

NOTICE OF PROPOSED RULE AMENDMENTS

Public Hearing. The New Mexico Regulation and Licensing Department (RLD), Cannabis Control Division (CCD), will hold a public rule hearing on November 13, 2023, at 9:00am. The rule hearing will be held at the Rio Grande Conference Room in the Toney Anaya state office building located at 2550 Cerrillos Road, Santa Fe, New Mexico. Individuals wishing to participate and offer public comment during the hearing, must appear in-person at the hearing location. The hearing will be live-streamed via Internet-based video and via telephone for those wishing to solely observe and not offer public comment. A PDF of the proposed rule and meeting details may be accessed through the Cannabis Control Division website: <https://www.rld.nm.gov/cannabis/> or from Victoria Kaniatobe at the contact below.

Purpose of Rule Hearing. The purpose of the public rule hearing is to receive public commentary regarding the proposed amendments to existing rules related to licensure requirements, amendments to existing licensure, cannabis and cannabis product finished product packaging, and fees related to licensing activities. The proposed changes related to licensing will improve division efficiency when processing applications, will collect additional information used for licensing and compliance purposes, and will require additional information to be collected to provide additional assurance that applicants and licensees are compliant with local and state laws. The proposed changes related to cannabis and cannabis finished product packaging will clarify requirements, specifically as it relates to packaging initially created to comply with packaging regulations from other states. The proposed changes related to fees will ensure consistent fee schedules for microbusiness licenses and will introduce fees required to administer complex licensing requests.

Any technical information used to inform the proposed rules will be accessible by visiting: <https://www.rld.nm.gov/cannabis/>.

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

Public Comment. The Division will begin accepting public comment on the proposed rules beginning October 10, 2023. Please submit written comments on the proposed rules to Robert Sachs, Division Counsel for the Cannabis Control Division, via electronic mail at ccd.publiccomment@state.nm.us. Written comment may also be submitted by visiting the Division website at <https://www.rld.nm.gov/cannabis/> or by mailing the comment to the following address:

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

All public comments must be received by the close of the public rule hearing on November 13, 2023. Persons will also be given the opportunity to present their comments at the rule hearing. Comments received prior to the rule hearing will be posted to the RLD website at: <https://www.rld.nm.gov/cannabis/>.

No later than October 10, 2023, interested parties may obtain and review copies of the proposed rules and public comments by going to the Cannabis Control Division website at <https://www.rld.nm.gov/cannabis/> or by contacting the Cannabis Control Division at RLD.CannabisControl@rld.nm.gov or (505) 476-4995.

Any individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or other form of auxiliary aid or service to attend or participate in the hearing should contact Victoria Kaniatobe, Legal Clerk for the Cannabis Control Division at Victoria.Kaniatobe2@rld.nm.gov or (505) 476-4577 at least seven

(7) days prior to the hearing.

Summary of Proposed Amendments to Rules.

16.8.2 NMAC: LICENSING AND OPERATIONAL REQUIREMENTS FOR CANNABIS ESTABLISHMENTS

Part 2 provides the requirements necessary for issuance of a license under the Cannabis Regulation Act. Part 2 also governs the licensing and operational requirements for licenses. The proposed changes related to licensing will improve division efficiency when processing applications, will collect additional information used for licensing and compliance purposes, and will require additional information to be collected to provide additional assurance that applicants and licensees are compliant with local and state laws.

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

Part 3 provides the requirements related to packaging, labeling, advertising, marketing, and commercial display requirements for cannabis products. The proposed changes related to cannabis and cannabis finished product packaging will clarify requirements, specifically as it relates to packaging initially created to comply with packaging regulations from other states.

16.8.11 NMAC: FEES

Part 11 provides the requirements for fees collected in connection with the administration of commercial cannabis activity and licensing. The proposed changes related to fees will ensure consistent fee schedules for microbusiness licenses and will introduce fees required to administer complex licensing requests.