing purposes from a patient who holds a personal production license on any single occasion.

[7.34.4.10 NMAC - Rp, 7.34.4.8 NMAC, 2/27/2015]

7.34.4.11 USE OF PESTICIDES BY LICENSED PRODUCERS:

The use of any pesticide by a licensed producer in the growth or manufacture of cannabis shall be in accordance with the New Mexico Pesticide Control Act, Section 76-4-1 *et seq.*, NMSA 1978, and associated regulations.

[7.34.4.11 NMAC - N, 2/27/2015]

7.34.4.12 DEPARTMENT APPROVAL OF MANUFACTURERS OF CANNABIS DERIVED PRODUCTS; GENERAL PROVISIONS:

A. Submittal of

applications: A manufacturer applicant shall submit an authorized application form to the program with each initial application and renewal application, together with a fee of one thousand dollars (\$1,000) issued to the medical cannabis program. A manufacturer applicant shall comply with the application requirements of this rule, and shall submit such other information as the manufacturer applicant wishes to provide or such information as the department may request for initial approval or periodic evaluation(s) during the approval period.

B. Application

requirements: A manufacturer applicant shall submit to the department:

- (1) proof that the manufacturer applicant is in good standing with the New Mexico taxation and revenue department;
- (2) copies of the manufacturer applicant's articles of incorporation and by-laws, as applicable;
- (3) a complete written description of the means that the manufacturer applicant shall employ to safely manufacture cannabis-derived products, including but not limited to hygiene standards consistent with the requirements of this rule;
- (4) a list of all persons or business entities having direct or indirect authority over the management or policies of the manufacturer applicant;
- (5) a list of all persons or business entities having any ownership interest in any property utilized by the manufacturer applicant, whether direct or indirect, and whether the interest is in land, building(s), or other material, including owners of any business entity that owns all or part of land or building(s) utilized;
- (6) a description of the facilities that shall be used in the manufacture of cannabis derived products;
- (7) a description of how the manufacturer applicant will obtain cannabis or cannabis concentrates from a licensed non-profit producer, and how the manufacturer applicant will transport cannabis derived products to a licensed non-profit producer, including but not limited to chain of custody documentation;
- (8) testing criteria and procedures, which shall be consistent with the testing requirements of this rule;
- (9) a general written security policy, to address at a minimum:

- (a) safety and security procedures;
 - (b) personal safety; and
 - (c) crime prevention techniques.
 - (10) an attestation that no firearms will be permitted on any premises used for manufacture of cannabis derived products by the manufacturer applicant;
 - (11) a description of the methods and device or series of devices that shall be used to provide security;
 - (12) training documentation prepared for each employee of the manufacturer applicant, statements signed by employees indicating the topics discussed (to include names and titles of presenters) and the date, time, and place the employee received said training;
 - (13) employee policies and procedures to address the following requirements:
 - (a) job descriptions or employment contracts developed for every employee of the manufacturer applicant that identify duties, authority, responsibilities, qualifications, and supervision; and
 - (b) training materials concerning adherence to state and federal confidentiality laws.
 - (14) personnel records for each employee of the manufacturer applicant that include an application for employment and a record of any disciplinary action taken;
 - (15) employee safety and security training materials provided to each employee of the manufacturer applicant at the time of his or her initial appointment, to include:
 - (a) training in the proper use of security measures and controls that have been adopted; and
 - (b) specific procedural instructions regarding how to respond to an emergency, including robbery or a violent accident.
 - (16) such other materials as the department may require.
- C. Packaging and labeling:** a manufacturer applicant shall submit a description and sample of the opaque, child resistant packaging of the concentrate or cannabis-derived product that the manufacturer shall utilize, including a label that shall contain:
- (1) the name of the entity that produced the cannabis and the name of the manufacturer;
 - (2) a batch number or code;
 - (3) a production

- date or expiration date, including a "use by" or "freeze by" date for products capable of supporting the growth of infectious, toxigenic, or spoilage microorganisms;
- (4) a description of the number of units of usable cannabis contained within the product;
- (5) instructions for use;
- (6) warnings for use;
- (7) instructions for appropriate storage;
- (8) approved laboratory analysis, including the results of strength and composition within ten percent (10%) of numbers shown on the package;
- (9) the name of the strain, product facts, or a nutrition fact panel, and a statement that the product is for medical use by qualified patients, to be kept away from children, and not for resale; and
- (10) the name of the department approved testing facility or facilities used for ingredient testing, and the type(s) of testing conducted.

D. Term of approval:

Department approval of a manufacturer shall be for a term of one year, and shall expire after that year, or upon closure of the manufacturer. An approved manufacturer shall apply for renewal of approval annually no later than 30 days prior to expiration.

E. Identification

cards: Identification cards issued by the department are the property of the department and shall be returned to the department upon termination of the holder's employment with the approved laboratory, suspension, or revocation of approval by the department, or upon demand of the department.

[7.34.4.12 NMAC - N, 2/27/2015]

7.34.4.13 STANDARDS FOR MANUFACTURE OF CANNABIS-DERIVED PRODUCTS:

The following are minimum requirements for the manufacture of cannabis-derived products which shall apply to all manufacturers:

A. General requirements:

A licensed non-profit producer and a manufacturer shall take reasonable measures and precautions to ensure the following:

- (1) that all manufacturing shall be done in premises that are in compliance with local ordinances, including but not limited to zoning, occupancy, licensing, and building codes;
- (2) that the manufacturing operation and all equipment, implements, and fixtures shall be used exclusively for the production of cannabis derived products and that food processing for personal, staff, or the general public

shall be prohibited;

(3) that all non-profit producer and manufacturer staff involved in the handling, transportation, manufacture, testing, or packaging of cannabis derived products must complete general food handler safety training, such as is commonly available online for a nominal fee;

(4) that any person who, by medical examination or supervisory observation, is shown to have, or appears to have, an illness, open lesion, including a boil, sore, or infected wound, or any other abnormal source of microbial contamination for whom there is a reasonable possibility of contact with preparation surfaces for medical cannabis or cannabis derived products, shall be excluded from any operations which may be anticipated to result in such contamination until the condition is corrected;

(5) that hand-washing facilities are adequate and convenient, and that they are furnished with running water at a suitable temperature; hand-washing facilities shall be located in the facility in medical cannabis derived product preparation areas and where good sanitary practices require employees to wash or sanitize their hands, and provide effective hand-cleaning and sanitizing preparations, and sanitary towel service or suitable drying devices;

(6) that all persons involved in preparing or handling medical cannabis or cannabis derived products at the manufacturing operation conform to hygienic practices while on duty, including:

(a) maintaining adequate personal cleanliness;

(b) washing hands thoroughly in an adequate hand-washing area before starting work, and at any other time when the hands may have become soiled or contaminated;

(c) refraining from preparing or handling medical cannabis or cannabis derived products if the handler has or may have an illness, open lesion, including boils, sores, or infected wounds, or any other abnormal source of microbial contamination, until such condition is corrected;

(d) complying with the other requirements of this section.

(7) that there is sufficient space for placement of equipment and storage of materials as is necessary for the maintenance of sanitary operations for production of medical cannabis derived products;

(8) that litter and waste are properly removed, and the operating systems for waste disposal

are maintained in an adequate manner so that they do not constitute a source of contamination in areas where medical cannabis or cannabis derived products are exposed;

(9) that floors, walls, and ceilings are constructed in such a manner that they may be adequately cleaned, kept clean, and kept in good repair;

(10) that there is adequate safety-type lighting in all areas where medical cannabis or cannabis derived products are processed or stored, and where equipment or utensils are cleaned;

(11) that the manufacturer provides adequate screening or other protection against the entry of pests; rubbish shall be disposed of so as to minimize the development of odor, minimize the potential for the waste becoming an attractant and harborage, or breeding place for pests;

(12) that building, fixtures, and other physical facilities where cannabis derived products are manufactured are maintained in a sanitary condition;

(13) that all contact surfaces, including utensils and equipment used for preparation of cannabis derived products are cleaned and sanitized as frequently as necessary to protect against contamination;

(14) that all equipment and utensils used for preparation of cannabis derived products are designed and of such material and workmanship as to be adequately cleanable, and are properly maintained;

(15) that only environmental protection agency (EPA) registered sanitizing agents are used in manufacturing operations and that they are used in accordance with labeled instructions;

(16) that toxic cleaning compounds, sanitizing agents, and pesticide chemicals shall be identified, held, and stored in a manner that protects against contamination of medical cannabis or cannabis derived products;

(17) that the water supply is sufficient for the operations intended and is derived from a source that is a regulated water system; private water supplies shall be from a water source that is capable of providing a safe, potable, and adequate supply of water to meet the manufacturing facility's needs;

(18) that plumbing shall be of adequate size and design, adequately installed, and maintained to carry sufficient quantities of water to required locations throughout the facility; and properly convey sewage and liquid disposable waste from the facility;

(19) that there are no cross-connections between the potable

and waste water lines;

(20) that the manufacturer provide its employees with adequate, readily accessible toilet facilities that are maintained in a sanitary condition and good repair;

(21) that all operations in the receipt, inspection, transport, segregation, preparation, manufacture, packaging, and storage of medical cannabis or cannabis derived products are conducted in accordance with adequate security and sanitation principles;

(22) that medical cannabis or cannabis derived products that can support the rapid growth of undesirable microorganisms are stored and transported in a manner that prevents the growth of these microorganisms;

(23) that storage and transportation of medical marijuana or cannabis derived products are under conditions that will maintain security and protect medical cannabis or cannabis derived products against physical, chemical, and microbial contamination as well as against deterioration of the medical cannabis or cannabis derived product and the container;

(24) that current material safety data sheets are kept on the premises for all chemicals used, including but not limited to cleaning compounds, sanitizing agents, and pesticides; and

(25) that extraction for the purpose of manufacturing concentrates is conducted in a closed system utilizing an oil extractor solvent such as N-butane or carbon dioxide or utilizing ethyl alcohol.

B. Prohibited products:

The use of dimethylsulfoxide (DMSO) in the production of cannabis derived products, and the possession of DMSO upon the premises of a manufacturer, is prohibited.

[7.34.4.13 NMAC - N, 2/27/2015]

7.34.4.14 LABELING OF USABLE CANNABIS:

A non-profit producer shall not sell or otherwise distribute a usable cannabis product that has not been packaged and labeled in accordance with this rule. The label shall identify:

A. the name of the entity that produced the cannabis, and the name of the manufacturer of the cannabis-derived product (as applicable);

B. a batch number or code;

C. a production date or expiration date, including a "use by" or "freeze by" date for products capable of supporting the growth of infectious, toxigenic, or spoilage microorganisms;

D. the number of units of usable cannabis or concentrated cannabis-

derived product contained within the product, as identified in department rules for the enrollment of qualified patients;

E. for dried, usable cannabis: the quantity of THC and CBD, which shall be expressed by weight;

F. for concentrated cannabis derived product: the quantity of THC and CBD, which shall be expressed by weight and by percentage of total weight;

G. instructions for use;

H. warnings for use;

I. instructions for appropriate storage;

J. approved laboratory analysis, including the results of strength and composition within ten percent (10%) of numbers shown on the package;

K. the name of the strain, product facts, or a nutrition fact panel, and a statement that the product is for medical use by qualified patients, to be kept away from children, and not for resale;

L. whether the batch from which the product was derived was sampled and tested by an approved laboratory; and

M. the name of the department approved testing facility used for active ingredient analysis, and quantity of THC and CBD (as applicable).
[7.34.4.14 NMAC - N, 2/27/2015]

7.34.4.15 DEPARTMENT-APPROVED TESTING LABORATORIES; GENERAL PROVISIONS:

A laboratory applicant shall comply with the application requirements of this rule, and shall submit such other information as the laboratory applicant wishes to provide or such information as the department may request for initial approval and periodic evaluations during the approval period.

A. Testing categories:

A laboratory may apply to become approved by the department as an approved laboratory for the testing of cannabis and cannabis derived products in all or any one of the following categories:

- (1) mycotoxin analysis;
- (2) microbiological contaminant analysis;
- (3) solvent residue analysis;
- (4) heavy metals analysis;
- (5) quantity of THC and CBD; and
- (6) such other testing categories as the department may identify.

B. Fee: A laboratory applicant shall submit to the program with each initial application and renewal application for continued approval a non-refundable application fee of two-thousand-

two-hundred dollars (\$2,200), payable to the medical cannabis program.

C. Application materials:

A laboratory applicant shall submit to the program with each initial application and renewal application for continued approval the following:

(1) standard operating procedures to be followed by the laboratory, including but not limited to policies and procedures to be used in performing analysis of samples;

(2) a description of the type of tests to be conducted by the laboratory applicant, which may include, but are not limited to, testing for microbiological contaminants, mycotoxins, solvent residue, heavy metals, THC content, CBD content, identity, purity, strength, composition, or nutritional content, and other quality factors;

(3) quality control criteria for the test(s) that the applicant intends to conduct;

(4) evidence that validates the accuracy of the test(s) to be conducted by the laboratory applicant as performed in the applicant's laboratory;

(5) proof that the laboratory applicant is in good standing with the New Mexico taxation and revenue department;

(6) copies of the laboratory applicant articles of incorporation and by-laws, as applicable;

(7) a list of all persons or business entities having direct or indirect authority over the management or policies of the laboratory applicant;

(8) a list of all persons or business entities having any ownership interest in any property utilized by the laboratory applicant, whether direct or indirect, and whether the interest is in land, building(s), or other material, including owners of any business entity that owns all or part of land or building(s) utilized;

(9) a description of the facilities and equipment that shall be used in the operation of the laboratory applicant;

(10) a description of how the laboratory applicant will ensure and document chain of custody of any samples held or tested by the laboratory;

(11) a general written security policy, to address at a minimum safety and security procedures;

(12) an attestation that no firearms will be permitted on any premises used by the laboratory applicant;

(13) a description of the methods and device or series of devices that shall be used to provide security;

(14) training

documentation prepared for each employee of the laboratory applicant, statements signed by employees indicating the topics discussed (to include names and titles of presenters) and the date, time, and place the employee received said training;

(15) personnel records for each employee of the manufacturer applicant that include an application for employment and a record of any disciplinary action taken;

(16) employee safety and security training materials provided to each employee of the manufacturer applicant at the time of his or her initial appointment, to include training in the proper use of security measures and controls that have been adopted, and specific procedural instructions regarding how to respond to an emergency, including robbery or a violent accident; and

(17) such other materials as the department may require.

D. Materials to be maintained on premises: An approved laboratory shall maintain on its premises, and shall promptly present to the department upon request:

(1) personnel documentation including, but not limited to employment records, job descriptions, education, and training requirements of the laboratory, and documentation of education and training provided to staff for the purpose of performance of assigned functions;

(2) requirements concerning laboratory operations, business licensing, and security procedures;

(3) standards for receipt, handling, and disposition of samples of usable cannabis;

(4) equipment information detailing the type of equipment used, inspection standards and practices, testing and calibration schedules and records, and standards for cleaning and maintenance of equipment;

(5) reagents, solutions, and reference standards including, but not limited to standards for labeling, storage, expiration, and re-qualification dates and records;

(6) reference standards, acquired or internally produced, including the certificate of analysis;

(7) sample analysis procedures including, but not limited to procedures for the use of only primary or secondary standards for quantitative analyses;

(8) documentation demonstrating that the analytical methods used by the laboratory are appropriate for their intended purpose; that staff is proficient in the process; and that deviations from approved standards

of practice do not occur without proper authorization;

(9) standards for data recording, review, storage, and reporting that include, but are not limited to standards to ensure:

(a) that data is recorded in a manner consistent with this rule, and that it is reviewed to verify that applicable standards of practice, equipment calibration, and reference standards were applied before reporting;

(b) that all data, including raw data, documentation, protocols, and reports are retained in accordance with the requirements of this rule; and

(c) that reports are the property of the business or individual who provided the sample, and reports meet the requirements of this rule.

(10) current material safety data sheets for all chemicals used; and

(11) such other materials as the department may require.

E. Proficiency testing and inspection:

(1) A laboratory applicant shall be subject to proficiency testing by the department or its designee prior to approval, and an approved laboratory shall be subject to proficiency testing, at a frequency and at times to be determined by the program manager. A laboratory applicant or approved laboratory shall cooperate with the department or its designee for purposes of conducting proficiency testing. The department or its designee may require submission of cannabis and cannabis-derived product samples from licensed non-profit producers for purposes of proficiency testing.

(2) A laboratory applicant and an approved laboratory shall be subject to inspection(s), at times determined by the program manager, in accordance with the provisions of this rule. The department may require the inspection of premises, equipment, and written materials to determine compliance with this rule, and to determine compliance with the application submissions of the laboratory applicant or approved laboratory, including but not limited to standard operating procedures and standards for testing.

(3) Failure of proficiency testing: If the department determines on the basis of a proficiency test that a laboratory applicant has not satisfactorily identified the presence, quantity, or other relevant factor(s) pertaining to a given analyte, the department may deny the application in whole or in part, require additional tests, or require remedial actions to be taken by the laboratory applicant. If

the department determines on the basis of a proficiency test that an approved laboratory has not satisfactorily identified the presence, quantity, or other relevant factor(s) pertaining to a given analyte, the department may withdraw approval of the laboratory in whole or in part, require additional tests, or require remedial actions to be taken by the approved laboratory.

F. Retention and inspection of testing records: An approved laboratory shall maintain all results of laboratory tests conducted on cannabis or cannabis derived products and shall make them available to the program upon the program's request.

G. Identification cards: Identification cards issued by the department are the property of the department and shall be returned to the department upon the termination of the holder's employment with the approved laboratory, upon suspension, or revocation, or upon demand of the department.

H. Term of approval: Department approval of a laboratory for purposes of this rule shall be for a term of one year, and shall expire after that year, or upon closure of the approved laboratory. An approved laboratory shall apply for renewal of approval annually no later than 30 days prior to expiration.

I. Termination: The department may deny, withdraw, or suspend approval of a laboratory in accordance with this rule, upon determination by the department that the laboratory has violated a provision of this rule, upon failure of a proficiency test, upon the refusal of the laboratory to provide requested access to premises or materials, or for upon the failure of a laboratory to comply with any standard, procedure, or protocol developed, submitted, or maintained pursuant to this rule.
[7.34.4.15 NMAC - N,2/27/2015]

7.34.4.16 DEPARTMENT-APPROVED TESTING LABORATORIES; OPERATIONAL REQUIREMENTS:

A. Receipt of test samples: An approved laboratory may receive test samples of cannabis or cannabis derived products from any licensed producer, qualified patient or primary caregiver.

B. Testing policies: An approved laboratory or laboratory applicant shall establish and implement policies for sample preparation, documentation, and transport, including:

- (1) accepted test sample types;
- (2) minimum test sample size;
- (3) recommended

test sample container; (4) test sample labeling;

(5) transport and storage conditions, such as refrigeration, as appropriate;

(6) other requirements, such as use of preservatives, inert gas, or other measures designed to protect sample integrity; and

(7) creation of chain of custody documentation for each sample.

C. Recording of samples received: An approved laboratory shall:

(1) record the receipt of every test sample received, the record of which shall include:

(a) the name and contact information of the licensed producer that was the source of the sample;

(b) an appropriately specific description of the sample;

(c) the date of receipt of the sample;

(d) a statement of the quantity (weight, volume, number, or other amount) of the sample; and

(e) a unique sample identifier for the sample.

(2) inform each licensed producer or individual who submits a test sample of the policies established in accordance with this section.

D. Sample handling, storage and disposal: An approved laboratory shall establish sample handling procedures for the tracking of test samples through the analytical process (by weight, volume, number, or other appropriate measure) to prevent diversion.

(1) An approved laboratory shall store each test sample under the appropriate conditions to protect the physical and chemical integrity of the sample.

(2) Analyzed test samples consisting of cannabis or cannabis-derived product shall be appropriately segregated, controlled, and held in a controlled access area pending destruction or other disposal.

(3) Any portion of a cannabis or cannabis-derived test sample that is not destroyed during analysis shall be:

(a) returned to the licensed producer who provided the sample; or

(b) destroyed in a manner which prevents unauthorized use; such destruction shall be documented and witnessed by at least two employees, one of whom shall be

supervisory or managerial personnel; except that if video surveillance is used, only one employee is required.

E. Local ordinance:

An approved laboratory and a laboratory applicant shall comply with all applicable local ordinances, including but not limited to zoning, occupancy, licensing, and building codes.

F. Laboratory premises:

An approved laboratory and a laboratory applicant shall maintain the premises of the laboratory in a clean and orderly condition; shall equip the premises with such utensils and equipment as necessary to conduct the operations of the laboratory; and shall ensure adequate space for laboratory operations, sample storage, and document storage.

G. Storage: An approved laboratory and a laboratory applicant shall be equipped with one or more secure, controlled access areas for storage of cannabis and cannabis-derived product test samples, cannabis-derived waste, and reference standards. Access to such storage areas shall be limited by the laboratory to authorized individuals.

H. Equipment:

(1) Equipment used for the analysis of test samples shall be adequately inspected, cleaned, and maintained. Equipment used for the generation or measurement of data shall be adequately tested and calibrated on an appropriate schedule, as applicable.

(2) Laboratory operations shall document procedures setting forth in sufficient detail the methods and schedules to be used in the routine inspection, cleaning, maintenance, testing, and calibration of equipment, and shall specify, as appropriate, remedial action to be taken in the event of failure or malfunction of equipment. The procedures shall designate the personnel responsible for the performance of each operation.

(3) Records shall be maintained of all inspection, maintenance, testing, and calibrating operations. These records shall include the date of the operation, the person who performed it, the written procedure used, and any deviations from the written procedure. Records shall be kept of non-routine repairs performed on equipment as a result of failure and malfunction. Such records shall document the nature of the repair, how and when the need for the repair was discovered, and any remedial action taken in response to the repair.

(4) Computer systems used for the analysis of samples, retention of data, sample tracking, calibration scheduling, management of reference standards, or other critical laboratory management functions

shall ensure that electronic records, electronic signatures, and handwritten signatures executed to electronic records are trustworthy, reliable, and generally equivalent to paper records and handwritten signatures executed on paper.

I. Reagents, solutions, and reference standards:

(1) An approved laboratory is authorized to possess reagents, solutions, and reference standards. Such items shall be:

(a) secured in accordance with the approved laboratory's storage policies; labeled to indicate identity, date received or prepared, and expiration or requalification date; and, where applicable, concentration or purity, storage requirements, and date opened;

(b) stored under appropriate conditions to minimize degradation or deterioration of the material; and

(c) used only within the item's expiration or requalification date.

(2) Deteriorated or outdated reagents and solutions shall be properly destroyed.

(3) An approved laboratory may acquire commercial reference standards for cannabinoids and other chemicals or contaminants, for the exclusive purpose of conducting testing for which the laboratory is approved. An approved laboratory may elect to internally produce reference standards. When internally produced, an approved laboratory shall utilize standard analytical techniques to document the purity and concentration of the internally produced reference standards. An approved laboratory is authorized to obtain cannabis or cannabis-derived product from a licensed non-profit producer for this purpose.

(4) An approved laboratory shall obtain or, for internally-produced standards, shall create a certificate of analysis (COA) for each lot of reference standard. Each COA shall be kept on file and the lot number of the reference standard used shall be recorded in the documentation for each analysis, as applicable.

J. Analysis: An approved laboratory shall:

(1) utilize analytical methods that are appropriate for the purpose of testing cannabis and cannabis-derived products;

(2) require analysts to demonstrate proficiency in the performance of the analytical methods used;

(3) maintain written procedures for the analytical method used for the analysis of each test sample, including:

(a) sample preparation;

(b) reagent, solution, and reference standard preparation;

(c) instrument setup, as applicable;

(d) standardization of volumetric reagent solutions, as applicable;

(e) data acquisition; and

(f) calculation of results.

(4) specify, as applicable to each analytical method used, requirements for accuracy, precision, linearity, specificity, limit of detection, limit of quantitation, and other data quality parameters;

(5) ensure that no deviations from approved protocols or standard operating procedures are made during any analytical process without proper authorization and documentation; and

(6) use only primary standards or secondary standards for quantitative analyses.

K. Recording of analytical data:

(1) An approved laboratory shall ensure that all data generated during the testing of a test sample, except data generated by automated data collection systems, is recorded directly, promptly, and legibly in ink. All data shall be annotated with the date of entry and signed or initialed by the person recording the data. Any change in entries shall be made so as not to obscure the original entry, shall indicate the reason for such change, and shall be dated and signed or initialed at the time of the change.

(2) In automated data collection systems, the individual responsible for direct data input shall be identified at the time of data input. Any change in automated data entries shall be made so as not to void or delete the original entry, shall indicate the reason for change, shall be dated, and shall identify the responsible individual.

(3) For each final result reported, an approved laboratory shall verify that:

(a) any calculations or other data processing steps were performed correctly;

(b) the data meet any data quality requirements such as for accuracy, precision, linearity, etc.;

(c) any reference standards used were of the appropriate purity and within their expiration or requalification dates;

(d) any volumetric solutions were properly standardized before use; and

(e) any test or measuring equipment used has been properly tested, verified, and calibrated, and is within its verification or calibration period.

L. Data storage:

(1) An approved laboratory shall ensure that all raw data, documentation, protocols, and final reports associated with analysis of a test sample are retained for two years from the date of the completion of analysis.

(2) An approved laboratory shall maintain the records identified in this section. Such records must be maintained:

(a) in a manner that allows retrieval as needed;

(b) under conditions of storage that minimize deterioration throughout the retention period; and

(c) in a manner that prevents unauthorized alteration.

M. Records maintenance and access:

An approved laboratory or laboratory applicant shall designate an individual as responsible for records maintenance. Only authorized personnel may access the maintained records.

N. Data reporting:

(1) Contents

of report: A laboratory report of a test conducted at the request of a licensed producer or qualified patient shall contain the following information:

(a) the date of receipt of the test sample;

(b) the description of the type or form of the test sample (leaf, flower, powder, oil, specific edible product, etc.);

(c) the unique sample identifier;

(d) information on whether sampling was performed by the laboratory operation, by the compliant business or individual which submitted the test sample, or by a third-party;

(e) date on which analysis occurred;

(f) the analytical method used, including at a minimum identification of the type of analytical equipment used (e.g., GC, HPLC, UV, etc.);

(g) the analytical results, including units of measure where applicable;

(h) the identity of the supervisory or management personnel who reviewed and verified the

data and results and ensured that data quality, calibration, and other applicable requirements were met; and

(i) the name, address, and contact information of the approved laboratory that conducted the test.

(2) The laboratory report shall state that reported analytical results apply only to the test sample received.

O. Destruction of excess cannabis:

Unused cannabis, cannabis products, or cannabis-derived product waste that is in the possession of an approved laboratory shall be disposed of by transporting the unused portion to a state or local law enforcement office, or by destruction of the material.

P. Department access to materials and premises:

An approved laboratory shall promptly provide the department or the department's designee access to a report of a test, and any underlying data, that is conducted on a sample at the request of a licensed producer or qualified patient. An approved laboratory shall also provide access to the department or the department's designee to laboratory premises, and to any material or information requested by the department, for the purpose of determining compliance with the requirements of this rule.

[7.34.4.16 NMAC - N, 2/27/2015]

7.34.4.17 DEPARTMENT-APPROVED COURIERS; GENERAL PROVISIONS:

A. Approval of couriers:

The department may approve a courier for the purpose of transporting usable cannabis from one or more licensed non-profit producers to qualified patients and primary caregivers.

B. Application

requirements: An applicant who seeks department approval to operate as a courier shall provide the following materials and information to the department in order to be considered for approval; and an approved courier shall promptly submit revisions in the event that the materials or information changes:

(1) a plan for delivery;

(2) a plan for security, including a description of facilities and containers intended for use in storing and transporting usable cannabis;

(3) a plan for safety, to include at a minimum a description of measures to be taken by the courier and its employees to ensure the safety of qualified patients, primary caregivers, and courier staff;

(4) a description of all vehicles used or intended to be used

for the transport of usable cannabis;

(5) a complete list of employees;

(6) clear, legible photocopies of current New Mexico state-issued identification cards of all courier personnel;

(7) completed nationwide and statewide criminal history screening documentation;

(8) a description of the courier's hours of operation;

(9) a description of the locations or type(s) of locations where the courier will offer delivery of usable cannabis;

(10) a description of all licensed non-profit producers for whom the courier will deliver usable cannabis, and copies of all agreements between the courier and licensed non-profit producers for the delivery of usable cannabis;

(11) a description of all fees to be charged by the courier;

(12) protocols for contacting and communicating with qualified patients and primary caregivers regarding deliveries;

(13) training materials for drivers;

(14) confidentiality training materials that address the confidentiality of qualified patient and primary caregiver information;

(15) proof that the non-profit producer is in good standing with the New Mexico taxation and revenue department (TRD);

(16) copies of the applicant's articles of incorporation or organization, as applicable;

(17) copies of the applicant's by-laws, as applicable;

(18) a list of all persons or business entities having direct or indirect authority over the management or policies of the courier, as applicable;

(19) a list of all persons or business entities having any ownership interest in any property utilized by the courier, whether direct or indirect, whether the interest is in land, building(s), or other material;

(20) proof that no buildings to be used by the courier are located within 300 feet of any school, church, or daycare center;

(21) if the courier will base its business at a location that is not owned by the applicant: a written statement from the property owner or landlord of the location that grants to the courier permission to possess cannabis on the premises;

(22) an attestation that the courier will not distribute cannabis

within 300 feet of a school, church or daycare center, in accordance with the provisions of this rule; and

(23) an attestation that no firearms will be permitted on any premises or in any vehicle used by the courier; and that no employee will possess a firearm when transporting or distributing cannabis.

C. General requirements:

An approved courier shall adhere to each of the following requirements:

(1) a courier may contract with a licensed non-profit producer to deliver usable cannabis from the non-profit producer to a qualified patient or primary caregiver; a courier that provides service to more than one licensed non-profit producer shall offer their service at a uniform price for all non-profit producers for whom they deliver; an approved courier shall not transport a cannabis product that is not individually packaged, or that is not labeled in accordance with this rule;

(2) an approved courier shall not request or receive payment from a qualified patient or primary caregiver; a courier may collect any applicable fee from a licensed non-profit producer;

(3) upon obtaining a package of usable cannabis from a licensed non-profit producer, an approved courier shall hold the package in a secured area or areas that are locked and otherwise resistant to tampering or theft, until the package is delivered to its intended recipient or returned to the licensed non-profit producer;

(4) an approved courier shall not relinquish possession of usable cannabis that is intended for delivery to a qualified patient or primary caregiver unless and until the package of usable cannabis is either successfully delivered or returned to the licensed non-profit producer; for purposes of this section, a package of usable cannabis is successfully delivered only upon the approved courier's verification that an intended recipient has taken actual, physical possession of the package; an approved courier shall not leave a package at any location for any reason, unless the package is successfully delivered to its intended recipient;

(5) an approved courier shall not deliver a package to any person who is not identified by a selling licensed non-profit producer as a purchasing qualified patient or primary caregiver;

(6) at the time of delivery, an approved courier shall verify the recipient's identity by requiring presentation of the qualified patient's or primary caregiver's department-issued medical cannabis identification card and New Mexico-issued photo identification

card or a passport; an approved courier shall not deliver usable cannabis to any person whose identity is not verified in accordance with this rule; an approved courier shall document having verified the recipient's identification in accordance with this rule for each transaction;

(7) an approved courier shall not possess usable cannabis for a time period greater than seven days; an approved courier shall return any usable cannabis that is not successfully delivered to its intended recipient to a licensed non-profit producer within this time period;

(8) an approved courier shall not distribute cannabis at locations that are within 300 feet of a school, church, or daycare center; provided that, for purposes of this rule, delivery to the residence of a qualified patient or primary caregiver shall not be deemed "distribution";

(9) an approved courier and its personnel shall at all times take measures to ensure confidentiality and safety in the transport and delivery of usable cannabis to a qualified patient or primary caregiver;

(10) an approved courier shall appropriately train its personnel regarding the confidentiality of information concerning qualified patients and primary caregivers; confidentiality training shall describe confidentiality requirements applicable under both federal and state law; an approved courier shall conduct confidentiality training of its personnel at least once annually, and shall maintain training materials on its premises, and document the training of individual staff; and

(11) personnel of an approved courier shall not possess a firearm while distributing or otherwise possessing cannabis; an approved courier shall not possess or permit the possession of a firearm on any premises, including a building or vehicle, utilized by the courier.

D. Identification cards:

The department shall issue an identification card to each authorized employee of an approved courier authorizing that individual to transport cannabis from a non-profit producer to a qualified patient or primary caregiver. An employee of an approved courier shall carry the card at all times that the person transports cannabis, and shall present the card to law enforcement officials upon request. Identification cards issued by the department are the property of the department and shall be returned to the department upon an approved courier's withdrawal from the program, upon the termination of a card holder's employment with the approved courier, upon suspension or revocation, or upon demand of the department.

E. Term of approval:

Department approval of a courier shall be for a term of one year, and shall expire after that year, or upon closure of the courier. A courier shall apply for renewal of approval annually no later than 30 days prior to expiration.

F. Chain of custody:

A courier shall adopt, maintain, and enforce chain of custody procedures and documentation requirements to ensure appropriate tracking and inventory of usable cannabis. A courier shall also adopt, maintain, and enforce security requirements to ensure that usable cannabis transported by the courier is secured, and to promote the safety of courier personnel, as well as qualified patients and primary caregivers who receive packages from the courier.

G. Confidentiality: An

approved courier may obtain contact information of a purchasing qualified patient or primary caregiver, as permitted by agreement between the courier and a respective licensed non-profit producer, and may utilize such information solely for the purpose of arranging a delivery location and time with the qualified patient or primary caregiver. An approved courier shall not otherwise disseminate, disclose, or use identifying information or contact information concerning a qualified patient or primary caregiver.

[7.34.4.16 NMAC - N, 2/27/2015]

7.34.4.18 QUALIFIED PERSONAL PRODUCTION APPLICATION AND LICENSURE REQUIREMENTS:

A. A qualified patient may apply for a personal production license to produce medical cannabis solely for the qualified patient's own use.

B. A qualified patient may obtain no more than one personal production license, which license may be issued for production to occur either indoors or outdoors in no more than one single location, which shall be either the patient's primary residence or other property owned by the patient.

C. No more than two personal production licenses may be issued for a given location, with proof that a second registered patient currently resides at the location. Multiple personal production licenses may not be issued for non-residential locations.

D. Qualified patients shall provide the following in order to be considered for a personal production license to produce medical cannabis:

(1) applicable non-refundable fee;

(2) a description of the single indoor or outdoor location that shall be used in the production of cannabis;

(3) if the location is on property that is not owned by the applicant: a written statement from the property owner or landlord that grants to the applicant permission to grow cannabis on the premises;

(4) a written plan that ensures that the cannabis production shall not be visible from the street or other public areas;

(5) a written acknowledgement that the applicant will ensure that all cannabis, cannabis-derived products and paraphernalia is accessible only by the applicant and their primary caregiver (if any), and kept secure and out of reach of children;

(6) a description of any device or series of devices that shall be used to provide security and proof of the secure grounds; and

(7) a written acknowledgement of the limitations of the right to use and possess cannabis for medical purposes in New Mexico. [7.34.4.18 NMAC - Rp, 7.34.4.9 NMAC, 2/27/2015]

7.34.4.19 NON-PROFIT PRODUCER APPLICATION AND LICENSURE REQUIREMENTS:

An applicant for initial or renewal non-profit producer licensure shall provide materials and information to the department, in accordance with the provisions of this section, in order to be considered for a license to produce medical cannabis. A licensed non-profit producer shall also promptly submit revised versions of any such materials in the event that the materials or their content change.

A. Organizational information and materials: An applicant for non-profit producer licensure shall submit to the department:

(1) proof that the private entity is a non-profit corporation in good standing with the NM secretary of state pursuant to Section 53-8-1 *et seq.*, NMSA 1978;

(2) proof that the non-profit producer is in good standing with the New Mexico taxation and revenue department;

(3) copies of the entity's articles of incorporation;

(4) copies of the entity's by-laws;

(5) verification that the board of directors of the non-profit includes, at a minimum, five voting members, including one medical provider limited to a physician (MD or OD), a registered nurse, nurse practitioner, licensed practical nurse, or physician assistant, and three patients currently qualified under department regulations and the Lynn and

Erin Compassionate Use Act, Section 26-2B-1 *et seq.*, NMSA 1978;

(6) a list of all persons or business entities having direct or indirect authority over the management or policies of the private entity;

(7) a list of all persons or business entities having any ownership interest in any property utilized by the non-profit producer, whether direct or indirect, and whether the interest is in land, building(s), or other material, including owners of any business entity that owns all or part of land or building(s) utilized;

(8) the identities and financial information, including information concerning loans and monetary investments, of all creditors currently holding a security interest in the non-profit producer or premises of the non-profit producer, if any; and

(9) a business plan showing how the private entity intends to fund its operations and become a successful producer, including information concerning personnel, horticulture, technology, and funding sources.

B. Production and distribution information and materials:

An applicant for non-profit producer licensure shall submit to the department:

(1) an acknowledgement that production, at any time, shall not exceed the total of mature female plants, seedlings, and male plants that the non-profit entity has been approved to produce as well as an inventory of usable cannabis that reflects current patient needs;

(2) a production plan that includes the non-profit entity's plan for the growth, cultivation, and harvesting of medical cannabis;

(3) a written set of distribution criteria for qualified patients or primary caregivers appropriate for cannabis services that describes the method by which and locations at which distribution will occur;

(4) a complete written description of the means that the non-profit entity shall employ to safely dispense cannabis and cannabis-derived products to qualified patients and qualified patients' primary caregivers;

(5) an attestation that qualified patients shall not be permitted to consume cannabis or cannabis-derived products on the entity's property;

(6) an attestation that the entity will require the presentation of a department-issued identification card and a valid New Mexico photo identification card or a passport prior to selling or otherwise distributing cannabis or cannabis derived products to qualified patients and primary caregivers;

(7) a description

and sample of the packaging of the usable cannabis and cannabis-derived products that the non-profit producer shall utilize, including a label that satisfies the labeling requirements of this rule; and

(8) a written quality assurance plan.

C. Facility information:

An applicant for non-profit producer licensure shall submit to the department:

(1) a description of the facilities and equipment that shall be used in the production and distribution of cannabis;

(2) proof that the facilities are not within 300 feet of any school, church, or daycare center; and

(3) a description of the methods and device or series of devices that shall be used to provide security.

D. Educational methods and materials: An applicant for non-profit producer licensure shall submit to the department:

(1) a description of the private entity's means for educating the qualified patient and the primary caregiver on the limitation of the right to possess and use cannabis;

(2) a description of the means the private entity shall employ to make qualified patients or the primary caregiver aware of the quality of the product;

(3) a description of ingestion options of usable cannabis provided by the private entity;

(4) a description of inhalation techniques that shall be provided to qualified patients;

(5) a description of potential side effects and how the private entity will educate qualified patients and the qualified patient's primary caregivers regarding potential side effects;

(6) a description of the means the private entity shall employ to make qualified patients or the primary caregiver aware of how to report adverse events related to medical cannabis use; and

(7) a description of the means the private entity shall employ to make qualified patients or the primary caregiver aware of how to report concerns regarding the private entity's products and services.

E. Sales record forms:

A licensed non-profit producer that applies for renewal of licensure shall submit to the department a sample of the non-profit producer's sales record form(s), which shall identify (among other items) the name of the purchaser, the date of the sale, the quantity, and price of medical cannabis sold. A non-profit producer that applies for renewal of licensure shall additionally

submit a profit and loss statement and balance sheet quarterly and as requested by the department.

F. Business licensure; TRD certificate: An applicant for non-profit producer licensure shall submit a current business license and tax and revenue registration certificate.

G. Policies and procedures: An applicant for non-profit producer licensure shall submit to the department copies of policies and procedures developed, implemented, and to be maintained on the premises of the private entity's facility. The applicant shall verify that the private entity will comply with the stated terms of the policies and procedures as written and submitted to the department.

H. Personnel records: An applicant for non-profit producer licensure shall submit to the department:

(1) separate nationwide and statewide criminal history screening documentation, in accordance with the provisions of this rule;

(2) samples of the personnel records to be retained by the private entity for each employee as required by this rule, including:

(a) a sample application for employment;

(b) state and federal employment documentation;

(c) a sample written job descriptions or employment contracts developed for all employee positions, to include duties, authority, responsibilities, qualifications, and supervision;

(d) payment or payroll records for all individuals associated with a non-profit producer renewal applicant's production and distribution facility, to include board members, persons having direct or indirect authority over management or policies, and employees submitted quarterly and as requested by the department.

(3) an on-site training curriculum (unless the private entity intends to enter into contractual relationships with outside resources capable of meeting employee training needs) that addresses, at a minimum, the following topics:

(a) state and federal confidentiality laws, including the Health Insurance Portability and Accountability Act of 1996 (HIPAA);

(b) professional conduct and ethics;

(c) the Lynn and Erin Compassionate Use Act and department of health rules;

(d) informational developments in the field of medical use of cannabis; and

(e) employee safety and security training addressing, at a minimum, the proper use of the security measures and controls that have been adopted, and specific procedural instructions on how to respond to an emergency, including a robbery or violent accident.

(4) proof of HIPAA certification for all individuals associated with the private entity, including all board members, persons having direct or indirect authority over management or policies, and employees.

I. Other materials: An applicant for non-profit producer licensure shall submit to the department:

(1) a description of the department approved laboratory or laboratories that the non-profit entity will utilize for testing usable cannabis in accordance with this rule, and the type(s) of testing that the approved laboratory or laboratories will perform for the non-profit entity;

(2) the name of any courier that the non-profit entity intends to use for transport of usable cannabis to qualified patients and primary caregivers; and

(3) such other information as the private entity wishes to provide and such other information as the department may reasonably request.

J. Patient identification and sales records: A licensed non-profit producer shall retain clear, legible photocopies of all registry identification cards and New Mexico photo identification cards of all qualified patients and primary caregivers served by the non-profit entity. A licensed non-profit producer shall also create and retain materials that document every instance in which usable cannabis was sold or otherwise distributed to another person or entity, including documentation of the recipient, type, quantity, and batch of the usable cannabis.

K. Material safety data sheets: A licensed non-profit producer shall maintain current material safety data sheets on-site for all chemicals used, including but not limited to cleaning compounds, sanitizing agents, and pesticides.

L. Local ordinance: A licensed non-profit producer shall comply with all applicable local ordinances, including but not limited to zoning, occupancy, licensing, and building codes. [7.34.4.19 NMAC - Rp, 7.34.4.8 & 10 NMAC, 2/27/2015]

7.34.4.20 SECURITY REQUIREMENTS FOR LICENSED PRODUCERS: Private non-profit entities licensed to produce medical cannabis shall comply with the following requirements

to ensure that production and distribution facilities are located on secure grounds.

A. The non-profit producer shall provide and maintain in each facility a fully operational security alarm system.

B. The non-profit producer shall conduct a monthly maintenance inspection and make all necessary repairs to ensure the proper operation of the alarm system and, in the event of an extended mechanical malfunction that exceeds an eight hour period, provide alternative security that shall include closure of the premises.

C. The non-profit producer shall maintain documentation for a period of at least 24 months of all inspections, servicing, alterations, and upgrades performed on the security alarm system; all documentation shall be made available within 24 hours of a department representative's request; failure to provide equipment maintenance documentation within the 24 hour period shall subject the licensed producer to the sanctions and penalties provided for in this rule; the 24 hour period shall not include holidays and weekends.

[7.34.4.20 NMAC - Rp, 7.34.4.11 NMAC, 2/27/2015]

7.34.4.21 DENIAL OF AN INITIAL PRODUCER LICENSE:

A. Administrative review of license application denials: An applicant whose initial application for a producer license is denied by the medical cannabis program manager or designee may request an administrative review by the administrative review committee. The written notice of denial shall include a statement of the right to request such a review.

B. No administrative review of determinations made by the secretary: An applicant whose initial application for a producer license was for any reason not approved by the secretary (rather than the program manager or designee) shall not be entitled to further review by the department, but may reapply at a later date.

C. Procedure for requesting informal administrative review:

(1) An applicant given notice of an application denial by the medical cannabis program manager or designee may submit a written request for a record review. To be effective, the written request shall:

(a) be made within 30 calendar days, as determined by the postmark, from the date of the denial notice issued by the department;

(b) be

properly addressed to the medical cannabis program;

(c)

state the applicant's name, address, and telephone numbers;

(d)

state the applicant's proposed status as a licensed producer; and

(e)

provide a brief narrative rebutting the circumstances of the application denial.

(2) If the

applicant wishes to submit additional documentation for consideration, the applicant shall include such additional documentation when submitting the request for administrative review.

D. Administrative review

proceeding: The administrative review proceeding shall be a closed proceeding that is limited to an administrative review of written application materials and documents offered to verify eligibility. The administrative review is not an adjudicatory hearing. The administrative review shall be conducted by the administrative review committee. In cases where the administrative review committee finds the need for additional or clarifying information, the review committee shall request that the applicant supply such additional information within the time set forth in the committees' request.

E. Final determination:

(1) **Content:**

The administrative review committee shall render a written decision setting forth the reasons for the decision.

(2) **Effect:** The

decision of the administrative review committee is the final decision of the informal administrative review proceeding.

(3) **Notice:** A

copy of the decision shall be mailed to the applicant.

F. Judicial review:

Except as otherwise provided by law, there shall be no right to judicial review of a decision by the program manager or designee, the administrative review committee, or the secretary.

[7.34.4.21 NMAC - Rp, 7.34.4.12 NMAC, 2/27/2015]

7.34.4.22 PROHIBITIONS, RESTRICTIONS, AND LIMITATIONS ON THE PRODUCTION AND DISTRIBUTION OF MEDICAL CANNABIS AND CRIMINAL PENALTIES:

A. Participation in the

medical cannabis licensing program by a licensed producer, or the employees or contractors of a licensed producer, does not relieve the producer, employee, or contractor from criminal prosecution or civil penalties for activities not authorized

in this rule and the act.

B. Locations of

production and distribution: Production of medical cannabis and distribution of medical cannabis to qualified patients or their primary caregivers shall take place at locations (or, with respect to distribution, categories of locations) described in the non-profit producer's production and distribution plan approved by the department, and shall not take place at locations that are within 300 feet of any school, church, or daycare center. For purposes of this rule, delivery to the residence of a qualified patient or primary caregiver shall not be deemed "distribution".

C. Fraudulent

misrepresentation: Any person who makes a fraudulent representation to a law enforcement officer about the person's participation in the medical cannabis program to avoid arrest or prosecution for a cannabis-related offense is guilty of a petty misdemeanor and shall be sentenced in accordance with the provisions of Section 31-19-1 *et seq.*, NMSA 1978.

D. Unlawful distribution:

If a licensed producer or employee of a licensed producer sells, distributes, dispenses, or transfers cannabis to a person not approved by the department pursuant to this rule and the act, or obtains or transports cannabis outside New Mexico in violation of federal law, the licensed producer or employee of the licensed producer shall be subject to arrest, prosecution, and civil or criminal penalties pursuant to state law.

E. Revocation of registry

identification card, licensed primary caregiver card, license to produce or distribute: Violation of any provision of this rule may result in disciplinary action, in accordance with this rule.

[7.34.4.22 NMAC - Rp, 7.34.4.14 NMAC, 2/27/2015]

7.34.4.23 MONITORING AND CORRECTIVE ACTIONS:

A. Monitoring:

(1) The

department or its designee may perform on-site assessments of a licensed producer or producer-applicant, an approved manufacturer or manufacturer-applicant, an approved laboratory or a laboratory-applicant, and an approved courier or courier-applicant, to determine compliance with these rules or submissions made pursuant to this rule. The department may enter the premises of a licensed producer, approved manufacturer, approved laboratory, or approved courier at any time to assess or monitor.

(2) 24 hours

notice shall be provided to personal production license holders prior to an on-

site assessment, except when the department has reasonable suspicion to believe that providing notice will result in the destruction of evidence, or that providing such notice will impede the department's ability to enforce these regulations.

(3) The

department may review any and all records of a licensed non-profit producer, a qualified patient or primary caregiver, an approved manufacturer, approved laboratory, and approved courier, and may require and conduct interviews with such persons or entities and persons affiliated with such entities, for the purpose of determining compliance with department rules and applicable laws.

(4) All licensed

producers, approved manufacturers, approved laboratories, and approved couriers shall provide the department or the department's designee immediate access to any material and information necessary for determining compliance with this rule.

(5) Failure by a

licensed producer, approved manufacturer, approved laboratory, or approved courier to provide the department access to the premises or materials may result in disciplinary action(s), in accordance with this rule.

(6) Any failure

to adhere to these rules that is documented by the department during monitoring may result in disciplinary action, in accordance with this rule.

(7) The

department shall refer complaints alleging criminal activity that are made against a licensed producer, approved manufacturer, approved laboratory, or approved courier to appropriate New Mexico state or local law enforcement authorities.

B. Financial records:

A licensed non-profit producer shall maintain detailed confidential sales records in a manner and format approved by the department, and shall inform the department of the location where such records are kept, and promptly update that information if the records are removed.

(1) **Access:**

The department and its agents shall have reasonable access to the sales and other financial records of a licensed non-profit producer, and shall be granted immediate access to those records upon request. A patient shall be granted reasonable access to a licensed non-profit producer's sales records for that patient upon request.

(2) **Audit:** A

licensed non-profit producer shall submit the results of an annual audit to the department no later than 90 days after the end of each fiscal year of the licensed non-profit. For the purposes of this section, the fiscal year of a non-profit producer

shall be the 12 month cycle identified by the producer in its filings with the New Mexico taxation and revenue department. The annual audit shall be conducted by an independent certified public accountant; the costs of any such audit shall be borne by the private entity. Results of the annual audit shall be forwarded to the medical cannabis program manager or designee. The department may also periodically require, within its discretion, the audit of a non-profit producer's financial records by the department.

(3) Quarterly reports: A non-profit producer shall submit reports on at least a quarterly basis, or as otherwise requested, and in the format specified by the department.

C. Corrective action:

(1) If violations of requirements of this rule are cited as a result of monitoring or review of financial records, the licensed producer shall be provided with an official written report of the findings within seven business days following the monitoring visit or the review of financial records.

(2) Unless otherwise specified by the department, the licensed producer shall correct the violation within five calendar days of receipt of the official written report citing the violation(s).

(3) The violation shall not be deemed corrected until the department verifies in writing within seven calendar days of receiving notice of the corrective action that the corrective action is satisfactory.

(4) If the violation has not been corrected, the department may issue a notice of contemplated action to suspend, revoke, or take other disciplinary action against the producer's license, in accordance with the provisions of this rule.

D. Suspension of license without prior hearing: If immediate action is required to protect the health and safety of the general public, a qualified patient, or a primary caregiver, the program manager or designee may suspend the qualified patient, primary caregiver, or licensed producer's license without notice, and may immediately withdraw approval for a laboratory, manufacturer, or courier without notice.

(1) A licensee or approved entity whose license has been summarily suspended or whose approval has been withdrawn may request a record review in accordance with this part.

(2) The record review requested subsequent to a summary suspension shall be conducted by the administrative review committee.

(3) The administrative review committee shall

conduct the record review on the summary suspension or withdrawal of approval by reviewing all documents submitted by both licensee and the department.

(4) The sole issue at a record review on a summary suspension or withdrawal of approval is whether the license shall remain suspended or whether the approval shall remain withdrawn pending a final adjudicatory hearing and subsequent ruling by the secretary.

(5) A licensee or approved entity given notice of summary suspension or summary withdrawal by the program may submit a written request for a record review. To be effective, the written request shall:

(a) be made within 30 calendar days, from the date of the notice issued by the department, as determined by the postmark;

(b) be properly addressed to the medical cannabis program;

(c) state the applicant's name, address, and telephone numbers;

(d) provide a brief narrative rebutting the circumstances of the suspension or withdrawal, and

(e) include attachments of any additional documentation that the individual or entity wishes to be considered in the record review.

[7.34.4.23 NMAC - Rp, 7.34.4.15 NMAC, 2/27/2015]

7.34.4.24 DISCIPLINARY ACTIONS AND APPEAL PROCESS:

A. Grounds for

disciplinary action: Disciplinary action may be taken against a producer-applicant, a licensed producer, a manufacturer-applicant or approved manufacturer, a laboratory applicant or approved laboratory, or an approved courier or courier-applicant. Disciplinary action may include revocation, suspension, or denial of an application, license, or department approval, and other action. Disciplinary action may be imposed for:

(1) failure to comply with or satisfy any provision of this rule;

(2) falsification or misrepresentation of any material or information submitted to the department;

(3) failing to allow or impeding a monitoring visit by authorized representatives of the department;

(4) failure to adhere to any acknowledgement, verification, or other representation made to the department;

(5) failure to submit or disclose information required by this rule or otherwise requested by the department;

(6) failure to correct any violation of this rule cited as a result of a review or audit of financial records or other materials;

(7) failure to comply with the department's requested access to premises or materials;

(8) failure to pay a required monetary penalty;

(9) diversion of cannabis or a cannabis-derived product, as determined by the department;

(10) threatening or harming a patient, a medical practitioner, or an employee of the department; and

(11) any other basis identified in this rule.

B. Fines: Disciplinary actions against a licensed non-profit producer, approved manufacturer, approved laboratory, or approved courier may include the imposition of monetary penalties, which may be assessed by the department in the amount of:

(1) one-hundred dollars (\$100) for the first assessed monetary penalty in a calendar year;

(2) five hundred dollars (\$500) for the second assessed monetary penalty in a calendar year;

(3) one-thousand dollars (\$1,000) for every monetary penalty thereafter assessed in a calendar year.

C. Persons and entities who may request a hearing: The

following persons or entities may request a hearing to contest an action or proposed action of the department, in accordance with this rule:

(1) a licensed producer whose license has been summarily suspended or who has received a notice of contemplated action to suspend, revoke, or take other disciplinary action;

(2) a personal production licensure applicant whose application is denied for any reason other than failure to submit a completed application or failure to meet a submittal requirement of this rule;

(3) an approved manufacturer whose approval status has been summarily suspended or who has received a notice of contemplated action to suspend, revoke, or take other disciplinary action;

(4) a manufacturer-applicant whose application is denied for any reason other than failure to submit a completed application or failure to meet a submittal requirement of this rule;

(5) an approved laboratory whose approval status has been

summarily suspended or who has received a notice of contemplated action to suspend, revoke, or take other disciplinary action;

(6) a laboratory-applicant whose application is denied for any reason other than failure to submit a completed application or failure to meet a submittal requirement of this rule;

(7) an approved courier whose approval status has been summarily suspended or who has received a notice of contemplated action to suspend, revoke, or take other disciplinary action;

(8) a courier-applicant whose application is denied for any reason other than failure to submit a completed application or failure to meet a submittal requirement of this rule; and

(9) a person whose participation with a licensed producer or approved entity is prohibited based on a criminal background check.

D. Timing and content of request for hearing: The appellant shall file the request for hearing within 30 calendar days of the date the action is taken or the notice of contemplated action is received. The request shall:

(1) be properly addressed to the medical cannabis program;

(2) state the requestor's name, address, and telephone number(s); and

(3) include a statement of the issue(s) that the appellant considers relevant to the review of the action.

E. Hearing process:

(1) All hearings held pursuant to this section shall be conducted by a hearing officer appointed by the secretary.

(2) Hearings shall be conducted in Santa Fe, NM or, with the consent of the parties, in another location.

(3) Due to federal and state confidentiality laws, hearings held pursuant to this section that concern qualified patients, patient-applicants, licensed producers or producer-applicants, shall be closed to the public. Portions of hearings may further be closed to prevent the disclosure of confidential information.

(4) The hearing shall be recorded on audiotape or other means of sound reproduction.

(5) Any hearing provided for in this rule may be held telephonically, with the consent of the parties.

F. Scheduling: The department shall schedule and hold the hearing as soon as practicable, however, in any event no later than 60 calendar days from the date the department receives the appellant's request for hearing. The hearing examiner shall extend the 60 day

time period upon motion for good cause shown or the parties may extend the 60 day time period by mutual agreement. The department shall issue notice of hearing, which shall include:

(1) a statement of the location, date, and time of the hearing;

(2) a short and plain statement of the legal authority under which the hearing is to be held; and

(3) a short and plain statement of the subject of the hearing.

G. Presentation of evidence: All parties shall be given the opportunity to respond and present evidence and argument on all relevant issues.

H. Record of proceeding: The record of the proceeding shall include the following:

(1) all pleadings, motions, and intermediate rulings;

(2) evidence and briefs received or considered;

(3) a statement of matters officially noticed;

(4) offers of proof, objections, and rulings thereon;

(5) proposed findings and conclusions; and

(6) any action recommended by the hearing examiner.

I. Audio recording: A party may request a copy of the audio recording of the proceedings.

J. Procedures and evidence:

(1) A party may be represented by a person licensed to practice law in New Mexico or a non-lawyer representative, or may represent himself or herself.

(2) The rules of evidence as applied in the courts do not apply in these proceedings. Any relevant evidence shall be admitted. Irrelevant, immaterial, or unduly repetitious evidence may be excluded.

(3) The experience, technical competence, and specialized knowledge of the hearing examiner, the department or the department's staff may be used in the evaluation of evidence.

(4) An appellant's failure to appear at the hearing at the date and time noticed for the hearing shall constitute a default.

K. Conduct of proceeding: Unless the hearing examiner determines that a different procedure is appropriate, the hearing shall be conducted in accordance with the procedures set forth in this rule. The following procedures shall apply:

(1) the appellant shall present an opening statement and the department may present an opening

statement or reserve the statement until presentation of the department's case;

(2) after the opening statements, if made, the appellant shall present its case;

(3) upon the conclusion of the appellant's case, the department shall present its case;

(4) upon conclusion of the appellee's case, the appellant may present rebuttal evidence; and

(5) after presentation of the evidence by the parties, the parties may present closing argument.

L. Burden of proof:

The appellant shall bear the burden of establishing by a preponderance of the evidence that the decision made or proposed by the department should be reversed or modified.

M. Continuances: The hearing examiner may grant a continuance for good cause shown. A motion to continue a hearing shall be made at least 10 calendar days before the hearing date.

N. Telephonic hearings:

(1) Any party requesting a telephonic hearing shall do so no less than 10 business days prior to the date of the hearing. Notice of the telephonic hearing shall be given to all parties and shall include all necessary telephone numbers.

(2) The appellant is responsible for ensuring the telephone number to the appellant's location for the telephonic hearing is accurate and the appellant is available at said telephone number at the time the hearing is to commence. Failure to provide the correct telephone number or failure to be available at the commencement of the hearing shall be treated as a failure to appear and shall subject the appellant to a default judgment.

(3) The in-person presence of some parties or witnesses at the hearing shall not prevent the participation of other parties or witnesses by telephone with prior approval of the hearing examiner.

O. Recommended action and final decision:

(1) The parties may submit briefs including findings of fact and conclusions of law for consideration by the hearing examiner.

(2) No later than 30 calendar days after the last submission by a party, the hearing examiner shall prepare and submit to the secretary a written recommendation of action to be taken by the secretary. The recommendation shall propose sustaining, modifying, or reversing the action or proposed action of the department.

(3) The secretary shall issue a final written decision accepting

or rejecting the hearing examiner's recommendation in whole or in part no later than 30 calendar days after receipt of the hearing examiner's recommendation. The final decision shall identify the final action taken. Service of the secretary's final decision shall be made upon the appellant by registered or certified mail.

(4) The final decision or order shall be included in a producer's file with the medical cannabis program.
[7.34.4.24 NMAC - Rp, 7.34.4.16 NMAC, 2/27/2015]

7.34.4.25 EXEMPTION FROM STATE CRIMINAL AND CIVIL PENALTIES FOR THE MEDICAL USE OF CANNABIS:

A. No officer, employee, or approved contractor of a licensed producer, approved manufacturer, approved courier, or approved laboratory, nor any qualified patient licensed as a producer or enrolled primary caregiver, shall be subject to arrest, prosecution, or penalty in any manner for the production, possession, distribution, or dispensation of cannabis in accordance with this rule and the act. For the purpose of this section, the department deems approved manufacturers, approved couriers, and approved laboratories to be ancillaries of licensed non-profit producers, entitled to the protections from criminal liability identified for licensed producers in the Lynn and Erin Compassionate Use Act, Section 26-2B-4 NMSA 1978.

B. Any property interest that is possessed, owned, or used in connection with the production of cannabis or acts incidental to such production shall not be harmed, neglected, injured, or destroyed while in the possession of state or local law enforcement officials. Any such property interest shall not be forfeited under any state or local law providing for the forfeiture of property except as provided in the Forfeiture Act. Cannabis, paraphernalia or other property seized from a qualified patient or primary caregiver in connection with the claimed medical use of cannabis shall be returned immediately upon the determination by a court or prosecutor that the qualified patient or primary caregiver is entitled to the protections of the provisions of this rule and act as shall be evidenced by a failure to actively investigate the case, a decision not to prosecute, the dismissal of charges, or acquittal.

[7.34.4.25 NMAC - Rp, 7.34.4.17 NMAC, 2/27/2015]

7.34.4.26 LICENSED PRODUCER AND PRODUCER-APPLICANT CONFIDENTIALITY:

A. The department shall maintain a confidential file containing the

names, addresses, and telephone numbers of the persons or entities who have either applied for or received a license for the purpose of producing and distributing cannabis for medical use. Individual names of producers and producer-applicants shall be confidential and not subject to disclosure, except:

(1) to authorized employees or agents of the department as necessary to perform the duties of the department pursuant to the provisions of this rule and the act;

(2) to state or local regulatory agencies and entities, for purposes related to those agencies' or entities' duties under applicable law;

(3) to authorized employees of state or local law enforcement agencies, but only for the purpose of verifying that a person is lawfully in possession of the license to produce, or as otherwise expressly permitted in this rule; and

(4) as provided in the federal Health Insurance Portability and Accountability Act of 1996.

B. A pending application for licensure as a non-profit producer shall be confidential and not subject to disclosure.
[7.34.4.26 NMAC - Rp, 7.34.4.18 NMAC, 2/27/2015]

7.34.4.27 STORAGE AND DISPOSAL OF CANNABIS BY LICENSED PRODUCERS:

A. Storage: Medical cannabis, unused cannabis products, and cannabis-derived product waste shall be stored by a licensed producer in a manner that discourages diversion or theft, until such time as the material is transferred, disposed of, or destroyed in accordance with this rule.

B. Disposal by personal production license holders: Unused cannabis, cannabis products, or cannabis-derived product waste that is in the possession of a qualified patient who holds a personal production license shall be disposed of by transporting the unused portion to a state or local law enforcement office, or by destruction of the material.
[7.34.4.27 NMAC - Rp, 7.34.4.19 NMAC, 2/27/2015]

7.34.4.28 ASSESSMENT REPORT: The department shall evaluate the implementation of the Lynn and Erin Compassionate Use Act and regulations issued pursuant to that act and provide a report to the secretary of the department within one year of the effective date of this regulation. In performing its evaluation, the department shall focus on whether the needs of qualified patients are being met by the department's administration of the act

and whether there is a demonstrable need for a state run production and distribution facility. The department's assessment report shall be issued every two years, shall be a public document, and must contain de-identified data upon which the assessment is based.

[7.34.4.28 NMAC - Rp, 7.34.4.20 NMAC, 2/27/2015]

7.34.4.29 SEVERABILITY:

If any part or application of these rules is held to be invalid, the remainder or its application to other situations or persons shall not be affected. Any section of these rules legally severed shall not interfere with the remaining protections provided by these rules and the act.

[7.34.4.29 NMAC - Rp, 7.34.4.21 NMAC, 2/27/2015]

HISTORY OF 7.34.4 NMAC:

History of Repealed Material:

7.34.4 NMAC, Licensing Requirements for Producers, Production Facilities and Distribution (filed 12/01/2008) repealed 12/30/2010.

7.34.4 NMAC, Licensing Requirements for Producers, Production Facilities and Distribution (filed 12/16/2010) repealed 2/27/2015.

NMAC History:

7.34.4 NMAC, Licensing Requirements for Producers, Production Facilities and Distribution (filed 12/01/2008) was replaced by 7.34.4 NMAC, Licensing Requirements for Producers, Production Facilities and Distribution, effective 12/30/2010.

7.34.4 NMAC, Licensing Requirements for Producers, Production Facilities and Distribution (filed 12/16/2010) was replaced by 7.34.4 NMAC, Licensing Requirements for Producers, Couriers, Manufacturers and Laboratories, effective 2/27/2015.

**NEW MEXICO HUMAN SERVICES DEPARTMENT
INCOME SUPPORT DIVISION**

This is an emergency amendment to 8.139.100 NMAC, Section 11, effective 03/01/2015.

8.139.100.11 GENERAL PROGRAM DESCRIPTION:

A. Purpose: The [food-stamp program] supplemental nutrition assistance program (SNAP) is designed to promote the general welfare and to safeguard the health and well-being of the nation's population by raising the levels of nutrition among low-income households.

B. Household participation: Participation in [the food-

stamp program] SNAP shall be limited to those households whose income and other financial resources, held singly or in joint ownership, are determined to be a substantial limiting factor in permitting them to obtain a more nutritious diet. Eligibility for the program is determined by comparing the applicant group's income, resources, and non-financial eligibility information to the program's policies.

C. National standards:

Uniform national standards for determining eligibility and participation are established each year, and are effective every October. A household shall meet income and resource limits and other specific eligibility criteria before approval for participation in [the food stamp program] SNAP. The income test is based on 130% of the federal poverty level. Resource eligibility limits are [\$2,000] \$2,250 for households whose members are under 60 years of age, and [\$3,000] \$3,250 for households containing one or more individuals 60 years of age or over. The federal government funds program benefits at 100% and administrative costs at 50%. [2/01/95; 8.139.100.11 NMAC -Rn & A, 8.139.100.10 NMAC, 02/14/2002; A/E, 10/01/2014; A/E, 03/01/2015]

**NEW MEXICO HUMAN SERVICES DEPARTMENT
INCOME SUPPORT DIVISION**

This is an emergency amendment to 8.139.120 NMAC, Section 12, effective 03/01/2015.

8.139.120.12 REQUIREMENTS FOR HOUSEHOLDS ON REGULAR REPORTING:

A. A regular reporting household includes all households not assigned to simplified reporting. If changes occur during a household's certification period, that affect eligibility or benefit amount, the caseworker shall take action to adjust the household's eligibility or [food stamp] SNAP benefit amount.

B. Benefit determinations or changes on or after April 1, 2010, to earned and unearned income shall be calculated using the conversion factors at Paragraph (6) of Subsection D of 8.139.120.10 NMAC provided income is reported to the agency, and verified by the household. All other households shall have their income calculated at the next interim report or recertification.

C. Household responsibilities:

(1) At

application: An applicant must report all changes affecting eligibility and [food stamp program] SNAP benefit amount

that may have occurred since the date the application was filed and before the date of the certification interview.

(2) Changes

occurring after the interview, but before the date of the approval notice, must be reported by the household within 10 days of the date the household receives its approval notice.

(3) Reporting

during the certification period: A household must report changes within 10 days of the date a change becomes known to the household. No change reporting requirements may be imposed except as provided in (a) through (f) below. A household must report:

(a)

earned income: a change in the source of earned income, including starting or stopping a job; or

(i)

changing jobs if the change in employment results in a change in income;

(ii)

a change in the amount of gross earned income received by a member of the household, if the amount changes by more than \$100 per month.

(b)

unearned income:

(i)

a change in the source of unearned income;

(ii)

a change of more than \$50 in the amount of unearned income except that changes in cost of living increases (COLAs), and mass changes in the social security and SSI benefits and changes in cash assistance amounts in programs administered by ISD including TANF, GA, EWP, and RRP do not have to be reported;

(c)

changes in household composition, such as when an individual moves into or leaves the household;

(d)

changes in residence and the resulting change in shelter costs;

(e)

when cash on hand, stocks, bonds or money in a bank account reach or exceed [\$2,000] \$2,250, or [\$3,000] \$3,250 for elderly/disabled households;

(f)

changes in the legal obligation to pay child support, including termination of the obligation; a household with less than a three-month record of child support payments shall be required to report changes greater than \$50.00 from the amount used in the most recent certification action.

(4) Time limits:

(a) The

10-day period begins with the date the change becomes known to the household.

For the purposes of reporting:

(i)

a financial change shall be considered as timely if the change is reported no later than 10 days after the household receives the first payment or makes the first payment attributable to the change;

(ii)

a non-financial change shall be considered timely if the change is reported no later than 10 days after it occurs.

(b) The

change is considered reported on the date the report of change is received by the local county office or, if mailed, the date of the postmark on the household's report plus three days mailing time.

(c)

Households shall be encouraged to use a change report form to document changes, although changes may also be reported by personal visit or telephone.

(d) In

the absence of a written report, a 13-day advance notice is required if the change will result in a reduction or termination of benefits.

D. HSD responsibilities:

The caseworker shall inform the household of its responsibility to report changes. The caseworker shall review any change reported by the household to determine if the change must be acted on and shall take the required action if the change affects eligibility or benefit amount. The caseworker shall document the date a change is reported, and whether the change affects eligibility or [food stamp program] SNAP benefit amount.

(1) Action

on changes for regular reporting households:

(a)

When a household reports a change, the caseworker shall take action to determine the household's eligibility or [food stamp program] SNAP benefit amount within 10 days of the date the change is reported.

(b)

For changes that result in a decrease or termination of household benefits, the caseworker shall act on the change as follows:

(i)

If the caseworker receives a written report from the household that meets the standards of Subsection C of 8.139.120.15 NMAC, action shall be taken for the following month without an advance notice of adverse action. The household shall be provided with adequate notice. If the certification period will expire before the expiration notice time limit, no action shall be required to reduce or terminate benefits.

(ii)

If the change is reported by any other means, e.g., by phone, in person, etc.,

within 10 days, the caseworker shall take action to issue a notice of adverse action (Subsection B of 8.139.120.15 NMAC) to reduce or terminate benefits effective the month following the month the adverse action time limit expires. If the certification period will expire before the expiration of the adverse action time limit, no action shall be required to reduce or terminate benefits.

(c)

During the certification period, the caseworker shall not act on changes in medical expenses of households eligible for the medical expense deduction which it learns of from a source other than the household and which, in order to take action, requires the caseworker to contact the household for verification. The caseworker shall act only on those changes in medical expenses that are learned about from a source other than the household, if those changes are verified upon receipt and do not necessitate contact with the household.

(2) **Increased****benefits:**

(a) For changes resulting in an increase, other than changes described in (b) below, the caseworker shall make the change effective no later than the first benefit amount issued 10 days after the date the change was reported (conforms to ISD2 mass run date).

(b) For changes resulting in an increase in [~~food stamp program~~] SNAP benefits because of the addition of a new household member who is not a member of another certified household or a decrease of \$50.00 or more in the household's gross monthly income, the caseworker shall make the change effective not later than the first [~~food stamp program~~] SNAP benefit amount issued 10 days after the date the change was reported (conforms to ISD2 mass run date). In no event shall these changes take effect any later than the month following the month the change was reported. If the change is reported timely but the increase cannot be made effective the following month, the caseworker shall issue a supplement to the household in the following month.

(c)

Providing verification: The household shall be allowed 10 days from the date a change is reported to provide verification, if necessary. If verification is provided at the time a change is reported or by the deadline date, the increase in benefits shall be effective in accordance with (a) and (b) above. If necessary verification is not provided at the time a change is reported, the household shall be allowed 10 days, plus three days if a notice is mailed, to provide verification. If the household fails to provide the verification by the deadline date, but does provide it at a later date, the

increase shall be effective in the month following the month the verification is provided. If the household fails to provide necessary verification, its [~~food stamp program~~] SNAP benefit amount shall revert to the original benefit amount.

(3) **Decreased**

benefits: When a household timely reports a change which will decrease benefits, the caseworker shall issue an adverse action notice to the household (Subsection B of 8.139.120.15 NMAC). If the adverse action time limit expires in the following month, there is no overissuance in the following month and the household is entitled to the greater benefit amount. The decrease shall be effective in the month following the month the notice expires.

(4) **Termination**

of benefits: When the household reports a change that will result in a termination of benefits, the caseworker shall issue an adverse action notice.

(a) If

the adverse action time limit expires in the following month, there is no overissuance to the household in the following month and the household shall be entitled to the greater benefit amount. No claim shall be filed.

(b) If

the adverse action time limit will expire after the certification period ends, action shall be taken to terminate benefits; the certification period shall be allowed to expire. The caseworker shall document the change in the case record.

(5) **No change**

in [~~food stamp program~~] SNAP benefit amount: When a reported change has no effect on the [~~food stamp program~~] SNAP benefit amount, the caseworker shall document the change in the case file and notify the household of the receipt of the report and that there is no change in [~~food stamp program~~] SNAP benefits.

E. Failure to report**changes:**

(1) If the

caseworker discovers that the household failed to report a change as required, the caseworker shall evaluate the change to determine whether the household received benefits to which it was not entitled. After verifying the change, the caseworker shall initiate a claim against the household for any month in which the household was overissued [~~food stamp program~~] SNAP benefits. The first month of the overissuance is the month following the month the adverse action notice time limit would have expired had the household timely reported the change. If the discovery is made within the certification period, the household is entitled to a notice of adverse action if its benefits will be reduced. No claim shall be established because of a change in circumstances that a household

is not required to report in accordance with Paragraph (2) of Subsection B of 8.139.120.12 NMAC above.

(2) **Increased**

benefit amount: When a household fails to make a timely report of a change which will result in an increased [~~food stamp program~~] SNAP benefit amount, the household is not entitled to a supplement for any month prior to and including the month in which the change was reported. The household is entitled to an increased benefit amount effective no later than the first benefit amount issued 10 days after the date the change was reported.

F. Other changes:(1) **Eligibility**

standard: When a household becomes entitled to a different eligibility standard, the caseworker shall apply the new standard whenever there is a change in household eligibility, benefit amount, or certification period, whichever occurs first.

(2)

Reconstituted household: If members in the household separate into two or more households, the individuals who left the original household shall not be eligible for separate status in the month the change occurs. An adverse action notice is required whenever members leave the household. If the adverse action time limit expires in the month the change occurs, the individuals in the reconstituted household may be certified in the month following the month the change occurs. If the notice of adverse action time limit expires in the month following the month the change occurred, the reconstituted household shall not be certified until the month following the month the notice time limit expires.

(3) **Shortened**

certification period: Whenever a determination is made that a household's certification period must be shortened, the household is entitled to an expiration notice. A household shall be informed that its certification period shall end the month following the month the expiration notice is sent. The household shall be given an opportunity to timely reapply for benefits.

(4) **Unreported**

changes: The caseworker shall act on all changes of which the caseworker becomes aware. At a minimum, this means documenting changes in the case record. All discrepancies and questionable information shall be resolved to make sure that the correct [~~food stamp program~~] SNAP benefit amount is issued to the household. [05/15/97; 8.139.120.12 NMAC - Rn & A, 8.139.120.11 NMAC, 02/14/2002; 8.139.120.12 NMAC - Rn & A/E, 8.139.120.10 NMAC, 10/15/2008; A, 12/31/2008; A, 04/01/2010; A/E, 10/01/2014; A/E, 03/01/2015]

NEW MEXICO HUMAN SERVICES DEPARTMENT
INCOME SUPPORT DIVISION

This is an emergency amendment to 8.139.510 NMAC, Section 8, effective 03/01/2015.

8.139.510.8 RESOURCE ELIGIBILITY STANDARDS

A. The maximum allowable resources, including both liquid and non-liquid assets, of all members of a household cannot exceed:

(1) [\$2,000]

\$2,250; or

(2) [\$3,000]

\$3,250 for households consisting of or including a member who is elderly or disabled as defined at Paragraph [(23)] (28) of Subsection A of 8.139.100.7 NMAC.

B. The value of a nonexempt resource is its equity value. Equity value is the fair market value less encumbrances. The value of stocks and bonds, such as U.S. savings bonds, is their cash value, not their face value.

C. It is a household's responsibility to report all resources held at the time of application and any anticipated to be received, or that are later received during the certification period, that might place the household's resources above the maximum allowed.

D. Categorically eligible households: Households that are categorically eligible do not need to meet the resource limits or provisions of this section.

E. Sponsored aliens: For households containing sponsored aliens, a prorated amount of the countable resources of an alien's sponsor and sponsor's spouse (if living with the sponsor) are deemed to be those of the sponsored alien, in accordance with sponsored alien provisions in 8.139.420.9 NMAC.

F. Non-household members: The resources of non-household members, defined in 8.139.400.10 NMAC shall not be considered available to the household.

G. Resources of ineligible or disqualified household members: The resources of ineligible or disqualified household members shall be counted as available to the household in their entirety. If a resource exclusion applies to a household member, the exclusion shall also apply to the resources of an ineligible or disqualified person whose resources are counted as available to the household. [02/01/95, 07/01/97, 07/01/98, 06/01/99; 8.139.510.8 NMAC - Rn, 8 NMAC 3.FSP.510, 05/15/2001; A, 02/01/2002; A, 10/01/2002; A, 04/01/2010; A/E, 10/01/2014; A/E, 03/01/2015]

NEW MEXICO REGULATION AND LICENSING DEPARTMENT
CONSTRUCTION INDUSTRIES AND MANUFACTURED HOUSING DIVISIONS
Hoisting Program

16.43.2 NMAC, Hoisting Operators Safety; Hoisting Operators Code (filed 6-30-2006) is being repealed and replaced by 16.43.2 NMAC, Hoisting Operators Safety; Hoisting Operators Code, effective 03/31/15.

NEW MEXICO REGULATION AND LICENSING DEPARTMENT
CONSTRUCTION INDUSTRIES AND MANUFACTURED HOUSING DIVISIONS
Hoisting Program

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 43 HOISTING
OPERATORS
PART 1 GENERAL
PROVISIONS

16.43.1.1 ISSUING AGENCY: The Construction Industries Division of the Regulation and Licensing Department. [16.43.1.1 NMAC - N, 03/31/15]

16.43.1.2 SCOPE: This rule applies to all hoisting operators engaged in construction, excavation or demolition activities within the state of New Mexico. [16.43.1.2 NMAC - N, 03/31/15]

16.43.1.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to Section 60-15-6 NMSA 1978, of the Hoisting Operators Safety Act (60-15-1 to -15 NMSA 1978). [16.43.1.3 NMAC - N, 03/31/15]

16.43.1.4 DURATION: Permanent. [16.43.1.4 NMAC - N, 03/31/15]

16.43.1.5 EFFECTIVE DATE: March 31, 2015, unless a later date is cited at the end of a section. [16.43.1.5 NMAC - N, 03/31/15]

16.43.1.6 OBJECTIVE: To promote the general welfare and protect the lives and property of the people of New Mexico by requiring persons operating hoisting equipment to be trained and licensed when employed in construction, demolition or excavation work.

[16.43.1.6 NMAC - N, 03/31/15]

16.43.1.7 DEFINITIONS:

A. Act means the Hoisting Operators Safety Act (Sections 60-15-1 to -15 NMSA 1978).

B. CID means the construction industries division.

C. Construction means the act or process of constructing or being constructed.

D. Council means the hoisting operators licensure examining council.

E. Demolition means the act or process of wrecking, razing or destroying.

F. Department (or "RLD") means the New Mexico regulation and licensing department.

G. Direct supervision means the training supervisor being in direct visual sight to their trainee for at least the first one hundred (100) hours of supervised time, and thereafter being in close proximity and on the same jobsite with the trainee, with the supervisor being directly responsible for the trainee.

H. Excavation means the act of digging, hollowing out or removing materials.

I. HSD means the New Mexico human services department.

J. In-house training course means a course in hoisting equipment operations approved by the council and offered by an employer, person or organization that results in a trainee receiving an in-house hoisting operation card pursuant to (Section 60-15-7 NMSA 1978).

K. OSHA means the United States department of labor occupational safety and health administration.

L. Stipulated agreement means a binding agreement between the department and a person, licensee or entity engaged in activity governed by the act to resolve violations or alleged violations of the act.

M. Superintendent means the superintendent of the NM regulation and licensing department.

N. ULA means the New Mexico Uniform Licensing Act (Sections 61-1-1 to -33 NMSA 1978). [16.43.1.7 NMAC - Rp, 16.43.2.7 NMAC, 03/31/15]

16.43.1.8 PARENTAL RESPONSIBILITY ACT COMPLIANCE:

A. Compliance required: Any applicant or licensee must be in compliance with the Parental Responsibility Act, (Sections 40-5A-1 to -13 NMSA 1978)

B. Denial, suspension or revocation: Upon receipt from HSD of a certified list of persons not in compliance with a judgment and order for child support, the department shall match the certified list against licensees and applicants. The department shall initiate proceedings under the ULA to deny an initial application or renewal application, or to suspend or revoke an Active license for noncompliance with a judgement or order for child support. If a license is suspended or revoked for noncompliance with the Parental Responsibility Act, the final order shall state that the license may be reinstated at any time by providing the department with a certified statement of compliance from HSD.

C. Proof of compliance: Applicants and licensees may prove compliance with the Parental Responsibility Act as follows:

(1) An applicant for initial licensure or renewal that provides a certified statement of compliance from HSD within thirty (30) days from the date of notice that their application is subject to denial for noncompliance with the Parental Responsibility Act shall have their application reinstated for consideration.

(2) A licensee that has received notice that their license is subject to suspension or revocation may provide a certified statement of compliance to the department at anytime and the department will dismiss the proceedings.

(3) A licensee that has had their license suspended or revoked shall have their license reinstated upon providing the department with a certified statement of compliance. [16.43.1.8 NMAC - Rp, 16.43.2.18 NMAC, 03/31/15]

16.43.1.9 DISCIPLINE: Every licensee or applicant shall be afforded notice and the opportunity to be heard in accordance with the ULA before the superintendent may deny an application, place probationary limitations on a license, suspend or revoke a license or assess an administrative penalty against a licensee. Hearings will be held by a hearing officer, which may be a member of the council or a department employee designated by the council, or by the full membership of the council. The council shall review hearing officer reports and make disciplinary recommendations to the superintendent.

A. In addition to any violation of the act, the following may be grounds for disciplinary action:

(1) refusal of a licensee to comply with a stop work order issued by the department;

(2) making a material misstatement or misrepresentation

in an application for initial licensure or renewal;

(3) intentionally making a material misstatement to the department during an official investigation;

(4) aiding or abetting another in violating provisions of the act or a rule adopted pursuant to the act;

(5) altering or falsifying a license issued by the department;

(6) failing or refusing to furnish the department, its investigators or its representatives information requested in the course of an official investigation by the department; or

(7) operating hoisting equipment in a negligent or reckless manner as determined by the department.

B. Stipulated agreement: In lieu of a hearing, the department and the licensee may enter into a stipulated agreement to resolve any alleged violations.

C. Surrender of license after suspension or revocation: Upon suspension or revocation of a license, or as soon thereafter as practicable, the licensee shall surrender possession of their license to the department and the department will place the license in the licensee's file.

D. Appeal: A licensee or applicant may appeal a final order in accordance with the ULA pursuant to (Sections 60-15-11 and 60-15-12 NMSA 1978). [16.43.1.9 NMAC - N, 03/31/15]

16.43.1.10 FINES: In accordance with Section 60-15-11(F) NMSA 1978, the superintendent may issue a citation and a fine to an individual or business that violates the act, or any regulation adopted pursuant to the act, as long as the fine does not exceed limitations set pursuant to Section 60-15-13 NMSA 1978. Unlicensed hoisting operator: If a fine is assessed against an unlicensed operator, the superintendent may provide the unlicensed operator the option to respond to the order assessing the fine and enter into a stipulated agreement to resolve the violation by paying a lesser fine under the condition that the unlicensed operator admits guilt and agrees to become licensed. [16.43.1.9 NMAC - Rp, 16.43.2.19 NMAC, 03/31/15]

16.43.1.11 REPORT OF INCIDENT:

A. Any in-house hoisting operator card holder or licensee involved in any incident that involves a death, or an injury to three (3) or more individuals, shall submit a report as required under applicable state or federal safety laws.

B. Any in-house hoisting

operator card holder or licensee involved in any incident that involves a personal injury requiring a hospital stay of seventy-two (72) hours or more, or any incident that involves damage to property or equipment of one thousand (\$1,000) dollars or more, shall notify the department within ninety-six (96) hours of the incident.

C. Failure to report an incident may result in a disciplinary actions, penalties or fines.

D. Upon receipt of a report regarding an incident that may have involved a crane operator or hoisting operator, the department, council or its designee may gather information on the incident and may assign an inspector or investigator to visit the site of the incident, investigate the cause(s) of the incident, and submit a written report to the council summarizing their findings.

E. The council may review any incident investigation findings and make a recommendation to the department. [16.43.1.11 NMAC - Rp, 16.43.2.20 NMAC, 03/31/15]

16.43.1.12 INSPECTION/ INVESTIGATION:

A. Inspection services: The department may contract for inspection services or may enter into agreement(s) with any private or state agency such as, but not limited to, NM-OSHA or the CID to provide inspection services regarding hoisting operators.

B. Investigation services: The department may contract for investigation services or may enter into agreement(s) with any private or state agency such as, but not limited to, NM-OSHA or the CID to provide investigation services in order to investigate the cause(s) of any accident involving a hoisting operator or hoisting equipment. [16.43.1.12 NMAC - Rp, 16.43.2.21 NMAC, 03/31/15]

16.43.1.13 HOISTING OPERATORS LICENSURE EXAMINING COUNCIL:

A. Establishment of council: The hoisting operators licensure examining council is established in accordance with (Section 60-15-14 NMSA 1978).

B. Elections: At the first council meeting of each calendar year, the council shall elect, by majority vote of the members present, the following officers: chair, vice-chair, and secretary. No officer shall be elected more than twice in succession to the same office. If an officer leaves the council for any reason, a successor officer shall be elected, by majority vote of the members present at the next meeting of the council, to serve the

remainder of the term. Any member absent from three consecutive regularly scheduled council meetings shall be deemed to have resigned from the council.

C. Compensation:

Council members may be reimbursed as provided in the Per Diem and Mileage Act, Sections 10-8-1 to -8 NMSA 1978, and shall receive no other compensation, perquisite, or allowance.

D. Meetings: The council shall meet no less than quarterly. A meeting shall be convened at the request of the department, call of the chair, or upon written request addressed to the chair of two (2) council members. Meetings shall be held in compliance with the requirements of the Open Meetings Act (10-15-1 to -4 NMSA 1978). A quorum shall consist of at least half of the duly appointed commissioners at the time of a meeting.

E. Telephone attendance:

If it is difficult or impossible for a member of the council to attend a meeting in person, the member may participate through a telephone conference. Each council member participating by telephone conference must be identified when speaking, all participants must be able to hear each other at the same time, and members of the public attending the meeting must be able to hear any member of the council who speaks during the meeting.

F. Public records:

The council and department shall comply with the Inspection of Public Records Act, (Sections 14-2-1 to -12 NMSA 1978). The council's administrator shall be the custodian of the council's records.

G. Duties:

In addition to obligations under Section 60-15-14(B), duties of the council shall include:

(1) holding hearings in accordance with the provisions of ULA;

(2) examining proposed in-house training course providers and refresher course providers to determine whether they meet the requirements of the act and these rules, and publishing and updating lists of approved training providers;

(3) making recommendations to the department concerning any aspect of licensing under the act or these rules, including recommending new council members to the superintendent;

[16.43.1.13 NMAC - Rp, 16.43.2.23 NMAC, 03/31/15]

16.43.1.14 FEES:

A. Fee payments:

(1) All checks to the department from applicants and licensees shall be made payable to "The New Mexico Hoisting Program."

(2) All payments shall be delivered to the department's office.

(3) All fees and payments shall be refundable in whole or in part.

B. Application fee:

The application fee for a license in any classification or for a change in classification shall be fifty dollars (\$50). The application and initial fees must be submitted with the completed application.

C. Initial license fee:

(1) An applicant accepted for licensure as a class I hoisting operator shall pay an initial fee of seventy five dollars (\$75) for a two (2) year license.

(2) An applicant accepted for licensure as a class II hoisting operator shall pay an initial fee of seventy five dollars (\$75) for a two (2) year license.

(3) An applicant accepted for licensure as a class III hoisting operator shall pay an initial fee of twenty-five dollars (\$25) for a two (2) year license.

D. Renewal license fee:

(1) The fee for renewal of a class I hoisting operator license is seventy-five dollars (\$75). The renewed license shall be valid for two (2) years from the expiration date of the previous license.

(2) The fee for renewal of a class II hoisting operator license is seventy-five dollars (\$75). The renewed license shall be valid for two (2) years from the expiration date of the previous license.

(3) The fee for renewal of a class III hoisting operator license is twenty-five dollars (\$25). The renewed license shall be valid for two (2) years from the expiration date of the previous license.

E. Late fee: Unless a renewal application is filed on or before the expiration date, a late fee of five dollars (\$5) may be charged in addition to a renewed license fee for each month that the renewal application is past due.

F. Reinstatement fee: A license that is not renewed within six (6) months of its expiration may be reinstated if a renewal application is submitted. The reinstatement fee is one hundred dollars (\$100) and is assessed in addition to any renewal or late fee.

G. General examination

fee: The fee for an initial or subsequent general examination for any classification shall be set by the department in consultation with the examining vendor approved by the council, but in no event shall the fee exceed one hundred and fifty (\$150) dollars.

H. Law and safety

examination fee: The fee for an initial or subsequent law and safety examination shall be set by the department in consultation

with the testing agency, but in no event shall the fee exceed twenty five dollars (\$25).

I. Practical examination

fee: The fee for initial and subsequent practical examinations shall be set between the applicant and the examining vendor approved by the council.

J. Duplicate license

fee: The fee for the replacement of a lost, destroyed or mutilated license, or for the issuance of a replacement license shall be ten dollars (\$10).

K. In-House training

course fee:

(1) Any employer, person or organization seeking approval of its in-house training course shall submit a three hundred dollar (\$300) application fee.

(2) Upon course approval from the council, an employer, person or organization shall submit a certification fee of four hundred dollars (\$400).

(3) Any employer, person or organization wishing to renew its course certification shall submit a three hundred dollar (\$300) renewal fee.

L. Returned check fee:

Any check that fails to clear the bank, or is returned unpaid by the bank for any reason, shall be assessed a thirty-five dollar (\$35) fee. A returned check may cause any license issued or to be issued, or any examination scheduled or to be scheduled to be immediately suspended until proper payment is received in full by the department, including any applicable fees as set out in this section.

M. Administrative fees:

(1) The fee for photocopies of documents shall be twenty-five cents (\$0.25) per page.

(2) The fee for certified copies of documents shall be seventy-five cents (\$0.75) per page.

[16.43.1.14 NMAC - Rp, 16.43.2.24 NMAC, 03/31/15]

HISTORY OF 16.43.1 NMAC:

[RESERVED]

**NEW MEXICO
REGULATION AND
LICENSING DEPARTMENT
CONSTRUCTION INDUSTRIES
AND MANUFACTURED HOUSING
DIVISIONS
Hoisting Program**

**TITLE 16 OCCUPATIONAL
AND PROFESSIONAL LICENSING
CHAPTER 43 HOISTING
OPERATORS
PART 2 HOISTING
OPERATORS SAFETY; HOISTING
OPERATORS CODE**

16.43.2.1 ISSUING AGENCY:
The Construction Industries Division of the Regulation and Licensing Department.
[16.43.2.1 NMAC - Rp, 16.43.2.1 NMAC, 03/31/15]

16.43.2.2 SCOPE: These rules apply to all hoisting operators engaged in construction, excavation or demolition activities within the state of New Mexico.
[16.43.2.2 NMAC - Rp, 16.43.2.2 NMAC, 03/31/15]

16.43.2.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to Section 60-15-6 NMSA 1978, of the Hoisting Operators Safety Act (Sections 60-15-1 to -14 NMSA 1978).
[16.43.2.3 NMAC - Rp, 16.43.2.3 NMAC, 03/31/15]

16.43.2.4 DURATION:
Permanent.
[16.43.2.4 NMAC - Rp, 16.43.2.4 NMAC, 03/31/15]

16.43.2.5 EFFECTIVE DATE:
March 31, 2015, unless a later date is cited at the end of a section.
[16.43.2.5 NMAC - Rp, 16.43.2.5 NMAC, 03/31/15]

16.43.2.6 OBJECTIVE: To promote the general welfare and protect the lives and property of the people of New Mexico by requiring persons operating hoisting equipment to be trained and licensed when employed in construction, demolition or excavation work.
[16.43.2.6 NMAC - Rp, 16.43.2.6 NMAC, 03/31/15]

16.43.2.7 DEFINITIONS:
[RESERVED]
[16.43.2.7 NMAC - Rp, 16.43.2.7 NMAC, 03/31/15]
[See 16.43.1.7 NMAC and Section 60-15-3 NMSA 1978 for applicable definitions]

16.43.2.8 IN-HOUSE TRAINING:
A. A person who has successfully completed an in-house training course approved by the council may operate hoisting equipment without the written examination required by Section 60-15-7 NMSA 1978 for a period of two (2) years. Prior to the expiration of two (2) years, and with at least five hundred (500) hours of seat time, the person shall apply for a license pursuant to 16.43.2.10 through 16.43.2.12 NMAC, as applicable.

B. Employer responsibility: An employer choosing to exempt its employees from the licensing requirements of the act for two (2) years by offering an in-house training course for its employees shall be responsible for the qualifications, capability, experience, physical condition, and actions of its hoisting operators.

C. Standards for approval of training course: The council shall determine whether training programs meet the requirements of the federal occupational safety and health administration, United States department of labor or occupational health and safety bureau of the United States department of environment.

D. Approval of training course:
(1) Any employer, person or organization wishing to offer an in-house training course to hoisting operators in this state shall first obtain written approval of the course from the council. The request must be submitted on a council approved form containing a complete description of the program's curriculum, content, examination coverage and instructor(s) qualifications. An application fee, as required under 16.43.1.14 NMAC, shall be included with a completed application.

(2) After review of the application submitted, the council shall indicate in writing its approval or disapproval, and if disapproved, the council shall provide a reason for the disapproval. The council shall notify the employer, person or organization in writing of the approval or disapproval of the proposal within ninety (90) days of receipt of the completed form. Upon approval, the employer, person or organization shall submit to the council a non-refundable certification fee as required under 16.43.1.14 NMAC.

(3) The certification shall be for a period of two (2) years.
[16.43.2.8 NMAC - Rp, 16.43.2.9 NMAC, 03/31/15]

16.43.2.9 LICENSE:

A. Licensure required:
No person shall operate hoisting equipment in construction, demolition or excavation work when the hoisting equipment is used to hoist or lower individuals or material unless the person is licensed under the act, holds an in-house hoisting operator card or is exempt pursuant to Section 60-15-3(M) NMSA 1978.

B. Description of license:
The license issued by the department shall include, at a minimum: license number; expiration date of license; license classification and endorsement(s); licensee's name, address, and signature; and authorized signature of the designated representative of the department.

C. Initial license period:
An initial license shall be valid for two (2) years from the date of issuance.

D. Examination requirements: All applicants must take the written general examination and the law and safety examination as approved by the council. A class I and II hoisting operator must also take a practical examination or complete a council approved in-house training course.

E. Validity: A license issued under the act and these rules is valid throughout the state of New Mexico. A license is valid only for the classification and endorsement(s) for which it is issued.

F. Possession: The licensee must have their license in their possession and on their person at all times while engaged in the operation of hoisting equipment or any other activity subject to the act.

G. Proof of license: If a hoisting operator is asked for proof of licensure by a state inspector, or a state investigator as designated by the department or council, the operator shall produce their hoisting operator's license accompanied by a current motor vehicle driver's license or other form of photo identification.

H. Non-assignable and non-transferable: A license may be used legally only by the person to whom it is issued; it may not be transferred, shared, or otherwise assigned.

I. Lost license: If a license is lost, destroyed or mutilated, the licensee shall immediately deliver to the department a written statement setting forth the circumstances surrounding the loss, destruction or mutilation of the license, and any applicable fee for the issuance of a duplicate license.
[16.43.2.9 NMAC - Rp, 16.43.2.8 NMAC, 03/31/15]

16.43.2.10 APPLICATION PROCEDURE:
A. Application for licensure:

(1) Each applicant for licensure must submit to the department the appropriate documentation as specified in these rules.

(2) The filing date of the application shall be the date the application is date-stamped by the department upon its receipt.

B. Period of validity: If for any reason all requirements for licensure are not completed by the applicant within six (6) months after the date of filing an application, the application shall be deemed withdrawn. The applicant shall then be required to re-apply for licensure and pay a new application fee.

C. Licensure in lesser classification: The department will forward to the council scanned license applications for approval. If the program administrator receives confirmation from the council that the applicant qualifies for a lesser type of license, the administrator will offer the applicant the opportunity of licensure in a lesser classification. If the applicant wishes to obtain licensure in the lesser classification, the applicant must notify the department in writing within thirty (30) days after receipt of the department's offer. Once approved by the superintendent, the administrator will issue a license of lesser classification.

[16.43.2.10 NMAC - Rp, 16.43.2.10 NMAC, 03/31/15]

16.43.2.11 CLASS I HOISTING OPERATOR:

A. Scope of work:

(1) A class I hoisting operator shall have an endorsement on the applicant's license, based on experience, authorizing him to operate any size or weight of one or more of the following types of cranes: conventional, hydraulic or tower.

(2) A class I hoisting operator may perform the work of a class II or class III hoisting operator without being licensed in either of those classifications.

B. Requirements for licensure:

(1) **Application:** applicant must submit to the department a completed application in an approved form.

(2) **Fee:** applicant must submit to the department applicable fee(s) as set out in these rules.

(3) **Age requirement:** the applicant must be at least twenty-one (21) years of age at the time the application is received by the department.

(4) **Experience requirement:**

(a) The applicant's experience must include at least five hundred (500) hours of seat

time on a crane of the type for which the applicant seeks the initial endorsement in the past three (3) years prior to applying. For a conventional crane endorsement, the applicant's experience must have been with conventional cranes of any size or type. For a hydraulic crane endorsement, the applicant's experience must have been with hydraulic cranes with a manufacturer's rating capacity equal to or greater than one hundred (100) tons and a boom length equal to or greater than one hundred fifty (150) feet. For a tower crane endorsement, the applicant's experience must have been with tower cranes of any size or type.

(b) The applicant must demonstrate their operating competency by passing the general examination, the law and safety examination and the practical examination. The practical examination may be substituted with a council approved in-house training course for the type of hoisting equipment for which the applicant seeks a license and an endorsement.

(c) A class I hoisting operator who seeks an additional endorsement on their license shall keep a log book of their seat time with the appropriate type of hoisting equipment and must accumulate five hundred (500) hours of seat time under the direct supervision of either a class I hoisting operator with the proper endorsement or the manufacturer's representative.

(d) A class II or class III hoisting operator who seeks an initial endorsement as a class I hoisting operator shall keep a log book of their seat time with the appropriate type of hoisting equipment and must accumulate five hundred (500) hours of seat time under the direct supervision of a class I hoisting operator with the proper endorsement.

(5) Verification of work experience:

(a) Applicant shall furnish written statement(s) from present or former supervisor(s) or employer(s) verifying that the applicant has had, in total, at least 500 hours seat time operating the type(s) of hoisting equipment which the applicant is applying for licensure in the past three (3) years prior to applying. The statement(s) shall contain at least the following information relating to the applicant: dates of employment, type(s) and tonnage(s) of hoisting equipment operated, and number of hours of operation of each type of equipment.

(b) If applicant is a class I hoisting operator seeking an additional endorsement on their license, applicant shall present to the department their log book showing at least five hundred (500) hours of seat time operating the type of equipment for

which the applicant seeks an additional endorsement. The seat time must have been under the direct supervision of either a class I hoisting operator with the proper endorsement or the manufacturer's representative.

(c) A class II or class III hoisting operator who seeks an initial endorsement as a class I hoisting operator shall present to the department their log book showing at least five hundred (500) hours of seat time operating the type of equipment for which the applicant seeks the endorsement. The seat time must have been under the direct supervision of a class I hoisting operator with the proper endorsement.

(6) Proof of physical condition:

(a) The applicant shall furnish to the department a current certificate of physical examination conducted and signed by a licensed physician or physician assistant within the past twelve (12) months.

(b) The applicant shall furnish to the department a report from a certified drug testing laboratory showing that the applicant has passed a drug screen within the past twelve (12) months.

(7) Proof of compliance with Parental Responsibility Act:

If applicant's name appears on a certified list from the New Mexico human services department of persons not in compliance with a judgment and order for child support, the applicant must present to the department a statement of compliance from the human services department.

(8) Law and safety examination:

The applicant must demonstrate knowledge of the act and these rules by passing a written New Mexico law and safety examination selected and approved by the council. Such examination will include questions regarding the operation of hoisting equipment, hoisting laws, load charts, and signals.

[16.43.2.11 NMAC - Rp, 16.43.2.11 NMAC, 03/31/15]

16.43.2.12 CLASS II HOISTING OPERATOR:

A. Scope of work:

(1) A class II hoisting operator may operate a hydraulic crane of up to one hundred (100) tons lifting capacity with a maximum boom length of one hundred fifty (150) feet, regardless of mounting or means of mobility.

(2) A class II hoisting operator may perform the duties of a class I hoisting operator without being licensed in that classification *only* while working under the direct supervision of a class I hoisting operator with the proper

endorsement.

(3) A class II hoisting operator may perform the work of a class III hoisting operator without being licensed in that classification.

B. Requirements for licensure:

(1) **Application:** Applicant must submit to the department a completed application in an approved form.

(2) **Fee:** Applicant must submit to the department applicable fee(s) as set out in these rules.

(3) **Age requirement:** The applicant must be at least eighteen (18) years of age.

(4) **Experience requirements:** (a) The applicant's experience must include at least five hundred (500) hours of seat time on a hydraulic crane over two (2) tons and up to one hundred (100) tons lifting capacity with a maximum boom length of one hundred fifty (150) feet, regardless of mounting or means of mobility in the past three (3) years prior to applying.

(b) The applicant must demonstrate their operating competency by passing the general examination, the law and safety examination and the practical examination. The practical examination may be substituted with a council approved in-house training course for the type of hoisting equipment for which the applicant seeks a license and an endorsement.

(c) A class III hoisting operator who seeks licensing as a class II hoisting operator must have at least five hundred (500) hours of seat time operating the appropriate type of equipment under the direct supervision of a class I with the proper endorsement or a class II hoisting operator.

(5) **Verification of work experience:**

(a) Applicant shall submit written statement(s) from present or former supervisors or employers verifying that the applicant has had, in total, at least five hundred (500) hours seat time operating the type of hoisting equipment which the applicant is applying for licensure. The statement(s) shall contain at least the following information relating to the applicant: dates of employment, type(s) and tonnage(s) of hoisting equipment operated, and number of hours of operation of each type of equipment.

(b) If applicant is a class III hoisting operator seeking to qualify as a class II hoisting operator, applicant must present their log book verifying at least five hundred (500) hours of seat time operating the appropriate

type of equipment under the direct supervision of a class I with the proper endorsement or a class II hoisting operator.

(6) **Proof of physical condition:**

(a) The applicant shall furnish to the department a current certificate of physical examination conducted and signed by a licensed physician or physician assistant within the past twelve (12) months.

(b) The applicant shall furnish to the department a report from a certified drug testing laboratory showing that the applicant has passed a drug screen within the past twelve (12) months.

(7) **Proof of compliance with Parental Responsibility Act:**

If applicant's name appears on a certified list from the New Mexico human services department of persons not in compliance with a judgment and order for child support, applicant must present to the department a statement of compliance from human services department.

(8) **Law and safety examination:** The applicant must demonstrate knowledge of the act and these rules by passing a written New Mexico law and safety examination selected and approved by the council. Such examination will include questions regarding the operation of hoisting equipment, hoisting laws, load charts, and signals. [16.43.2.12 NMAC - Rp, 16.43.2.12 NMAC, 03/31/15]

16.43.2.13 CLASS III HOISTING OPERATOR:

A. Scope of work:

(1) A class III hoisting operator may work as an apprentice, trainee, or crane oiler or driver, under the direct supervision of a class I with the proper endorsement or class II hoisting operator.

(2) A class III hoisting operator may perform the duties of a class I or class II hoisting operator without being licensed in that classification *only* while working under the direct supervision of a class I with the proper endorsement or class II hoisting operator.

B. Requirements for licensure:

(1) **Application:** Applicant must submit to the department a completed application in an approved form.

(2) **Fee:** Applicant must submit to the department applicable fees as set out in these rules.

(3) **Age requirement:** The applicant must be at least eighteen (18) years of age at the time the application is received by the department.

(4) **Experience**

requirements: No prior experience in the hoisting industry is required.

(5) **Proof of physical condition:**

(a) The applicant shall furnish to the department a current certificate of physical examination conducted and signed by a licensed physician or physician assistant within the past twelve (12) months.

(b) The applicant shall furnish to the department a report from a certified drug testing laboratory showing that the applicant has passed a drug screen within the past twelve (12) months.

(6) **Proof of compliance with Parental Responsibility Act:** If applicant's name appears on a certified list from the New Mexico's human services department of persons not in compliance with a judgment and order for child support, applicant must present to the department a statement of compliance from human services department.

(7) **Law and safety examination:** The applicant must demonstrate knowledge of the act and these rules by passing a written New Mexico law and safety examination selected and approved by the council. Such examination will include questions regarding the operation of hoisting equipment, hoisting laws, load charts, and signals. [16.43.2.13 NMAC - Rp, 16.43.2.13 NMAC, 03/31/15]

16.43.2.14 LOG BOOK:

A. Class I hoisting operator: A log book must be kept by any class I hoisting operator who seeks an additional endorsement on their class I license.

B. Class II hoisting operator: A log book must be kept by any class II hoisting operator who seeks to become a class I hoisting operator.

C. Class III hoisting operator: A log book must be kept by any class III hoisting operator who seeks to become a class I or class II hoisting operator.

D. Contents of log book: The log book shall contain, at a minimum: the name of the person maintaining the log, type and tonnage of equipment operated, boom length, date and specific hours of operation, total hours of operation, printed name of direct supervisor (a class I with the proper endorsement or class II hoisting operator in the proper class of equipment being operated) and signature of direct supervisor for respective time periods. [16.43.2.14 NMAC - Rp, 16.43.2.14 NMAC, 03/31/15]

16.43.2.15 EXAMINATIONS:

A. Testing services:

The department or council may accept examinations administered by nationally approved companies or the results of an examination administered by an approved in-house training provider.

B. General examination:

(1) A written general examination selected and approved by the council shall be scheduled at least monthly; the dates and locations of the examinations shall be determined by the examining vendor approved by the council.

(2) The written general examination shall test the applicant's knowledge of hoisting equipment operation, its care and maintenance, inspection and set-up, and related safety practices.

(3) The written general examination shall be required to be taken and passed by all applicants for hoisting operator licenses in any classification.

(4) A passing grade shall be a score above seventy-five percent (75%).

C. Law and safety examination:

(1) A written New Mexico law and safety examination selected and approved by the council shall be scheduled at least monthly; the dates and locations of the examinations shall be determined by the examining vendor approved by the council.

(2) The law and safety examination shall test the applicant's knowledge of the act and the rules under Title 16, Chapter 43. Such examination for class I, class II and class III applicants will include questions regarding hoisting equipment operation, load charts and signals. Such examination will include questions regarding the operation of hoisting equipment, hoisting laws, load charts, signals, and hoisting laws.

(3) All applicants for hoisting operator licenses in any classification are required to pass the law and safety examination.

(4) A passing grade shall be a score above seventy-five percent (75%).

D. Practical examination:

(1) A practical exam shall be conducted by a designee of the council.

(2) If an applicant passes the general examination and the law and safety examination but does not meet the experience requirements set out in 16.43.2.10 or 16.43.2.11 NMAC of these rules, and the applicant elects not to accept a lesser classification as provided in 16.43.2.12 NMAC of these rules, then the applicant shall be required to pass a

practical examination.

(3) The practical examination shall demonstrate the applicant's competence in the safe operation of hoisting equipment. The applicant shall satisfactorily demonstrate the ability to perform common tasks required of a hoisting operator, including but not limited to operation, inspection and maintenance procedures, understanding load capacity charts, safely raising and lowering a load, raising and lowering the boom, swinging the crane with a suspended load, braking, and understanding hand signals.

(4) Practical examinations shall be scheduled by an examining vendor approved by the council.

(5) The exam will be graded on a pass or fail basis, determined by the proctor of the examination.

(6) A practical examination may be substituted with an in-house training course approved by the council for the type of hoisting equipment for which the applicant seeks a license or endorsement.

E. Re-scheduling of examination:

Any applicant unable to take the law and safety examination at their scheduled time must notify the examining vendor in a timely manner or the examination fee will be forfeited. [16.43.2.15 NMAC - Rp, 16.43.2.15 NMAC, 03/31/15]

16.43.2.16 CHANGES IN STATUS:

A. Change of address: A licensee shall report to the department in writing any change of permanent address within thirty (30) days of such change.

B. Change of name: If a licensee legally changes their name and wishes their license to reflect that name change, the licensee shall submit proof of the name change and a fee in accordance with these rules.

C. Change of classification: An applicant for a hoisting operator's license in a classification different from the classification currently held or for an additional endorsement shall apply on approved forms supplied by the department. [16.43.2.16 NMAC - Rp, 16.43.2.16 NMAC, 03/31/15]

16.43.2.17 LICENSE RENEWAL:

A. Timely renewal: It is the responsibility of the licensee to timely renew their license on forms prescribed by the department. There shall be a thirty (30) day grace period at the end of a two (2) year license before the license will be deemed expired.

B. Filing date: The filing

date of the application shall be the date it is received and date-stamped by the department.

C. Refresher course:

(1) A refresher course must have been completed no more than twelve (12) months prior to the filing date of the licensee's renewal application.

(2) The council shall produce a list of all approved refresher courses and shall update the list whenever any party is added to or removed. The list, and any updates, shall be forwarded to the department to publish on the council's website.

D. Documentation required for renewal of license:

(1) Renewal form: A licensee must submit to the department a completed renewal form no later than thirty (30) days after the expiration of their license.

(2) Fee: Applicant must submit to the department any application fee(s) as set out in these rules.

(3) Proof of physical condition: The required proof shall be the same as an initial license.

(4) Proof of compliance with Parental Responsibility Act: The required proof shall be the same as the initial license.

(5) Refresher course: A licensee must submit to the department proof of successful completion of a refresher course as set in these rules. [16.43.2.17 NMAC - Rp, 16.43.2.17 NMAC, 03/31/15]

HISTORY OF 16.43.2 NMAC: Pre NMAC History: .None.

History of Repealed Material: 16 NMAC 43.2, "Hoisting Operators Safety" (filed 1-02-1997) repealed 07/30/06. 16.43.2 NMAC, Hoisting Operators Safety; Hoisting Operators Code (filed 6-30-2006) repealed 03-31-15.

NMAC Other History: 16 NMAC 43.2.2, Hoisting Operators Safety (filed 1-02-1997), effective 1-15-1997. 16 NMAC 43.2, Hoisting Operators Safety (filed 1-02-1997) was renumbered, reformatted, amended, and replaced by 16.43.2 NMAC, Hoisting Operators Safety; Hoisting Operators Code, effective 07/30/06. 16.43.2 NMAC, Hoisting Operators Safety; Hoisting Operators Code (filed 6-30-2006) repealed and replaced by 16.43.2 NMAC, Hoisting Operators Safety; Hoisting Operators Code, effective 03/31/15.

**NEW MEXICO
REGULATION AND
LICENSING DEPARTMENT
PHYSICAL THERAPY BOARD**

This is an amendment to 16.20.6 NMAC, Section 8, effective 02/27/2015.

16.20.6.8 PHYSICAL THERAPIST ASSISTANTS:

A. A physical therapist assistant may work only under the direction and supervision of a New Mexico physical therapist who is licensed pursuant to Section 61-12-10, (A) and (B) of the Physical Therapy Act. The referring physical therapist shall assume full responsibility for the professional activities of the assistant, which are undertaken pursuant to his/her direction or supervision.

B. A physical therapist may not be responsible for the direction and supervision of more than ~~two~~ three (3) full-time physical therapist assistants of ~~two~~ three (3) FTE's (full-time equivalency, totaling ~~eighty (80)~~ one hundred twenty (120) work hours per week) requiring supervision, including temporary physical therapists, temporary physical therapist assistants, or full-licensed physical therapist assistants.

C. A physical therapist may supervise more than ~~two~~ three (3) physical therapist assistants provided combined FTE's do not exceed ~~80~~ one hundred twenty (120) hours per week.

D. The direction and supervision of the physical therapist assistant shall require the following:

- (1) the referring physical therapist is responsible for the patient's care;
- (2) when physical therapy services are being provided, a licensed physical therapist must be on call and readily available for consultation by phone, electronic mail or cellular phone when the referring physical therapist leaves the area or facility, for any length of time, or the referring physical therapist must appoint a stand in physical therapist as a supervising therapist until such time the referring physical therapist returns to the facility;
- (3) the referring physical therapist will formulate a current written plan of care for each patient; the referring physical therapist will review the plan of care at least every thirty (30) days;
- (4) the physical therapist should only delegate interventions to physical therapist assistant's that are competent and trained in these interventions; the physical therapist assistant shall not:

(a) interpret referrals;

(b) specify or perform definitive (initial, progress/re-evaluation, discharge) evaluative and assessment procedures;

(c) alter goals or a plan of care; or

(d) determine when to utilize the physical therapist assistant to perform selected interventions of physical therapy care.

(5) the physical therapist assistant may sign daily notes without the physical therapist's co-signing; each daily treatment note in a patient's permanent record completed by a physical therapist assistant must include the name of the referring physical therapist; and

(6) the physical therapist assistant shall respond to acute changes in the patient's physiological state; the physical therapist assistant shall notify the referring physical therapist of those changes prior to the next treatment session. [03-29-83; 02-19-88; 08-01-89; 05-08-91; 09-03-92; 05-01-96; 16 NMAC 20.6.8 - Rn & A, 16 NMAC 20.7, 10-15-97; 16.20.6.8 NMAC - Rn, 16 NMAC 20.6.8, 08-31-00; A, 03-02-06; A, 1-12-08; A, 4-15-10; A, 8/16/10; A, 09-30-14; A, 02-27-15]

End of Adopted Rules Section

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