

**This is an amendment to 16.8.2 NMAC, Sections 22, 23, 27, 30, 31, 36, 37, 42, 44, 45, 51, 57, and 58, effective XX/XX/XXXX.**

**16.8.2.22 APPLICATION REQUIREMENTS FOR CANNABIS PRODUCER LICENSE:**

- A.** An initial application or renewal for cannabis producer licensure shall include the following:
- (1) Contact information for the applicant and the cannabis establishment, to include:
    - (a) applicant's full legal name;
    - (b) applicant's date of birth, if applicable;
    - (c) applicant's mailing address;
    - (d) applicant's contact telephone number;
    - (e) applicant's contact email address;
    - (f) applicant's business physical address and mailing address, if different;
    - (g) applicant's business legal name, including a DBA name if applicable;
    - (h) applicant's business web address, if applicable;
    - (i) applicant's business hours of operation;
    - (j) name and contact information for each controlling person; ~~and~~
    - (k) demographic data pursuant to the Cannabis Regulation Act; and
  - (1) a applicant's employee information including, but not limited to names, identification photographs, employment history and demographic information;
  - (2) proof the applicant or each controlling person is at least 21 years of age, which shall include identification issued by a federal or state government that includes the name, date of birth, and picture of the applicant or controlling person;
  - (3) proof the applicant has acquired all applicable documentation from the local jurisdiction in which the licensed premise will be located including proof of business registration, proof of zoning approval, and proof of completion of a fire inspection;
  - (4) proof the applicant is properly registered with the New Mexico Taxation and Revenue department for gross receipts tax and if applicable, cannabis excise tax;
  - ~~(3)~~(5) demonstration of a legal right to use the quantity of water that the division determines is needed for cannabis production, as evidenced by either:
    - (a) documentation from a water provider that the applicant has the right to use water from the provider and that the use of water from cannabis production is compliant with provider's rules, or
    - (b) documentation from the office of the state engineer showing that the applicant has a valid and existing water right, or a permit to develop a water right, for irrigation purposes for outdoor cultivation, or a commercial purpose for indoor cultivation at the proposed place of use of the cannabis establishment. The documentation may include any of the following:
      - (i) a state engineer permit or license in good standing, but not including a permit issued pursuant to Sections 72-12-1, -1.1, -1.2, or -1.3, NMSA 1978;
      - (ii) a subfile order or decree issued by a water rights adjudication court;
      - (iii) the findings of an office of the state engineer hydrographic survey; or
      - (iv) other documentation the office of the state engineer has deemed in writing as acceptable to the office of the state engineer under this rule.
  - ~~(4)~~(6) a plan to use, or certification that the applicant cannot feasibly use, energy and water reduction opportunities, including:
    - (a) drip irrigation and water collection;
    - (b) natural lighting and energy efficiency measures;
    - (c) renewable energy generation; and
    - (d) estimated water and energy use related to the applicants cultivation plan;
  - ~~(5)~~(7) if applicable, certification the applicant is in good standing with the New Mexico secretary of state, including all documents filed with the New Mexico secretary of state;
  - ~~(6)~~(8) a list of all controlling persons, a list of other current or prior licensed cannabis businesses, documentation of the applicant's or a controlling person legal name change, and criminal history screening documents as set forth in 16.8.2.9 NMAC and the Cannabis Regulation Act;
  - ~~(7)~~(9) a detailed description of any criminal convictions of the applicant and any controlling person, including the date of each conviction, dates of incarceration, probation or parole, if applicable, description of the offense, and statement of rehabilitation of each conviction;
  - (10) a detailed description of any denial, suspension, revocation, surrender, or any other form of discipline or

disciplinary action by a cannabis licensing agency in another state, jurisdiction or territory against the applicant or any controlling person associated with the applicant;

~~(8)~~**(11)** the initial number of mature cannabis plants, and immature cannabis plants, the applicant proposes for production and the amount of water the applicant plans to use on a monthly basis for a twelve month period;

~~(9)~~**(12)** certification the applicant will adhere to production requirements pursuant to the Cannabis Regulation Act, the Lynn and Erin Compassionate Use Act, or division rules, including creating and maintaining a cultivation plan, and cannabis waste procedures for cannabis or cannabis products;

~~(10)~~**(13)** certification the applicant will adhere to cannabis transport requirements pursuant to the Cannabis Regulation Act, the Lynn and Erin Compassionate Use Act, or division rules, including the transport of unprocessed cannabis or cannabis products to other cannabis establishments;

~~(11)~~**(14)** certification the applicant will adhere to New Mexico department of agriculture (NMDA) pesticide registration, licensing, and use requirements to ensure a safe product and environment;

~~(12)~~**(15)** certification the applicant will adhere to security requirements pursuant to the Cannabis Regulation Act, the Lynn and Erin Compassionate Use Act, or division rules, including requirements relating to safety and security procedures, security devices to be used, placement of security devices, personal safety, and crime prevention techniques;

~~(13)~~**(16)** certification the applicant will adhere to quality assurance requirements pursuant to the Cannabis Regulation Act, the Lynn and Erin Compassionate Use Act, or division rules, including requirements relating to routine testing by a licensed testing laboratory, division inspection of licensed premises during normal business hours, and testing of cannabis;

~~(14)~~**(17)** certification the applicant will adhere to applicable federal, state and local laws governing the protection of public health and the environment, including occupational health and safety, food safety, environmental impacts, natural resource protections, air quality, solid and hazardous waste management, and wastewater discharge;

~~(15)~~**(18)** certification the applicant has never been denied a license or had a license suspended or revoked by the division or any other state cannabis licensing authority or a detailed description of any administrative orders, civil judgements, denial or suspension of a cannabis license, revocation of a cannabis license, or sanctions for unlicensed medical or commercial cannabis activity by any state licensing authority, against the applicant, controlling person, or a business entity in which the applicant or controlling person was a controlling person within the three years immediately preceding the date of the application;

~~(16)~~**(19)** applicant's social and economic equity plan to encourage economic and social diversity in employment, including race, ethnicity, gender, age, and residential status of licensee, controlling persons and employees of applicant and whether the applicant, controlling persons, employees or the locations where the cannabis products are produced are located in an underserved rural community, including tribal, acequia, land grant-merced, federally designated opportunity zone, or other rural historic communities;

~~(17)~~**(20)** certification the applicant has obtained a current local jurisdiction business license, or will prior to operation of the cannabis establishment, and the applicant shall adhere to local zoning ordinance;

~~(18)~~**(21)** certification the applicant will maintain at all times a legible and accurate diagram and description of the location of the land or facility used for the cannabis establishment and the method(s) to be used to produce cannabis;

~~(19)~~**(22)** an attestation of the following statement: Under penalty of perjury, I hereby declare that the information contained within and submitted with the application is complete, true and accurate. I understand that a misrepresentation of fact or violation of these rules may result in denial of the license application or revocation of a license issued; and

~~(20)~~**(23)** payment of any required application or licensure fees as set forth in 16.8.11 NMAC. Cannabis plant fees, if applicable, shall be accessed by the division upon approval of an initial application, additional premises application or renewal application. The division must receive payment of cannabis plant fee prior to cultivation of cannabis plants or, if applicable, at the time of renewal.

**B. Verification of information:** The division may verify information contained in each application and accompanying documentation, including:

- (1) contacting the applicant or controlling person by telephone, mail, or electronic mail;
- (2) conducting an on-site visit;
- (3) requiring a face-to-face or virtual meeting and the production of additional documentation;

or

- (4) consulting with state or local governments.

**C. Failure of applicant to provide additional information:** When the division determines an application for licensure is incomplete, an applicant will have 48 hours to rectify any deficiencies before the division will reject the application.

[16.8.2.22 NMAC – N, 08/22/2021; A/E, 12/06/2021; A/E, 1/13/2022; A, 03/22/2022]

**16.8.2.23 SUBMITTAL OF APPLICATION FOR AMENDED CANNABIS PRODUCER LICENSE:**

**A. Application:** A licensed producer shall submit to the division an application form for an amended license, pay the required fee, and must obtain approval from the division, prior to implementing any of the following:

- ~~(1)~~ material or substantial change of the size of the premises;
- ~~(2)~~(1) change of licensee’s legal or business name;
- ~~(3)~~(2) change in water source, or licensee’s water and energy conservation plan, including, the reuse of water and disposal of effluent;
- ~~(4)~~(3) increase in plant count beyond which licensee is currently licensed to produce;
- (4)** decrease in plant count which licensee is currently licensed to produce;
- (5) addition or elimination of a controlling person;
- ~~(6)~~ material or substantial change to a licensee’s security system; or
- ~~(7)~~(6) material or substantial modification of the premises.

**B. Amended license not required:** Changes to standard operating policies and procedures may be made without providing notification to the division, provided that licensees shall maintain at each licensed premises a copy of all current and prior operating policies and procedures.

**C. Requirements and processing of application for amended license:** The application for amended license must comply with all requirements applicable to initial applications, except that the application shall be clearly designated as one for an amended license. The division shall approve or deny an application for amended license within 90 days of receiving a completed application. Denial of an application for amendment shall be pursuant to the Uniform Licensing Act.

- D. Material or substantial change:** Material or substantial changes requiring approval include:
- (1) increase or decrease in the size of the premises, including the sale of property used for the cannabis establishment, or the purchase of additional property for the use of the cannabis establishment;
  - (2)** an addition or removal of licensed activities taking place on a single licensed premise; or
  - ~~(2)~~(3) a change in the licensee’s access to the water source submitted with an application for initial, amended, or renewal licensure or a ten percent, or more, increase in the licensee’s water usage;
  - ~~(3)~~ change to a licensee’s security system, including relocation or security points or installation of a new security system; or
  - ~~(4)~~ modification of the premises to relocate cannabis activities.

[16.8.2.23 NMAC – N, 08/22/2021; A/E, 12/06/2021]

**16.8.2.27 MINIMUM REQUIREMENTS FOR THE PRODUCTION OF CANNABIS:**

**A. General requirements:** Licensees shall ensure the following:

- (1) all production activities are done on premises that are in compliance with state and local laws that do not conflict with the Cannabis Regulation Act or the Lynn and Erin Compassionate Use Acts;
- (2) the licensee’s right to use the quantity of water sufficient to meet the production facility’s needs remains in good standing;
- (3) plumbing shall be of adequate size and design, adequately installed, and maintained to carry sufficient quantities of water to required locations throughout the facility, including sufficient quantities of water to properly convey sewage and liquid disposable waste from the facility; ~~and~~
- (4) all weighting or measuring devices that are used in the wholesale of cannabis be appropriately documented as having undergone certified registration and calibration that is in accordance with applicable requirements of the New Mexico department of agriculture; ~~and~~
- (5)** cannabis plants that have germinated or cannabis clones that have been placed in growing mediums shall not be moved from any one licensed premise to another prior to the final harvest of the plant or the wastage of the plant.

**B. Cultivation plan:** Licensees shall create and maintain a cultivation plan, which shall include all of the following:

- (1) a detailed premises diagram showing all cultivation activity areas, boundaries, and

dimensions in feet.

- (2) square foot measurement of mature cannabis plant cultivation area(s), including aggregate square footage if the mature cannabis plant cultivation areas are noncontiguous;
- (3) area(s) outside of the mature cannabis plant cultivation areas where only immature plants shall be maintained, if applicable;
- (4) designated pesticide and other agricultural chemical storage area(s);
- (5) designated processing area(s) if the licensee will process on site;
- (6) designated packaging area(s) if the licensee will package products on site;
- (7) designated composting area(s) if the licensee will compost plant or cannabis waste on site;
- (8) designated secured area(s) for cannabis waste if different than composting area(s);
- (9) designated area(s) for harvested cannabis storage;
- (10) designated seed production area(s) which may contain mature plants for nursery purposes only.

**C. Lighting:** For indoor and mixed-light cultivation, a licensee shall create and maintain a lighting diagram, which shall include the following:

- (1) location of all lights in the cannabis plant cultivation area(s); and
- (2) maximum wattage, or wattage equivalent, of each light.

**D. Pest management:** Licensees shall create and maintain a pest management plan, which shall include product name and active ingredient(s) of all pesticides to be applied to cannabis during any stage of plant growth. Licensees are encouraged to create and implement integrated pest management protocols, including chemical, biological, and cultural methods to control or prevent the introduction of pests on the cultivation site.

**E. Cannabis waste:** Licensees shall create and maintain cannabis waste procedures meeting the requirements set forth in 16.8.2.22 NMAC.

**F. Safety and health requirements:** Licensees shall ensure the following:

- (1) all equipment, implements, and fixtures that are used for the production of cannabis shall be used exclusively for the production of cannabis and meet sanitation and safety standards required by the Cannabis Regulation Act, the Lynn and Erin Compassionate Use Act, division rules, and any other state or federal laws;
- (2) production is conducted in a manner that does not allow cross-contamination from chemical or biological hazards;
- (3) 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 cannabis, shall be excluded from any operations which may be anticipated to result in such contamination until the condition is corrected;
- (4) hand-washing facilities are provided that are adequate, accessible, furnished with running water at a suitable temperature, conveniently located in indoor production facilities, in restrooms, and wherever good sanitary practices require employees to wash or sanitize their hands, and stocked with effective hand-cleaning and sanitizing preparations, and sanitary towel service or suitable drying devices;
- (5) all persons involved in preparing or handling cannabis conform to hygienic practices while on duty, including:
  - (a) maintaining adequate personal cleanliness;
  - (b) wearing gloves while handling processed cannabis or unpackaged but processed cannabis products;
  - (c) possessing a valid food handler card issued by an ANSI/ASTM e2659-09 accredited Food Handler Training Certificate Program approved by the New Mexico environment department if handling processed cannabis or unpackaged but processed cannabis products; and
  - (d) washing hands thoroughly in an adequate hand-washing facility before starting work, at any other time when the hands may have become soiled or contaminated, and both before putting gloves on and after removal of gloves, if the person is handling processed cannabis or unpackaged but processed cannabis products;
- (6) operating systems for waste disposal are maintained in an adequate manner so that they do not constitute a source of contamination in areas where cannabis is exposed;
- (7) water damage is properly and timely treated to protect health and safety of employees and the public, and that fiberglass and other insulation material is not exposed;
- (8) adequate safety-type lighting in all areas where cannabis is produced or stored, if

applicable, and where equipment is cleaned;

(9) rubbish is 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;

(10) premises, fixtures, and physical facilities where cannabis or cannabis products are produced are maintained to ensure the health and safety of employee and the public;

(11) contact surfaces, including utensils and equipment used for preparation of cannabis or cannabis products, are cleaned and sanitized as frequently as necessary to protect against contamination;

(12) only environmental protection agency (EPA) registered sanitizing agents are used in production operations and that they are used in accordance with labeled instructions;

(13) toxic cleaning compounds, sanitizing agents, and pesticide chemicals shall be identified, held, and stored in a manner that protects against contamination of cannabis or cannabis products and that otherwise satisfies the requirements of this rule;

(14) storage and transportation of cannabis and cannabis products is accomplished under conditions that will maintain security and protect the cannabis or cannabis products against physical, chemical, and microbial contamination, as well as against deterioration of the cannabis or cannabis products and the container; and

(15) that there is sufficient space for placement of equipment and storage of material as is necessary for the maintenance of sanitary operations for production of cannabis.

[16.8.2.27 NMAC - N, 08/24/2021; A/E, 12/02/2021]

### 16.8.2.30 APPLICATION REQUIREMENTS FOR CANNABIS MANUFACTURER LICENSE:

A. An initial application or renewal for cannabis manufacturer licensure shall include the following:

(1) Contact information for the applicant and the cannabis establishment, to include:

- (a) applicant's full legal name;
- (b) applicant's mailing address;
- (c) applicant's contact telephone number;
- (d) applicant's contact email address;
- (e) applicant's business physical address and mailing address, if different;
- (f) applicant's business legal name, including a DBA name if applicable;
- (g) applicant's business web address, if applicable;
- (h) applicant's business hours of operation;
- (i) name and contact information for each controlling person;
- (j) demographic data pursuant to the Cannabis Regulation Act; ~~and~~
- (k) license type sought (Class I, Class II, Class III, or Class IV); ~~and~~

(1) applicant's employee information including, but not limited to names, identification photographs, employment history and demographic information;

(2) proof the applicant or each controlling person is at least 21 years of age, which shall include identification issued by a federal or state government that includes the name, date of birth, and picture of the applicant or controlling person;

(3) proof the applicant has acquired all applicable documentation from the local jurisdiction in which the licensed premise will be located including proof of business registration, proof of zoning approval, and proof of completion of a fire inspection;

(4) proof the applicant is properly registered with the New Mexico Taxation and Revenue department for gross receipts tax and if applicable, cannabis excise tax;

~~(3)~~(5) demonstration of a legal right to use the quantity of water that the division determines is needed for cannabis manufacturing, as evidenced by either:

(a) documentation from a water provider that the applicant has the right to use water from the provider and that the use of water for cannabis manufacturing is compliant with provider's rules, or

(b) documentation from the office of the state engineer showing that the applicant has a valid and existing water right, or a permit to develop a water right, at the proposed place of use of the cannabis establishment. The documentation may include any of the following:

(i) a state engineer permit or license in good standing, but not including a permit issued pursuant to Sections 72-12-1, -1.1, -1.2, or -1.3, NMSA 1978;

(ii) a subfile order or decree issued by a water rights adjudication court;

(iii) the findings of an office of the state engineer hydrographic survey; or

(iv) other documentation the office of the state engineer has deemed in

writing as acceptable to the office of the state engineer under this rule;

~~(4)~~~~(6)~~ if applicable, certification the applicant is in good standing with the New Mexico secretary of state, including all documents filed with the New Mexico secretary of state;

~~(5)~~~~(7)~~ a list of all controlling persons, a list of other current or prior licensed cannabis businesses, documentation of the applicant's or a controlling person legal name change, and criminal history screening documents as set forth in 16.8.2.9 NMAC and the Cannabis Regulation Act;

~~(6)~~~~(8)~~ a detailed description of any criminal convictions of the applicant and any controlling person, including the date of each conviction, dates of incarceration, probation or parole, if applicable, description of the offense, and statement of rehabilitation of each conviction;

(9) a detailed description of any denial, suspension, revocation, surrender, or any other form of discipline or disciplinary action by a cannabis licensing agency in another state, jurisdiction or territory against the applicant or any controlling person associated with the applicant;

~~(7)~~~~(10)~~ if applicable, proof of prior approval by the New Mexico regulation and licensing department for the use of any compressed gas extraction equipment to be utilized by the manufacturer;

~~(8)~~~~(11)~~ if applicable, a sample of the record form(s), which shall identify (among other items) the name of the wholesale purchaser, the date of the sale, the quantity, and price of cannabis sold;

~~(9)~~~~(12)~~ for class II, III, and IV licenses, documentation that the applicant has obtain all necessary authority required for the production of edibles and topicals from the New Mexico environment department and that such authority is valid at the time the license application is submitted;

~~(10)~~~~(13)~~ certification the applicant will adhere to manufacturing requirements pursuant to the Cannabis Regulation Act, the Lynn and Erin Compassionate Use Act, or division rules;

~~(11)~~~~(14)~~ certification the applicant will adhere to cannabis transport requirements pursuant to the Cannabis Regulation Act, the Lynn and Erin Compassionate Use Act, or division rules;

~~(12)~~~~(15)~~ certification the applicant will adhere to security requirements pursuant to the Cannabis Regulation Act, the Lynn and Erin Compassionate Use Act, or division rules;

~~(13)~~~~(16)~~ certification the applicant will adhere to quality assurance requirements pursuant to the Cannabis Regulation Act, the Lynn and Erin Compassionate Use Act, or division rules;

~~(14)~~~~(17)~~ certification the applicant will adhere to applicable federal, state and local laws governing the protection of public health and the environment, including occupational health and safety, food safety, fire safety, environmental impacts, natural resource protections, air quality, solid and hazardous waste management, and wastewater discharge;

~~(15)~~~~(18)~~ certification the applicant has never been denied a license or had a license suspended or revoked by the division or any other state cannabis licensing authority or a detailed description of any administrative orders, civil judgements, denial or suspension of a cannabis license, revocation of a cannabis license, or sanctions for unlicensed cannabis activity by any state licensing authority, against the applicant, controlling person, or a business entity in which the applicant or controlling person was a controlling person within the three years immediately preceding the date of the application;

~~(16)~~~~(19)~~ certification the applicant is not licensed under the Liquor Control Act.

~~(17)~~~~(20)~~ applicant's social and economic equity plan to encourage economic and social diversity in employment, including race, ethnicity, gender, age, and residential status of licensee, controlling persons and employees of applicant and whether the applicant, controlling persons, employees or the locations where the cannabis products are produced are located in an underserved rural community, including tribal, acequia, land grant-merced, federally designated opportunity zone, or other rural historic communities;

~~(18)~~~~(21)~~ an attestation that the manufacturer will not use dimethylsulfoxide (DMSO) in the production of cannabis products, and will not possess DMSO on the premises of the manufacturer;

~~(19)~~~~(22)~~ certification the applicant has obtained a current local jurisdiction business license, or will prior to operation of the cannabis establishment, and the applicant shall adhere to local zoning ordinance;

~~(20)~~~~(23)~~ certification the applicant will maintain at all times a legible and accurate diagram containing information required by 16.8.2.32 NMAC and description of the location of the land or facility to be used for the cannabis establishment and the method(s) to be used to manufacture cannabis (extraction, infusion, packaging, labeling), including a description of extraction and infusion methods;

~~(21)~~~~(24)~~ an attestation of the following statement: Under penalty of perjury, I hereby declare that the information contained within and submitted with the application is complete, true and accurate. I understand that a misrepresentation of fact or violation of these rules may result in denial of the license application or revocation of a license issued; and

~~(22)~~~~(25)~~ payment of any required fees as set forth in 16.8.11 NMAC.

**B. Verification of information:** The division may verify information contained in each application

and accompanying documentation by:

- (1) contacting the applicant or controlling person by telephone, mail, or electronic mail;
  - (2) conducting an on-site visit;
  - (3) requiring a face-to-face or virtual meeting and the production of additional documentation;
- or
- (4) consulting with state or local governments.

**C. Failure of applicant to provide additional information:** When the division determines an application for licensure is incomplete, an applicant will have 48 hours to rectify any deficiencies before the division will reject the application.

**~~C.D.~~ Trade secrets:** Any applicant submitting operating procedures and protocols to the division pursuant to the Lynn and Erin Compassionate Use Act, the Cannabis Regulation Act, or division rules, may claim such information as a trade secret or confidential by clearly identifying such information as “confidential” on the document at the time of submission. Any claim of confidentiality by an applicant must be based on the applicant’s good faith belief that the information marked as confidential constitutes a trade secret as defined in the Uniform Trade Secrets Act, Sections 57-3A-1 to 7, NMSA 1978. In the event the division receives a request to inspect such documents, the division will notify the applicant or licensee, via the current email of record. If the division does not receive an injunction pursuant to the Uniform Trade Secrets Act within 10 days of the request to inspect, the division will make the documents marked confidential available for inspection as required pursuant to the Inspection of Public Records Act.

[16.8.2.30 NMAC – N/E, 09/08/2021; A/E, 12/02/2021; N, 12/28/2021; A/E, 01/13/2022; A, 3/22/2022]

#### **16.8.2.31 SUBMITTAL OF APPLICATION FOR AMENDED CANNABIS MANUFACTURER LICENSE:**

**A. Application:** A licensed manufacturer shall submit to the division an application form for an amended license, if applicable, and obtain approval from the division, prior to implementing any of the following:

- ~~(1)~~ material or substantial change of the size of the premises;
- ~~(2)~~**(1)** change of licensee’s legal or business name;
- ~~(3)~~**(2)** change or modification in extraction type(s) or equipment;
- ~~(4)~~**(3)** material or substantial change in water source;
- ~~(5)~~**(4)** addition or elimination of a controlling person;
- ~~(6)~~ material or substantial change to a licensee’s security system; or
- ~~(7)~~**(5)** material or substantial modification of the premises.

**B. Amended license not required:** Changes to standard operating policies and procedures may be made without providing notification to the division, provided that licensees shall maintain at each licensed premises a copy of all current and prior operating policies and procedures.

**C. Requirements and processing of application for amended license:** The application for amended license must comply with all requirements applicable to initial applications, except that the application shall be clearly designated as one for an amended license. The division shall approve or deny an application for amended license within 90 days of receiving a completed application. Denial of an application for amendment shall be pursuant to the Uniform Licensing Act.

**D. Material or substantial change:** Material or substantial changes requiring approval include:

- (1) increase or decrease in the size of the premises, including the sale of property used for the cannabis establishment, or the purchase of additional property for the use of the cannabis establishment;
- (2)** an addition or removal of licensed activities taking place on a single licensed premise; or
  - ~~(2)~~**(3)** a modification in the licensee’s access to the water source submitted with an application for initial or renewal licensure or a 10 percent, or more, increase in the licensee’s water usage;
  - ~~(3)~~ change to a licensee’s security system, including relocation or security points or installation of a new security system; or
  - ~~(4)~~ modification of the premises to relocate cannabis activities.

[16.8.2.31 NMAC – N/E, 09/08/2021; N, 12/28/2021]

#### **16.8.2.36 APPLICATION REQUIREMENTS FOR CANNABIS RETAILER LICENSE:**

**A.** An initial application or renewal for cannabis retailer licensure shall include the following:

- (1) Contact information for the applicant and the cannabis establishment, to include:
  - (a) applicant’s full legal name;
  - (b) applicant’s date of birth, if applicable;

- (c) applicant's mailing address;
- (d) applicant's contact telephone number;
- (e) applicant's contact email address;
- (f) applicant's business physical address and mailing address, if different;
- (g) applicant's business legal name, including a DBA name if applicable;
- (h) applicant's business web address, if applicable;
- (i) applicant's business hours of operation;
- (j) name and contact information for each controlling person;
- (k) demographic data pursuant to the Cannabis Regulation Act; ~~and~~
- (l) license type sought; ~~and~~

(m) applicant's employee information including, but not limited to names, identification photographs, employment history and demographic information;

~~(2)~~ (2) proof the applicant or each controlling person is at least 21 years of age, which shall include identification issued by a federal or state government that includes the name, date of birth, and picture of the applicant or controlling person;

~~(3)~~ (3) proof the applicant has acquired all applicable documentation from the local jurisdiction in which the licensed premise will be located including proof of business registration, proof of zoning approval, and proof of completion of a fire inspection;

~~(4)~~ (4) proof the applicant is properly registered with the New Mexico Taxation and Revenue department for gross receipts tax and if applicable, cannabis excise tax;

~~(3)(5)~~ (5) if applicable, certification the applicant is in good standing with the New Mexico secretary of state, including all documents filed with the New Mexico secretary of state;

~~(4)(6)~~ (6) a list of all controlling persons, a list of other current or prior licensed cannabis businesses, documentation of the applicant's or a controlling person legal name change, and criminal history screening documents as set forth in 16.8.2.9 NMAC and the Cannabis Regulation Act;

~~(5)(7)~~ (7) a detailed description of any criminal convictions of the applicant and any controlling person, including the date of each conviction, dates of incarceration, probation or parole, if applicable, description of the offense, and statement of rehabilitation of each conviction;

~~(8)~~ (8) a detailed description of any denial, suspension, revocation, surrender, or any other form of discipline or disciplinary action by a cannabis licensing agency in another state, jurisdiction or territory against the applicant or any controlling person associated with the applicant;

~~(6)(9)~~ (9) certification the applicant will adhere to retail requirements pursuant to the Cannabis Regulation Act, the Lynn and Erin Compassionate Use Act, or division rules;

~~(7)(10)~~ (10) certification the applicant will adhere to cannabis transport requirements pursuant to the Cannabis Regulation Act, the Lynn and Erin Compassionate Use Act, or division rules;

~~(8)(11)~~ (11) certification the applicant will adhere to security requirements pursuant to the Cannabis Regulation Act, the Lynn and Erin Compassionate Use Act, or division rules;

~~(9)(12)~~ (12) certification the applicant will adhere to quality assurance requirements pursuant to the Cannabis Regulation Act, the Lynn and Erin Compassionate Use Act, or division rules;

~~(10)(13)~~ (13) certification the applicant will adhere to applicable federal, state and local laws governing the protection of public health and the environment, including occupational health and safety, food safety, environmental impacts, natural resource protections, air quality, solid and hazardous waste management, and wastewater discharge;

~~(11)(14)~~ (14) certification the applicant has never been denied a license or had a license suspended or revoked by the division or any other state cannabis licensing authority or a detailed description of any administrative orders, civil judgements, denial or suspension of a cannabis license, revocation of a cannabis license, or sanctions for unlicensed cannabis activity by any state licensing authority, against the applicant, controlling person, or a business entity in which the applicant or controlling person was a controlling person within the three years immediately preceding the date of the application;

~~(12)(15)~~ (15) certification the applicant is not licensed under the Liquor Control Act;

~~(13)(16)~~ (16) certification the applicant has obtained a current local jurisdiction business license, or will prior to operation of the cannabis establishment, and the applicant shall adhere to local zoning ordinance;

~~(14)(17)~~ (17) certification the applicant will maintain at all times a legible and accurate diagram and description of the location of the land or facility to be used for the cannabis establishment, including a description of each retail area and all security requirements;

~~(15)(18)~~ (18) if applicable, certification the applicant will adhere to courier requirements pursuant to



the Cannabis Regulation Act, the Lynn and Erin Compassionate Use Act, or division rules;

~~(16)~~**(19)** applicant's social and economic equity plan to encourage economic and social diversity in employment, including race, ethnicity, gender, age, and residential status of licensee, controlling persons and employees of applicant and whether the applicant, controlling persons, employees or the locations where the cannabis products are produced are located in an underserved rural community, including tribal, acequia, land grant-mercered, federally designated opportunity zone, or other rural historic communities;

~~(17)~~**(20)** an attestation of the following statement: Under penalty of perjury, I hereby declare that the information contained within and submitted with the application is complete, true and accurate. I understand that a misrepresentation of fact or violation of these rules may result in denial of the license application or revocation of a license issued; and

~~(18)~~**(21)** payment of any required fees as set forth in 16.8.11 NMAC.

**B. Verification of information:** The division may verify information contained in each application and accompanying documentation by:

- (1) contacting the applicant or controlling person by telephone, mail, or electronic mail;
- (2) conducting an on-site visit;
- (3) requiring a face-to-face or virtual meeting and the production of additional documentation;

or

- (4) consulting with state or local governments.

**C. Failure of applicant to provide additional information:** When the division determines an application for licensure is incomplete, an applicant will have 48 hours to rectify any deficiencies before the division will reject the application.

[16.8.2.36 NMAC – N, 12/28/2021; A/E, 01/13/2022; A, 03/22/2022]

#### **16.8.2.37 SUBMITTAL OF APPLICATION FOR AMENDED CANNABIS RETAILER LICENSE:**

**A. Application:** A licensed retailer shall submit to the division an application form for an amended license, if applicable, pay the required fee, and obtain approval from the division, prior to implementing any of the following:

- ~~(1)~~ ~~material or substantial change of the size;~~
- ~~(2)~~**(1)** change of licensee's legal or business name;
- ~~(3)~~**(2)** addition or elimination of a controlling person;
- ~~(4)~~ ~~material or substantial change to a license's security system;~~ or
- ~~(5)~~**(3)** material or substantial modification of the premises.

**B. Amended license not required:** Changes to standard operating policies and procedures may be made without providing notification to the division, provided that licensees shall maintain at each licensed premises a copy of all current operating policies and procedures.

**C. Requirements and processing of application for amended license:** The application for amended license must comply with all requirements applicable to initial applications, except that the application shall be clearly designated as one for an amended license. The division shall approve or deny an application for amended license within 90 days of receiving a completed application. Denial of an application for amendment shall be pursuant to the Uniform Licensing Act.

**D. Material or substantial change:** Material or substantial changes requiring approval include:

- (1) increase or decrease in the size of the premises; or
- ~~(2)~~ an addition or removal of licensed activities taking place on a single licensed premise.
- ~~(2)~~ ~~change to a license's security system, including relocation or security points or installation of a new security system; or~~
- ~~(3)~~ ~~modification of the premises to relocate cannabis activities.~~

[16.8.2.37 NMAC – N, 12/28/2021]

#### **16.8.2.42 APPLICATION REQUIREMENTS FOR CANNABIS COURIER LICENSE:**

**A.** An initial application or renewal for cannabis courier licensure shall include the following:

- (1) Contact information for the applicant, to include:
  - (a) applicant's full legal name;
  - (b) applicant's date of birth, if applicable;
  - (c) applicant's mailing address;
  - (d) applicant's contact telephone number;
  - (e) applicant's contact email address;

- (f) physical address and mailing address, if different; ~~and~~
- (g) demographic data pursuant to the Cannabis Regulation Act; and
- (h) applicant's employee information including, but not limited to names, identification photographs, employment history and demographic information;
  - (2) proof the applicant is at least 21 years of age, which shall include identification issued by a federal or state government that includes the name, date of birth, and picture of the applicant or controlling person;
  - (3) proof the applicant has acquired all applicable documentation from the local jurisdiction in which the licensed premise will be located including proof of business registration, proof of zoning approval, and proof of completion of a fire inspection;
  - (4) proof the applicant is properly registered with the New Mexico Taxation and Revenue department for gross receipts tax and if applicable, cannabis excise tax;
  - (5) proof of vehicle registration and vehicle insurance for each vehicle to be used for courier activities;
  - (6) a copy of the delivery plan including, but not limited to, how cannabis and cannabis products will be picked up and delivered ensuring proper chain of custody throughout, how security will be maintained throughout delivery, and how payment will be accepted;
  - ~~(3)~~(7) criminal history screening documents as set forth in 16.8.2.9 NMAC and the Cannabis Regulation Act;
  - ~~(4)~~(8) a detailed description of any criminal convictions of the applicant, including the date of each conviction, dates of incarceration, probation or parole, if applicable, description of the offense, and statement of rehabilitation of each conviction;
  - (9) a detailed description of any denial, suspension, revocation, surrender, or any other form of discipline or disciplinary action by a cannabis licensing agency in another state, jurisdiction or territory against the applicant or any controlling person associated with the applicant;
  - ~~(5)~~(10) certification the applicant will adhere to courier requirements pursuant to the Cannabis Regulation Act, the Lynn and Erin Compassionate Use Act, or division rules;
  - ~~(6)~~(11) certification the applicant will adhere to cannabis transport requirements pursuant to the Cannabis Regulation Act, the Lynn and Erin Compassionate Use Act, or division rules;
  - ~~(7)~~(12) certification the applicant will adhere to security requirements pursuant to the Cannabis Regulation Act, the Lynn and Erin Compassionate Use Act, or division rules;
  - ~~(8)~~(13) certification the applicant will adhere to quality assurance requirements pursuant to the Cannabis Regulation Act, the Lynn and Erin Compassionate Use Act, or division rules;
  - ~~(9)~~(14) certification the applicant has never been denied a license or had a license suspended or revoked by the division or any other state cannabis licensing authority or a detailed description of any administrative orders, civil judgements, denial or suspension of a cannabis license, revocation of a cannabis license, or sanctions for unlicensed cannabis activity by any state licensing authority, against the applicant, controlling person, or a business entity in which the applicant or controlling person was a controlling person within the three years immediately preceding the date of the application;
  - ~~(10)~~(15) certification the applicant is not licensed under the Liquor Control Act;
  - ~~(11)~~(16) an attestation of the following statement: Under penalty of perjury, I hereby declare that the information contained within and submitted with the application is complete, true and accurate. I understand that a misrepresentation of fact or violation of these rules may result in denial of the license application or revocation of a license issued; and
  - ~~(12)~~(17) payment of any required fees as set forth in 16.8.11 NMAC.

**B. Verification of information:** The division may verify information contained in each application and accompanying documentation by:

- (1) contacting the applicant by telephone, mail, or electronic mail;
  - (2) requiring a face-to-face or virtual meeting and the production of additional documentation;
- or
- (3) consulting with state or local governments.

**C. Failure of applicant to provide additional information:** When the division determines an application for licensure is incomplete, an applicant will have 48 hours to rectify any deficiencies before the division will reject the application.

[16.8.2.42 NMAC – N, 12/28/2021]

#### **16.8.2.44 APPLICATION REQUIREMENTS FOR CANNABIS TESTING LABORATORY LICENSE:**

**A. Contents of application:**

(1) for any initial or renewal application, contact information for the applicant and the cannabis establishment, to include:

- (a) applicant's full legal name;
- (b) applicant's mailing address;
- (c) applicant's contact telephone number;
- (d) applicant's contact email address;
- (e) applicant's business physical address and mailing address, if different;
- (f) applicant's business legal name, including a DBA name, if applicable;
- (g) applicant's business web address, if applicable;

(h) applicant's employee information including, but not limited to names, identification photographs, employment history and demographic information;

(2) for any initial application, information about controlling persons, to include:

- (a) name and contact information;
- (b) documentation of legal name change, if applicable;
- (c) criminal history screening documents. as set forth in 16.8.2.9 NMAC and the Cannabis Regulation Act;

Cannabis Regulation Act;

(d) a detailed description of any criminal convictions, including for each: the date of the conviction; dates of incarceration, probation, or parole; description of the offense; and any evidence of rehabilitation, including court documents, personal or professional references, completion of treatment, employment records, and other relevant information;

(e) demographic data pursuant to the Cannabis Regulation Act; and

(f) A copy of identification issued by a federal or state government, including name, date of birth, and picture and indicating the person is at least 21 years of age;

(3) proof the applicant has acquired all applicable documentation from the local jurisdiction in which the licensed premise will be located including proof of business registration, proof of zoning approval, and proof of completion of a fire inspection;

(4) proof the applicant is properly registered with the New Mexico Taxation and Revenue department for gross receipts tax and if applicable, cannabis excise tax;

(5) a list of all natural persons who hold any financial or voting interest, including but not limited to natural persons associated with any businesses having a financial or voting interest in the cannabis testing laboratory to ensure compliance with NMSA 1978, 26-2C-6(G);

(6) a detailed description of any denial, suspension, revocation, surrender, or any other form of discipline or disciplinary action by a cannabis licensing agency in another state, jurisdiction or territory against the applicant or any controlling person associated with the applicant;

~~(3)~~(7) for any renewal application, certifications that the applicant:

(a) attests to the following statement: Under penalty of perjury, I hereby declare that the information contained within and submitted with the application is complete, true and accurate. I understand that a misrepresentation of fact or violation of these rules may result in denial of the license application or revocation of a license issued;

(b) will adhere to the Cannabis Regulation Act, the Lynn and Erin Compassionate Use Act, and division rules, including:

- (i) testing requirements;
- (ii) transport requirements;
- (iii) security requirements;
- (iv) quality assurance requirements; and
- (v) the prohibition on any person holding an interest in one or more cannabis testing laboratories from holding an interest in any other cannabis license other than a cannabis research laboratory;

(c) will adhere to applicable federal, state and local laws governing the protection of public health and the environment, including occupational health and safety, food safety, fire safety, environmental impacts, natural resource protections, air quality, solid and hazardous waste management, and wastewater discharge;

(d) has never been denied a license or had a license suspended or revoked by the division or any other state cannabis licensing authority or a detailed description of any administrative orders, civil judgements, denial or suspension of a cannabis license, revocation of a cannabis license, or sanctions for unlicensed cannabis activity by any state licensing authority, against the applicant, controlling person, or a business entity in

which the applicant or controlling person was a controlling person within the three years immediately preceding the date of the application; and

- (e) is not licensed at the same location under the Liquor Control Act;
- (f) has obtained a current local jurisdiction business license, or will prior to operation of the cannabis establishment, and the applicant shall adhere to local zoning ordinance; and
- (g) maintain on its licensed premise at all times, a complete and detailed diagram of the premises containing information required by 16.8.2.46 NMAC, which shall be made immediately available to the division upon request.

~~(4)(8)~~ for any initial application, and, unless a statement is included that no material changes exist, for any renewal application:

- (a) a list of categories of testing for which licensure is sought; and
- (b) applicant's social and economic equity plan to encourage economic and social diversity in employment, including race, ethnicity, gender, age, and residential status of licensee, controlling persons and employees of applicant and whether the applicant, controlling persons, employees, or premises are located in an underserved rural community, including tribal, acequia, land grant-merced, federally designated opportunity zone, or other rural historic communities; and

~~(5)(9)~~ for any initial or renewal application, payment of any required fees as set forth in 16.8.11 NMAC.

**B. Initial demonstration of capability:** The division requires the submission of an initial demonstration of capability (IDC) for every test a cannabis testing laboratory intends to conduct, except tests for research and development purposes only. The IDC must identify a limit of quantitation that is equal to or lower than the action level for the specified test.

- (1) An IDC is required whenever:
  - (a) an initial application is submitted, except that an applicant may instead submit evidence of prior completion of an IDC as a requirement of licensing under the Lynn and Erin Compassionate Use Act;
  - (b) the cannabis testing laboratory proposes to use a new analytical instrument to test for an analyte; or
  - (c) the cannabis testing laboratory proposes material changes to testing methods.
- (2) Every IDC shall include the following elements:
  - (a) Demonstration of method calibration: The calibration range shall use at least five calibration points consisting of five different concentration levels of target compounds. The calibration range shall include a low calibration point equal to, or less than, the action level for each targeted compound. The cannabis testing laboratory shall provide the equation and the type of curve fit used for the calibration range, and the percent relative standard deviation or the goodness of fit. The percent relative standard deviation shall be less than twenty percent, or the goodness of fit (correlation coefficient) shall be 0.995 or better.
  - (b) Demonstration of method accuracy and precision: A cannabis testing laboratory shall supply the quantitation data for five positive control samples analyzed by its testing method utilizing median or mid-level calibration concentration. The cannabis testing laboratory shall identify and justify acceptance criteria and shall calculate and provide the calculated mean (average) result and the standard deviation. Any standard deviations greater than twenty percent shall be noted and explained.
  - (c) Demonstration of method detection limit: A cannabis testing laboratory shall calculate its method detection limit using a generally accepted method.
  - (d) Demonstration of low system background: A cannabis testing laboratory shall supply the analytical data of at least three negative control samples that do not contain any target analytes.
  - (e) Demonstration of analyte identification: A cannabis testing laboratory that uses, high performance liquid chromatography (HPLC) or gas chromatography with flame ionization detector or photoionization detector (GC-FID or GC-PID/FID) instrumentation shall supply analytical data where each targeted compound is analyzed as a single compound giving it its characteristic retention time. A cannabis testing laboratory that uses gas chromatography–mass spectrometry (GCMS), liquid chromatography–mass spectrometry (LCMS), or liquid chromatography–tandem mass spectrometry (LCMSMS) instrumentation shall supply analytical data with the characteristic mass spectrum of each targeted compound.

**C. Continuing demonstration of capability:** A cannabis testing laboratory shall submit a continuing demonstration of capability (CDC) for each test performed annually as part of the laboratory's application for renewal of licensure. A CDC may consist of:

- (1) Evidence that the cannabis testing laboratory has the test within its current scope of accreditation to the current standards of ISO/IEC 17025, *Testing and Calibration Laboratories*;
- (2) Evidence that each analyst performing the test has successfully completed, within the previous year, relevant proficiency testing administered by a provider accredited to the standards of ISO/IEC 17043, *Conformity Assessment—General Requirements for Proficiency Testing*; or
- (3) The re-performance of the IDC.

**D. Verification of information:** The division may verify information contained in each application and accompanying documentation by:

- (1) contacting the applicant or controlling person by telephone, mail, or electronic mail;
- (2) conducting an on-site visit;
- (3) requiring a face-to-face or virtual meeting and the production of additional documentation; or
- (4) consulting with state or local governments.

**E. Failure of applicant to provide additional information:** When the division determines an application for licensure is incomplete, an applicant will have 48 hours to rectify any deficiencies before the division will reject the application.

**E.F. Trade secrets:** Any applicant submitting operating procedures and protocols to the division pursuant to the Lynn and Erin Compassionate Use Act, the Cannabis Regulation Act, or division rules, may claim such information as a trade secret by clearly identifying such information as “confidential trade secrets” on the document at the time of submission. Any claim of confidentiality by an applicant must be based on the applicant’s good faith belief that the information marked as confidential constitutes a trade secret as defined in the Uniform Trade Secrets Act, Sections 57-3A-1 to -7, NMSA 1978. In the event the division receives a request to inspect such documents, the division will notify the applicant or licensee, via the current email of record. If the division does not receive an injunction pursuant to the Uniform Trade Secrets Act within five days of the request to inspect, the division will make the documents marked confidential available for inspection as required pursuant to the Inspection of Public Records Act.

[16.8.2.44 NMAC – N, 01/11/2022; A/E, 01/13/2022; A, 03/22/2022]

**16.8.2.45 SUBMITTAL OF APPLICATION FOR AMENDED CANNABIS TESTING LABORATORY LICENSE:**

**A. Application:** A cannabis testing laboratory shall submit to the division an application form for an amended license and obtain approval from the division, prior to implementing any of the following:

- ~~(1) material or substantial change of the size of the premises;~~
- ~~(2)~~(1) change of licensee’s legal or business name;
- ~~(3)~~(2) material or substantial change in testing methods or equipment;
- ~~(4)~~(3) addition or elimination of a controlling person;
- ~~(5) material or substantial change to a licensee’s security system;~~ or
- ~~(6)~~(4) material or substantial modification of the premises.

**B. Requirements and processing of application for amended license:** The application for amended license shall:

- (1) be clearly designated as one for an amended license;
  - (2) supply any information representing a material change from the most recent application;
- and
- (3) include an initial demonstration of capability for any new or materially different method for performing a required test, including testing for an additional analyte or testing for an analyte using a different type of instrument.

**C. Approval or denial:** The division shall approve or deny an application for amended license within 90 days of receiving a completed application. Denial of an application for amendment shall be pursuant to the Uniform Licensing Act.

**D. Material or substantial change:** Material or substantial changes requiring approval include:

- (1) increase or decrease in the size of the premises, including the sale of property used for the cannabis establishment, the purchase of additional property for the use of the cannabis establishment, or a change in the location of the cannabis establishment; or

- ~~(2) testing for an analyte required in required testing using a different type of instrument; or~~
- ~~(3) change to a licensee’s security system, including relocation of security points or installation of a new security system.~~

**E. Amended license not required:** Other changes to standard operating policies and procedures, unless material or substantial, may be made without providing notification to the division, provided that licensees shall maintain at each licensed premises a copy of all current and prior operating policies and procedures. [16.8.2.45 NMAC – N, 01/11/2022]

**16.8.2.50 APPLICATION REQUIREMENTS FOR CANNABIS CONSUMPTION AREA LICENSE:**

**A. An initial application or renewal for cannabis consumption area licensure shall include the following:**

- (1) Contact information for the applicant and the cannabis establishment, to include:
  - (a) applicant’s full legal name;
  - (b) applicant’s date of birth, if applicable;
  - (c) applicant’s mailing address;
  - (d) applicant’s contact telephone number;
  - (e) applicant’s contact email address;
  - (f) applicant’s business physical address and mailing address, if different;
  - (g) applicant’s business legal name, including a DBA name if applicable;
  - (h) applicant’s business web address, if applicable;
  - (i) applicant’s business hours of operation;
  - (j) name and contact information for each controlling person;
  - (k) demographic data pursuant to the Cannabis Regulation Act; ~~and~~
  - (l) license type sought; and
  - (m) applicant’s employee information including, but not limited to names, identification photographs, employment history and demographic information;
- (2) proof the applicant or each controlling person is at least 21 years of age, which shall include identification issued by a federal or state government that includes the name, date of birth, and picture of the applicant or controlling person;
- (3) legible and accurate diagram and description of the location of the land or facility to be used for the cannabis establishment, including a description of each consumption or retail area and all security requirements, in a portable document format (.pdf), and if requested by the division, digital photographic photos;
- (4) fully executed and dated documentation of the applicant’s ownership or legal authority to use the property, buildings, or other facilities, establishing the applicant is, or will be, entitled to possession of the premises for which the application is made;
- (5) a copy of a current business license, fire inspection report, and zoning approval;
- (6) proof the applicant is properly registered with the New Mexico Taxation and Revenue department for gross receipts tax and if applicable, cannabis excise tax;
- ~~(6)~~(7) if applicable, certification the applicant is in good standing with the New Mexico secretary of state, including all documents filed with the New Mexico secretary of state;
- ~~(7)~~(8) a list of all controlling persons, a list of other current or prior licensed cannabis businesses, documentation of the applicant’s or a controlling person legal name change, and criminal history screening documents as set forth in 16.8.2.9 NMAC and the Cannabis Regulation Act;
- ~~(8)~~(9) a detailed description of any criminal convictions of the applicant and any controlling person, including the date of each conviction, dates of incarceration, probation or parole, if applicable, description of the offense, and statement of rehabilitation of each conviction;
- (10) a detailed description of any denial, suspension, revocation, surrender, or any other form of discipline or disciplinary action by a cannabis licensing agency in another state, jurisdiction or territory against the applicant or any controlling person associated with the applicant;
- ~~(9)~~(11) if applicable, a sample of the record form(s), which shall identify (among other items) the name of the wholesale purchaser, the date of the sale, the quantity, and price of cannabis purchased for retail sale;
- ~~(10)~~(12) certification the applicant will adhere to retail requirements pursuant to the Cannabis Regulation Act, the Lynn and Erin Compassionate Use Act, or division rules;
- ~~(11)~~(13) certification the applicant will adhere to cannabis transport requirements pursuant to the Cannabis Regulation Act, the Lynn and Erin Compassionate Use Act, or division rules;
- ~~(12)~~(14) certification the applicant will adhere to security requirements pursuant to the Cannabis Regulation Act, the Lynn and Erin Compassionate Use Act, or division rules;
- ~~(13)~~(15) certification the applicant will adhere to quality assurance requirements pursuant to the Cannabis Regulation Act, the Lynn and Erin Compassionate Use Act, or division rules;

~~(14)~~**(16)** certification the applicant will adhere to applicable federal, state and local laws governing the protection of public health and the environment, including occupational health and safety, food safety, environmental impacts, natural resource protections, air quality, solid and hazardous waste management, and wastewater discharge;

~~(15)~~**(17)** certification the applicant has never been denied a license or had a license suspended or revoked by the division or any other state cannabis licensing authority or a detailed description of any administrative orders, civil judgements, denial or suspension of a cannabis license, revocation of a cannabis license, or sanctions for unlicensed cannabis activity by any state licensing authority, against the applicant, controlling person, or a business entity in which the applicant or controlling person was a controlling person within the three years immediately preceding the date of the application;

~~(16)~~**(18)** certification the applicant is not licensed under the Liquor Control Act;

~~(17)~~**(19)** applicant's social and economic equity plan to encourage economic and social diversity in employment, including race, ethnicity, gender, age, and residential status of licensee, controlling persons and employees of applicant and whether the applicant, controlling persons, employees or the locations where the cannabis products are produced are located in an underserved rural community, including tribal, acequia, land grant-merced, federally designated opportunity zone, or other rural historic communities;

~~(18)~~**(20)** an attestation of the following statement: Under penalty of perjury, I hereby declare that the information contained within and submitted with the application is complete, true and accurate. I understand that a misrepresentation of fact or violation of these rules may result in denial of the license application or revocation of a license issued; and

~~(19)~~**(21)** payment of any required fees as set forth in 16.8.11 NMAC.

**B. Verification of information:** The division may verify information contained in each application and accompanying documentation by:

- (1) contacting the applicant or controlling person by telephone, mail, or electronic mail;
- (2) conducting an on-site visit;
- (3) requiring a face-to-face or virtual meeting and the production of additional

documentation; or

- (4) consulting with state or local governments.

**C. Failure of applicant to provide additional information:** When the division determines an application for licensure is incomplete, an applicant will have 48 hours to rectify any deficiencies before the division will reject the application.

[16.8.2.50 NMAC - N, 06/07/2022]

#### **16.8.2.51 SUBMITTAL OF APPLICATION FOR AMENDED CANNABIS CONSUMPTION AREA LICENSE:**

**A. Application:** A licensed cannabis consumption area shall submit to the division an application form for an amended license, if applicable, pay the required fee, and obtain approval from the division, prior to implementing any of the following:

- ~~(1)~~ material or substantial change of the size or location of the premises;
- ~~(2)~~**(1)** change of licensee's legal or business name;
- ~~(3)~~**(2)** addition or elimination of a controlling person;
- ~~(4)~~ material or substantial change to a license's security system; or
- ~~(5)~~**(3)** material or substantial modification of the premises.

**B. Amended license not required:** Changes to standard operating policies and procedures may be made without providing notification to the division, provided that licensees shall maintain at each licensed premises a copy of all current and prior operating policies and procedures.

**C. Requirements and processing of application for amended license:** The application for amended license must comply with all requirements applicable to initial applications, except that the application shall be clearly designated as one for an amended license. The division shall approve or deny an application for amended license within 90 days of receiving a completed application. Denial of an application for amendment shall be pursuant to the Uniform Licensing Act.

**D. Material or substantial change:** Material or substantial changes requiring approval includes:

- ~~(1)~~ increase or decrease in the size of the premises, including the sale of property used for the cannabis establishment, the purchase of additional property for the use of the cannabis establishment, or a change in the location of the cannabis establishment;

- ~~(2)~~ change to a license's security system, including relocation or security points or

~~installation of a new security system; or~~

~~(3) modification of the premises to relocate cannabis activities.~~

[16.8.2.51 NMAC - N, 06/07/2022]

**16.8.2.57 APPLICATION REQUIREMENTS FOR CANNABIS RESEARCH LABORATORY LICENSE:**

**A.** An initial application or renewal for cannabis research laboratory licensure shall include the following:

(1) Business and controlling person(s) contact information, to include:

- (a) legal business name, including DBA if applicable
- (b) type of business entity;
- (c) business mailing address;
- (d) business telephone number;
- (e) business email address;
- (f) business physical address, if different;
- (g) business web address, if applicable;
- (h) business hours of operation;
- (i) name and contact information for each controlling person;
- (j) demographic data pursuant to the Cannabis Regulation Act; ~~and~~
- (k) license type sought (Tier I, Tier II, or Tier III); and
- (l) applicant's employee information including, but not limited to names,

identification photographs, employment history and demographic information;

(2) proof each controlling person is at least 21 years of age, which shall include identification issued by a federal or state government that includes the name, date of birth, and picture of controlling person;

(3) proof the applicant has acquired all applicable documentation from the local jurisdiction in which the licensed premise will be located including proof of business registration, proof of zoning approval, and proof of completion of a fire inspection;

(4) proof the applicant is properly registered with the New Mexico Taxation and Revenue department for gross receipts tax and if applicable, cannabis excise tax;

~~(3)~~(5) if applicable, certification the applicant is in good standing with the New Mexico secretary of state;

~~(4)~~(6) a list of other current or prior licensed cannabis businesses;

~~(5)~~(7) a list of other names used by controlling person(s);

~~(6)~~(8) name and contact information for the primary controlling person for the business or an authorized representative of the business if not a controlling person;

~~(7)~~(9) criminal history screening documents as set forth in 16.8.2.9 NMAC and the Cannabis Regulation Act;

~~(8)~~(10) a detailed description of any criminal convictions of the applicant and any controlling person, including the date of each conviction, dates of incarceration, probation or parole, if applicable, description of the offense, and statement of rehabilitation of each conviction;

(11) a detailed description of any denial, suspension, revocation, surrender, or any other form of discipline or disciplinary action by a cannabis licensing agency in another state, jurisdiction or territory against the applicant or any controlling person associated with the applicant;

~~(9)~~(12) if applicable, a detailed research plan, including but not limited to the applicant's plan for recruiting research subjects, producing or acquiring cannabis, dispensing cannabis, plans for continuing research, and the forms of usable cannabis and cannabis-derived products to be examined; if applicable, a detailed description of any private or public partnerships with higher education institutions, other cannabis research laboratories, or private business;

~~(10)~~(13) if applicable, drug enforcement administration license to conduct research;

~~(11)~~(14) if applicable, proof of prior approval by the New Mexico regulation and licensing department for the use of any compressed gas extraction equipment to be utilized by the manufacturer;

~~(12)~~(15) if applicable, the applicant's DEA license or any conditional approval from the DEA to bulk manufacture cannabis for research, or the applicant's plan for seeking such licensure in the future;



~~(13)~~**(16)** certification the applicant will not use dimethylsulfoxide (DMSO) in the production of cannabis derived products, and will not possess DMSO on the premises of the licensee;

~~(14)~~**(17)** evidence that the applicant has obtained all necessary permits required for the production of edible and topical cannabis products from the New Mexico environment department and that such permits are valid at the time the license application is submitted

~~(15)~~**(18)** certification the applicant will adhere to cannabis transport requirements pursuant to the Cannabis Regulation Act, the Lynn and Erin Compassionate Use Act, or division rules;

~~(16)~~**(19)** certification the applicant will adhere to security requirements pursuant to the Cannabis Regulation Act, the Lynn and Erin Compassionate Use Act, or division rules;

~~(17)~~**(20)** certification the applicant will adhere to applicable federal, state and local laws governing the protection of public health and the environment, including occupational health and safety, food safety, fire safety, environmental impacts, natural resource protections, air quality, solid and hazardous waste management, and wastewater discharge;

~~(18)~~**(21)** certification the applicant has never been denied a license or had a license suspended or revoked by the division or any other state cannabis licensing authority or a detailed description of any administrative orders, civil judgements, denial or suspension of a cannabis license, revocation of a cannabis license, or sanctions for unlicensed cannabis activity by any state licensing authority, against the applicant, controlling person, or a business entity in which the applicant or controlling person was a controlling person within the three years immediately preceding the date of the application;

~~(19)~~**(22)** certification the applicant will adhere to production and manufacturing requirements pursuant to the Cannabis Regulation Act, the Lynn and Erin Compassionate Use Act, or division rules, including creating and maintaining a cultivation plan, and cannabis waste procedures for cannabis products;

~~(20)~~**(23)** certification the applicant will adhere to New Mexico department of agriculture (NMDA) pesticide registration, licensing, and use requirements to ensure a safe product and environment;

~~(21)~~**(24)** applicant's social and economic equity plan to encourage economic and social diversity in employment, including race, ethnicity, gender, age, and residential status of licensee, controlling persons and employees of applicant and whether the applicant, controlling persons, employees or the locations where the cannabis products are produced are located in an underserved rural community, including tribal, acequia, land grantmerced, federally designated opportunity zone, or other rural historic communities;

~~(22)~~**(25)** an attestation by a person authorized to act on behalf of the business of the following statement: Under penalty of perjury, I hereby declare that the information contained within and submitted with the application is complete, true and accurate. I understand that a misrepresentation of fact or violation of these rules may result in denial of the license application or revocation of a license issued; and

~~(23)~~**(26)** payment of any required fees as set forth in 16.8.11 NMAC.

**B.** Verification of information: The division may verify information contained in each application and accompanying documentation by:

- (1) contacting the applicant or controlling person by telephone, mail, or electronic mail;
- (2) conducting an on-site visit;
- (3) requiring a face-to-face or virtual meeting and the production of additional

documentation; or

- (4) consulting with state or local governments.

**C.** **Failure of applicant to provide additional information:** When the division determines an application for licensure is incomplete, an applicant will have 48 hours to rectify any deficiencies before the division will reject the application.

**~~C.D.~~** Trade secrets: Any applicant submitting operating procedures and protocols to the division pursuant to the Lynn and Erin Compassionate Use Act, the Cannabis Regulation Act, or division rules, may claim such information as a trade secret or confidential by clearly identifying such information as "confidential" on the document at the time of submission. Any claim of confidentiality by an applicant must be based on the applicant's good faith belief that the information marked as confidential constitutes a trade secret as defined in the Uniform Trade Secrets Act, Sections 57-3A-1 to -7, NMSA 1978. In the event the division receives a request to inspect such documents, the division will notify the applicant or licensee, via the current email of record. If the division does not receive an injunction pursuant to the Uniform Trade Secrets Act within 10 days of the request to inspect, the division will make the documents marked confidential available for inspection as required pursuant to the Inspection of Public Records Act.

[16.8.2.57 NMAC – N, 07/12/2022]

**16.8.2.58 SUBMITTAL OF APPLICATION FOR AMENDED CANNABIS RESEARCH LABORATORY LICENSE:**

**A.** Application: A licensed research laboratory shall submit to the division an application form for an amended license, if applicable and obtain approval from the division, prior to implementing any of the following:

- ~~(1)~~ material or substantial change of the size or location of the premises;
- ~~(2)~~**(1)** change of licensee's legal or business name;
- ~~(3)~~**(2)** change or modification in extraction type(s) or equipment;
- ~~(4)~~**(3)** material or substantial change in water source;
- ~~(5)~~**(4)** addition or elimination of a controlling person;
- ~~(6)~~ material or substantial change to a licensee's security system; or
- ~~(7)~~**(5)** material or substantial modification of the premise.

**B.** Amended license not required: Changes to standard operating policies and procedures may be made without providing notification to the division, provided that licensees shall maintain at each licensed premises a copy of all current and prior operating policies and procedures.

**C.** Requirements and processing of application for amended license: The application for amended license must comply with all requirements applicable to initial applications, except that the application shall be clearly designated as one for an amended license. The division shall approve or deny an application for amended license within 90 days of receiving a completed application. Denial of an application for amendment shall be pursuant to the Uniform Licensing Act.

**D.** Material or substantial change: Material or substantial changes requiring approval include:

- (1)** increase or decrease in the size of the premises, including the sale of property used for the cannabis establishment, the purchase of additional property for the use of the cannabis establishment, or a change in the location of the cannabis establishment;
- (2)** an addition or removal of licensed activities taking place on a single licensed premise; or
- ~~(2)~~**(3)** a modification in the licensee's access to the water source submitted with an application for initial or renewal licensure or a ten percent, or more, increase in the licensee's water usage;
- ~~(3)~~ change to a licensee's security system, including relocation or security points or installation of a new security system; or
- ~~(4)~~ modification of the premises to relocate cannabis activities.

[16.8.2.58 NMAC – N, 07/12/2022]

**This is an amendment to 16.8.3 NMAC, Sections 9 and 12, effective XX/XX/XXXX.**

**16.8.3.9 CANNABIS FINISHED PRODUCT LABELING:**

- A.** Unless otherwise provided, cannabis finished products shall meet the minimum labeling requirements of this section.
- B.** The label shall be printed on or affixed to the container and printed on or affixed to any outer package or container that is used to display the edible or topical cannabis finished product for retail sale.
- C.** Font size used on a label shall be no smaller than 1/16 of an inch by measuring the height of a lower-case letter “o”.
- D.** Labels shall identify the intended use and directions for use. Products having more than one intended use shall identify every intended use on the label and shall comply with all labeling requirements for each intended use. If there is any conflict between the labeling requirements for multiple intended uses, the most restrictive labeling requirements shall be followed.
- E.** Labels shall be in English, though it can be in other languages.
- F.** Labels shall be unobstructed and conspicuous.
- G.** If the cannabis finished product’s target potency or potency value of the Total THC or CBD is less than one milligram per serving, the potency may be expressed as “<1 mg.” If “<1 mg” was used to display the Total THC or CBD per serving, then a corresponding statement regarding the Total THC or CBD content for the entire container shall be included on the container. For example, if there are five servings in the container, “<5 mg” should be displayed for the Total THC or CBD statement that was represented as “<1 mg” per serving.
- H.** The potency statement stated on an edible or topical cannabis finished product label shall not deviate by more than fifteen percent of what is stated on the label.
- I.** A label shall not:
  - (1) contain any untruthful or misleading statements including, but not limited to, health or benefit claims, and
  - (2) contain advertising or marketing; and
  - (3) contain words that refer to products that are commonly associated with minors or marketed by minors; including use of the word(s) “candy” or “candies” on the label of any container, unless the words identify the strain of cannabis in the cannabis finished product.
- J.** Cannabis finished product labels shall have a principal display panel.
- K.** The principal display panel shall include:
  - (1) the product identity or common name in bold type, in a size reasonably related to the most prominent printed matter on the principal display panel and shall be parallel to the base on which the package rests as it is designed and displayed.
  - (2) Net quantity, net weight, or volume in U.S. customary and metric units of contents displayed in bold type in the bottom thirty percent of the principal display panel in lines generally parallel with the base of the container; and shall be in terms of fluid measure if the item is liquid, or in terms of weight if the item is solid, semi-solid, or viscous.
  - (3) Potency, as confirmed by a cannabis testing laboratory, in bold font and including:
    - (a) for edible products, Total THC and CBD in milligrams per serving;
    - (b) percent of Total THC per container; and
    - (c) if detected, percent of CBD per container.
  - (4) A logo designed and provided by the division that notifies a reasonable person that the product contains cannabis that is no smaller than 1/2 inch by 1/2 inch. No sticker or other obstruction shall be used to cover the cannabis logo.
  - (5) A logo designed and provided by the division that demonstrates a cannabis product is produced or manufactured by an integrated cannabis microbusinesses or cannabis producer microbusinesses or owned by representatives of communities that have been disproportionately harmed by rates of arrest through the enforcement of cannabis prohibitions in law and policy and underserved communities that include tribal, acequia, land grant-merced and other rural historic communities;
  - (6) for an edible or topical cannabis finished product that is perishable or meets the definition of a time/temperature control for safety food, the label shall bear a statement that the product must be refrigerated; and
  - (7) the following warning statement in bold font “For use only by adults 21 and older. Keep out of reach of children. Do not drive a motor vehicle or operate machinery while under the influence of cannabis. BE CAUTIOUS. Cannabinoid edibles can take up to two hours or more to take effect.”

**L.** Except as provided in Subsections M and N of this section, cannabis finished product labels shall have an information panel or static quick response (QR) code that links the consumer to the required information that contains the following without intervening material:

- (1) cannabis manufacturer business or trade name;
- (2) unless the business or trade name placed on the package is the actual manufacturer, it must be accompanied by a qualifying phrase which states the firm's relation to the product (e.g., "manufactured for" or "distributed by");
- (3) cannabis manufacturer license number;
- (4) pesticide used in the product by the cannabis producer;
- (5) date product was manufactured;
- (6) ingredient list:
  - (a) using the common or usual name;
  - (b) sub-ingredients, as follows: any ingredient containing two or more sub-ingredients shall parenthetically list the component ingredients in descending order of predominance after the multi-component ingredient;
  - (c) identifying the cannabis extract/concentrate and each isolated cannabinoid as an ingredient; and
  - (d) in descending order of predominance by weight or volume.
- (7) if utilized, pharmacologically active ingredients;
- (8) a "contains" statement identifying allergens at the end of or immediately adjacent to the ingredient list; or listing the allergen in parenthesis within the ingredient list after the common or usual name of the ingredient derived from that major food allergen;
- (9) nutritional information meeting the requirements of 21 CFR 101.9;
- (10) the following statement: "This product is not approved by the FDA to treat, cure, or prevent any disease. FDA has not evaluated this product for safety, effectiveness, and quality. There may be long term adverse health effects from consumption of cannabis, including additional risks for women who are or may become pregnant or are breastfeeding."
- (11) the New Mexico poison and drug information center phone number;
- (12) the product expiration date. Persons shall not alter that expiration date or affix a new label with a later expiration date;
- (13) the state track and trace system number or identifier associated with the product; and
- (14) a list of any solvent(s), processing aids, and chemicals used to manufacture cannabis product, cannabis concentrate or extract, or isolated cannabinoid identified.

**M.** When, because of its container size, an edible cannabis finished product label does not have sufficient space for a label meeting the requirements of Subsections K-L of this section, labels shall, at a minimum, contain:

- (1) a principal display panel containing the net weight or volume, product identity, and logos designed and provided by the division;
- (2) cannabis manufacturer business or trade name;
- (3) cannabis manufacturer license;
- (4) potency, as specified in Paragraph (3) of Subsection K of this section;
- (5) the warning statements, as specified in Paragraph (7) of Subsection K of this section;
- (6) the state track and trace system number or identifier associated with the product; and
- (7) all other required labeling as specified in Subsections K-L of this section through the use of a static quick response (QR) code that links the consumer to the required information or a peel-back or accordion label that can be easily identified by a consumer as containing important information.

**N.** When the surface area being labeled is less than two inches squared and does not have sufficient space for a label meeting the requirements of Subsections K-L of this section, labels shall, at a minimum, contain:

- (1) a principal display panel containing the product identity and logo designed and provided by the division that notifies a reasonable person that the product contains cannabis that is no smaller than 1/2 inch by 1/2 inch;
- (2) cannabis manufacturer business or trade name;
- (3) cannabis manufacturer license number;
- (4) potency, as specified in Paragraph (3) of Subsection K of this section;
- (5) the warning statement "For use only by adults 21 and older. Keep out of reach of children."

- (6) the state track and trace system number or identifier associated with the product; and
  - (7) all other required labeling as specified in Subsections K-L of this through the use of a static quick response (QR) code that links the consumer to the required information or use a peel-back or accordion label that can be easily identified by a consumer as containing important information.
- [16.8.3.9 NMAC - N, 04/01/2022]

**16.8.3.12 CANNABIS FINISHED PRODUCT PACKAGING:**

- A.** Unless otherwise specified, edible or topical cannabis finished products shall meet the following minimum packaging requirements:
- (1) containers used for edible cannabis products or edible cannabis finished products shall be food-grade or GRAS and must not impart any toxic or deleterious substance to the packaged product;
  - (2) containers used for topical cannabis products and topical cannabis finished products must be suitable for the intended purpose and must not impart any toxic or deleterious substance to the packaged product;
  - (3) unless otherwise provided, containers shall be child-resistant. If the product is multiple use, or contains multiple servings, it shall also be packaged in a container that is resealable and continually child-resistant;
  - (4) cannabis finished products that contain only cannabis flower must be packaged in resealable containers and are not subject to the child resistant container requirement;
  - (5) containers shall be compostable and recyclable, or made from recycled materials;
  - (6) edible cannabis finished products packaged for commercial sale shall not exceed 10 milligrams of Total THC per serving, or 100 milligrams of Total THC per container;
  - (7) edible cannabis finished products packaged for qualified patients, qualified caregivers and reciprocal participants as defined by the Lynn and Erin Compassionate Use Act shall be identified for medical use only and shall not exceed 50 milligrams of Total THC per serving;
  - (8) single serving edible cannabis finished products that are placed into a child resistant container may be bundled into an exit package;
  - (9) edible cannabis finished products containing multiple servings in a single container shall:
    - (a) when in in solid form, be:
      - (i) easily separable in order to allow an average person 21 years of age or older to physically separate, with minimal effort, individual servings of the product; and
      - (ii) easily and permanently scored to identify individual servings;
    - (b) be packaged in a single serving size; and
    - (c) be marked, stamped, or otherwise imprinted with a logo designed and provided by the division that notifies a reasonable person that the product contains cannabis that is no smaller than 1/2 inch by 1/2 inch for each single serving contained in a multi-serving package. No sticker or other obstruction shall be used to cover the cannabis logo.
  - (10) Unless as otherwise specified in Paragraph (10) of this subsection, liquid cannabis finished products shall be single-serving only.
  - (11) Each liquid cannabis finished product that is a multiple-serving edible cannabis finished product shall be:
    - (a) packaged in a structure that uses a single mechanism to achieve both child-resistant properties and accurate pouring measurement of each liquid serving in increments; and
    - (b) the measurement component is within the child-resistant cap or closure of the bottle and is not a separate component.
  - (12) A cannabis manufacturer shall maintain a copy of the certificate showing that each child-resistant container into which edible or topical cannabis finished product is placed is child-resistant and complies with the requirements of 16 C.F.R. 1700.15 and 16 C.F.R. 1700.20;
  - (13) Packaging containers shall not be designed to be appealing to a child and shall not use words that refer to products that are commonly associated with minors or marketed by minors, including use of the word(s) “candy” or “candies” on the label of any container.
  - (14) Once any remaining cannabis has been removed and destroyed pursuant to these rules, a cannabis establishment may reuse containers subject to the following requirements and restrictions:
    - (a) the containers have been sanitized and disinfected either by a cannabis establishment or by a third-party to ensure that they do not contain any harmful residue or contaminants, and
    - (b) if child resistant, the containers can be reused with new child resistant packaging that complies with 16 C.F.R. 1700.15 and 16 C.F.R. 1700.20; or if new child resistant packaging is not being used,

based on a visual inspection, the existing child-resistant packaging appears to be in good working order and does not appear to pose a risk of unintended exposure or ingestion of cannabis. The visual inspection must ensure such containers are not brittle or have chips, cracks, or other imperfections that could compromise the child-resistant properties of the container or otherwise pose a threat of harm to a patient or consumer.

**(15)** Packaging for edible cannabis finished products packaged pursuant to the Lynn and Erin Compassionate Use Act that was purchased prior to January 11, 2022 may be used by a licensee until October 1, 2022.

[16.8.3.12 NMAC - N, 04/01/2022; A, 04/01/2022]

This is an amendment to 16.8.11 NMAC, Sections 9 and 10, effective XX/XX/XXXX.

**16.8.11.9 ANNUAL LICENSING FEES:** Every application for the issuance or renewal of the following licenses shall be accompanied by an annual licensing fee in the following specified amounts:

- A. Cannabis courier license:** \$250 annually  
Each additional licensed premises of the licensee: \$100 annually
- B. Cannabis testing laboratory license:** \$2,500 annually  
Each additional licensed premises of the licensee: \$1,000 annually
- C. Cannabis manufacturer license:** \$2,500 annually  
Each additional licensed premises of the licensee: \$1,000 annually
- D. Cannabis producer license:** \$2,500 annually  
Each additional licensed premises of the licensee: \$1,000 annually
- E. Cannabis retailer license:** \$2,500 annually  
Each additional licensed premises of the licensee: \$1,000 annually
- F. Cannabis research laboratory license:** \$2,500 annually  
Each additional licensed premises of the licensee: \$1,000 annually
- G. Vertically integrated cannabis establishment license:** \$7,500 annually  
Each additional licensed premises of the licensee: \$1,000 annually
- H. Cannabis producer microbusiness license:** ~~License fees for cannabis producer microbusinesses shall be determined by the number of plants growing under each license.~~
  - (1) Licensees growing 100 plants or less:** \$500 annually
  - (2) Licensees growing 101 to 200 plants:** \$1,000 annually
- I. Integrated cannabis microbusiness license:** ~~License fees for integrated cannabis microbusinesses shall be determined by the number of activities conducted under each license. Activities considered are defined by the Cannabis Regulation Act and entail:~~
  - ~~(1) production of cannabis at a single licensed premises, provided that the person shall not possess more than two hundred total mature cannabis plants at any one time;~~
  - ~~(2) manufacture of cannabis products at a single licensed premises;~~
  - ~~(3) sale and transportation of only cannabis products produced or manufactured by that person;~~
  - ~~(4) operation of only one retail establishment; or~~
  - ~~(5) couriering of cannabis products to qualified patients, primary caregivers or reciprocal participants or directly to consumers.~~
    - (a) Two activities:** \$1,000 annually
    - (b) Three activities:** \$1,500 annually
    - (c) Four activities:** \$2,000 annually
    - (d) Five activities:** \$2,500 annually
- J. Cannabis consumption area:** \$2,500 annually

[16.8.11.9 NMAC - N, 08/24/2021]

**16.8.11.10 ANNUAL LICENSING FEE PRORATION:** Licensees submitting an amended application to add or change a license type shall only be required to pay the difference between the fee for the original license type and the fee for the amended license type, provided that the division will not issue any refunds. The division shall prorate the fee to align with the expiration date of the licensee's original license.

[16.8.11.10 NMAC - N, 08/24/2021]

**16.8.11.10 FEES FOR THE ADMINISTRATION OF LICENSING:** The division shall collect fees for the administration of licensing activities in the following specified amounts:

- A.** License amendments as set forth in 16.8.2 NMAC \$75 per amendment
- B.** Designation of a non-controlling person as an agent \$75 per designation